



Appeal Decision

Site visit made on 25 June 2024

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th July 2024

Appeal Ref: APP/K2610/W/23/3333347

Land North of Palmers Lane, Freethorpe NR13 3NU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr J Wright against the decision of Broadland District Council.
 - The application Ref is 20220838.
 - The development proposed is the erection of 8 no. self-build dwellings with associated access and parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application which is the subject of this appeal was made as an outline application with all matters (appearance, landscaping, layout and scale), apart from access, reserved for future consideration. As such I have considered the appeal on this basis.
3. Since the appeal was submitted, the Greater Norwich Local Plan (the GNLP) was adopted on 28 March 2024 and now forms part of the adopted development plan for Broadland District Council. As such, Policies 1, 2 and 4 of the Joint Core Strategy 2014, referred to in the decision notice, are now superseded, with the Council indicating that Policies 1, 2, 3, 5 and 7.5 of the GNLP are most relevant. Therefore, the appeal will be considered against the policies from this plan, where relevant, along with the Broadland District Council Development Management DPD 2015 (the DPD).

Main Issues

4. The main issues are:
 - whether the proposed development would be in a suitable location for new housing with regard to the local development strategy; and
 - the effect of the proposed development on the character and appearance of the area.

Reasons

Location

5. The appeal site is an open area of grassland to the rear of the dwellings on Observer Close, Palmers Lane and The Green, with informal access from Palmers Lane. Due to its backland location, the site is largely obscured from

public view with hedging separating it from the wider countryside to the east. The proposed development would introduce eight new dwellings to the appeal site with associated hardstanding for access and car parking.

6. Policy GC2 of the DPD states that new development will be accommodated within the settlement limits defined on the policies map. Outside of these limits, development which does not result in any significant adverse impact will be permitted where it accords with a specific allocation and/or policy of the development plan.
7. Although adjacent to it, the appeal site is located outside of the settlement limits of Freethorpe. Paragraphs 82 and 83 of the Framework states that in rural areas planning decisions should be responsive to local circumstances and support housing development that reflects local needs and located where it will enhance and maintain the vitality of rural communities. Nevertheless, no evidence has been provided to suggest that the proposed development accords with a specific allocation and/or policy of the development plan. Therefore, the proposal would conflict with Policy GC2 of the DPD.

Character and Appearance

8. The new residential development on Observer Close, fronting Palmers Lane, has resulted in the segregation of the appeal site from surrounding development. Whilst the appeal site is self-contained and separate from the rural land to the east, it still forms part of the open countryside to the rear of the defined settlement of Freethorpe and the built form within it, contributing positively to this rural location. The proposed development of eight dwellings would introduce significant amounts of built form to the site, including the houses themselves, any associated outbuildings and a vast amount of hardstanding to provide vehicular access and car parking. This level of development and the resultant domestication, would have an urbanising impact, to the detriment of the current verdant and open character and appearance of the site.
9. Existing dwellings within this part of Freethorpe are largely set out in a linear fashion, fronting the road, with several small cul-de-sacs projecting from the primary roads. An indicative site layout plan has been submitted which shows how eight dwellings could be accommodated on the appeal site in a cul-de-sac fashion with access from Palmers Lane. Whilst cul-de-sacs themselves are not incongruous within the surrounding area, as highlighted by the appellant, they generally still provide a road frontage and are well connected to surrounding roads and buildings. Due to its backland location, the appeal site would appear disjointed from the existing built form in the village, with no main road frontage and the proposed access to the far east of the site resulting in poorly connected access to the rest of the village and the services and facilities within it.
10. The indicative site layout plan demonstrates that the proposed development could easily be accommodated on the appeal site and the dwellings would be set out in a spacious manner. Due to its backland location and existing planting, the proposed development would also be well screened from surrounding vantage points. However, it would still be visible from within the appeal site, from surrounding properties and also via the access on Palmers Lane. Thereby having a significant visual impact on the surrounding area.

11. Therefore, for the reasons above, the proposed development would significantly harm the character and appearance of the area and would conflict with Policy GC4 of the DPD and Policies 2 and 3 of the GNLP. These policies seek to ensure that proposals pay adequate regard to the environment, character and appearance of an area, reinforcing local distinctiveness and respecting the character of the local area through careful consideration of the treatment of space throughout the development, the appearance of new development and the scale of new development and through respecting landscaping character.

