
Appeal Decision

Site visit made on 14 October 2021

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 02 November 2021

Appeal Ref: APP/K2610/W/21/3272395

Land south of Yarmouth Road, Blofield, NR13 4LQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr T Holmes against the decision of Broadland District Council.
 - The application Ref. 20201549 dated 12 August 2020, was refused by notice dated 23 October 2020
 - The development proposed is the erection of 1 no. dwelling with associated garden and parking
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the case are: i) the suitability of the site as a location for residential development; and ii) the form of the development in relation to the character and quality of the area.

Reasons

The suitability of the site for residential development

3. The site is located immediately adjacent to the appellant's business 'Norwich Camping and Leisure', and the submitted planning statement says that the dwelling would be tied to that business. Access to the dwelling would be via the existing car park serving the business. The site, currently a field, slopes down towards the south, is rectangular in shape and is just under 0.5 hectares in extent. Apparently, its last active use was for soft fruit growing. To the north of the site is Yarmouth Road with residential dwellings on the opposite side of the road. To the east there are allotment gardens which are also in the appellant's ownership, beyond which is open countryside. To the south are fields which are part of a wide vista of agricultural countryside, with sporadic development along Lingwood Road.
4. Policy GC1 of the Development Management DPD (DM DPD) provides a presumption in favour of sustainable development. Blofield is identified as a Key Service Centre in the Joint Core Strategy(JCS) for Broadland District Council, Norwich City Council and South Norfolk District Council, but the appeal site is located outside of the defined settlement limits. Policy GC2 of the DM DPD states that "*New development will be accommodated within the settlement limits defined on the policies map. Outside of these limits,*

development which does not result in any significant adverse impact will be permitted where it accords with a specific allocation and/or policy of the development plan". The application site does not accord with any specific allocation or policy. In this connection, it is suggested that policy 5: 'The economy' of the JCS is supportive in this context, but I do not accept this proposition since policy 5 is strategic and refers to the economy and employment and not housing. I do not accept the argument that this development would assist the appellant's business in a material way (see the following 2 paragraphs).

5. Policy H1 of the DM DPD is relevant in as much as it states that "*outside settlement limits planning permission will be granted for dwellings associated with an enterprise which justifies a rural location where it can be demonstrated that: i) There is a demonstrable functional need which relates to a full-time worker that cannot be fulfilled by an existing dwelling; and ii) The enterprise has been established for at least three years, is financially sound, and has a clear prospect of remaining so*".
6. There has been no justification put forward that is persuasive that the proposal meets the criteria of this policy. The appellant's case does not argue that there is a functional need for a full time worker to be housed on site; rather it is said that Covid-19 has had huge economic impacts on businesses and allowing the applicant to build his home on the plot he owns next door to his business would save him somewhere in the region of £250,000. This saving will enable him to invest in his business and to keep employing staff during these very uncertain times which will be felt well into the future. I note that the reference to the effect of Covid-19 is to businesses in general, rather than to this particular business, and no evidence is advanced about the financial health of the company. I therefore attach little weight to this matter.
7. The National Planning Policy Framework (the Framework), which is a material consideration of importance, has a number of paragraphs that must be taken into account¹. The policies of the Framework must be considered as a whole. I refer here to those that have been mentioned by the parties and that I consider are particularly relevant to my decision.
8. Paragraph 8 of the NPPF sets out three dimensions to sustainable development: economic, social and environmental. Paragraph 10 states 'so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development'. Paragraph 11 sets out the presumption in favour of sustainable development, which at d) states "*where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless: i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (not applicable here)*". Footnote 8 in that extract refers to the lack of a demonstrable five year supply of deliverable housing sites.
9. Framework paragraph 69 states that "Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and

¹ In this decision the paragraph numbers of the Framework are those of the version published in 2021. Some of the paragraph numbers are different from the 2019 version which was current at the time the appeal was made, but the sense of the text has not materially changes as far as this matters in this appeal are concerned.

are often built-out relatively quickly". Paragraph 79 makes the point that in order *"To promote sustainable development in rural areas, housing should be sited where it enhances or maintains the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services...."*. Paragraph 80, requiring development to avoid isolated homes in the countryside, is mentioned in the appeal, but has no relevance here. Paragraph 174 states *"Planning policies and decisions should contribute to and enhance the natural and local environment by: a) (not applicable here); b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;"* (my emphasis – I am told that the site is Grade 1 agricultural land).

