



Appeal Decision

Site visit made on 31 January 2023

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th April 2023

Appeal Ref: APP/Y2620/W/22/3298315

Alby Billiards Club, Church Road, Alby NR11 7HE

- 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 N Rounce against the decision of North Norfolk District Council.
 - The application Ref PO/21/2697, dated 8 October 2021, was refused by notice dated 7 December 2021.
 - The development proposed is described as 'Demolition of former snooker hall and erection of 2 semi-detached dwellings'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal is submitted in outline with all matters reserved for future consideration. Notwithstanding access is a reserved matter, the submitted location plan shows access would be taken from Town Green.
3. No reason for refusal was included on the Council's decision notice. The appellant deduced reasons for refusal from the Council's officer report which formed the basis of their appeal statement. The Council in their statement set out what their reason for refusal would have been. The appellant had the opportunity to comment on this as part of their final comments. I therefore consider there has been no prejudice to the appellant.
4. Since the application was determined, Natural England has issued advice with regard to the effect of adverse nutrient impacts on designated habitats sites. The Council has also adopted the Norfolk Wide Green Infrastructure and Recreational Avoidance Mitigation Strategy (GIRAMS) which addresses adverse impacts on designated habitats sites from increased recreational pressure and disturbance. The Council raised these issues in their statement, and the appellant has had the opportunity to comment. I therefore consider there has been no prejudice to the appellant and I will return to this matter.

Main Issue

5. The main issue is whether the site is a suitable location for development with regard to the Council's spatial strategy and access to services, facilities and sustainable transport options.

Reasons

6. The appeal site is located on the junction of Church Road and Town Green. There are dwellings along Town Green between Dovehouse Lane and the appeal site, along with a small number of more dispersed dwellings around the junction of Town Green and Goose Lane.
7. North Norfolk Local Development Framework Core Strategy adopted September 2008 (CS) Policy SS 1 establishes the spatial strategy for the district and seeks to direct the majority of new development to the towns and larger villages. It confirms that land outside of the settlements listed will be designated as Countryside where development will be restricted to particular types. CS Policy SS 2 expands on this, setting out that development in the Countryside will be limited to that which requires a rural location and is of a specified type. Market housing is not identified as such a type. The proposal is not for the reuse or adaption of the building, and in any event all that remained of the building at the time of my site visit was a concrete base.
8. The appellant has identified there are services and facilities for meeting day to day needs in surrounding villages, with a primary school less than 1 mile away at Aldborough. However, the road connecting the two is narrow and subject to the national speed limit. The off-road footpath which leads to Aldborough is in proximity to the site, however it is unlit and unmade. The roads connecting the site to surrounding settlements are also narrow. There are not consistent footpaths or opportunities for pedestrians to safely step off the road. These routes are therefore unlikely to offer attractive, realistic options for walking and cycling to access those services and facilities, particularly in the dark or in poor weather.
9. There is a bus service directly opposite the site, however this is stated to be limited and no details of the route or frequency of the service have been provided. No details of the location or services from the bus stop on the A140 have been provided, however access to this would be along the narrow roads which I have identified above. I therefore consider that there would be a likely reliance by future occupiers on the private car for them to be able to meet day to day needs. Furthermore, while some of these trips may be short, utilising the services and facilities in nearby settlements, it is likely longer trips to more distant settlements would also be necessary to access a wider range of services and facilities.
10. Although electric vehicle charging points are now required under the building regulations, this would not ensure that future occupiers would have electric or hybrid vehicles. It therefore is not certain that the environmental effects arising from the additional journeys would be minimal. While I acknowledge there have been changes to working and shopping patterns in recent years, there is no evidence before me which would lead me to a different conclusion that for at least some day to day activities, there would still be a reliance on the private car.
11. I therefore conclude that the appeal site would not be a suitable location for development, with regard to the Council's spatial strategy and access to services, facilities and sustainable transport options. The proposal would be contrary to CS Policies SS 1 and SS 2 which taken together seek to direct development to the most sustainable settlements and paragraph 79 of the National Planning Policy Framework (the Framework) which states amongst

