



Appeal Decision

Site visit made on 2 March 2022

by S Tudhope LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 May 2022

Appeal Ref: APP/K2610/W/21/3278396

Redbourne House, 27 Station Road, Coltishall, Norwich NR12 7JG

- 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 Jason Brown against the decision of Broadland District Council.
 - The application Ref 20210182, dated 27 January 2021, was refused by notice dated 9 June 2021.
 - The development proposed is Demolition of existing dwelling and garage and erection of 6 dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development provided on the application form was "Demolition of existing dwelling and garage and erection of eight detached dwellings". This changed during the application process as a result of amendments to the originally submitted scheme. The Council determined the application on the basis of the revised scheme after undertaking full consultation on it. The description in the banner heading above reflects the revised scheme and I determine the appeal accordingly.
3. On 20 July 2021 a revised National Planning Policy Framework was issued. The main parties were given the opportunity to comment on the implications of the resulting changes for this appeal. The references to 'the Framework' made within my decision are to this revised version.

Main Issues

4. The main issues are (i) whether the site would be in a suitable location for the proposed development having regard to the development strategy for the area; and (ii) the effect of the proposed development on the character and appearance of the area.

Reasons

Development strategy

5. Policy GC2 of the Broadland District Council Development Management Development Plan Document 2015 (DM) sets out that new development outside of settlement limits will be permitted where it accords with a specific allocation or policy of the development plan and does not result in any significant adverse impact. The majority of the appeal site is located outside of

the settlement boundary of Coltishall and is therefore within the countryside for planning policy purposes. No allocation or other policy that supports residential development on the appeal site, where it lies outside the defined settlement limits, has been drawn to my attention. The appeal scheme is therefore contrary to DM Policy GC2.

6. The appellant considers that the weight that can be given to DM Policy GC2 is limited because it is a restrictive policy that provides support to development within the countryside only in very exceptional circumstances. I have been directed to an appeal decision where the Inspector found this policy to not be wholly consistent with the Framework in terms of its approach to rural housing. The appellant also contends that the weight that can be given to DM Policy GC2 is limited because the Joint Core Strategy for Broadland, Norwich and South Norfolk 2014 (JCS) which informs the strategic and housing policies of the DM is over five years old. However, paragraph 219 of the Framework makes clear that development plan policies should not be considered out of date just because of their age. Furthermore, there is nothing in the Framework that indicates that the use of settlement boundaries to direct development is no longer a suitable policy response.
7. Policy GC2's supporting text explains that a settlement hierarchy is in place to achieve growth targets in a sustainable way. This is broadly consistent with the aims of the Framework, which similarly requires new development to be accessible to services.
8. Coltishall (together with Horstead) is identified as a service village by the JCS and as such is considered to benefit from a good level of services and facilities. The Council has indicated that it considers the site to be sustainable in terms of accessibility. This is likely to be the case with many plots of land that are situated adjacent or close to defined settlement boundaries, as such, this matter does not offer any specific support to the appeal proposal.
9. Further, paragraph 15 of the Framework states that the planning system should be genuinely plan led. Thus, there is a public interest in following a plan led system, including because of the certainty it provides. In this case, the appeal scheme would undermine the development plan's spatial strategy which is based on a settlement hierarchy which allows for additional growth of specified villages by way of allocations, exception sites, and infill and windfall development within identified limits. The accessibility of the proposal may reduce the weight afforded to the conflict with the development strategy, but the conflict exists, and this would be harmful.
10. Accordingly, I conclude that the appeal site would not be a suitable location for the proposed development having regard to the development strategy for the area. It would be contrary to DM Policy GC2 as it would encompass housing outside a defined settlement boundary.

Character and appearance

11. The appeal site is comprised of the plot of an existing dwelling, 27 Station Road (No 27), and part of a parcel of agricultural land located to the rear of No 27 and its immediate neighbouring properties. The proposal seeks to demolish No 27 in order to gain access to land at the rear.

12. The existing dwelling and its plot form part of the established linear pattern of residential development along this part of Station Road, whereby dwellings of varying size and style front the road and rear gardens face agricultural fields. Despite the busy road, this part of the street scene has a pleasing, verdant, semi-rural character due to the number of mature trees, hedges and other vegetation present, both in front of and to the rear of the houses. A grassy track passes between numbers 23 and 25 Station Road (Nos 23 and 25), leading to the agricultural land to the rear. This gap and others between dwellings, allow glimpsed views of the trees and fields beyond the rear gardens, indicating the absence of built form and openness that prevails.
13. The rear of the appeal site has the appearance of a paddock and is, in part, bordered by post and wire fencing and intermittent mature and semi-mature trees and bushes. Agricultural land lies to the south and west. I consider that the undeveloped and somewhat open nature of the site positively contributes to the character and appearance of the area. This is not diminished by the presence of the two dwellings situated alongside the north boundary of the site. These properties are the only development at depth on this side of the road.
14. However, they front the Bure Valley Railway and path in a linear formation. They are also divorced from the appeal site by a significant change in land levels, whereby the appeal site is around one metre higher than that of these neighbouring properties. Consequently, I do not consider that the form and layout of these properties offers support for the appeal proposal, which would introduce an uncharacteristic suburban cul-de-sac form of development to the rear of the established linear pattern of built form. This would be at odds with the context within which the proposed development would sit and harmful to the character and appearance of the area.
15. The number of dwellings proposed would fit comfortably within the site. I also acknowledge that most of the proposed dwellings would largely be screened from direct views outside of the site, including from the Bure Valley Railway and path. That the site is not readily visible from public viewpoints, strengthens my opinion that its development would be an unacceptable advance into the countryside, largely disconnected from the prevailing pattern of development. Furthermore, the development would be readily apparent from the rear of nearby properties and its presence would be highlighted by the size and location of the proposed access. Consequently, I consider that the proposal would introduce an inappropriate form of development that would be out of keeping with the spatial pattern and character of the area.
16. Accordingly, I conclude that the proposal would cause unacceptable harm to the character and appearance of the area. Thus, it would be contrary to JCS Policy 2 and DM Policy EN2 which require, amongst other matters, that development proposals protect the character of the area and have regard to local context.

