



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: 18th July 2024

Appeal Ref: APP/L2630/W/23/3335814

1 Church Lane, Haddiscoe, Norfolk NR14 6PB

- 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 Matthew McCreadie against the decision of South Norfolk District Council.
 - The application Ref is 2022/1401.
 - The development proposed is one bungalow.
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Decision

1. The appeal is dismissed.

Preliminary and Procedural Matters

2. The application which is the subject of this appeal was made as an outline application with all matters (access, appearance, landscaping, layout and scale) reserved for future consideration. As such I have considered the appeal on this basis.
3. Following the Council's decision, the Greater Norwich Local Plan 2011-2033 (the GNLP) has been adopted replacing the Joint Core Strategy (the JCS). The JCS policies cited in the decision notice are superseded with the Council indicating that Policies 2, 3, 5 and 7.4 of the GNLP are most relevant. Therefore, the appeal will be considered against the policies from this plan, where relevant, along with the South Norfolk Local Plan Development Management Plan Document 2015 (the LP).
4. Although not a reason for refusal, the effect of the proposed development on the surrounding European Sites is potentially a determinative issue. Therefore, I have elevated this matter to a main issue.

Main Issues

5. 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 accessibility to services and facilities;
 - the effect of the proposed development on the character and appearance of the area; and
 - the effect of the proposed development on the integrity of European Sites, with particular regard to recreational pressure.

Reasons

Location

6. The appeal site is a parcel of land adjacent to the dwelling at 1 Church Lane and is currently used as a garden space to the rear with a parking area and access to the front. It sits directly adjacent to the B1136 with access via Church Lane. Although in close proximity, the appeal site is located outside of the defined settlement boundary for the village of Haddiscoe.
7. Policy DM3.10 of the LP states that all development should support sustainable transport and development objectives, utilise all opportunities to integrate with local sustainable transport networks, be designed to reduce the need to travel and to maximise the use of sustainable forms of transport appropriate to the location. The Council contend that the appeal site is not located in a sustainable location in terms of accessibility to services and facilities.
8. There are several local facilities within Haddiscoe or in close proximity to the appeal site. These facilities include a primary school and a village hall in Haddiscoe that are easily accessible by foot along the A143. Although this main road is busy with limited streetlighting, it provides safe access via a separate footpath which has sufficient space to accommodate pedestrians. There is a bus stop located in Haddiscoe which offers a relatively regular service to larger villages and towns nearby with a greater range of services and facilities. This is approximately 10-15 minutes' walk from the appeal site and is also accessible via the footpath alongside the A143. There is also a train station in Haddiscoe, which although is located some distance from the appeal site, could be accessed by bus or a short car journey and would provide another alternative transport option for the occupiers of the proposed dwelling.
9. Whilst there is no convenience store within Haddiscoe for day to day grocery needs, there are two farm shops approximately 1 mile from the appeal site and a community food shop and post office located in the nearby village of Thurlton. However, a private car would likely be required to access these sites. Nevertheless, the bus and train service outlined above would provide alternative means of transport to villages and towns nearby where groceries could be purchased. These transport methods would also be a suitable alternative for commuting to work if necessary.
10. As such, the future occupiers of the proposed dwelling would have sustainable transport options and would not be largely reliant on the use of a private vehicle to access the necessary services and facilities. It would therefore accord with Policy DM3.10 of the LP as outlined above and Policy 2 of the GNLP. This policy seeks to ensure that development proposals ensure safe and convenient access for all, including by non-car modes, to local services and facilities. It would also accord with the relevant sections of the National Planning Policy Framework which seeks to locate new development close to services which can be safely accessed by walking, cycling or use of public transport.
11. However, Policy DM1.3 of the LP states that all new development should be located so that it positively contributes to the sustainable development of South Norfolk as led by the Local Plan with the Council promoting proposals that are located on allocated sites or within the development boundaries of settlements and of a scale proportionate to the level of growth planning in that

location, and the role and function of the settlement within which it is located, as defined in the Local Plan.

12. It goes on to state that permission for development in the countryside outside of the defined development boundaries of settlements will only be granted if it demonstrates overriding benefits in terms of economic, social and environmental dimensions. Therefore, due to the site's location outside of the defined settlement boundary, it is necessary to consider if the benefits of the development would outweigh any identified harm.
13. The development would add to the overall housing land supply and make a small contribution to the Government's objective of significantly boosting the supply of homes, with one additional dwelling. The proposal would also result in some minor economic benefits in the short term during the construction period and in the long term through local spending by the future occupants of the dwelling. However, the benefits derived from an individual dwelling would be limited.
14. Nevertheless, the proposed development would still support the supply of housing where there is a current shortfall and it has been found that the proposed development would be in a location suitable for housing with regard to accessibility to services and facilities. Therefore, the provision of one dwelling would, in this site specific case, based on the evidence before me, amount to an overriding benefit for the purposes of Policy DM1.3 of the LP and, as such, the proposed development would be in a suitable location for housing with regard to the local development strategy.

