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# Appeal Decision

Site visit made on 15 November 2022

**by J Downs BA(Hons) MRTPI**

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

**Decision date: 23 January 2023**

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**Appeal Ref: APP/K2610/W/22/3293987**

**Land to the west of Ivy House Farm, Weston Green Road, Weston Longville, Norwich NR9 5LB**

- 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 D Monument against the decision of Broadland District Council.
  - The application Ref 20212188, dated 29 November 2021, was refused by notice dated 26 January 2022.
  - The development proposed is Proposed Near-zero Carbon / Near-zero Energy House.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issues are:
  - Whether the site is a suitable location for the proposed development with particular regard to the location of development strategy for Broadland, access to services and facilities and highway safety; and
  - The effect of the development on the character and appearance of the area.

## Reasons

### *Suitable location*

3. There is no dispute between the parties that the appeal site is located outside of any settlement limit although not in an isolated location for the purposes of paragraph 80 of the National Planning Policy Framework (the Framework). There is no evidence before me to show that the site forms part of any specific allocation and/or policy. The development of the site would therefore conflict with Broadland District Council Development Management DPD adopted 2015 (DMDPD) Policy GC2 which seeks to direct the location of new development to settlements which are well linked and related to existing development. Neither has any case been advanced that the proposed development would meet any of the exceptions set out in Policy 17 of the Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011, amendments adopted January 2014 (JCS).
4. While the site is adjacent to a cluster of dwellings, it is some distance from Weston Longville and the limited facilities within it. It is similarly not well related to any of the other settlements identified by the appellant. While the spending associated with occupants of the property could support the vitality of

rural settlements, it is not clear that this would occur given the limited relationship of the site with such settlements.

5. No evidence of the site being accessible by any means of transport other than the private car has been put before me. It is highly likely that occupants of the new house would need to travel by private vehicles to further afield locations to access services and facilities needed for daily living. This would be contrary to aims of reducing the need to travel and moving to a low carbon economy. The site is not in an accessible location. While this may be no different to the travel associated with surrounding dwellings, this would not in and of itself justify allowing further development.
6. I note the comments of the Local Highways Authority with regard to the surrounding road network. While I observed there are narrow roads in the vicinity of the site, this is not unusual in rural areas. The site is also close to Honingham Road/Paddy's Lane which provide access to the wider road network. Other than surrounding roads being narrow, no specific evidence of the danger to highway safety that would arise from an additional dwelling has been put before me.
7. Although I have not found undue harm to highway safety, I do conclude that the site would not be a suitable location for development having had particular regard to the development strategy and access to services and facilities. It would be contrary to DMDPD Policies GC1, GC2, and GC4 and JCS Policies 1 and 17 which together provide the spatial strategy which seeks to focus development within settlement limits except in specified circumstances, which this proposal does not meet, and which seek to minimise the need to travel.

#### *Character and appearance*

8. The appeal site currently forms part of the domestic garden of Ivy House Farm. There are further buildings at Thatch Cottage on the opposite side of West Green Road. The land is set at a slightly higher level than the road, and the site is screened by a substantial hedgerow to West Green Road. The surrounding area has a strongly rural character which is not diminished by the wind turbines nearby.
9. There are a small number of dwellings around the junctions of West Green Road, Breck Road and Paddy's Lane/ Honingham Road. These are well dispersed, in a loose arrangement and set in landscaping in spacious plots which maintains the strong rural character. The proposed dwelling would be clearly visible given the road layout and surrounding topography and would extend the built form further in the countryside. While the site is adjacent to the dwellings accessed from West Green Road, this would not mitigate the harm to the sparsely settled, rural character of the area.
10. The appeal proposal has an unashamedly modern design. It is a substantial dwelling however its height would be restricted due to the use of a flat roof and its mass would be broken up by the varying heights, articulation in the elevations and use of different materials. It would be innovative in that it aims to be near zero in terms of carbon emissions and energy use with the design including solar panels and a green roof. While there are no references to local vernacular, it is a carefully designed dwelling which is visually interesting and would reflect the time in which it was designed.

