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# Appeal Decision

Site visit made on 7 March 2022

**by E Brownless BA (Hons) Solicitor (non-practising)**

**an Inspector appointed by the Secretary of State**

**Decision date: 16 March 2022**

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**Appeal Ref: APP/Y2620/W/21/3281224**

**9A Granary Way, Market Street, Tunstead**

- 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 Mr Kelvin Rumsby against the decision of North Norfolk District Council.
  - The application Ref: PO/21/0257, dated 26 January 2021, was refused by notice dated 16 March 2021.
  - The development proposed is described as a '1 bedroom bungalow'.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The application was made in outline with all matters except for access reserved for future determination. I have been provided with detailed plans showing the proposed layout of the site, internal configuration of the dwelling and elevational plans, however, I am advised that these are indicative only and I have therefore determined the appeal on this basis.
3. An emerging local plan is in the process of being prepared. However, as the emerging policies are yet to be found sound and adopted, I therefore attach negligible weight to these emerging plans in my overall consideration of the appeal.

## Main Issues

4. The main issues are:-
  - i) whether the appeal site is an appropriate location for residential development having regard to the settlement strategy of the development plan and the accessibility of services and facilities; and
  - ii) the effect of the proposed development on the character and appearance of the area.

## Reasons

### *Settlement strategy*

5. The development plan for the area is comprised of the North Norfolk Core Strategy (CS) which was adopted in September 2008. Policy SS1 sets out the Council's spatial strategy for new development within the district. It seeks to focus new development to the most sustainable locations in accordance with

the settlement hierarchy. The majority of new development will be directed to take place within towns and larger villages. By reason of the appeal site's location outside of these locations, in policy terms, the appeal site is considered to be located within the countryside where development will be restricted to particular types of development to support the rural economy, meet affordable housing needs and provide renewable energy. The appeal scheme would not provide affordable housing or renewable energy.

6. Tunstead is a small village with a poor range of services and facilities which the Council advises is limited to a primary school and a public house/restaurant. The appellant has not disputed this matter. Therefore, in order to meet their day to day needs, future occupants of the proposed dwelling would therefore need to travel further afield.
7. The appeal site is located some 0.8 miles, approximately, from Wroxham Barns, taking the Council's measurements which have not been disputed by the appellant. Wroxham Barns is limited to a few shops which the Council argues are primarily aimed at the tourist market and fail to provide general shopping supplies. There is little information before me as to the range of the goods available at this location and therefore I cannot be satisfied that they would meet the day to day needs of future occupiers.
8. A wider range of services and facilities are available at Hoveton. However, at a distance of 2 miles, approximately, again taking the measurements of the Council which have not been disputed by the appellant, the distance is not in my view reasonably walkable. The route to Wroxham Barns and Hoveton would be along unlit and narrow country roads where there is an absence of pedestrian footways. In my view the nature of the route would discourage journeys on foot or by cycle, particularly during inclement weather or when it was dark.
9. The National Planning Policy Framework (the Framework) recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, taking account of my findings above and, in the absence of any information concerning the availability of public modes of transport, I therefore consider that it is likely that the majority of journeys would be made by private car. This would conflict with the aims of CS Policy SS1 which seeks to direct growth to the most sustainable locations in order to, among other things, reduce the need to travel, especially by car and minimise carbon emissions.
10. Although the Framework promotes housing development in rural areas where it will enhance or maintain the vitality of rural communities, on the basis of the evidence before me, I am not satisfied that the appeal scheme would meet this objective of supporting the rural economy by the provision of a single dwelling, the associated benefits of which would be very modest in scale.
11. In the absence of anything to suggest that the scheme would be consistent with the exceptional categories of development listed within CS Policy SS2, the appeal site is not a location towards which new housing should be directed and to do so would undermine the spatial strategy for the district. Therefore, the proposed development would be contrary to policies SS1 and SS2 of the CS insofar as these policies seek to ensure a sustainable pattern of development to avoid dependency on travel by car to reach basic services.

### *Character and appearance*

12. The appeal site is positioned within a ribbon pattern of development located towards the northern end of Market Street. The surrounding area is characterised by a mix of one and two storey dwellings of varying styles and materials. Dwellings are typically built towards the front of their plot and follow an established linear build line with modest sized front gardens fronting onto the highway. Gaps between dwellings and groups of dwellings provide views of open farmland situated beyond their rear boundaries. An established linear build line contributes a strong sense of uniformity of appearance in an area that has a pleasantly open and spacious semi-rural feel.
13. The appeal site is an irregular shaped parcel of vacant land that is positioned between two short terraces of modest sized single storey dwellings. It is mostly situated behind the rear build line of properties along Market Street with a modest brick and pantile building positioned to its front. Its rear boundary is delineated by low-level chain link fencing with occasional vegetation that provides open views of agricultural land that lies beyond. Consequently, I find that the appeal site makes a moderate positive contribution to the spacious semi-rural character and appearance of the surrounding area.
14. Notwithstanding the presence of an access from Market Street, the appeal scheme would introduce a dwelling with no road frontage in a position well beyond the established build line. This would be significantly at odds with the existing linear pattern of development and harmfully erode the spacious character and appearance of the site due to an encroachment of development into an area where, aside from modest domestic outbuildings, there is presently an absence of built form.
15. Whilst detailed matters of scale, layout and appearance are not before me, I accept that views of the proposed development from the public highway are likely to be partly obscured by the existing building. Notwithstanding this, it would be readily visible in views from the adjacent footpath and neighbouring dwellings, from where it would be read as a discordant, inharmonious addition that would appear out of keeping with the prevailing pattern of built form.
16. Accordingly, I conclude that the appeal scheme would cause unacceptable harm to the character and appearance of the area. It would therefore conflict with CS Policy EN4 insofar as this policy requires high quality development that preserves the character and quality of an area.

### **Other Matters**

17. No adverse harm has been identified with regards to the proposed access and highway safety nor the living conditions of neighbouring occupiers. However, the absence of harm is a neutral matter that weighs neither for nor against a proposal.
18. The appeal scheme would make efficient use of land and contribute an additional dwelling towards housing supply. However, given the limited scale of the development proposed, the resultant benefits would be limited.
19. Reference is made to 'limited infill development' being permitted within the policies of the emerging local plan. However, for the reasons explained above, I attribute this matter negligible weight in my consideration of this matter. For the purposes of this appeal, I attach full weight to the policies of the CS.

## **Conclusion**

20. In accordance with s.38(6) of the Planning and Compulsory Purchase Act, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Where a proposal conflicts with an up-to-date development plan, planning permission should not usually be granted. The proposed development would be contrary to CS Policies SS1, SS2 and EN4. The material considerations weighing in favour of the proposal carry limited weight and they are insufficient to outweigh the conflict with the development plan.
21. For the reasons given above, I conclude that the appeal is dismissed.

*E Brownless*

INSPECTOR