

Appeal Decision

Site visit made on 17 January 2023

by C Harding BA(Hons) PGDipTRP PGCert MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th February 2023

Appeal Ref: APP/U2615/W/22/3298139

The Nursery, Adjacent to Oak View, Mill Road, Burgh Castle, Great Yarmouth, Norfolk NR31 9QP

- 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 M Underdown against the decision of Great Yarmouth Borough Council.
 - The application Ref 06/21/0753/F, dated 06 September 2021, was refused by notice dated 05 November 2021.
 - The development proposed is a residential dwelling with garage.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Great Yarmouth Local Plan Part 2 (GYLPP2) was adopted on 09 December 2021. As a result, Saved Policies HOU7, HOU8, HOU10 and HOU17 of the Great Yarmouth Boroughwide Local Plan 2001, as referred to by the Council, have now been superseded. Accordingly, I have not referred to these policies further.

Main Issues

3. The main issues are:
 - whether the proposed development would be consistent with local and national policies relating to the location of new housing development;
 - whether the proposed development represents efficient use of use land, and;
 - the effect of the proposal upon the character and appearance of the area.

Reasons

Location of housing development

4. Great Yarmouth Local Plan Core Strategy (GYCS) Policy CS2 adopts a hierarchical approach to directing new residential development into those settlements most able to support it and identifies Secondary Villages such as Burgh Castle as being able to support approximately 5% of new residential development. It also identifies that in the countryside, development will be limited to conversions or replacement dwellings, and schemes that help to meet rural needs.

5. Policy GSP1 of the GYLPP2 states that development will not be permitted on land outside of development limits except where it comprises agricultural or forestry development, the provision of utilities or infrastructure, or other specific policies within the development plan indicate otherwise.
6. It is not disputed between the Council and appellant that the appeal site lies outside of the development limits of Burgh Castle, and as a result, the site lies within the countryside. The proposed development would not meet any of the exceptions set out within either GYLPP2 Policy GSP1 and GYCS Policy CS2 which relate to new development in the countryside, nor have I been made aware of any other policy support. As a result, the proposal would conflict with these policies.
7. GYCS Policy CS1 provides support to new development which provides easy access to jobs, shops and facilities by means of walking, cycling and public transport. The evidence before me does not identify any specific facilities or services that might exist in Burgh Castle, and its identification as a secondary village within GYCS Policy CS1 indicates that only a limited range of services exists.
8. Therefore, I consider it likely that many day-to-day needs of future residents would be met in other, better served settlements such as Great Yarmouth. The settlement pattern of Burgh Castle is such that dwellings and village services are arranged around a looped road system. Consequently, travel around the settlement is not always direct, and access to those services that do exist in the village would require a journey along a narrow country road which is predominantly unlit and without footways.
9. Whilst some journeys from the appeal site to Burgh Castle could be made by bicycle, I consider that it would be unlikely that journeys on foot would be attractive, particularly at night or in adverse weather. In terms of access to public transport, there is disagreement with regards to the proximity of local bus stops. However, and in any event, I have not been provided with precise details of the regularity of any bus services, or potential journey times.
10. Accordingly, I cannot be satisfied that the use of public transport would represent a feasible and attractive means of accessing local services and facilities, even if there was a reasonably accessible bus stop. Overall, based on the evidence before me, I consider that the site is poorly located with regards to access to services and facilities, and it is likely that future occupiers of the proposed development would have a significant level of reliance on the private car.
11. As I have set out above, the proposed development would not be appropriately located and would have poor access to services and facilities. It would therefore fail to be consistent with local and national policies relating to the location of new housing development, contrary to GYCS Policies CS1 and CS2 and GYLPP Policy GSP1, which together, and amongst other criteria, seek to direct new residential development into those settlements most able to support it and reduce the need to travel.

Efficient use of land

12. The evidence indicates that the proposed development would represent a density of development of 5.9 dwellings per hectare, and this figure is not disputed between the parties. GYLPP2 Policy H3 requires residential

development outside of identified settlements to achieve a density of 20 dwellings per hectare, unless circumstances relating to the provision of a lower density on the basis of the sensitivity of the area have been demonstrated.

