
Appeal Decision

Site visit made on 27 May 2022

By Terrence Kemmann-Lane JP DipTP FRTPI MCMi

an Inspector appointed by the Secretary of State

Decision date: 21 June 2022

Appeal Ref: APP/L2630/W/21/3286923

Land adjoining Westside Cottage, Burnthouse Lane, Little Melton, Norwich, NR9 3NW

- 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 Patrick Nappin against the decision of South Norfolk District Council.
 - The application Ref. 2021/1892 dated 19 August 2021, was refused by notice dated 13 October 2021.
 - The development proposed is the erection of 2 no detached single storey dwellings, garaging and all associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are: i) the suitability of the site for residential development having regard to the rural character of the area and proximity of services; and ii) the suitability of the vehicular access to the site in terms of highway safety.

Reasons

The site and surroundings

3. The appeal site is located in open countryside mainly in arable cultivation, between the villages of Little Melton and Hethersett, some 1.5km north-east of the village centre of Hethersett. The site is on the western side of Burnthouse Lane, the C770, which is a single carriageway rural road. The site is laid to grass and is bounded by hedging. Immediately to the south is a pair of semi-detached houses, 'East Cottage' and 'Westside', set at right-angles to the road. The proposal is for 2 bungalows, set in tandem, with plot 1 directly fronting the road behind a parking and manoeuvring area giving access to a garage set forward of the dwelling. Plot 2 is behind plot 1, further into the appeal site.

The suitability of the site for residential development having regard to the rural character of the area and proximity of services

4. The starting point for consideration of the proposed development is the development plan. Both Little Melton and Hethersett have defined development

boundaries in the development plan, but the appeal site is situated some distance from either one.

5. The relevant elements of the development plan to this issue are Policies 1 and 2 of the Joint Core Strategy (JCS) and Policies DM1.3, DM1.4 (d, i), DM3.8, DM3.10 and DM4.5 of the South Norfolk Local Plan Development Management Policies Document 2015 (DMP). Policies 1 and 2 of the JCS are general policies concerning climate change, protecting environmental assets and good design. Policy DM1.4 deals with 'Environmental quality and local distinctiveness', whilst policies DM3.8 and DM4.5 provide detail about design principles and protection and enhancement of landscape character. DM1.3 governs 'The sustainable location of new development', and DM3.10 promotes sustainable transport. It is policies DM1.3 and DM3.10 that are of particular relevance to this issue.
6. Criteria (a) and (b) of Part 1, of Policy DM1.3 concern development on allocated sites and within defined settlements, that do not apply here. Part 2 states "*Permission for development in the Countryside outside of the defined development boundaries of Settlements will only be granted if: (c) Where specific Development Management Policies allow for development outside of development boundaries or (d) Otherwise demonstrates overriding benefits in terms of the economic, social and environmental dimensions as addressed in Policy DM1.1.*"
7. Taking the matters in Part 2 of the policy in turn, there are no specific development plan policies that have been drawn to my attention, allowing for development outside development boundaries, that would support the appeal proposal. The economic, social and environmental dimensions addressed in Policy DM1.1 are those set out in paragraph 8 of the National Planning Policies Framework (the Framework).
8. Considering each of these objectives in turn, the economic objective would be met by the appeal development providing employment during the construction process, by the future occupants giving support to local services within the nearby villages, and by contributions to council tax. Obviously the development would provide additional housing, which would go towards meeting the social objective. These weigh in favour of the development, although the additional employment would be small and short lived, whilst the 2 additional dwellings would not be a significant public benefit in terms of increasing the supply of dwellings within the district in view of the housing land supply that the council demonstrates¹. There has been no suggestion as to how the environmental objective would be met other than that there could be additional tree planting.
9. For the appellant it is pointed out that the site is vacant land, adjoining a pair of semi-detached houses and within a short distance of the settlement boundaries of Little Melton and Hethersett, with access to both being possible by walking or cycling. In addition, attention is drawn to paragraph 69 of the Framework that notes the important contribution that small sites can make to meeting housing requirements, particularly as such sites are often built out relatively quickly. Furthermore, the houses would be constructed of traditional materials, and would appear as a small cluster of dwellings.

¹ The Greater Norwich Area Housing Land Supply Assessment at 1 April 2020 showed a total supply of housing land of 6.16 years and, at Appendix A3, a housing land supply of 5.63 years in the South Norfolk area. Nothing brought to my attention suggests that the situation has significantly changed since the date of this assessment.

