



## Appeal Decision

Site visit made on 22 August 2023

**by Luke Simpson BSc MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 5<sup>th</sup> December 2023**

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**Appeal Ref: APP/L2630/W/22/3302776**

**Land South of Greenhill, The Common, Shotesham NR15 1YD**

- 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 Richard Mantin against the decision of South Norfolk District Council.
  - The application Ref 2021/2510, dated 29 October 2021, was refused by notice dated 13 January 2022.
  - The development proposed is described on the planning application form as 'demolition of redundant stable building + construction of new single storey dwelling.'
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - The effect of the proposed development on the character and appearance of the Shotesham Conservation Area.
  - Whether the appeal site is a suitable location for the proposed development, having regard to the Council's strategic approach to the location of new residential development.

### Reasons

#### *Conservation Area*

3. The appeal site is located within the Shotesham Conservation Area (the CA). Under section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I am obliged to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA.
4. The CA primarily derives its significance from the proliferation of historic buildings, which are set within an attractive and gently undulating valley landscape.
5. The appeal site makes a positive contribution to the significance of the CA, given that it forms part of the sweeping valley landscape, a feature which is integral to the significance of the CA. The existing stable building - despite being vacant and fairly dilapidated - has a neutral impact on the significance of the CA. This is because it is of a character which is relatively common in rural areas and its use and any associated paraphernalia would also likely be of an equestrian nature, in keeping with the rural character of the valley.

6. In contrast, the development would comprise a domesticated appearance, with residential paraphernalia likely accumulating within the curtilage. Whilst the building would be set within the slope of the land and relatively obscured from view, the overall use of the site for domestic purposes would be apparent when travelling along the highway and from The Common to the south of the appeal site. The domestic appearance of the proposal would detract from the rural and open valley landscape and harm the transition between this part of the CA and the built-up area of Shotesham. Given that the existing building has a neutral effect on the significance of the CA, its removal would not result in any tangible benefit in heritage terms.
7. I note that the Council's Heritage and Design Officer is supportive of the proposal. However, I do not attribute any significant weight to his conclusion that the site would 'most likely to [sic] be left as waste land'. There is no substantive evidence to support this assertion and the fact that the existing building is vacant and relatively dilapidated does not provide a strong indication that the site would be left to 'waste land'.
8. I also accept that the site includes large trees and vegetation, which create a slightly different character to the more open land to the south. Despite this, the site is more synonymous with the undeveloped and open character of the land to the south, than the linear residential plots to the north.
9. For these reasons, the proposed development would conflict with Joint Core Strategy<sup>1</sup> Policy 1 and Local Plan Policies DM1.4, DM3.8 and DM4.5, which collectively seek to ensure that new development is in keeping with local character.
10. Furthermore, the proposed development would fail to preserve the character of the CA. This harm would be 'less than substantial' within the meaning of Local Plan Policy 4.10 and Framework Paragraph 202.
11. Local Plan Policy 4.10 states that less than substantial harm will only be justified where there are public benefits that outweigh the harm. This is consistent with the test set out under National Planning Policy Framework (Framework) Paragraph 202.
12. The Council's statement of case indicates that it cannot currently demonstrate a five-year supply of deliverable housing sites<sup>2</sup>. This adds further weight to the economic and social benefits associated with the increase in the housing stock. Despite this, the benefits can only be afforded moderate weight, given that only one dwelling is proposed, which would have a very limited effect on the overall supply of housing in the district.
13. The proposed development comprises a self-build dwelling. Under the Self-build and Custom Housebuilding Act 2015 (as amended) relevant authorities are required to keep a register of individuals seeking self-build plots within the authority's area. Relevant authorities are also required to grant sufficient permissions to meet the demand for self-build and custom housebuilding in their area.

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<sup>1</sup> Greater Norwich Development Partnership – Joint Core Strategy for Broadland Norwich and South Norfolk (Adopted March 2011, amended January 2014)

<sup>2</sup> Albeit, neither main party has advanced evidence to determine the precise extent of the shortfall.

14. The appellant has provided a copy of statistics obtained from the Council which detail the number of permissions granted for self-build dwellings and the number of people registered. The figures provided are for the period between 1 April 2016 and 20 October 2022. They indicate that in the base period between 31 October 2016 and 30 October 2017 there was a shortfall in the number of permissions granted. However, in all other years up to 30 October 2020 the Council appears to have granted sufficient permissions. There is no data on the number of permissions provided between 30 October 2020 and beyond. Whilst there is some indication that there may have been a shortfall in sufficient permissions in the past, there is limited evidence to indicate that this is presently the case.
15. Even if I were to accept that there is a shortfall in self-build permissions (taking account statistics from previous years), one dwelling would make a very limited contribution to any deficit. As such, I only afford minimal weight (in addition to that which I have already ascribed to the social and economic benefits) to this consideration.
16. There would also be a limited increase in the local population and an associated increase in support for local services and facilities. In addition, there would be some temporary benefits from support for construction jobs. However, given that only one dwelling is proposed, the scale of these public benefits would be limited and for that reason I only afford them moderate weight.
17. In summary, there would be some benefits associated with the proposal. However, these benefits taken together would not amount to benefits which would outweigh the less than substantial harm to the CA, given the 'great weight' which Framework Paragraph 199 suggests should be afforded to such harm.
18. For these reasons the proposed development would fail to preserve the character and appearance of the CA and it would therefore conflict with Local Plan Policy DM4.10 and the aforementioned provisions of the Framework.
19. A previous appeal<sup>3</sup> decision was dismissed in 2019. This involved a proposal for a single storey dwelling on the appeal site. However, this was a different proposal and the application was for outline planning permission. For this reason, the conclusions reached are not directly relevant to this proposal. Notwithstanding this, I concur with the previous Inspector's conclusion that the appeal site is located within the 'very sensitive Tas Rural River valley landscape'.
20. The appeal site is not 'isolated' within the terms of Framework Paragraph 80 given its location in relatively close proximity to the nearest settlement, with other dwellings also located directly to the north. As such, Framework Paragraph 80e does not apply. Whilst I note that the design is of a high-quality - incorporating contemporary architecture and integrating the development into the landscape - it does not amount to a benefit which would be sufficient to outweigh the harm caused to the CA.

