



Appeal Decision

Site visit made on 7 September 2022

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2022

Appeal Ref: APP/K2610/W/22/3300076

North Farm, Green Lane, Horsford, Norwich NR10 3ED

- 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 & Mrs Johnson against the decision of Broadland District Council.
 - The application Ref 20220048, dated 24 December 2021, was refused by notice dated 7 March 2022.
 - The development proposed is erection of two dwellings.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr and Mrs Johnson against Broadland District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The planning application was submitted in outline with all matters of detail reserved for future consideration save for access. Therefore, other than the details of access, I have considered the remaining details on the plans provided on the basis that they are indicative only for the purposes of my assessment.
4. The proposed development has been screened in accordance with the Environmental Impact Assessment (EIA) Regulations 2017. It has been concluded that the development would not be of a scale and nature likely to result in a significant environmental impact and EIA is therefore not required.
5. The Proposed Development is located within the Zone of Influence for the Norfolk Valley Fens Special Area of Conservation (SAC), The Wash Special Protection Area (SPA) and Ramsar Site, The Broads SAC and North Norfolk Coast SPA and Ramsar Site which are European designated sites. The Conservation of Species and Habitats Regulations 2017 (the Habitats Regulations) require the Competent Authority to consider whether or not the proposal could adversely affect the integrity of the protected sites, either alone or in combination with other plans and projects. This responsibility falls to me in the context of this appeal.
6. Furthermore, since the Council issued its decision, Natural England (NE) has issued its overarching advice in respect of 'Nutrient Neutrality'. I have consulted NE following receipt of this appeal. NE has confirmed that the proposal potentially affects European Sites vulnerable to nutrient impacts and that where designated sites are already in an unfavourable condition, such as

the Broads SAC, extra wastewater from new housing developments can make matters worse and undermine ongoing efforts to recover these sites. In these respects, a Habitats Regulations Assessment would usually be required and this would need to be informed by the Nutrient Neutrality Methodology within NE's overarching advice.

7. Had I been minded to allow the appeal, it would have been necessary to establish whether the proposal on its own or in combination with other projects would likely have significant environmental effects on the integrity of the European sites including whether mitigation to achieve nutrient neutrality would be necessary and could be achieved. However, it has not been necessary for me to pursue this issue as a finding that the proposal would not have an adverse effect on the integrity of the European sites, with or without any mitigation, would be a neutral matter in the planning balance.

Main Issues

8. The main issues are:

- (i) whether the appeal site would be a suitable location for the development having regard to the development plan and national policy;
- (ii) the effect of the proposal on the character and appearance of the area; and
- (iii) whether suitable living conditions would be provided for future occupiers of the development with particular regard to light.

Reasons

Location

9. There is no dispute between the parties that the appeal site is located outside the settlement limits for Horsford. From the evidence before me, the appeal site does not accord with any specific allocation and/or policy of the development plan. Therefore, to allow new development in this location would conflict with the specific requirements of Policy GC2 (Location of Development) of the Broadland District Council Development Management DPD (2015) (DMDPD).
10. My attention has been drawn to an appeal decision at 'Land East of Oak Deane, Green Lane'¹ which is located opposite the appeal site. The Inspector in that instance found Policy GC2 to not be wholly consistent with the National Planning Policy Framework (the Framework) in terms of its approach to rural housing.
11. However, I agree with the Inspectors who made the more recent appeal decisions at 'Redbourne House, 27 Station Road, Coltishall'² and 'Brockmer, Kerdiston Road, Reepham'³. In particular, I agree with the observation that there is nothing in the Framework that indicates that the use of settlement boundaries to direct development is no longer a suitable policy response. The supporting text to Policy GC2 explains that a settlement hierarchy is in place to

¹ Appeal ref APP/K2610/W/20/3255135

² Appeal ref APP/K2610/W/21/3278396

³ Appeal ref APP/K2610/W/21/3275889

achieve growth targets in a sustainable way. This is broadly consistent with the aims of the Framework which also states that the planning system should be genuinely plan led. As noted by the Inspector in the Coltishall decision, there is public interest in following a plan-led system, including because of the certainty it provides.

12. I acknowledge that the Framework also specifies that housing should be located where it will enhance or maintain the vitality of rural communities and that planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. The appeal site is situated in close proximity to Horsford, which is defined as a 'service village' in the Joint Core Strategy for Broadland, Norwich and South Norfolk (2011 with amendments adopted 2014) (JCS). As a result, the site is not isolated and future occupiers would have reasonable access to the services and facilities that the area has to offer.
13. However, it is likely that there are many plots of land situated in close proximity to defined settlement boundaries with reasonable access to services and facilities. Accessibility is not the only factor in determining whether a development would be sustainably located. Even if I were to share the view of the appellant in terms of Policy GC2 being more restrictive than the Framework, the policy also specifies that development outside settlement limits must not result in any significant adverse impacts. This accords with the wider environmental, economic and social objectives of the Framework. My findings under the second main issue are particularly pertinent in this regard and also indicate that the appeal site would not be a suitable location for the development.
14. I conclude, 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 Policy GC2 of the DMDPD as it would encompass housing outside a defined settlement boundary and would also result in a significant adverse impact as identified under the second main issue.

Character and appearance

15. Green Lane is a single-track road and there is no footpath or streetlighting to the section of Green Lane where the appeal site is located. Other than the house and associated outbuildings at North Farm, which neighbours the appeal site, land to the north of Green Lane mainly comprises of dense woodland and fields. The appeal site is paddock land enclosed by post and rail fencing with mature planting towards its boundaries. It sits comfortably within the prevailing undeveloped and mature landscaped surroundings to the northern side of Green Lane which give this side of the lane an overriding rural character.
16. In contrast, the recent residential developments to the south of the appeal site, including at 'Land East of Oak Deane', which was under construction at the time of my site visit, have created a more suburban character to the opposing side of Green Lane. Even so, to anyone travelling along this section of Green Lane, there is a clear transition in character and appearance between the built footprint of the settlement to the southern side of the lane and the countryside to the north.