13. I acknowledge that the Council has previously refused planning permission for a greater number of dwellings on the appeal site. However, as the number of dwellings proposed is not the only factor that influences density of development, the fact that the Council considers that the site could not accommodate a greater number of dwellings, does not, in itself, justify a lower density of development. With no other substantive evidence before me with regards to this issue, I consider that, it has not been demonstrated that the site is particularly sensitive and that a higher density of development could not be achieved.
14. Accordingly, the proposed development would not represent an efficient use of land and would therefore be contrary to GYLLP2 Policy H3 which requires new residential development to meet indicative minimum housing densities, and avoid low density residential development on greenfield sites.

Character and appearance

15. The appeal site relates to an open field currently in use for the grazing of horses. The site is flat and is situated in a gap between existing residential development. The area is characterised by linear residential development located within the countryside, with interspersed open fields and paddocks, rural businesses and holiday parks creating a regular rhythm.
16. The proposed development would partially infill an existing gap in residential development, which currently serves a visual break from the more developed area of Mill Road and High Street located to the north. The dwelling proposed is of two-storey design and would be of a similar height to the existing dwelling at Oak View.
17. Generally, residential properties on this part of Mill Road are predominantly of a single-storey or dormer bungalow design. Two-storey detached properties, such as Oak View do exist, but are generally located such that they are substantially separated from other properties of a similar scale, or are set-back from the road. As a result, the character of the area remains open and rural in nature.
18. The proposed development would lead to a pair of large two-storey dwellings being located in close proximity to each other. It would also partially erode a noticeable break in development, at a point and prominent road junction at which the character of Mill Road becomes more rural and open in character. Together, these factors would lead to the proposed development having a harmful urbanising effect upon the site and the local area.
19. The appellant has drawn my attention to previous alterations and extensions at Oak View. Whilst this property is substantial in scale, for the reasons I have set out, this would not, in itself, justify the siting of a large dwelling within the appeal site.
20. As a result, the proposed development would harm the character and appearance of the area. It would therefore conflict with GYCS Policies CS9 and CS11, as well as GYLPP2 Policy A2. Together, and amongst other criteria, these policies seek to ensure new development responds to and reflects local context, enhance the immediate streetscene, promote positive relationships between

existing and proposed buildings, and safeguard the landscape character the borough.

Other Matters

21. My attention has been drawn to other proposals granted planning permission in the area. Whilst I have not been provided with precise details of these approvals, the Council has indicated that these either related to permissions granted when it was unable to demonstrate an appropriate supply of housing land, or relate to replacement dwellings. Furthermore, it would appear that all of these decisions pre-date the adoption of the GYLLP2.
22. Accordingly, the policy context for considering these previous approvals was materially different to that which now exists, and the Council can now demonstrate an appropriate supply of housing land. Accordingly, these other decisions do not alter the conclusions I have reached with regard to the main issues.
23. The site includes a mature oak tree, which would be retained as part of the development, and the Council has not raised concern with regard to the effect that the proposed development would have upon this tree. Even if I were to agree that the effect of the proposed development on the tree would be acceptable, this is a neutral factor that would not weigh in favour of the development.
24. I also acknowledge that the appellant has sought to work in co-operation with the Council in order to arrive at an acceptable form of development, and that the appeal site has been in the appellants family for a significant length of time. However, I must consider the proposal on its merits and accordingly, do not afford any weight to these matters in reaching my decision.
25. I am aware that the site lies within the Zone of Influence of a European designated site. The Conservation of Species and Habitat Regulations 2017 require the Competent Authority to consider whether the proposal could adversely affect the integrity of the protected site, either alone, or in combination with other plans and projects. This responsibility falls to me in the context of this appeal.
26. Had I been minded to allow the appeal, it would have been necessary to carry out an appropriate assessment in order to establish whether the proposal, on its own, or in combination with other projects would be likely to have significant effects on the integrity of European site. However, as I have concluded that the proposed development would be otherwise unacceptable, it is not necessary for me to pursue this issue further.

Conclusion

27. I have found that the proposed development would conflict with the development plan as a whole and I afford this conflict significant weight. No other material considerations, including the Framework, exist that would outweigh the conflict with the development plan.
28. Therefore, I conclude that the appeal should be dismissed.

C Harding

INSPECTOR