



Appeal Decision

Site visit made on 13 June 2023

by C Harding BA (Hons) PGCert PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2023

Appeal Ref: APP/K2610/W/22/3297222

Land to rear of Riverdale, Strumpshaw Road, Brundall, Norwich NR13 5PA

- 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 C Biss against the decision of Broadland District Council.
 - The application Ref 20211885, dated 13 October 2021, was refused by notice date 21 December 2021.
 - The development proposed is described as “development of land with one dwelling”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Although the planning application form indicates that the application was made by Mr C Biss on behalf of SSIB Holdings, and SSIB Holdings is not referred to on the appeal form, it has been clarified that the appeal is made by the same individual. Accordingly, I have proceeded on this basis.
3. The planning application was submitted in outline form with all matters reserved other than access. I have had regard to the site location and tree location plans, but have treated these as being indicative, other than with regard to the proposed access.

Main Issues

4. The main issues are:
 - the effect of the proposed development upon the character and appearance of the area, and;
 - whether the proposal would be situated in a suitable location for housing, having regard to the policies of the development plan.

Reasons

Character and appearance

5. The appeal site is located to the rear of existing dwellings that front the southern side of Strumpshaw Road. A public footpath which provides access to Brundall railway station runs to the rear of these properties and separates the appeal site from these existing dwellings, and forms a well-defined limit to the extent of existing development along Strumpshaw Road, and thus the southern edge of the settlement.
6. The appeal site itself contains some small-scale buildings, but is generally verdant in nature, and the wider landholding contains a number of mature

trees and large ponds which form a backdrop to the site. Beyond, to the south, lies a railway embankment within a dense area of woodland. These areas, including the appeal site, form an extensive transitional area between the built-up area, and the Broads beyond the railway embankment.

7. Although the railway embankment forms a physical barrier, it is visually contained. Rather than forming the edge of the settlement, the railway embankment passes through this transitional area and is not particularly discernible except when a train passes along it.
8. As identified by a previous Inspector¹, the part of Strumpshaw Road to the east of Brecklands Road has a spacious verdant character and a clear pattern of development, absent of backland development and contributes positively to the character and appearance of the area. I have no reason to disagree with this assessment.
9. Although the appeal site currently hosts some small-scale development, the erection of a dwelling would introduce a domestic character that is not currently evident. Being located behind the street frontage, the proposal would comprise a backland form of development at odds with the otherwise clear pattern of frontage development. Furthermore, it would also erode the transitional area I have identified, leading to the spread of the settlement beyond its current extent; this would not be mitigated by the railway embankment, or screening currently partially provided by existing trees and hedges. Taken together, these factors mean that the proposal would be significantly harmful in this respect.
10. The appellant has drawn my attention to an appeal decision² for a site in Salhouse where the Inspector identified that the dwellings proposed in that case would be largely screened by existing vegetation, and that as a result, the effect of that proposal upon the character and appearance of the area would be neutral.
11. In the case before me now, existing screening is not wholly effective, and it is likely that the proposal would remain visible from the public footpath located to the north. Whilst additional screening could be achieved as part of landscaping details agreed in any future reserved matters submission, even if this was the case, it would be of only limited effectiveness in the short to medium term as it would require a number of years in order to fully establish. It would not therefore, overcome the harm that I have identified, nor would the findings of the Inspector in the case cited lead me to reach a different conclusion. I am not wholly aware of the detailed circumstances of that case, which was located in a different settlement.
12. The proposal would harm the character and appearance of the area. It would therefore be contrary to Policy EN2 of the Broadland District Development Management Development Plan Document (DMDPD), which states that in order to protect the character of the area, development proposals should consider any impact upon, as well as seek to protect green spaces which make a significant contribution towards defining the character of the area, and DMDPD Policy GC4 which requires proposals to pay adequate regard to the environment, character and appearance of an area.