17. I acknowledge that the proposal is in outline form. Even so, the access point and position of the private drive would be substantively fixed in the event that this appeal was allowed. Without evidence to demonstrate otherwise, it is difficult to envisage a layout that would be substantially different to that shown on the indicative layout plan. In that regard, it is likely that the buildings and hard surfaced areas associated with the development would extend deep into the appeal site and further north than the nearest neighbouring buildings to this side of Green Lane at North Farm.
18. The removal of vegetation to facilitate the provision of the access point and visibility splays would open up views of the residential development for passers-by the site entrance on Green Lane. On my site visit, I also saw that, due to the gaps in the eastern boundary vegetation, the development would be likely to be highly discernible for those approaching the site from the east in views through the neighbouring field access. Any supplementary planting would take time to establish. Consequently, the domestic nature of the development, in terms of the buildings and hard surfacing as well as any associated residential paraphernalia and vehicles, would be likely to unacceptably intrude upon the prevailing rural characteristics of the northern side of Green Lane in these views.
19. The Council's reason for refusal in respect of living conditions indicated there would be a potential requirement for tree removal and that this would be to the detriment of the character and appearance of the area. I have not identified harm under the third main issue and this reduces the potential for tree removal beyond that required to facilitate vehicular access. Nevertheless, for the reasons set out above, the development would still be an incongruous addition to the northern side of Green Lane.
20. I conclude, the development would result in significant harm to the character and appearance of the area. In that regard, it would conflict with the local distinctiveness and character and appearance requirements in Policy 2 (Promoting good design) of the JCS, Policy GC4 (Design) of the DMDPD and Policy HBE3 (High quality design) of the Horsford Neighbourhood Plan (2018) (NP). It would also conflict with the requirements for development to enhance the natural and local environment including recognising the intrinsic character and beauty of the countryside at paragraph 174 of the Framework.

Living conditions for future occupiers of the development

21. Given that the precise footprint and internal layout of the dwellings would form part of the reserved matters, detailed tests of the internal living environment cannot be undertaken at this stage. However, the appellant has provided an 'External Sunlight Assessment for Planning' dated April 2022 (the assessment) which acknowledges the presence of large trees on and around the appeal site. The 'Methodology' at section 3.0 of the assessment indicates that the report takes into account both internal daylight and external sunlight levels.
22. The conclusions at Section 6.0 of the assessment indicate that as the garden areas would receive sufficient sunlight, in line with the guidance in the BRE Report 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' this means that future occupants would enjoy a well-lit internal environment. Without any detailed evidence to the contrary, I find that it is likely that the development could be laid out to provide an acceptable level of daylight and sunlight for its occupiers.

23. I conclude that suitable living conditions would be provided for future occupiers of the development with particular regard to light. In that particular regard, the development would meet the amenity requirements at Policies GC4 (Design) of the DMDPD and paragraph 130 of the Framework.
24. The Council's reason for refusal in respect of this main issue also refers to other policies of the development plan. Given that Policy 2 (Promoting good design) of the JCS, EN2 (Landscape) of the DM DPD 2015 and Policy ENV5 (Trees and site boundaries) of the NP do not specifically relate to living conditions, they have not been material to my assessment of this main issue.

Other Matters

25. The Framework recognises the need to provide housing for different groups including for people wishing to commission or build their own homes. The appellant suggests that the development would provide two self-build dwellings. However, no substantive evidence has been provided to demonstrate that the proposal would meet specific unmet demand on the Council's self-build register. Furthermore, a planning obligation to secure the development as self-build dwellings has not been provided. This would be the appropriate mechanism to ensure the development of the dwellings would meet the legal definition in the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016). These factors greatly diminish any positive weight that I am able to afford to the potential provision of self-build housing.
26. With regards to the appeal at Land north of Picton Road, Tharston⁴, I note the Inspector in that instance identified amongst other things that the site would be an appropriate and visually satisfactory form of rounding-off within a small enclave of housing. The Inspector for the appeal at Land to the east of Appleshaw, Newman's Green⁵ found that that proposal would fit in with the general grain and pattern of surrounding development in that instance. I have not been provided with full details including drawings of those particular proposals. However, for the reasons set out, I do not find that the site-specific circumstances of the appeal before me are the same as described in these examples.

Planning Balance and Conclusion

27. The Council has confirmed that it is still working to establish the impact of the NE nutrient neutrality advice on the delivery of new housing development in the area. Therefore, the housing supply position is not clear at this moment in time. Given these particular circumstances, there is no dispute between the parties that the Council cannot currently demonstrate a deliverable five-year supply of housing sites in the area. For the purposes of this appeal, I have assumed a very worst-case scenario in housing land supply terms.
28. Even in this context, and while I recognise the Government's objective to significantly boost the delivery of housing, the contribution of two dwellings would not be very significant. Any associated economic and social benefits through the construction of the site and its future occupation would be modest. The locational harm, including the harm to the character and appearance of the area, are matters to which I afford substantial weight in the planning balance.

⁴ Appeal Ref APP/L2630/W/18/3197272

⁵ Appeal Ref APP/D3505/W/18/3196882

29. Taking the above matters into consideration, the harm that would result from the development would significantly and demonstrably outweigh the modest benefits of the proposal when assessed against the policies of the Framework as a whole. In addition, there would be specific conflict with the identified policies of the development plan which further weighs against the proposal.

30. Therefore, I conclude that the appeal should be dismissed.

M Russell

INSPECTOR