#### *Location*

21. The appeal site is located outside of any development plan defined settlement boundary and it is therefore in the countryside for the purposes of applying

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<sup>3</sup> APP/L2630/W/18/3217160

planning policy. Local Plan Policy DM1.3 sets out the Council's approach to the 'sustainable location of new development'. This policy states that, in areas outside of the defined development boundaries, permission for development will only be granted where specific development management policies allow or where there are overriding social, environmental and economic benefits.

22. Neither main party has referred to any other specific adopted development plan policies which allow the proposed development in this location. The appellant has referred to draft Policy 7.5 of the emerging Greater Norwich Local Plan, however this policy relates to development 'adjacent to a development boundary'. The appeal site is physically divorced from the nearest settlement boundary by a swathe of countryside. The policy also applies 'on sites within or adjacent to a recognisable group of dwellings'. Whilst the appeal site is near other dwellings to the north, there are only a small number, set in a linear manner on plots of significantly varying sizes, often with intervening vegetation. These physical characteristics mean that they do not comprise a 'group' of dwellings for the purpose of applying this policy. As such, this policy does not apply to the proposed development.
23. Therefore, as required under Policy DM1.3, it is necessary to consider whether there are overriding social, environmental and economic benefits of allowing the proposed development.
24. However, I have already established that the public benefits of the proposal would not outweigh the less than substantial harm to the CA. For this reason alone, the proposed development does not result in 'overriding benefits' of the type required to meet the requirements of Local Plan Policy DM1.3.
25. In addition, it is common ground that there would be a reliance on the private motor vehicle to access services and facilities. Indeed, Shotesham has a very limited range of services and facilities and even these would not be easily accessible on foot, given the absence of a footway between the appeal site and the village. For this reason, there would also be a conflict with Joint Core Strategy Policies 1 and 6 and Local Plan Policy 3.10, which together require that new development is located in close proximity to services and facilities, reducing the need to travel.
26. I accept that rural areas are less likely to have access to sustainable transport measures, as confirmed in the Framework. I also accept that the site is not isolated within the meaning of Framework Paragraph 80. Nonetheless, even in if I were to conclude that these factors outweigh the conflict with development plan policies relating to the location of development, they would not outweigh the harm which would be caused to the CA.
27. In summary, the proposed development would not result in 'overriding social, environmental and economic benefits' and it would therefore conflict with Local Plan Policy DM1.3.

## **Other Matters**

### *European Sites*

28. Natural England (NE) has updated its advice in relation to nutrient level pollution in a number of existing and new river basin catchments including the catchment of the Broads SAC, within which the appeal site is located. The advice finds that an increasing number of waterbodies, in or linked with

European Sites (such as the Broads SAC), are now deemed to be in 'unfavourable' conservation status for the purposes of the Conservation of Species and Habitats Regulations 2017 (as amended) ('the Habitat Regulations).

29. NE has advised that planning applications and plans affecting such sites, such as those which may lead to additional nutrient loads, should be carefully considered and mitigation should be used where necessary to ensure that there are no adverse effects. Such an approach is necessary in order to meet the requirements of the Habitat Regulations.
30. Furthermore, since the Council refused planning permission, the Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy 2021 (GIRAMS) has been published. This has implications for the proposed development, which is located within the Zone of Influence (ZoI) of several European Sites.
31. The appellant has provided evidence on both Nutrient Neutrality and the GIRAMS. However, given that I am dismissing this appeal on other grounds it is not necessary to undertake an appropriate assessment or consider this matter further.

#### *Interested Parties*

32. The evidence indicates that a significant number of local residents support this proposal. However, I have already concluded that the public benefits of the proposal would be outweighed by the less than substantial harm to the significance of the CA and as such, these representations – many of which refer to the benefits of the proposal – do not alter my conclusions.

#### **Planning Balance**

33. The Council's statement of case confirms that it cannot currently demonstrate a 5-year housing land supply (5YHLS). Neither main party has provided any evidence to confirm the extent of the shortfall. Nonetheless, Framework Footnote 8 confirms that in instances where a 5YHLS cannot be demonstrated paragraph 11d will be engaged.
34. However, the harm caused to the CA and the subsequent conflict with Framework Paragraph 202 provides a clear reason for refusing permission. Therefore, Framework Paragraph 11di is engaged and the presumption in favour of granting permission at paragraph 11dii does not apply.

#### **Conclusion**

35. The proposed development would conflict with the development plan taken as a whole. Even taking into account the Council's HLS shortfall, the approach at Framework paragraph 11 indicates that planning permission should be refused, given that the proposal would fail to preserve the character and appearance of the CA. There are no other material considerations raised which indicate that a decision should be made other than in accordance with the development plan. The appeal is therefore dismissed.

*Luke Simpson*

INSPECTOR