other things that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

Other Matters

12. The appeal site is within the catchment for the Broads Special Area of Conservation (SAC) and Ramsar site where new residential development is likely to have a significant effect on the qualifying features of the SAC as identified in the advice issued by Natural England. I have had regard to the submissions made by the parties on this issue and an Appropriate Assessment (AA) under the Habitats Regulations would ordinarily be necessary to be undertaken in relation to the impact of the proposed development on the SAC. However, I have not needed to undertake such an AA in this case as I am dismissing the appeal for other reasons. Even if I had conducted such an AA and found that there would be no adverse effect, this would have been a neutral factor in the planning balance.
13. The appellant has set out that the scheme could deliver self build housing. However this contradicts the application form which clearly indicates the proposal is for market housing. There is no evidence before me as to the demand for self build plots, or the number of permissions granted. Irrespective of the outcome of the application to be placed on the self build register, there is no mechanism before me to ensure that the plots would be developed in such a way as to meet the definition of self build were the appeal to be allowed.
14. The site did not appear particularly untidy or unkempt at my site visit, other than what appeared to be materials from the building and cuttings from the vegetation. However even these were placed quite neatly in piles. It is not in dispute that the site would meet the definition of previously developed land. It would make use of an underutilised area of land in light of its previously developed status, however for the reasons given above in respect of the main issue, I have found that residential would not be an effective use of the land. Furthermore, in respect of the Framework's encouragement for as much use as possible of previously developed or brownfield land, it clarifies in footnote 47 that this should only be where it would not conflict with other policies within the Framework.
15. It is not in dispute that the proposed development would be capable of integrating with the existing residential development along Town Green in terms of design and appearance. Nor has any harm to the wider landscape character of the area been identified. However these would amount to a lack of harm and therefore would be a neutral factor in this appeal.

Planning Balance

16. The Council has confirmed that it cannot demonstrate a five year supply of deliverable housing sites. Although the precise extent of this shortfall has not been quantified, it is likely to be, at most, in the region of 4.9 years and potentially less than that, albeit with no substantive evidence to indicate what that would be, including in respect of whether the issue of nutrient neutrality has had the effect of stalling sites coming forward. Whilst the Appellant refers to appeal decision APP/Y2620/W/20/3256225 in which the supply was stated as being likely to be somewhere between 4 and 5 years, that decision is dated 12

November 2021 and therefore is not conclusive as to the current position. Paragraph 11d of the Framework is therefore engaged and the policies related to the delivery of housing are deemed to be out-of-date.

17. Paragraph 11(d)(i) sets out circumstances in which the policies of the Framework would provide a clear reason for refusing the development proposed. Where this would not apply, paragraph 11(d)(ii) of the Framework confirms that in such circumstances, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
18. CS Policies SS 1 and SS 2 are broadly consistent with the Framework in that they seek to locate housing in the most sustainable locations. I therefore attach significant weight to the proposal's conflict with the Council's spatial strategy.
19. The Framework is clear that the Government has an objective of significantly boosting the supply of homes and highlights in paragraph 69 the important contribution that small and medium sized sites can make to the housing requirement of an area, including through the development of windfall sites. There would be social benefits from the contribution of the site to the supply of dwellings, and these could be delivered in the short term. Furthermore, there would be economic benefits during the construction stage and expenditure by future occupiers of the dwellings. The appellant has also identified that biodiversity net gain could be delivered. However, these benefits would be limited given the proposal is only for two dwellings.
20. Even if I were to have found that the policies of the Framework would not provide a clear reason for refusing the development following an Appropriate Assessment, I find that the adverse impacts relating to the main issue 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.

Conclusion

21. The appeal proposal would conflict with the development plan when read as a whole. There are no material considerations of sufficient weight, including the Framework, which indicate that a decision should be taken other than in accordance with the development plan.
22. 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