¹ APP/K2610/W/20/3245147

² APP/K2610/W/21/3270643

Location

13. Policy 9 of the Joint Core Strategy for Broadland, Norwich and South Norfolk ('JCS') identifies the Norwich Policy Area as the focus for major growth and development, with smaller sites and possible additions to named growth locations being identified as contributing 1,800 dwellings to the delivery of housing within the plan period. Brundall is identified as a key service centre within JCS Policy 14 which allocates 50 dwellings to the settlement and acknowledges that it is capable of contributing to the possible additions identified in JCS Policy 9. However, the supporting text to JSC Policy 14 identifies that additional development beyond that allocated within key service centres should respect the form and character of the settlement.
14. DMDPD Policy GC2 states that new development will be accommodated within settlement limits, and that outside of these limits, development which does not result in any significant adverse impacts will be permitted where it accords with a specific allocation and/or policy of the development plan. It is not disputed that the appeal site lies beyond the defined settlement limit.
15. My attention has not been drawn to any other policies or allocations which would support the proposed development in this location. Furthermore, I have found that the proposal would lead to harm to the character and appearance of the area, which would amount to a significant adverse impact for the purposes of DMDPD Policy GC2.
16. I have had regard to the findings of the Inspector in the Salhouse case, which I understand was partially located outside of a defined settlement boundary. In that case, I note that the Inspector found that the development would be contrary to DMDPD Policy GC2, but recognised that the settlement had a range of facilities. However, that proposal was also assessed in the context of Salhouse Neighbourhood Plan Policy H1 which does not apply in this instance. Accordingly, whilst I acknowledge the findings of that Inspector, the planning policy context of that case was not wholly reflective of the case which is before me.
17. With this in mind, and acknowledging that the site is well-related to services, facilities and public transport facilities within Brundall, I nevertheless conclude that the proposal would not be situated in a suitable location for housing. It would therefore fail to accord with JCS Policies 9 and 14, as well as DMPDP Policy GC2.

Other Matters

18. I am aware that the site lies within the Zone of Influence of the Broads Special Area of Conservation which is a European designated site. The Conservation of Species and Habitat Regulations 2017 require the Competent Authority to consider whether the proposal could adversely affect the integrity of the protected site, either alone, or in combination with other plans and projects. This responsibility falls to me in the context of this appeal.
19. Had I been minded to allow the appeal, it would have been necessary to carry out an appropriate assessment in order to establish whether the proposal, on its own, or in combination with other projects would be likely to have significant effects on the integrity of the European designated site. However, as I have concluded that the proposed development would be otherwise

unacceptable, it is not necessary for me to pursue this issue further, as a finding that the proposal would not have an adverse effect on the integrity of European designated sites, with or without any mitigation, would be only a neutral matter in the planning balance.

Planning Balance and Conclusion

20. At the point at which it made its decision on the application, the Council considered that it could demonstrate an appropriate supply of deliverable housing land. However, it now advises that there is a significant degree of uncertainty with regards to the progress of a number of permitted and allocated development sites, as a result of advice from Natural England with regards to achieving 'nutrient neutrality' in order to prevent harm to European designated sites. For the purposes of this appeal, and having regards to the Council's evidence, I have assumed a 'worst-case scenario' in relation to the housing land supply position.
21. As set out above, I have found that the development would lead to harm to the character and appearance of the area and would not be situated in location suitable for new residential development. It would conflict with the development plan in these respects, and I attach substantial weight to this.
22. Set against this, the development would make a modest contribution towards the supply of housing as a windfall site in a location with access to services and facilities. It would also result in some economic benefits during the construction phase and through local expenditure by future residents. In view of the current shortfall in housing delivery, I give these considerations moderate weight.
23. On balance, and taking all matters into consideration, I conclude that the adverse impacts of the development would significantly and demonstrably outweigh the benefits. The material considerations in this case do not indicate that the proposal should be determined other than in accordance with the development plan.
24. For the reasons given, I conclude that the appeal should be dismissed.

C Harding

INSPECTOR