



Appeal Decision

Site visit made on 1 February 2022

by Philip Mileham BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2022

Appeal Ref: APP/U2615/W/21/3281701

Land to the west of Oak Farm , Court Road, Rollesby, Great Yarmouth, NR29 5HQ

- 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 & Mrs Trevor Souster against the decision of Great Yarmouth Borough Council.
 - The application Ref 06/21/0136/F, dated 15 February 2021, was refused by notice dated 29 April 2021.
 - The development proposed is the erection of 1No. detached single storey dwelling with integrated garage and garden/amenity space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was lodged, the Council has adopted the Great Yarmouth Local Plan Part 2 (GYLPP2) which has replaced policies cited on the original decision notice. The appellant has had the opportunity to comment on the newly adopted policies and I have had regard to them in reaching my decision.
3. The Council has indicated that a previous reason for refusing the proposed development in respect of the effect on trees has been addressed through the submission of the arboricultural report and a potential planning condition. As this issue is no longer in dispute between the parties, it is not considered to be a main issue and as I am dismissing the appeal on other grounds, it is not necessary for me to address it further in my decision.
4. The Council has drawn my attention to the progression of the Rollesby Neighbourhood Plan (RNP) which has recently received its examiners report although the plan has not at the time of this decision been subject to its local referendum.

Main Issue

5. The main issue is whether the proposed development is in a suitable location for a new dwelling.

Reasons

Suitable location

6. The appeal site is a flat area of grassed land which is bordered by mature trees and hedges to the side and rear boundaries. The site is located on Court Road

adjacent to Oak Farm, with Folly Cottages nearby to the west. The proposal would be located within a small cluster of dwellings that are located away from the main part of the village of Rollesby, but also away from the nearby village of Fleggburgh.

7. Rollesby along with Fleggburgh are both identified in Policy CS2 of the Great Yarmouth Core Strategy (GYCS) as secondary villages reflecting the few services and facilities available with limited access to public transport and few employment opportunities. Policy CS2 also seeks to, amongst other things, balance the delivery of homes with jobs and service provision and reducing the need to travel.
8. The appeal site has been identified as being located outside any defined development limits boundary for the area. Policies GSP1 and H5 of the GYLPP2 indicate that land outside defined development limits is classified as countryside, and in this area, development will be limited to agriculture or forestry development, utilities or highway infrastructure, or other specific forms of development specified in the plan including the conversion of buildings, replacement dwellings and schemes to meet particular rural needs. As the proposal is not for agriculture or forestry development or a form of housing specifically allowed for within the plan, it would not accord with the requirements policies CSP1 or H5.
9. The site is located away from the main part of the villages of Rollesby and Fleggburgh. Court Road is a single-width rural road with no footpath or cycleway in the vicinity of the appeal site. Furthermore, there is no streetlighting present in the area which limits its attractiveness for walking and cycling into the village, particularly outside of daylight hours. Whilst I note the appellant considers that the proposal would allow future occupiers to live and work remotely as has been the case during the coronavirus pandemic, I nonetheless consider that future occupiers of the proposed development would be heavily reliant on private vehicles to access day-to-day services, facilities and employment opportunities in other larger settlements. Whilst the proposed development is for a single dwelling, over the lifetime of the development the cumulative number of trips made to access services and facilities elsewhere would be considerable which Policy CS2 seeks to minimise.
10. Due to the presence of adjacent properties, the proposed development would not result in an isolated dwelling that paragraph 80 of the National Planning Policy Framework (NPPF) seeks to avoid. As the proposal would not be isolated, the remaining criteria of paragraph 80 would not be engaged, including those related to design.
11. The appellant has drawn my attention to a scheme for residential development adjacent to the appeal site which was granted in 2019. However, this was granted at a time when the Council was unable to provide a 5 year supply of housing land. Whilst I note the appellant has expressed reservations in respect of the Council's current land supply situation, paragraph 75 of the NPPF allows land supply to be established in a recently adopted Local Plan as has been the case in Great Yarmouth as part of the examination into the GYLPP2. Therefore, notwithstanding the appellant's concerns about the veracity of the current level of housing land supply, the current position remains fixed until 31st October 2022.

12. In light of the above, I conclude that the proposed development would not be in a suitable location for a new dwelling. Accordingly, it would not comply with Policy CS2 of the GYCS and Policies GSP1 and H5 of the GYLPP2 for the reasons set out above.
13. The proposal would also fail to accord with paragraph 79 of the NPPF which states that housing should be located where it will enhance or maintain the vitality of rural communities.

Other Matters

14. The proposed development would be located, according to the appellants measurements, within 400m of the Broads Special Area of Conservation (SAC) and Trinity Broads Site of Special Scientific Interest (SSSI). Given the location of the appeal site to the European Sites, the Habitats Regulations¹ require an assessment to be undertaken, as to whether the proposal would be likely to have a significant effect, on the interest features of a protected site.
15. The appellant has provided evidence in support of a Habitats Regulations Assessment (HRA) document. However, there is no evidence as to how the proposed foul drainage system from the site would interact with the Broads SAC and SSSI. However, as I am dismissing the appeal for other reasons, it is not necessary for me to address this further.
16. In addition to the appellant's HRA document, the appeal proposal has also been supported by a Preliminary Ecological Appraisal (PEA) which was submitted after the appeal was lodged. The Council has indicated that the PEA has assessed the impacts of the proposal on the site, and subject to a number of potential planning conditions would enhance on-site ecology and biodiversity enhancement.
17. The Council has made reference to the lack of compliance with a number of other recently adopted policies which contain requirements in respect of open space, water efficiency and electric vehicle charging. However, as I am dismissing the appeal for other reasons, I do not need to consider these matters further.
18. The proposed development would provide some economic benefit through its construction and in the supply of materials. It would also provide some social benefit through future occupants taking part in local community life and make a contribution to meeting housing need in the area. Whilst there would be some environmental benefits through the enhancement of on-site ecology and biodiversity and through its design which would include rainwater harvesting and a green roof, the lack of evidence regarding effects of foul water discharge on European sites means that it is unclear whether there would be an overall environmental benefit.

Conclusion

19. Whilst the proposed development would result in a number of benefits as set out above, as the proposal is for a single dwelling, these benefits would be limited. As such, these would not be sufficient to outweigh the conflict with the development plan when read as a whole.

¹ The Conservation of Habitats and Species Regulations 2017 (The Habitats Regulations)

20. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

Philip Mileham

INSPECTOR