Character and Appearance

15. Whilst in this outline application all matters are reserved for future consideration, illustrative plans have been provided to show how the appeal site could accommodate the proposed dwelling and what this may look like. The description of the proposed development also indicates that it would be a single storey dwelling. The appeal site is set within the Thurlton Tributary Farmland with Parkland character area. The key characteristics of this include open views with some enclosure, arable farmland with woodland, it is relatively sparsely settled and has a sense of remoteness and peacefulness away from the main roads.
16. The appeal site is located in a rural setting with limited sporadic development surrounding it. Although, due to the proximity of the adjacent main road and other residential properties, it cannot be considered remote. The proposed development would result in additional built form in this location by way of a separate dwelling, with the domestic paraphernalia associated with it. However, the appeal site forms part of the residential land associated with 1 Church Lane which is already domestic in nature and relatively enclosed from the surrounding open countryside. One additional dwelling in this particular location, such as that shown on the illustrative plans, would therefore not encroach into the countryside or result in harm to the wider rural landscape or the character area detailed above.
17. A single storey detached dwelling would be at odds with the appearance of the directly adjacent neighbouring properties, which are two storey semi-detached properties. However, the style of built form in the surrounding area is varied with both single storey and two-storey buildings and a mix of traditional

vernacular and modern development. Therefore, a single storey dwelling in this location would not appear overly incongruous or suburban in nature.

18. The appeal site is within close proximity to a nearby church which has an isolated round tower highlighted as a key characteristic of this character area. However, the appeal site is well separated from the church with any views of the tower already partially obscured by the existing dwellings on Church Lane and extensive hedging and trees. Therefore, the single storey dwelling proposed would not disrupt any key views of this church which forms part of the distinctive character of the area.
19. Therefore, the proposed development would not harm the character and appearance of the area and would not conflict with Policy DM1.4d(i), DM3.8 or DM4.5 of the LP. These policies collectively seek to ensure that development protects and enhances local character and distinctiveness, respecting the landscape character of its immediate and wider environment.

European Sites

20. The appeal site is located within the overall Zone of Influence for the Norfolk Recreational Impact Avoidance and Mitigation Strategy (RAMS). The European Sites covered by this strategy have been designated for their international importance for including, but not limited to, coastal and wetland habitats, the type of bird species present including breeding and non-breeding birds and populations of common seal. Given that the proposal is for additional housing, there is a reasonable likelihood that the European Sites within the area would be accessed for recreational purposes by future occupants of the development. Therefore, in combination with other developments, likely significant effects cannot be ruled out.
21. The Conservation of Habitat and Species Regulations 2017 (the Regulations) require that the competent authority must ensure that there are no effects from the proposed development, either alone or in combination with other projects, that would adversely affect the integrity of the European Sites. The likely significant effects arising from the proposal need to be considered in combination with other development in the area and adopting the precautionary principle.
22. The relevant European Sites are covered by the Norfolk Green Infrastructure and Recreational Impact Avoidance Mitigation Strategy (GIRAMS) which ensures that the cumulative impacts of additional visitors, arising from new developments of housing, such as this development, to European sites, will not result in any likely significant effects which cannot be mitigated. It details mitigation measures that would be funded by financial contributions at a specified tariff per dwelling. Since these include a range of habitat-based measures such as education, communication and monitoring, and have been endorsed by Natural England, I am satisfied that the measures would adequately overcome any adverse effects of the proposal on the European Sites. A tariff to fund the mitigation, which is payable for all additional new dwellings is currently set at £185.93 per dwelling.
23. Whilst the appellant has indicated that they would be willing to provide the necessary contribution should the appeal be allowed, I have not been provided with a Unilateral Undertaking to secure the required contribution. Whilst the GIRAMS document makes provision for any reserved matters application which

did not have a HRA applied at outline stage, Regulation 70(3) states that where the assessment provisions apply, outline planning permission must not be granted unless the competent authority is satisfied that no development likely to adversely affect the integrity of a European site could be carried out under this permission, whether before or after objecting to approval of any reserved matters. Therefore, such a matter cannot be dealt with at reserved matters stage.

24. Due to the lack of a mechanism to secure the contribution to mitigate the impacts of recreational pressure, I cannot be satisfied that the proposed development would not result in an adverse effect on the integrity of the European Sites. Therefore, whilst the effect of one dwelling would be small, in combination with other development, based on a precautionary approach and the evidence before me, I conclude that the proposed development would be likely to have a significant adverse effect on the integrity of the European Sites due to the potential of increased disturbance through recreational activity.
25. Consequently, I find that the proposed development has not demonstrated that it will adequately mitigate the recreational impacts of the proposal on the European Sites. It would therefore fail to comply with the requirements of the Regulations as well as Paragraph 186(a) of the Framework which states that if significant harm to biodiversity resulting from a development cannot be adequately mitigated, then planning permission should be refused.

Other Matters

26. The Council have confirmed that due to the impact of nutrient neutrality guidance they are not able to demonstrate a five year supply of deliverable housing. The extent of this shortfall has not been outlined. Nevertheless, although this position may be short lived, on the current basis, the test in paragraph 11(d) of the National Planning Policy Framework should be applied.
27. However, while the framework advocates granting planning permission where there are no relevant development plan policies, this is unless, in accordance with paragraph 11(d)(i), the application of policies in this Framework that protect areas or assets of particular importance provide a clear reason for refusing the development. The harm to irreplaceable habitats identified is such that the policies in the Framework relating to biodiversity provide that clear reason for refusing the proposed development. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

28. Whilst the proposed development has been found to be in a suitable location for new housing in relation to the local development strategy and accessibility to services and facilities and would not harm the character and appearance of the area, without mitigation secured, it would be likely to have a significant adverse effect on the integrity of European Sites.
29. Therefore, for the reasons given above and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

E Grierson

INSPECTOR