Other Matters

17. I note other concerns raised by interested parties. However, as I am dismissing the appeal on other grounds it has not been necessary to consider these matters further.

18. Across the road from the appeal site there is a Listed Building, number 24 Station Road. Given the separation distance and intervening features, I consider that the appeal scheme would have a neutral material impact on the setting of the listed building. The setting would therefore be preserved.
19. I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. The appeal is made for dwellings that the appellant states would be occupied by persons over 50 who, because of age, share a protected characteristic for the purposes of the PSED. In dismissing the appeal, I recognise that accommodation which may be suitable for persons with such a protected characteristic would not be forthcoming. However, I am not persuaded that this would override the conflict with the development strategy and the unacceptable harm to the character and appearance of the area that would result from the proposal. Accordingly, this matter has not altered my overall decision.
20. I have considered the appeal decisions referred to by the appellant, including those where the Inspector considered access to services and facilities to be the main issue, and where it was accepted that housing needed for different groups in the community should be assessed and reflected in planning policies. However, from the evidence provided, it appears clear that the site-specific circumstances and matters in dispute were not directly comparable to the appeal before me. Accordingly, those decisions have not been determinative in this case.

Habitats Sites

21. The Council's officer report indicates that an appropriate assessment was undertaken at application stage. It concluded that the proposed development would not adversely affect the integrity of the qualifying features of any Habitat Sites. I have not been provided with any detailed information in this respect. However, during the appeal the Council advised that it has introduced its Green Infrastructure Recreational Avoidance Mitigation Strategy 2022 (GIRAMS). As a result, a financial contribution towards the GIRAMS is said to be required towards mitigating the recreational impacts of the proposed development.
22. Further, the Council has also advised that Natural England has issued advice that nutrient pollution is having an adverse effect on Habitats Sites within the district. As the appeal site is situated within the catchment area of an affected Habitats Site, the Broads Special Area of Conservation, the possibility of additional nutrient loading from the proposed development must be considered along with any necessary mitigations to ensure nutrient neutrality.
23. However, as I am dismissing the appeal on other grounds, upon which an assessment under the Habitats Regulations¹ would have no bearing, it is not necessary to explore this issue any further.

Planning Balance

24. The appellant questions whether or not the Council is able to demonstrate a deliverable five year housing land supply, particularly given that the effect of

¹ Conservation of Habitats and Species Regulations 2017

the Covid-19 pandemic on build out rates may not have fully emerged. Nevertheless, the appellant also states that, in any case, the level of supply is not a ceiling on development. Small sites can make an important contribution towards boosting the supply of housing.

25. It is not disputed that the area has an aging population, and it is the appellant's intention that occupancy of the proposed dwellings would be restricted to the over 50s. It is possible that this could be achieved by the imposition of a planning condition. The contribution that the addition of five dwellings for older people would make to the supply and mix of housing in the area, whilst meaningful, would nevertheless be modest. The development would be in a location accessible to services and facilities. In this respect the scheme would be consistent with the aims of the Framework which require new development to be accessible to services. I therefore afford this benefit modest weight. There is limited evidence presented to demonstrate that the proposal would enhance the vitality of the community.
26. There would be limited economic benefits from the construction and subsequent occupation of the appeal scheme because of the scale of development proposed. The Community Infrastructure Levy is likely to be a neutral consideration as it is aimed at mitigating the effects of the proposal. Similarly, those matters where no harm has been identified are neutral and do not weigh in favour of the proposal.
27. However, I have found that the proposal would give rise to harm to the development strategy, undermining the plan led approach endorsed by the Framework. I afford this matter moderate weight because of the proximity of the site to services and facilities. I have also found that the proposal would result in unacceptable harm to the character and appearance of the area. This falls contrary to the requirements of the Framework for high quality design and development that is sympathetic to local character and adds to the overall quality of the area. This matter attracts significant weight.
28. Consequently, even if I were to agree with the appellant and find that the Council did not have a deliverable five year housing land supply, the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. Therefore, the proposal would not represent sustainable development. The proposal would be contrary to the development plan and this conflict is not outweighed by other considerations, including the provisions of the Framework.

Conclusion

29. For the reasons given above the appeal is dismissed.

S Tudhope

INSPECTOR