



Appeal Decision

Site visit made on 25 April 2023

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th June 2023

Appeal Ref: APP/K2610/W/22/3302390

Land at Burlingham Green, The Green, North Burlingham, Norwich

- 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 & Mrs Trett against the decision of Broadland District Council.
 - The application Ref 20212248, dated 13 December 2021, was refused by notice dated 5 May 2022.
 - The development proposed is the erection of 1 no. single storey dwelling and garage with associated garden and parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - whether the proposed dwelling would be in a suitable location having regard to the local development strategy;
 - the effects of the proposal on the character and appearance of the area; and
 - if harm arises, whether this is outweighed by other material considerations.

Reasons

Suitability of location

3. To address climate change and promote sustainability, Policy 1 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2014 (JCS) requires development to be located to use resources efficiently and minimise greenhouse gas emissions. In addition, JCS Policy 6 seeks to improve access in rural areas, improve local quality of life, and promote healthier lifestyles. To achieve these aims, the policies require development be located to minimise the need to travel and give priority to low impact modes of travel, including through concentrating development close to essential services and facilities to encourage walking and cycling as the primary means of travel, with public transport for wider access.
4. To focus residential development in settlements which are well-linked and well-related to existing development, services, facilities and employment opportunities, Policy GC2 of the Development Management DPD 2015 (DM DPD) directs most new development to land within settlement limits.

5. The appeal site is located at The Green, a single-track lane with no pedestrian footway or street lighting. A church and some industrial units and workshops are located at Main Road. However, pedestrian access between The Green and Main Road is limited to a public right of way across fields which would not be accessible to all pedestrians such as those with limited mobility and would not be suitable for use at all times such as in bad weather or after dark.
6. The nearest services and facilities to meet the day-to-day needs of future occupants, such as a primary school, convenience store and rail station, are located around two miles from the site in the village of Lingwood. Whilst connected via the public rights of way network, due to the distance and other constraints to accessibility, most people would be unlikely to walk to access those services. The appellant also identifies further services available at other villages. However, these are located even further away and are not therefore within walking distance. Walking and cycling are further constrained by the absence of a safe crossing point at the A47 road and a lack of footways, cycle paths and streetlighting. Whilst scheduled works to the A47 are expected to improve access for pedestrians and cyclists, these are not in place yet and would not resolve the constraints to accessibility due to the distances between the villages.
7. Details of the nearest bus stop or the frequency of any service has not been provided. During my site visit I did not identify any bus stops in proximity of the site. The evidence before me does not therefore suggest the site would be accessible by bus.
8. Whilst not isolated from other development in the context of paragraph 80 of the National Planning Policy Framework, the site is remote from services, facilities and employment. Future occupants of the site would be dependent on private motor vehicles to meet their day-to-day needs. Whilst such car journeys may be relatively short, frequent use of vehicles would generate greenhouse gas emissions.
9. The proposal would provide a charging point for an electric vehicle to reduce emissions. However, this does not guarantee the use of electric vehicles by future occupants. Furthermore, reliance on a motor vehicle of any type would not enhance quality of life or healthier lifestyles by promoting walking and cycling as the primary means of travel.
10. The appeal site is located outside of any settlement limit and the proposal is not of a type supported in locations outside of settlement limits by any specific development plan policy. For the reasons set out above, I consider the site to be remote from services, facilities and employment.
11. Having regard to the local development strategy, the appeal site would not provide a suitable location for the proposed development. The proposal would therefore conflict with JCS Policies 1 and 6, and DM DPD Policy GC2. In addition, the proposal would not comply with DM DPD Policy GC1 which seeks to secure development that improves social and environmental conditions in the area.

Character and appearance

12. The northern side of The Green consists of a row of dwellings of a range of styles within plots of differing sizes, but which are generally spacious and low

density. At time of my site visit, the site was an open, uncultivated area of grassland. The site has clear physical boundaries, demarcated by timber post and rail fencing, and is surrounded by garden land of adjacent dwellings. Whilst the proposal would infill a gap within a linear row of development, the proposed dwelling would be well-spaced from adjacent development and therefore the spacious character of development in the area would be retained.

13. The site is largely screened by a hedgerow with occasional mature trees along its front boundary and at the side boundary with Meadow Cottage. Other than from the access point which comprises an existing area of hardstanding and timber gate, views into the site from the public highway would be limited.
14. The proposed dwelling would be single storey with a form similar to the neighbouring barn complex and would be set back from the public highway by a large driveway, detached garage and garden. Therefore, due to the design, layout, and presence of screening, the proposed dwelling would not appear to undesirably consolidate development, nor have an urbanising effect upon the area.
15. The proposal would not therefore harm the character and appearance of the area. The proposal would comply with DM DPD Policy GC4 which expects development to achieve a high standard of design and supports proposals of innovative, energy efficient design.

