



Appeal Decision

Site visit made on 27 January 2022

by David Spencer BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3rd February 2022

Appeal Ref: APP/Y2620/W/21/3278757

Site at Green Lane, Pudding Norton, Fakenham NR21 7LT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by D Rahman against the decision of North Norfolk District Council.
 - The application Ref PO/20/1736, dated 25 September 2020, was refused by notice dated 25 January 2021.
 - The development proposed is the construction of two, two bedroom dwellings with access to present sub-station.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is whether the appeal site would be a sustainable location for the type of housing proposed.

Reasons

Sustainable Location

3. Pudding Norton is not identified in the list of settlements in Policy SS1 of the North Norfolk Local Development Framework Core Strategy 2008 (*the NNCS*) which comprises the spatial strategy for delivering a sustainable pattern of development in North Norfolk, including for new housing development. The proposed market housing is not a type of development listed in Policy SS2 of the NNCS as requiring a rural location. Policy SS2 clearly states that proposals which do not accord with the listed exceptions for development in the countryside will not be permitted. The supporting text in the NNCS to both Policies SS1 and SS2 is clear that the spatial strategy is intended to deliver various objectives including amongst other things minimising carbon emissions by reducing the need to travel to reach basic services, especially by car. Having regard to paragraphs 8, 11(a), 79, 104 and 105 of the National Planning Policy Framework (NPPF) I find the overarching spatial approach in NNCS Policies SS1 and SS2 to be broadly consistent with national policy and therefore up to date.
4. The appeal site comprises of a small arrangement of lock-up garages and a small electricity substation. The site is set within a cluster of housing and mobile/park home development at Green Lane, within the wider countryside, approximately 1.8 kilometres south of the town of Fakenham. Whilst the proposed dwellings would not comprise isolated homes in the countryside, paragraph 79 of the NPPF states that to promote sustainable development in

- rural areas, housing should be located where it will enhance or maintain the viability of rural communities.
5. Whilst the development at Green Lane is in the parish of Pudding Norton it is not part of any obvious wider settlement. As such there would be only a modest social sustainability in terms of the two dwellings being located within the existing small community of housing. Other than a post box and a bus shelter there are no immediate services or facilities at the appeal location. The nearest settlements to the appeal site are the town of Fakenham and intervening settlement at Hempton, both to the north of the appeal site.
 6. In terms of connectivity, day-to-day services and facilities in Fakenham, including in the town centre, are at the very margins of a reasonable walking distance from the appeal site. Whilst there is a continuous footway from Green Lane into Fakenham, parts of the route are narrow and isolated and long lengths of the footway are without street lighting, particularly as it crosses Hempton Green. Overall, I do not find the length and quality of the footway connection into Fakenham to be conducive to reducing dependency on car usage at the appeal location.
 7. In respect of cycling, Fakenham is within a reasonable distance along highway which is restricted to either 40mph or lower. However, cyclists would need to negotiate a short length of the busy A1065 road. This would include joining the A1065 at a highway junction on a relatively tight bend and then having to negotiate a complex right hand turn onto Hempton Road just after the crest of a small incline on the A1065. The bend junction has no streetlighting and the right hand turn onto Hempton Road benefits from only a rudimentary solitary streetlamp. Taking this all together, I find only very confident cyclists would tackle the A1065 such that in the main cycling into Fakenham would not be an attractive option for occupiers of the proposed dwellings and a dependency on car usage would prevail.
 8. I have few details about the frequency of bus services, noting the 2017 timetable at the Green Lane shelter indicates a very limited service. As such buses are unlikely to materially reduce dependency on the car from the appeal proposal. In terms of car journeys into Fakenham, I recognise these would be short in duration, but this would still generate adverse consequences, contrary to the need for the planning system to support the overall transition to a low carbon future. This includes delivering most new homes within easy and attractive walking and cycling journeys from basic day-to-day services and facilities.
 9. In respect of NPPF paragraph 79, there is scant evidence that 2 dwellings in this part of Pudding Norton parish would materially benefit the vitality and viability of other nearby rural communities in terms of supporting their local services. As set out above, the town of Fakenham is the principal settlement in this part of the District which is identified in Policy SS1 for significant housing growth. At just two dwellings, the appeal proposal would have a negligible beneficial impact on supporting the vitality of local services in the town.
 10. The appellant has referred to two new affordable homes constructed broadly opposite the appeal site. NNCS Policy SS2 specifically identifies affordable housing on rural exception sites as a type of development requiring a rural location. Policy HO3 of the NNCS sets out the parameters for rural affordable exceptions housing, including the requirement to meet proven local needs