Planning Balance

12. In their statement the Council concede that they cannot demonstrate either a 4 or 5 year supply of deliverable housing, although the level of this deficit has not been outlined. Therefore, due to the provision of footnote 8, paragraph 11(d)(ii) of the Framework should be applied.
13. In the context of the development, I have found that the proposal would be contrary to Policies GC2 and GC4 of the DPD and Policies 2 and 3 of the GNLP, resulting in development outside of the settlement limits which harms the character and appearance of the area. The Framework supports housing development in rural areas which meets an identified local need along with the creation of high quality, beautiful and sustainable buildings and places which are sympathetic to local character, including the surrounding built environment and landscape setting. Therefore, as these policies are generally consistent with the relevant aims of the Framework, I attach significant weight to the conflict with them.
14. The development would make efficient use of the land and add to the overall housing land supply, making a small contribution to the Government's objectives of significantly boosting the supply of homes, with the addition of eight dwellings. Economic advantages would arise from the construction along with the spending power of the future occupants with additional residents helping to maintain services and facilities in both Freethorpe and villages nearby. The appellant also indicates that they are in a position to deliver the site quickly, with a renewable energy provision and biodiversity improvements. However, given the limited scale of the scheme, any such benefits would be relatively small.
15. The proposal also includes the provision of two affordable dwellings which the appellant contends are unlikely to be built within the settlement limits. The Council's Housing Enabling Officer states that the last new build affordable homes delivered in Freethorpe were in 2016 and that 3 bedroom 5/6 person family homes are in the greatest need in the area. However, no evidence has been provided to demonstrate that further affordable dwellings are being sought within this particular area. Furthermore, the benefits of only two affordable dwellings are limited. Therefore, this benefit would be given moderate weight.
16. The proposed development would provide plots for self-build and custom housebuilding. Paragraph 70(b) of the Framework supports small sites to come forward for self-build and custom-build housing. The Housing and Planning Act 2016 provides that authorities must give suitable development permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area arising in each base period.

However, the Council state that they have sufficient numbers of potential self-build plots to meet the numbers on the register. The appellant does not contend this. Therefore, although up to eight plots for self-build and custom housebuilding is a material consideration in favour of granting permission, as there is not currently a shortfall in provision this is given limited weight.

17. Therefore, even if there were a significant shortfall in the housing land supply, given the significant harm that I have identified, the adverse impact of granting planning permission would significantly and demonstrably outweigh the moderate benefits of eight dwellings when considered against the policies of the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply and does not weigh in favour of the proposed development.

Other Matters

18. The appeal site is located adjacent to the grade II listed building, Walpole's Almshouses and Garden Walls. From my observations on site and the information submitted as part of this appeal, it would appear that its significance is derived, at least in part, from the antiquity of the structure and from its status as a well preserved example of a vernacular building of its age and type. Its verdant and rural surrounds contribute to how the asset is appreciated and this setting makes a positive contribution to the significance of the listed building. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker, in considering whether to grant planning permission for the development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any feature of special architectural or historic interest.
19. Whilst the appeal site is adjacent to this listed building, the proposed development would be located to the rear of this building and views between the two would be largely blocked by existing and well established planting. Furthermore, the proposed development could be designed to ensure that it is well set back from this neighbouring site and scaled to ensure it is not an overly dominant addition in views of the listed building. Therefore, the proposed development would not harm the setting of the grade II listed building, Walpole's Almshouses and Garden Wall.
20. A reason for refusal was also included relating to the failure to provide a legally binding mechanism to secure a range of planning obligations required with the proposed development, including the affordable housing provision, open space contribution, recreational impact avoidance and mitigation contribution and self-build obligations. The appellant has now submitted a signed Section 106 agreement in relation to these obligations. I find that this legal agreement would adequately secure the planning obligations detailed above and therefore this matter does not form a reason to withhold planning permission.
21. The Council have indicated that the appeal site lies within the established zones of influence for several habitat sites (Valley Fens, Wash, Broads, East Coast and North Coast). New development which falls within the zones of influence for these sites is predicted to increase recreational disturbance and pressure on the habitat sites and is therefore required to mitigate against these identified resultant adverse effects. Measures required to mitigate these negative recreational impacts are outlined within the Norfolk Green Infrastructure and

Recreational Avoidance Mitigation Strategy (GIRAMS), including a financial contribution. The appellant has included this contribution as part of the submitted Section 106 agreement, as discussed above.

22. The Conservation of Habitats and Species Regulations 2017 (as amended) requires the decision maker to undertake an Appropriate Assessment (AA) where there are likely significant effects from the proposal, either alone or in combination with other plans or projects. However, no further evidence has been provided to me on this matter and regulation 63(1) indicates the requirement for an AA is only necessary where the competent authority is minded to give consent for the proposal. Therefore, in view of my overall conclusions resulting in my decision to dismiss the appeal, it has not been necessary to address this in any further detail.

Conclusion

23. However, the proposed development would not be in a suitable location for new housing and would result in harm to the character and appearance of the area. Therefore, for the reasons given above and having had regard to all other matters raised, the proposal would conflict with the development plan taken as a whole and I conclude that the appeal should be dismissed.

E Grierson

INSPECTOR