



Appeal Decision

Site visit made on 21 February 2023

by Philip Mileham BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 March 2023

Appeal Ref: APP/U2615/W/22/3296882

Land adjacent to the south of Four Acres, Back Road, West End, West Caister NR30 5ST

- 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 Terry Benjafield against the decision of Great Yarmouth Borough Council.
 - The application Ref 06/21/0834/O, dated 29 September 2021, was refused by notice dated 26 November 2021.
 - The development proposed is described as outline planning for a 4 bedroomed dorma bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal has been made in outline form with all matters reserved and I have considered it on that basis.
3. The description of development included text that described how the proposal would relate to future reserved matters. I have therefore removed this element of text to avoid confusion within the above banner heading.
4. The decision notice cites contravention of saved policy HOU10 of the Great Yarmouth Borough-wide Local Plan (2001) (the GYLP). However, the Council's statement indicates that this has been superseded by the policies of the Great Yarmouth Local Plan Core Strategy (2015) (the GYCS) and the Great Yarmouth Local Plan Part 2 (2021) (the GYLPP2). As such, I have not addressed this policy further in my decision.

Main Issue

5. The main issue is whether the proposed development would be in a suitable location for a new dwelling having regard to local and national policy.

Reasons

6. The appeal site comprises an area of pastoral field including a brick stable building. The site would be located in the hamlet of West End and adjacent to an existing property known as 'Four Acres'.
7. Policy CS1 of the GYCS indicates that the Council will look favourably at proposals that contribute towards ensuring new development is of a scale and

in a location that complements the character and supports the function of individual settlements. Policy CS2 of the GYCS seeks to establish a settlement hierarchy and indicates that in the countryside, development will be limited to conversions, replacement dwellings, buildings and schemes that help to meet rural needs.

8. Policy GSP1 of the GYLPP2 sets out the principle of development limits and states that outside these defined limits, development will not be permitted except for agricultural or forestry development, utilities and highways infrastructure and where other specific policies in the Local Plan indicate otherwise. Policy H5 of the GYLPP2 also provides exceptions for new dwellings outside development limits for rural workers in agriculture, forestry or other land-based rural businesses.
9. The hamlet of West End is located outside of any designated development limits as defined in either the GYCS or the GYLPP2. The proposal would result in the development of a private dwelling outside the development limits. As the proposal is for a new private market dwelling, it would fail to accord with the exceptions for new dwellings outside development limits as set out in policy CS2 of the GYCS and policy H5 of the GYLPP2.
10. The proposal would be located around 1,500 metres from the nearest development limit according to the appellant's statement. The appellant also considers that the proposal would be within walking and cycling distance of the village with shops and services. However, there is no footpath or cycleway that connects West End to any nearby settlement with a range of services and facilities.
11. Furthermore, there is no evidence of any public transport opportunities or streetlighting present in the village. As a result, the proposal's location would not support future occupiers of the proposal from walking and cycling to higher order settlements where services and facilities may be present, particularly outside daylight hours.
12. Future occupiers of the proposed development would be heavily reliant on private vehicles in order to access services to meet day-to-day needs, which over time, would cumulatively result in a significant number of private vehicle trips which policy CS2 of the GYCS seeks to avoid by supporting self-contained communities and reducing the need to travel.
13. Having regard to the appeal proposal's distance from and the lack of opportunities to access services and facilities by non-vehicular modes of transport, it would fail to be located where it will enhance or maintain the vitality of rural communities which paragraph 79 of the National Planning Policy Framework (the Framework) seeks to promote.
14. Due to the presence of adjacent residential development, the proposal would not result in the creation of an isolated dwelling which paragraph 80 of the Framework seeks to avoid. The appellant has indicated that there have been a number of new homes built in the vicinity of the appeal proposal. However, full details of these proposals have not been submitted with the appeal and as such, these do not alter my findings.
15. In light of the above, I consider that the proposal would not be in a suitable location for a new dwelling having regard to local and national policy. As a

result, it would fail to accord with policies CS1 and CS2 of the GYCS and policies GSP1 and H5 of the GYLPP2.

16. The proposal would also fail to accord with paragraph 79 of the Framework as set out above.

Other Matters

17. The appeal proposal would be located in an area where Natural England has identified concerns that new development could result in additional nutrient load on the Broads Special Area of Conservation (SAC) as a result of waste water discharge. However, as I am dismissing the appeal for other reasons, it is not necessary for me to address this matter further.
18. The Council has indicated that the proposal has not provided sufficient information to ensure that there would no adverse effect on designated sites (including the Winterton-Horsey Dunes Special Area of Conservation (SAC) and the Breydon Water and North Denes Special Protection Areas (SPAs)) as it would fall within the Indicate Habitat Impact Zone as set out in the Norfolk Green Infrastructure Recreational Access Management Strategy and would require information to inform a Habitats Regulations Assessment (HRA) along with an accompanying mitigation contribution. However, as I am dismissing the appeal, this matter does not require further consideration.
19. Concerns have also been raised that the proposal would require contributions towards off-site open space provision. However, as I am dismissing the appeal it is not necessary to consider such contributions.
20. The proposed development would result in a number of benefits. Economic benefits would arise as a result of the jobs created through the construction of the proposed dwelling and in the accompanying materials supply chain as well as supporting future occupiers home working. Social benefits would arise as a result of enabling the appellant's family to stay in the village where their parents were born. The proposal would also make a positive contribution to housing in the area as a result of the addition of a dwelling to local housing stock which would also be a self-build dwelling.

Conclusion and planning balance

21. Whilst the appeal proposal would result in a number of benefits as set out above, these are not of a sufficient magnitude that would outweigh the conflict with the policies of the Development Plan when read as a whole. As such, there are no considerations that would indicate a determination otherwise in accordance with the Development Plan in this instance.
22. For the reasons given above I conclude that the appeal should be dismissed.

Philip Mileham

INSPECTOR