(typically in the parish or adjoining parishes). As such the affordable homes constructed opposite do not set a precedent for the appeal proposal.

11. The site is in a poor condition but is currently secure and sealed off. There is relatively little information that the site continues to be a nuisance or attract anti-social behaviour in its current condition. The NPPF does, however, encourage making effective use of land including previously developed ('brownfield') land albeit this cannot be seen in isolation from the overarching objective to plan for and promote a sustainable pattern of development. The reuse of previously developed land is not identified in Policy SS2 as one of the rural exceptions. Accordingly, I give only limited weight to the environmental and social benefits of redeveloping what is currently a moribund site.
12. I therefore conclude that notwithstanding a modest degree of social sustainability from being located in a small community of existing housing and the limited environmental and social benefits of redeveloping a brownfield site in poor condition, the appeal location would result in a significant reliance on the use of car and so has limitations overall as a sustainable location for the type of housing proposed. Principally, the proposal would be contrary to NNCS Policies SS1 and SS2 which seek to promote a sustainable pattern of development in North Norfolk and to carefully manage development in the countryside to those requiring a rural location. Locationally, the appeal proposal would also conflict with NPPF paragraph 79 in terms of securing sustainable housing development in rural areas.

Other Matters

13. The planning application for the appeal proposal is in outline with all matters reserved for later consideration, including layout. Nonetheless, the proposal was accompanied by plan showing an 'indicative' proposed layout, which infers a degree of analysis and assessment has taken place as to how the site would likely be developed for two dwellings.
14. Whilst there may be some scope to explore alternative or refined layouts as part of any detailed reserved matters, there are various site-specific factors that would apply to any detailed proposal. These factors include the relatively limited dimensions of the appeal site, the need to maintain suitable vehicular access to the substation and the need to secure a balanced combination of appropriately sized residential accommodation, private amenity space and off-street parking. Any private amenity space to the rear of dwellings, including as part of any revised layouts, is very likely to be undesirably dominated and constrained by the need to maintain suitable vehicular access arrangements to the substation. Overall, based on the site dimensions and the very particular constraints posed by the position of the substation within the site, it is difficult to conceive, in principle, how two dwellings could be satisfactorily accommodated on what is a very modest sized site, in a way that would provide adequate private amenity space for future occupiers, irrespective of layout being a detailed reserved matter as part of this outline proposal.
15. I therefore conclude that the appeal proposal would not provide acceptable living conditions for future occupiers of the dwellings in respect of private amenity space provision due to inherent site-specific constraints limiting the quantity and quality of any provision for two dwellings. As such the proposal would be contrary to Policy EN4 of the NNCS which seeks to secure high quality design including ensuring that occupiers of new dwellings are provided with

acceptable residential amenity. The proposal would also be contrary to NPPF paragraphs 130(a) and (f) in that new development, in terms of achieving well-designed places, should function well over the lifetime of the development and provide a high standard of amenity for future users.

Conclusion

16. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Whilst there are some modest benefits to the appeal scheme, including the redevelopment of a brownfield site in poor condition, these do not outweigh the significant conflict with the development plan policies which are most important in this appeal. Consequently, planning permission should not be granted.
17. For the reasons set above, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

David Spencer

Inspector.