



Appeal Decision

Site visit made on 19 April 2023

By A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI
an Inspector appointed by the Secretary of State

Decision date: 24 May 2023

Appeal Ref: APP/L2630/W/22/3301049

Land West of Rose Farm, The Street, Ashwellthorpe, Norfolk NR16 1AA

- 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 and Mrs T Ollet against the decision of South Norfolk District Council.
 - The application Ref: 2021/2390 dated 26 October 2021 was refused by notice dated 20 December 2021.
 - The development proposed is erection of two storey dwelling and double garage.
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Decision

1. The appeal is allowed and planning permission is granted for erection of two storey dwelling and double garage at land west of Rose Farm, The Street, Ashwellthorpe, Norfolk NR16 1AA in accordance with the terms of the application Ref: 2021/2390/FUL dated 26 October 2021 and the plans submitted with it, subject to the conditions attached to this decision letter.

Main Issues.

2. The main issues are:
 - (i) whether the development would be in a suitable location for housing, taking into consideration local policies and if there is conflict, and if so, whether there are other material considerations which would justify a decision other than in accordance with the development plan, and
 - (ii) the effect of the development on the character and appearance of the area.

Reasons

Suitability of the location for housing

3. The appeal site lies within the village of Ashwellthorpe, a linear settlement in the countryside arranged along a road running east to west. In the central part of the settlement there is continuous development on both sides of the road for around 750 metres with one significant and one lesser gap on the north side such that the settlement boundary, which, otherwise, runs along the rear of the frontage properties, draws close to the main road. The proposed development

would largely infill the larger of these gaps and consequently would be located outside a settlement boundary.

4. The locational policies of the development plan seek to apply the principles of achieving sustainable development, encouraging development within settlement boundaries as more sustainable locations and in doing so also protect the intrinsic beauty and character of the countryside, with the purpose (in part) of minimising loss of agricultural land and other natural resources.
5. Policy DM1.3 of the South Norfolk Development Management Local Plan 2015 (SNDMLP) sets out these criteria for locating new development. Beyond development boundaries in the Countryside paragraphs (2c) and (2d) explain that development would only be permitted where specific development management policies allow or where there are 'overriding benefits' from the proposal. The Council assert that the appeal site does not benefit from any development management policies and this is a matter to which I now turn.
6. The appellant points to other development close to the appeal site as 'other recent infills' and specifically to 'seven dwellings about to be constructed including four dwellings outside the settlement boundary'; these would appear to be located on Rose Farm around 40 metres east of the site, in the 'lesser' gap identified in my introductory remarks. Neither party has commented further as to the policy position by which these dwellings were permitted.
7. However, although the appeal site lies outwith (but abutting) the settlement boundary of Ashwellthorpe, the proposed dwelling would align with the existing linear development pattern and be consistent with the general built form of housing along the north side of The Street including the recently built dwellings to the east of the application site referred to by the appellant. Consequently the proposal would have a very strong physical relationship with the settlement such that it would, in terms of positioning, be indistinguishable from other housing in The Street forming part of the settlement.
8. The Joint Core Strategy for Broadland, Norwich and South Norfolk 2014 (JCS) defines Ashwellthorpe as a 'Service Village' with a good level of services and facilities. The explanatory text to Policy 15 of the JCS identifies such villages as an appropriate location for small-scale housing growth and indicates that allocations could be supplemented by 'suitable exception, infill and windfall sites'. The JCS defines infill development as 'Small-scale development filling a gap within an otherwise built up area'. This is not a matter addressed by the Council in their decision but it seems to me even if 'suitable infill' sites are required by the development plan to be within settlement boundaries the specific circumstances of this case invite further consideration on the basis that in any practical sense, the proposal would meet the definition set out in the Core Strategy.
9. Even if the development is not supported by the locational policies of the development plan in so far as it would be located outside a defined settlement boundary, there is no dispute that Ashwellthorpe is a suitable location for housing. The appeal site lies, to all intents and purposes, within the centre of that village; by its design and position it would be indistinguishable from other nearby, recently approved, development. On that basis, despite the apparent conflict with policy DM1.3 of the SNDMLP, I conclude that the proposal would

not undermine the objectives behind the locational policies of the development plan.