11. While I consider the design of the proposed dwelling to be acceptable in and of itself, I conclude that the development would not have an acceptable effect on the character and appearance of the area contrary to DMDPD Policy EN2 which seeks to protect the character of the area and the advice in the Landscape Character Assessment Supplementary Planning Document adopted September 2013 which advises to resist new development that would result in any diminution of the sparsely settled nature of the area.

#### *Other Matters*

12. Since the application was refused, matters related to nutrient pollution and natural habitat disturbance have been raised. However, I did not seek any further views from the parties because the appeal is failing for other reasons. Also, addressing these matters could have at best only led to any potential adverse effects being potentially mitigated, thus making them neutral considerations that could not have affected any planning balances one way or the other.
13. There is an inherent benefit from the construction of housing. There would be an economic benefit from the construction of the dwelling, however this benefit would be short term, and limited due to the small scale of the appeal proposal.
14. As I have found that the dwelling would not be isolated for the purposes of paragraph 80 of the Framework, the proposal does not fall to be assessed under the exceptions set out in that paragraph.
15. The appeal statement identifies the dwelling would be for the appellant to reside in and allow him to remain in the area as his existing dwelling is too large and costly to upkeep. I am mindful of the advice contained in the Planning Practice Guidance that in general planning is concerned with land use in the public interest<sup>1</sup>. It is probable that the appeal proposal would remain long after any personal circumstances of the appellant ceases to be material and future occupation of the dwelling would not necessarily entail a similar situation. I therefore attach limited weight to the personal circumstances of the appellant in the context of this appeal.
16. The appeal proposal is contrary to the development strategy and would harm the character and appearance of the area. I attach significant weight to these. While there would be a limited economic benefit from the proposal, this would not outweigh the harms I have identified above and I therefore find the proposal to be contrary to the development plan when read as a whole.

#### *Paragraph 11d*

17. It has been put to me that JCS Policy 17 and DMDPD Policy GC2 are out of date as they seek to protect the open countryside for its own sake, contrary to the balanced approach set out in paragraphs 79 and 80 of the Framework. However, the supporting text to the policy is clear that its purpose is to direct development to the most sustainable locations. The Council have also directed me to other policies in the development plan, such as DMDPD Policy H1 to demonstrate how other policies in the plan allow for development in the countryside. Overall, this is generally consistent with the purpose and overarching objectives of the planning system as set out in paragraphs 7 and 8 of the Framework.

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<sup>1</sup> Determining a planning application Paragraph: 008 Reference ID: 21b-008-20140306

18. Nonetheless, the Council has confirmed in its statement that it can no longer demonstrate a five year supply of deliverable housing land. Paragraph 11 d) of the Framework is therefore engaged. There is no evidence before me as to the extent of the shortfall. While the Council has explained the positive steps that are being taken to address this, there is no substantive evidence before me to demonstrate that it will be a short lived as they are suggesting.
19. Paragraph 79 of the Framework identifies that housing in rural areas should be located where it will enhance or maintain the vitality of rural communities. The appeal proposal is not in such a location. The Framework also identifies that priority should be given to non-car modes of transport, which has not been demonstrated here. The Framework does acknowledge this will vary between urban and rural areas, it nonetheless expects patterns of growth to be managed in such a way as to support its objectives. While the appeal proposal could deliver an additional dwelling, along with the associated economic benefits of development, this would be a limited benefit given the appeal proposal is for one dwelling. I find that the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. I therefore find that the proposal does not benefit from the presumption in favour of sustainable development.

### **Planning Balance and Conclusion**

20. The appeal proposal would conflict with the development plan when read as a whole. There are no material considerations, including the Framework, of sufficient weight to suggest the decision should be taken other than in accordance with the development plan. Therefore for the reasons given, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

*J Downs*

INSPECTOR