

Appeal Decision

Site visit made on 6 August 2024

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th August 2024

Appeal Ref: APP/K2610/W/23/3333109

Field Farm, Field Road, South Walsham, Norwich, Norfolk, NR13 6BZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr David Murrell of D and C Murrell Limited against the decision of Broadland District Council.
 - The application Ref is 2023/0743.
 - The development proposed is demolition of four existing pig sheds, and the erection of four new dwellings with associated external works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the site would be a suitable location for new housing having regard to national and local planning policies, and access to services;
 - the effect of the development on the character and appearance of the area;
 - the living conditions of future occupiers of the development; and
 - the effect of the development on designated habitats sites.

Reasons

Location

3. The appeal site forms part of a farmstead that is surrounded by agricultural land. The nearest built-up area is the small hamlet of Pilson Green, which is separated from the site by two fields. I did not see any shops in Pilson Green or in the nearest village of South Walsham, only a small primary school, village hall and playing field. Although there is a bus stop, I am advised that services are very limited.
4. There is no footpath between the site and Pilson Green, which is accessed via a narrow unlit country road with banked verges, limited passing places, and which is subject to the national speed limit. Whilst I note that the appellants have offered to provide a footway at their own cost, using their own farmland which runs along the opposite side of Field Lane, this development is not included in the application description or red line

boundary and there is no mechanism before me to secure the provision or future adoption, retention, or maintenance of this.

5. Furthermore, minimal detail has been provided regarding the width, surfacing, lighting, drainage or boundary treatment of the suggested footway, which is on higher level ground than the public highway. Nor have any details been provided regarding the effect of the proposed new footpath on adjacent trees and hedges, or how it would cross any land owned by the local highway authority.
6. Even if a suitable footpath could be secured, given the lack of services, facilities and public transport availability within walking distance of the site, it is likely that future occupiers of the development would still be reliant upon using their private cars on a regular basis to access shops, employment, higher education, health care and leisure facilities. In this respect I note that the proposal relates to four large family houses, each of which would have parking for several cars. The local highway authority has advised that based upon TRICS data, each dwelling would be likely to generate an average of six vehicle trips per day, amounting to a total of 24 vehicular movements per day for the development as a whole, which is likely to be far more than that generated by the pig sheds.
7. I also note that due to the remote location of the site, away from any existing mains drainage system, the new dwellings would need to be connected to private treatment plants for the disposal of foul water, which is not the most sustainable or environmentally acceptable drainage option.
8. Accordingly, the site is not a suitable location for new housing having regard to its access to services. The proposal would therefore fail to accord with Policies 1 and 6 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (adopted 2011 and amended 2014) (the CS) and Policy GC2 of the Broadland District Council Development Management DPD (2015) (the DPD). These policies seek to promote sustainability by, amongst other things, minimising the need to travel, and concentrating development within defined settlement limits, close to essential services and facilities. These policies are consistent with the National Planning Policy Framework (the Framework), which seeks to promote sustainable development by ensuring that new housing in rural areas is located where it would enhance or maintain the vitality of rural communities. Whilst paragraph 83 of the Framework also supports opportunities for villages to grow and thrive, especially where this will support local services, the proposed development is not within or adjoining an existing village and apart from the primary school, there are no local services for it to support.
9. I acknowledge that Policy GC2 of the DPD supports development outside of settlement limits where it accords with a specific allocation or policy of the development plan, however that is not the case here. As policy GC1 of the DPD simply sets out how the Council will deal with applications, I find no direct conflict with this.

Character and appearance

10. It is proposed to demolish four large pig sheds and associated food silos, which are typically agricultural in terms of their scale and appearance. Such buildings and structures are commonly seen in the countryside due to their operational requirements and do not detract from its agricultural character.

The buildings form part of a larger farmstead comprising further large sheds, associated access routes, hardstanding, and a farmhouse. There is a further rural worker's dwelling to the south of the site.

11. The site is partially screened by an established hedgerow and sporadic tree planting along its northern boundary. This softens the appearance of the site when viewed across the fields from Pilson Green. Whilst I have not been provided with any dimensions or drawings of the existing pig sheds that are proposed to be demolished, they have shallow pitched roofs and do not appear particularly high. The predominant character and appearance of the site and its surroundings is agricultural.
12. The proposed dwellings would all be large, two-storey, detached family homes each comprising four bedrooms, a detached double garage, associated hard standings and enclosed gardens. With their steep pitched roofs measuring almost 9 metres high, the houses would be visually prominent in the relatively flat open surroundings. The buildings would be of overtly domestic appearance, which together with the associated garages, gardens, parking of multiple domestic vehicles, and the construction of a 4.8 metre wide domestic private access road, would result in a sub-urban form of development which would harmfully detract from the agricultural character and appearance of the open countryside. The only other dwellings on Field Road are rural workers dwellings that face the road frontage and have direct access from it.
13. I acknowledge that it is proposed to retain the existing northern boundary landscaping, which is outside of the application red line boundary, and to introduce a small amount of new soft planting in the garden areas of the proposed new dwellings. However, new planting takes time to become effective and the long-term retention of any landscaping cannot be guaranteed. Moreover, the existing and proposed landscaping shown on the submitted drawings would not screen the site when viewed from Mill Road, Upton Road or the public footpath that crosses the field to the east. It is also suggested that only one farm building would be retained to the south of the site, which would open it up to further views.
14. I therefore conclude that the development would harmfully detract from the agricultural character and appearance of the countryside. As such it would not accord with Policy 2 of the CS and Policy GC4 of the DPD, which seek amongst other things to ensure that new development would respect local distinctiveness, including landscape character, the wider countryside, the environment and the character and appearance of an area. These policies are consistent with paragraph 135(c) of the Framework, which states that policies and decisions should ensure that development is sympathetic to local character including the surrounding landscape setting.

