



Appeal Decision

Site visit made on 27 June 2023

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 7 July 2023

Appeal Ref: APP/L2630/W/22/3297326

Land at Beerlick's Loke, Surlingham, Norfolk NR14 7AJ

- 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 S Hall against the decision of South Norfolk District Council.
 - The application Ref 2021/0489, dated 2 March 2021, was refused by notice dated 19 November 2021.
 - The development proposed is described as, 'outline planning application for demolition of existing buildings and erection of three dwellings with associated access'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was made in outline with all matters except access reserved for future consideration. I have therefore considered the submitted drawings on an indicative but informative basis except where they relate to access.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on flood risk; and
 - whether the proposal would accord with the Council's development strategy for the location of housing.

Reasons

Character and appearance

4. The site lies adjacent to Surlingham which is largely characterised by detached dwellings set out in a linear fashion. To the rear of the site lies open undeveloped land and woodland beyond. As such, the area has a pleasant linear character and appearance.
5. The site forms part of the Rockland Tributary Farmland landscape area. The South Norfolk Place-Making Guide Supplementary Planning Document September 2012 (SPD) sets out the key characteristics of the area including small villages, particularly linear villages along the edge of the Yare floodplain including Surlingham. The SPD also sets out key design principles including to respect the existing characteristic pattern of linear settlements.

6. The site is occupied by single story functional structures that support the use of the site as a builder's yard and for the manufacture of children's play equipment. The structures are sited along the boundary with the dwellings along The Street. While there is a modest area of concrete hardstanding on the site, the parts of the site to the south and east of the structures are largely overgrown with vegetation. As such, the site has a semi-rural character and appearance notwithstanding that it is previously developed land.
7. The proposal for three dwellings would be likely to result in a greater amount of built development than existing though I am mindful that scale is a matter reserved for future consideration.
8. In any event, the proposed access, for which permission is sought, would be located along the western boundary of the site. As such, the proposed dwellings would be sited in the parts of the site that are currently largely undeveloped. Therefore, the scheme would further urbanise the site and adversely affect the spacious linear character of the area.
9. The existing structures have a functional character but given their modest height do not appear prominent. Although a residential use may be more in keeping with the surrounding residential properties, this would not override the harm that would result from the departure from the prevailing linear pattern of development and harm to the spacious character of the area.
10. Consequently, the proposal would harm the character and appearance of the area. Therefore, it would conflict with Policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk Adopted March 2011, amendments adopted January 2014 (JCS) which seeks, among other things, proposals that respect local distinctiveness. It would also conflict with Policy DM 1.4 of the South Norfolk Local Plan Development Management Policies Document Adoption Version October 2015 (DMP) which seeks, among other things, development that make a positive contribution to local character and distinctiveness.

Flood risk

11. The site is located within Flood Zones 1, 2 and 3. DMP Policy DM 4.2 states, among other things, that sustainable drainage measures must be fully integrated within design to manage any surface water arising from development proposals, and to minimise the risk of flooding on the development site and in the surrounding area.
12. The proposal includes the ground floor levels being set roughly 1.3m above the ground surface to avoid internal flooding during all flood events. While safe refuge could be provided during a flood event, safe access/egress could not be achieved during the peak of the event.
13. It is proposed that a void would be provided between the ground floor and the ground level in order to prevent flood displacement. The void would be roughly 1.3m between the ground floor and ground surface. As such, there would be risk of blockages, not only prior to a flood event but also during one. This would result in an increase of flood risk both on the site and elsewhere.
14. The proposed void maintenance plan includes regular inspections, maintenance and remedial actions. However, a condition requiring compliance with such a plan would not meet the tests set out in the National Planning Policy

Framework (Framework) as it would not be reasonable or enforceable. No other mechanism such as planning obligation is before me that would secure the future maintenance of the voids. Maintenance plans would also be unlikely to entirely remove the risk of blockage of the voids during a flood event.

15. It is proposed that the occupants register with the Agency's Flood Warnings Direct and prepare a Family Flood Plan. However, this would not override the harm identified above.
16. Therefore, it has not been demonstrated that the proposal would minimise the risk of flooding on the site and surrounding area.
17. The Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
18. It states that the need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3.
19. Given my finding with regard to whether the proposal would minimise the risk of flooding, it has not been demonstrated that the development would be safe for its lifetime without increasing flood risk elsewhere. Therefore, even if the sequential test has been passed, the proposal would conflict with the Framework.
20. Moreover, although the evidence indicates that the proposed dwellings would have a raised ground floor level compared with the external ground level, this would influence the appearance of the buildings which is not a matter before me.
21. Consequently, the proposal would have an adverse effect on flood risk. Therefore, it would conflict with DMP Policy 4.2 and JCS Policy 1 which seek, among other things, to minimise the risk of flooding. It would also conflict with the Framework in this respect.

Location

22. The site lies outside of and adjacent to the settlement boundary of Surlingham and therefore falls within the open countryside in terms of the development plan.
23. DMP Policy DM1.3 states that permission for development in the Countryside outside of the defined development boundaries of Settlements will only be granted if it otherwise demonstrates overriding benefits in terms of economic, social and environment dimensions as addressed in Policy 1.1.
24. Economic benefits of the proposal include temporary benefits during the construction phase and the provision of three dwellings to the local housing land supply. Future occupiers would be likely to provide social and economic benefits through contribution to the local community, services and facilities in Surlingham which is located within walking distance. Given the limited number of dwellings proposed, these benefits would be limited.

25. With regard to environmental benefits, I note the evidence regarding noise from commercial activities from the current use. As the proposal seeks to remove the existing use, there would be a benefit in this respect. However, no detailed technical evidence such as noise surveys have been submitted to quantify the levels of noise that would be alleviated by the proposal. I can therefore attach only limited weight to this benefit.
26. The existing functional buildings would be removed as part of the proposal. However, given my findings on the effect of the proposal on the character and appearance of the area, the proposal would not provide a benefit in terms of the character of the area.
27. The lack of loss of employment land does not carry weight in favour of the proposal. I acknowledge the evidence regarding the availability of the land and deliverability of the proposal. I also recognise the Government's objective of significantly boosting housing supply. However, for the foregoing reasons, overriding benefits have not been demonstrated to justify development in the countryside.
28. Consequently, the proposal would not accord with the Council's development strategy for the location of housing. Therefore, it would conflict with DMP Policies DM1.1 and DM1.3 which together aim to improve the economic, social and environmental conditions in the area.
29. JCS Policy 1 does not specifically relate to the location of housing and is therefore not directly relevant to this main issue.

Other Matter

30. I note the evidence regarding nutrient neutrality. However, as I am dismissing the appeal for other reasons, I have not considered this matter further.

Conclusion

31. For the reasons given above, the appeal is dismissed.

R Sabu

INSPECTOR