

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: 20 August 2024

Appeal Ref: APP/K2610/W/23/3334160

321 Buxton Road, Spixworth, Norwich, Norfolk, NR10 3PN

- 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 and Mrs D Allen against the decision of Broadland District Council.
 - The application Ref is 2023/2136.
 - The development proposed is a new dwelling and garage on land adjacent to 321 Buxton Road.
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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 a new dwelling having regard to national and local planning policies;
- the effect of the development on the character and appearance of the area; and
- the effect of the development on designated habitats sites.

Reasons

Location

3. The site does not adjoin or form part of the built-up urban area or fringe of Norwich and as such, Policy 12 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (adopted 2011 and amended 2014) (the CS) is not relevant. As Policy 15 of the CS relates to the allocation of land in service villages and Policy GC1 of the Broadland District Council Development Management DPD (2015) (the DPD) simply sets out how the Council will deal with applications, these policies are also not directly relevant to my determination of the appeal.
4. Policy GC2 of the DPD states that new development will be accommodated within the settlement limits defined on the policies map. It goes on to state that outside of settlement limits, development which does not result in any significant adverse impact will be permitted where it accords with a specific allocation or policy of the development plan. This policy, which seeks to promote sustainability by focussing new residential development in settlements that are well related to existing development, services, facilities

and employment opportunities, is consistent with the National Planning Policy Framework (the Framework).

5. The site is adjacent to a small group of dwellings in the countryside. It is approximately halfway between the designated service village of Spixworth and Old Catton, which forms part of the built-up urban fringe of Norwich. Both of these nearby settlements have a good range of services and facilities, within walking and cycling distance of the site, which can be safely accessed along continuous foot and cycle paths. Whilst I have not been provided with any public transport information, I noted bus stops and shelters outside of the nearby Morrisons supermarket and parade of shops in Old Catton and outside of the COOP store in Spixworth. I also saw bus stops along the main road in between these settlements, which passes close by the site. Accordingly, future occupiers of the proposed dwelling would not be isolated from other dwellings and would not be reliant upon private transport to access day to day services and facilities. I note that in its report, the Council considers the connectivity of the site to services to be acceptable.
6. The proposal does not relate to any of the exceptions referred to in Policy 17 of the CS for development in the countryside and I have not been referred to any other policies or allocations that would support a new market dwelling in this location. As such, the proposal would not accord with Policy GC2 of the DPD. However, my attention has not been drawn to any harm that arises as a direct result of this conflict. Furthermore, the development would comply with the broad aims of national and local policies, which seek to ensure new homes would not be isolated, and that future residents would have access to day to day services and facilities. I afford this significant weight, and on this basis, I conclude that the site is a suitable location for a new dwelling.

Character and appearance

7. The proposed dwelling and garage would be located within part of the large domestic curtilage of an existing dwelling, which is bound by high mature hedges. No part of the proposal would encroach into the arable farmland beyond the existing residential plot of land. The dwelling would be served by an existing hard surfaced and splayed domestic access and the resurfacing and increased use of this would not alter the surrounding rural landscape. The design of the new dwelling would be similar to that of the existing one on the site, albeit without the substantial later extensions. Despite being set back from the road, the new dwelling would be no closer to the northern boundary than the existing buildings on the site. Appropriate materials could be agreed by conditions.
8. Whilst I acknowledge that the existing dwellings on either side of Beeston Lane are sited close to the road, this has resulted in grass verges being replaced with hard surfaces and domestic vehicles being parked alongside the public highway. The proposed dwelling would be set further back from the road, enabling safe parking and turning to be provided within the confines of the plot, where it would be mostly screened by hedges and only visible in glimpsed views through the site entrance, preserving the rural appearance of the street scene. The proposal would also respect the low density pattern of development in the area, with both the existing and proposed dwellings having generous garden space surrounding them.
9. Although the upper part of the dwelling would be visible above the hedge when viewed over the fields to the north, it would be viewed in context with

the existing large dwelling on the site and the dwelling opposite it. I note that the domestic curtilage of the dwelling opposite the site extends further east along Beeston Lane than the appeal site.

10. The surrounding dwellings, which are not particularly old, comprise a mix of designs and materials. Those along the western side of Buxton Road are mostly detached single storey dwellings, some with rooms in the roof space. There is also a pair of semi-detached houses. On the eastern side of Buxton Road and on Beeston Lane the dwellings are detached and semi-detached two-storey houses. Dwellings along both sides of Buxton Road are set back from the highway with parking to the front.
11. I therefore conclude that the proposed development would not harmfully detract from the character and appearance of the site, its immediate surroundings or the wider rural landscape. As such it would accord with Policies 1 and 2 of the CS and Policies EN2 and GC4 of the DPD, which require development to make efficient appropriate use of land, with the density of development varying according to the characteristics of the area, to achieve a high standard of design and to respect local distinctiveness including the landscape setting and landscape character. These policies are consistent with the Framework.

Designated habitats

12. The site lies within the nutrient catchment area for the River Bure and no supporting information or assessment has been submitted to demonstrate nutrient neutrality with regard to the nitrate and phosphate effect of the development on The Broads Special Area of Conservation (SAC). The proposed development could also potentially result in increased recreational activity in The Broads SAC, which could be detrimental to the special features of this protected area.
13. I have not been provided with sufficient information regarding the special features of the SAC to undertake an appropriate assessment in accordance with the Habitats Regulations. I note that the appellant has applied to the Council for nutrient neutrality credits, however, the Council state there is currently no scheme in place for this in relation to the River Bure. An incomplete unilateral undertaking (UU) template has been submitted with the appeal, together with a signed copy of the signature page. Upon correct completion, the UU 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). However, as the documents I have received have not been correctly completed, I can afford them no weight.
14. I therefore conclude that the proposal fails to meet the requirements of the Conservation of Species and Habitats Regulations 2017 (as amended) and consequently is contrary to Policy 1 of the CS, Policy EN1 of the DPD and the Framework, in so far as they seek to protect designated habitats.

Other Matters

15. 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.

16. In this case insufficient information has been submitted to demonstrate that designated habitats sites would not be adversely affected by the proposal. Accordingly, the presumption in favour of development is not engaged.
17. I acknowledge that the development would result in some short-term economic benefits relating to its construction and future occupiers of the development would increase local spending in the area and would support the vitality and viability of local services and facilities. There would also be some social benefits in terms of increasing the supply of housing in this relatively sustainable location. As such benefits arising from a single dwelling would be limited, I afford them moderate weight. I am however mindful of the cumulative impact and benefits of granting planning permissions for smaller sites, in terms of increasing the housing land supply.
18. Notwithstanding the potential harm to designated habitats sites, which must be satisfactorily addressed, the proposal would have some environmental benefits in that it would make more efficient use of the existing large residential plot of land, and future occupiers of the development would have access to a suitable range of services and facilities without being reliant upon private cars. I afford these benefits moderate weight.
19. My attention has been drawn to an appeal decision relating to a single dwelling in Guestwick. However, in that case no adverse effects upon designated habitats sites were identified. I therefore afford that decision little weight.

Conclusion

20. The proposed dwelling would not be isolated and future occupiers of it would have satisfactory access to services and facilities by a range of transport options. Accordingly, its location would be acceptable in principle, despite being outside of any defined settlement limits. Furthermore, the proposed dwelling would not result in harm to the character and appearance of the area, including to its landscape setting.
21. However, in the absence of a suitable mechanism to mitigate any harm to designated habitats sites in terms of increased nutrients and recreational activities, 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.
22. For the reasons given above, the appeal is dismissed.

R Bartlett

INSPECTOR