10. As noted in Framework paragraph 2, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise², and therefore my conclusions on this issue begin with the development plan. Blofield is identified as a Key Service Centre in the JCS. It has a wide variety services and facilities, and is clearly a sustainable location. On that basis, since the appeal site is close to the settlement boundary (the housing on the opposite side of Yarmouth Road is within the settlement boundary), it must also be considered to be a sustainable location in terms of access to services and facilities. To that extent it accords with policy GC1. Nevertheless, I consider that policy GC2, which must be taken to be consistent with GC1, is the central policy bearing on the proposal, which the proposal would clearly breach. There are no other development plan policies that can realistically be claimed to provide support for the proposal.
11. The appellant makes reference to 3 recent appeal decisions in this district, references 3259971, 3264372 and 3255135, and 4 in other districts, where dwellings have been allowed beyond settlement boundaries. These decisions depended on the particular circumstances of the individual cases, as will the decision in this case.
12. The appellant suggests that there is a lack of such a demonstrable housing land supply and therefore contends that the 'tilted balance' of 11d)i applies. However, the council states that it has a 5-year housing land supply, as demonstrated in the Annual Monitoring Report (AMR) of the JCS, published in February 2020. The AMR includes the Greater Norwich Area Housing Land Supply Assessment (HLS) which purports to demonstrate that a 5 year housing land supply exists across the Greater Norwich area. Against this the appellant argues as follows: that doubt has been cast on the situation in recent appeals; in 2020, the council had the opportunity to 'confirm' the 5 year housing supply in March, by indicating to the Secretary of State its intention to submit an annual position statement for inspection³, but chose not to do so; therefore there remains uncertainty, and the claim of a 5-year housing supply is open to challenge; this uncertainty is apparent from an appeal on a site in Halvergate where the council confirmed that 'further work' is needed and there was acceptance that only just over half of the large sites have any evidence to support the delivery of housing.

² Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

³ See Framework paragraph 75.

13. A written representations appeal is not a suitable procedure to determine a matter such as deliverable housing land supply, and in any event, there have not been detailed arguments and facts put before me. Therefore I will proceed on the basis that there is a degree of probability that there is some shortfall. Taking that at its highest, I do not regard any such shortfall as being decisive. The appeal proposal is not significant in terms of the 3 dimensions of sustainable development. The employment that it would provide during the construction phase would be limited, and since Blofield is a Key Service Centre, with the substantial population and services that that implies, a single household is hardly likely to have any significant implications for providing support for the local economy. A single dwelling would not have a significant social value nor would it be other than a minor contribution to the district's housing supply. It would not meet the environmental objective because it would not protect or enhance the natural environment, but would effectively sterilise Grade 1 agricultural land. In this connection, from my appraisal at my site visit, I formed the view that the proposed dwelling would impinge on the rural and open character of the countryside, over which it has panoramic views, which is an important part of the setting of Blofield.
14. I therefore take the view that the advantage of a dwelling in a sustainable location gains no significant support from the economic and social objectives, and is countered by the harm under the environmental objective. Thus the adverse impact of the development would significantly and demonstrably outweigh the benefits. There are clear financial benefits which would accrue to the appellant, but no effective benefit to the community. In such circumstances, the harm arising by conflict with development plan policy carries full weight.

The form of the development in relation to the character and quality of the area

15. The dwelling's design incorporates low eaves level, producing a one and half storey property. The dwelling is proposed to be 1m lower than the existing ground level on site, so that the proposed ground floor level would be approximately 3m below the existing level on Yarmouth Road, due to the fall of the land. The details of the design and materials would not be objectionable in most urban situations, including in relation to the housing to the north of Yarmouth Road. That being said, it would be a wide and large property. In the context of the adjoining commercial land, its scale would not be problematic, but its juxtaposition with the business uses that extend to the west for some distance to the south of Yarmouth Road would make it look somewhat incongruous at this entry point to the settlement.
16. More importantly, it would be at odds with the character and appearance of the wider area. As is said in the appellant's statement of case, the proposed dwelling is orientated to take full opportunity of the sun and open views to the south. These views to the south have corresponding views in the opposite direction: the proposed dwelling would have an unfortunate prominence when viewed across the fields from the south, and would conflict with Policies 1 and 2 of the JCS, Policy GC4 of the DM DPD and Policy HOU4 of the Blofield Neighbourhood Plan. I appreciate that there is tree screening to the Yarmouth Road frontage and between the site and the appellant's business, and that new trees and planting are proposed and more biodiversity to the site could be encouraged. However, these factors do not outweigh the harmful aspects of the

proposal; the design of the development would be unsympathetic in relation to the character and quality of the area.

Overall conclusions

17. I conclude that, for the reasons given in paragraphs 13 to 16 above, the site is not a suitable location for residential development and the form of the development would be unsympathetic in relation to the character and quality of the area. For these reasons the appeal will be dismissed.

Terrence Kemmann-Lane

INSPECTOR