



Appeal Decision

Site visit made on 29 September 2021

By Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 November 2021

Appeal Ref: APP/L2630/W/21/3272072

Land North of Exchange Lodge, Low Road, Scole IP21 4DS

- 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 Conclomeg Construction Ltd. against the decision of South Norfolk Council.
 - The application Ref 2020/1696, dated 8 September 2020, was refused by notice dated 4 November 2020.
 - The development proposed is a new dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. As part of their appeal submission the appellant has provided an Arboricultural Impact Assessment and Method Statement and an Emergency Flood Plan. South Norfolk Council (the Council) have confirmed that, subject to appropriate conditions on any approval, these resolve the third and fourth reason for refusal detailed on the decision notice. I find no reason to demur from this conclusion.

Main Issues

3. Given the above, and from my reading of the documents submitted for the purposes of this appeal, the main issues are whether the appeal site is suitable for the development proposed and the effect of the proposal on the character and appearance of the local area and whether it would preserve or enhance the character or appearance of the Scole Conservation Area (the CA).

Reasons

4. The appeal site is a grassy area surrounded by trees and hedges with the appearance of a small field, which is located outside of the built up area of Scole, on the country lane of Low Road. The site falls within an area designated in the South Norfolk Local Plan (2015) (the LP) as a Rural River Valley Landscape Character Area (RRVLCA) associated with the river Waveney, as well as being located within the CA.

5. The special character of the CA is in the historic development of the village and the retained areas of rural character with grassland, trees and hedges, such as that exhibited by much of Low Road, which contribute to its significance.
6. The CA is a heritage asset to which I have a statutory duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. I must pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
7. The proposal is for a detached single storey 2 bedroom bungalow type dwelling that would front onto Low Road along with a detached 2 car cart lodge, retaining much of the existing hedge and trees on the site.
8. The appellant agrees with the Council that the appeal site is outside of the established settlement boundary. The appellant has also stated that they regard the proposal as an infill type of development, given its proximity to existing development and a recently approved and under construction housing scheme¹ for 18 dwellings and a new village hall, that backs on to Low Road and is accessed from Norwich Road.
9. I have considered the location of the proposal having regard to paragraphs 78 and 79 of the National Planning Policy Framework (2021) (the Framework) and the Braintree caselaw², which concluded that the definition of 'settlement' within the context of paragraph 79 is not defined and that the Framework contains no definitions of a 'community', a 'settlement' or a 'village', so that whether a site is considered 'isolated' or not, will be a matter of fact and planning judgement for the decision-maker.
10. The appeal site is north of the village of Scole, defined as a Service Village by Policy 15 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (as amended) 2014 (the JCS). I find that the appeal site plays an important role in defining the rural character of that part of Low Road outside of the developed area of Scole, as it moves into an area of countryside. The proposed development would appear as an encroachment on the rural character of this part of the Low Road and the local area, appearing as an isolated development in the countryside. The proposal would not, therefore, be an infill form of development, but would rather introduce the presence of development into the existing open part of Low Road.
11. This would result in the extension and imposition of residential character and appearance into a rural area in the open countryside outside of the village. The impact this would have on the character and appearance of the local area would not be fully mitigated by the retention of much of the existing hedging and trees on the site and would result in significant harm to the rural character and appearance of the local area of Low Road and this part of the RRVLCA.
12. Although the proposal would be similar in form scale and design to other nearby dwellings, the CA Character Appraisal and Management Guidelines (CAMD) make particular mention of the existing two detached bungalows on

¹ Planning Ref:2016/0165

² Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610

Low Road, which are identified as breaking the rural character apparent on Low Road by introducing 'suburban' features.

13. The appellant has drawn my attention to the fact that the CAMD predates the approval and commencement of the housing scheme accessed from Norwich Road, the main road along which the village is formed. However, I find that, unlike this housing scheme that backs on to Low Road with a minimal presence, the proposal would face onto and have an intrusive presence on Low Road, from where it would be most visible in immediate and longer views. The proposal would, therefore, represent a further breaking of the rural character of the area, for the same reason given for the existing bungalows.
14. For these reasons the proposed development would result in less than substantial harm to the significance of the CA. In accordance with the Framework, great weight should be given to the conservation of Heritage Assets. I address the balance against public benefits in my conclusion below.
15. Whilst the Council is meeting its housing delivery targets, these are not capped and windfall sites that provide for additional dwellings do collectively make an important contribution to housing stock. However, the proposal would result in a single new dwelling, which, as a modest contribution to the council's housing stock, I can afford only limited weight in my considerations.
16. The proposed development appears to be within walking distance of reasonable bus routes for the purposes of local commuting and access to limited local services, the proposal would also be heavily reliant on the use of the car, which is clearly accommodated by the proposed off-street parking and cart lodge. The proposal does not, therefore, commend itself as an exceptionally sustainable form of development in this regard and is a benefit of limited weight in favour of the proposed development.
17. Whilst three appeals³ for development outside of development boundaries within the Council area have been brought to my attention by both the appellant and the Council, whilst these deal with decisions relating to development outside of defined settlement boundaries, these would have been considered on their own individual merits, and I have done likewise in my consideration of this appeal. I have therefore afforded this limited weight in my considerations.
18. Whilst the construction of the proposal could potentially lead to temporary construction jobs and the occupancy of the dwelling could potentially lead to spending in shops and other local services, these economic benefits would be limited in scope and would have a minimal impact on the local economy and for this reason carry little weight in favour of the proposal.

Other Considerations

19. Whilst it is noted that the proposal would not result in harm to the amenities and living conditions of occupiers of other nearby dwellings, lack of harm is a neutral factor in my considerations.

³ Appeal Ref: APP/L3260/W/20/3258218, APP/L3260/W/20/3263886 and APP/L2630/W/18/3215019

Planning Balance and Conclusion

20. In terms of the three overarching objectives of sustainable development set out in Paragraph 8 of the Framework the proposed development does not deliver benefits of any significance, as I have identified set out above. It is my view that the proposal would not constitute a sustainable form of development and that no overriding social, economic or environmental benefits sufficient to take priority over the locational conflict with the established spatial strategy have been demonstrated. In judging each of the objectives in this case in line with Paragraph 9 of the framework, which does not require economic, social and environmental gains to be sought jointly and simultaneously, I have found only very limited benefits alongside significant harmful environmental effects. I consider that the benefits of the proposal are not exceptional and do not outweigh the harm I have identified.
21. For these reasons, I find that the proposed development site is not a suitable sustainable site for the development proposed and would cause substantial harm to the character and appearance of the local area and that of the RRVLCAs. The proposed development would be contrary to Policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (2014) and Policies DM1.3 and DM3.8 of the Local Plan and Paragraphs 80 and 174 of the Framework. These collectively seek development to be located in sustainable locations, and only to be in the countryside outside of development boundaries when there are overriding benefits, and that development is of good design taking into account local landscape characteristics.
22. Further, as set out above, the proposal would result in less than substantial harm to the significance of the CA contrary to Policy DM4.10 of the Local Plan and Section 16 of the framework. Given the limited public benefits that would accrue from the development, the harm to the significance of the CA would demonstrably outweigh the benefits.
23. For the reasons given above, and taking in to account all other matters, I consider that the appeal should be dismissed.

Victor Callister

INSPECTOR