Character and Appearance

10. The Council's second refusal reason, by reference to Criteria (1) of Policy DM3.8 of the SNDMLP, refers to the loss of a gap in the street frontage affecting the rural character of the village. The proposal would largely infill a gap which does at present afford limited views although these are dominated by a large recently constructed agricultural building and over land which did not provide an open vista, but was occupied by the paraphernalia of farming, at the time of my visit.
11. From my observations the gap in street frontage appears as an incongruity and not a feature which contributes to local distinctiveness. In addition, as a village where most residential properties strung along the main road have a rural outlook and where those travelling through Ashwellthorpe will have experienced its open rural setting, I am not persuaded to attach any more than nominal weight to the suggestion of harm to rural character from the partial infilling of street frontage which would result from the proposal. I therefore find no conflict with the development plan on this main issue.

Other considerations

12. The Council can demonstrate the necessary supply of deliverable housing land, nevertheless housing requirements are set as a minima and the development would still deliver an additional home. In these circumstances the benefit from a single dwelling would be limited, nevertheless it supports the principles of meeting housing need in sustainable locations.
13. The appeal site is adjacent to the The Old Post Office, a grade II listed building which is screened from the appeal site and the road such that there would be little intervisibility. My observations direct that due to the way the listed building would be experienced, the proposal would not be in its setting and there would be no harm to its significance as a result of the proposal subject to suitable conditions.

Conclusion

14. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions on planning applications should be made in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the Framework reflects this and makes it clear that the development plan is the starting point for decision making. The importance of the plan-led system is clear. Nonetheless, the Act provides scope for other factors to be considered in the planning balance.
15. There is a degree of conflict with the development plan in respect of the appeal site being outside the defined development boundary. The relevant policies of the plan are up-to-date and thus this conflict weighs against the development. Amongst other things, these policies establish the broad strategy for the distribution of development and should not be set aside lightly.

16. However, no other planning harm has been identified, the extent of the conflict is relatively small, and aspects of the development would be broadly consistent with some of the relevant key principles of both local and national policy. There would therefore only be limited, if any, harm to the Council's overall strategy.
17. The proposal would provide modest, but tangible benefits. In particular, the provision of a dwelling in a 'service village' with good access to services and facilities. Although relatively limited in scale, there would also be some additional social and economic benefits associated with the delivery of a new dwelling. The matters here are finely balanced, however, in my view, the aforementioned benefits and absence of any other harm would outweigh limited technical conflict with policies. Therefore, in the particular circumstances of this case there are material considerations which justify a decision other than in accordance with the development plan.
18. For the above reasons, I conclude that the appeal should be allowed.

Conditions:

19. I have considered the conditions put forward by the Council in the light of Planning Practice Guidance (PPG) and the Framework. In addition to the time limit condition I have imposed a 'plans' condition for reasons of certainty. The proposed 'levels' condition is not necessary given the information appearing on the plans and that permission, according to the plans condition, does not permit major changes ground level without the permission of the local planning authority and as I have included a requirement for details of hard and soft landscaping details including levels to be submitted. As the access is currently in use with a wide visibility splay a specific pre-commencement condition relating to this and parking is not necessary. I note the policy references given by the Council and have therefore applied conditions in relation to water use and discharge, also in relation to biodiversity measures. Given the previous use of the site a contamination condition is reasonable and relevant.

Andrew Boughton

INSPECTOR

SCHEDULE OF CONDITIONS ATTACHED

1. The development hereby permitted must be begun before the expiration of three years from the date of this permission.
2. The development shall be carried out in accordance with the following drawings: 5519 308 Proposed Plans and Elevations; 5519 309 B Site and Location Plans. For the purposes of interpretation of the plans and height of the dwelling hereby approved, the ground level appearing on the approved plans shall be regarded as the existing ground level. The development will proceed on that basis unless otherwise approved in writing by the local planning authority.
3. No foul drainage shall be discharged other than into the main sewer.
4. The dwelling hereby approved shall be designed to achieve a water consumption rate of no more than 105 litres/person/day, which shall be retained for the lifetime of the development.
5. No Development above ground level shall commence unless and until a scheme of biodiversity mitigation and enhancement has been submitted to, and approved in writing by, the local planning authority. The development shall proceed in accordance with the approved scheme and implemented in full prior to first occupation of the dwelling hereby permitted.
6. Contamination of the ground which has not been previously identified and remediated shall be immediately reported in writing to the local planning authority. All works shall thereupon cease until remediation works are carried out in accordance with a scheme that has previously been approved in writing by the local planning authority.
7. Development shall not commence above ground level until details, including colours where required, of the materials used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall then be constructed in accordance with the approved details.