10. The fact that the proposed development is contrary to the development plan policies is harm in itself; but in addition I consider that the intrusion of 2 additional dwellings would be harmful to the character of this part of the countryside. Whilst the site has a degree of screening, it would still be an obvious addition to the incursion of the existing 2 dwellings next to the site. It would be highly likely to be primarily served by motor vehicles, bearing in mind the distance away from local services, let alone those major services that are located in principle service centres, and the nature of the local roads. The development would be harmful to the landscape setting of Little Melton and Hethersett. The limited benefits of the proposal, in terms of economic and social objectives, together with the private benefit, do not outweigh the fact that it is contrary to the development plan, is not in a truly sustainably location and would be harmful to the rural character of the countryside.

The suitability of the vehicular access to the site in terms of highway safety

11. Access to the Appeal site is gained from Burnthouse Lane, the C770, which is subject to the national speed limit for single carriageway roads (60mph). At this location, the C770 is classified within Norfolk County Council's Route Hierarchy as a Category 3B1 HGV Access Route. The county highway authority states that these routes are designated as being suited for HGV access, linking to the Main Distributor Route and Principal Route network. The road alignment is sinuous, comprising of straight sections linked by large radius horizontal curves, with some formal passing places signed. The appeal site is located on the inside of one such horizontal curve. In the immediate vicinity of the appeal site the carriageway is 5.46m in width (excluding any passing place) and at the proposed point of access the carriageway width is 5.3m. There is no footway provision nor any street lighting.
12. The highway authority seeks visibility splays at the entrance of 215m in length in both directions, from a point 2.4m back from the carriageway channel. It is accepted that, due to the road alignment to the north, visibility in that direction exceeds 215m. But the best information before me is that visibility to the south, the more critical traffic direction, is only 47m. As to trip generation from 2 dwellings, database statistics show a likelihood of 12 vehicular movements per weekday. It is also stated that within the last 5 years there have been no recorded personal injury accidents on the C770 in the vicinity of the appeal site, and the adjoining 2 houses.
13. Observation at my site visit suggested that Burnthouse Lane is not a busy highway, but it is a route used by HGV traffic and is of very limited width. The appeal proposal would double the number of dwellings at this point accessing the highway, with poor visibility towards oncoming traffic, at least for the appeal site. Nevertheless, accident records suggest that normal driver care generally avoids the obvious danger. However, on balance I conclude that the nature of the vehicular access to the site adds to its unsuitability for residential development.

Other matters

14. The council has drawn attention to updates in relation to Nutrient Neutrality and the Norfolk Green Infrastructure and Recreational impact Avoidance and Mitigation Strategy (GIRAMS). Natural England has recently reviewed its advice on the impact of nutrients on Habitats Sites which are already in unfavourable condition due to nitrates and phosphates. Within Norfolk, the catchment area

for the Broads and the River Wensum have been identified as areas that are already in an unfavourable condition and a Habitats Regulations Assessment (HRA) should be undertaken for the proposed development.

15. In addition, since the appeal application was determined, South Norfolk and Broadland Councils have resolved to adopt the GIRAMS and to begin collecting contributions from development in accordance with the requirements of Policy 3 of the emerging Greater Norwich Local Plan (GNLP). These contributions will be sought from 1 April 2022 and comprise payment of the Recreational Avoidance Mitigation tariff of £185.93 per dwelling, and the provision of on-site or off-site green infrastructure equivalent to 2ha per 1000 population. The collection of these contributions would enable the conclusion, through a HRA, that the development will not have any adverse impact on the integrity of a Habitats Site as a result of increased recreational usage. In this case the appellant would be required to enter into a Unilateral Agreement to secure the required payment.
16. I have noted this as a material consideration but, since I have determined that the appeal should be dismissed, it would be pointless to go through a HRA process and to seek payment of the tariff.

Conclusions

17. I conclude that the appeal proposal is contrary to the policies of the development plan, and that the limited benefits of the proposal, in terms of economic and social objectives, do not outweigh the harm to the rural character of the countryside. Added to this is that the nature of its location is likely to mean that future occupiers of the 2 dwellings would rely mainly on private vehicles for most everyday needs for services, education and recreational trips, etc. In addition the nature of the vehicular access from Burnthouse Lane is not satisfactory, which is an additional shortcoming. I will therefore dismiss the appeal.

Terrence Kemmann-Lane

INSPECTOR