Living Conditions

15. Although the proposal would result in the removal of four pig sheds, multiple other farm buildings would be retained, together with associated farm access and hard standing. These would be very close to the proposed new dwellings and their gardens. I have not been advised what each of the buildings to be retained is used for or what other agricultural operations are undertaken on the farm. Whilst reference is made to a grain store, it is unclear if this

includes a grain dryer. Grain would need to be delivered to and taken away from the farm by large vehicles and machinery.

16. Even if it is no longer proposed to keep any livestock anywhere on the farm, and there was a mechanism to prevent this, farming operations do not operate on a 9am to 5pm weekday only basis. Although some activities may be of a seasonal nature, future occupiers of the proposed development would be likely to experience some disturbance in terms of noise, dust and potentially odour, from farm plant, machinery, deliveries, and general operational activities. Modern farms are generally located away from built up residential areas partly due to the disturbance they can unavoidably cause to others.
17. The appellants state that only the shed to the front of the site and one to the south would be retained for low key agricultural purposes. It is evident from the submitted plans and my visit that there is more than one shed to the south of the site. The farm may also benefit from permitted development rights for further agricultural buildings or extensions. No details have been provided as to which further sheds would be retained or removed, what each would be used for and how that use would be controlled. As I have not been advised which other sheds would be removed, it would not be possible to condition that this is undertaken prior to the occupation of the dwellings.
18. I therefore conclude that due to the proximity of the proposed dwellings to a working farm, future occupiers of the proposed development would not have acceptable living standards. As such the proposal would not accord with Policy GC4 of the DPD, which requires proposals to have regard to meeting the reasonable amenity needs of all potential future occupiers. This is consistent with paragraph 135(f) of the Framework.

Designated habitats

19. The site lies within the zones of influence of The Broads, Valley Fens and East Coast Habitats Sites, and the proposed development could potentially result in increased recreational activity in these areas, which could be detrimental to the special features of these protected areas. I note that an undated unilateral undertaking has been submitted with the appeal, which upon completion would ensure a financial contribution is made towards mitigating against the effect of increased recreational impacts, in accordance with the Green Infrastructure and Recreation Avoidance Mitigation Strategy (2021) (GIRAMS).
20. I have not been provided with sufficient information to undertake an appropriate assessment in accordance with the Habitats Regulations. However, as I am dismissing the appeal on other matters, it is not necessary for me to seek further information or to undertake consultations with Natural England in respect of this matter.

Other Matters

21. The Council cannot currently demonstrate a deliverable five-year supply of housing land and accordingly the policies which are most important for determining the application are out of date. Paragraph 11(d) of the Framework states that in such circumstances planning permission should be granted unless policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusal; or any adverse

impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

22. In this case insufficient information has been submitted to ensure no designated habitats sites are affected. However, as this can potentially be addressed, I have considered the other benefits of the scheme for completeness.
23. The development would result in some short-term economic benefits relating to its construction and I afford this modest weight. As there do not appear to be any local shops or other services for future occupiers of the development to support, it is unlikely that the development would increase local spending. The loss of the pig farm business would reduce employment both on and off site.
24. There would be some social benefits in terms of increasing the supply of housing in the area to which I attach moderate weight. However, these benefits would be limited given the absence of locally accessible services and facilities, including public transport, to meet the needs of future occupiers of the development, who would be somewhat isolated from the existing wider community.
25. There may be some environmental benefits in removing the pig sheds albeit these are some distance from the nearest dwellings that are unconnected to farming, and I have not been made aware of any complaints from residents of nearby villages. I also acknowledge that removing the pig sheds would remove associated traffic movements involving transporting livestock, feed deliveries and waste removal. I have no details regarding the number or frequency of such movements, which are unlikely to be daily. Set against this benefit there would be harm to the environment due to the need for future residents to travel daily by car to access services and facilities, harm due to the absence of mains drainage facilities and harm to the agricultural character and appearance of the countryside. There may also be harm to designated habitats sites.
26. My attention has been drawn to an appeal decision relating to a single dwelling in Guestwick. However, the Inspector concluded in that case that the development would be a sensitive infill scheme that would not be isolated and would be compatible with the character and appearance of the area. That is not the case here and as such I afford this very limited weight.

Conclusion

27. Having regard to all matters raised, I conclude that the adverse impacts of granting planning permission for the appeal scheme would significantly and demonstrably outweigh the limited benefits, when assessed against the policies in the Framework as a whole. Consequently, the proposal would not benefit from the presumption in favour of sustainable development.
28. The proposal conflicts with the development plan and there are no material considerations before me of sufficient weight to indicate that a decision should be made other than in accordance with the plan. For the reasons given above, the appeal is dismissed.

R Bartlett INSPECTOR