Other considerations

16. The proposal would deliver a new dwelling, which the appellant intends would be a self-build unit, thereby contributing to the area's supply of small, rural sites for housing. Through its design and construction, the development would utilise a range of energy and resource efficient materials and technologies and would enhance biodiversity on site. The addition of one household would contribute to the vitality of the community by supporting local services and the local economy and would provide jobs during the construction phase. The scale and extent of these benefits would be commensurate with a single dwelling and thus carry limited weight.
17. The appellant has drawn my attention to four appeal decisions for residential development within the district¹. In the Guestwick appeal, redevelopment of previously developed land weighed in favour of the proposal. In both Horsford appeals, the sites were found to be in accessible locations in proximity to a range of services, facilities, and public transport links. In the Newman's Green appeal, future occupants would have the option of using the bus service. The schemes are therefore materially different to the proposal and carry no weight in my decision.

Planning Balance

18. The JCS dates from 2014 and the DM DPD dates from 2015 but the weight to be attached does not hinge on their age. Rather paragraph 219 of the National Planning Policy Framework (the Framework) makes clear that due weight should be given to existing policies according to their degree of consistency with the Framework.

¹ APP/K2610/W/20/3260052, APP/K2610/W/20/3255135 APP/D3505/W/18/3196882, and APP/K2610/W/20/3258924.

19. As discussed above, the proposal would conflict with the local development strategy, namely JCS Policies 1 and 6 and DM DPD Policy GC1. JCS Policies 1 and 6 seek to minimise greenhouse gas emissions, improve access in rural areas, improve local quality of life, and promote healthier lifestyles. Likewise, paragraph 154 of the Framework indicates new development should be located to reduce greenhouse gas emissions, section 9 promotes sustainable transport whilst acknowledging limitations in rural areas, and paragraph 92 requires development support healthy lifestyles including through encouraging walking and cycling.
20. I therefore consider Policies 1 and 6 to be consistent with the Framework and do not represent an inappropriate blanket ban, as prohibited by the PPG. Policy GC1 is consistent with the Framework's presumption in favour of sustainable development. Consequently, I attach significant weight to the proposal's conflict with those policies.
21. In addition, I have identified conflict with DM DPD Policy GC2. This is a restrictive policy that supports development within the countryside only in very exceptional circumstances. The Framework is less restrictive in its approach and paragraph 79 sets out that housing should be located where it will enhance or maintain the vitality of rural communities and recognises that development in one village may support services in a village nearby. The Planning Practice Guidance (PPG)² states that a wide range of settlements can play a role in delivering sustainable development in rural areas, and blanket policies restricting housing development in some types of settlement must be supported by robust evidence of their appropriateness. As such, I find that DM DPD Policy GC2 is not wholly consistent with the Framework in terms of its approach to rural housing. Therefore, I attach moderate weight to the proposal's conflict with that policy.
22. In light of Natural England's advice regarding nutrient neutrality, the Council indicates there is significant uncertainty about the delivery of a number of permitted and allocated development sites. Were I to consider there to be no demonstrable five-year supply of deliverable housing sites within the Council's area, the provisions of footnote 8, paragraph 11 d) ii. of the Framework would apply. This would require permission be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
23. The local development strategy generally limits development in the area of the appeal site. There are no development plan policies which positively favour development of this kind in this location, and as the proposal would be contrary to the policies referred to above, there would be a conflict with the development plan as a whole.
24. As described above the proposal would deliver a range of benefits which, even taking account of the Council's housing land supply and the Framework's objective to significantly boost housing supply, carry limited weight.
25. Consequently, the conflict with the local development strategy would result in adverse impacts, namely increased greenhouse gas emissions and failure to enhance rural access, quality of life, or promote healthier lifestyles, which would significantly and demonstrably outweigh the benefits when assessed

² Paragraph: 009 Reference ID: 67-009-20190722

against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

26. The site is within an area in which Natural England's advice in respect of nutrient neutrality applies, and the appellant has submitted a Unilateral Undertaking to provide a financial contribution to mitigate the recreational pressures which would arise from the proposed development. However, since I am dismissing the appeal for other reasons, I need not consider further the proposal's effects on designated sites. Even if it were necessary to address the issue, the absence of harm would weigh neither in favour nor against the proposal, thus being of neutral weight.

Conclusion

27. Whilst I have found no harm in respect of the proposal's effects on the character and appearance of the area, adverse impacts would arise from the proposal's conflict with the local development strategy. The proposal would therefore conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. For the reasons given, the appeal is dismissed.

E Dade

INSPECTOR