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## Appeal Decision

Site visit made on 13 August 2024

**By Terrence Kemmann-Lane JP DipTP FRTPI MCMI**

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

**Decision date: 30 August 2024**

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**Appeal Ref: APP/K2610/W/24/3338433**

**9 and 11, Upper Street, Salhouse, NR13 6RZ**

- 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 Shearwood against the decision of Broadland District Council.
  - The application Ref is 20230123.
  - The development proposed is the erection of dwelling in rear garden and conversion of two semi-detached dwellings into a single detached dwelling with associated alterations to parking and access.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue in this case is the effect of the proposed dwelling in the rear garden area on the countryside location, character and appearance of the surrounding rural area and the Conservation Area.

### Reasons

3. The appeal site was originally just the part of the rear garden of No.9 on which the proposed bungalow would be erected, but during the consideration of the application, it became clear that the conversion of the 2 semi-detached cottages into 1 dwelling should be part of the application. The application was therefore amended to include the two semi-detached cottages with their associated parking and garden areas.
4. The site of the proposed new-build dwelling is a well wooded rear garden. There are a number of sheds positioned within the garden space of No.9. The site is located within a small cluster of dwellings, effectively a hamlet, on Upper Street outside of the development limits that have been defined for the village of Salhouse. However, the site is within the Salhouse Conservation Area.
5. The council has informed me, during the course of the appeal, that the Greater Norwich Local Plan (GNLP) was formally adopted by Broadland District Council on the 28 March 2024. The GNLP supersedes the Joint Core Strategy (JCS) which was referred to in the original delegated report and appellants' statement of case. My decision must take into account the policies of the GNLP, since it now forms part of the development plan. Therefore, under Section 38

of The Planning and Compulsory Purchase Act 2004 (PCPA04) the determination of this planning application must be in accordance with this adopted development plan (and other extant development plan documents), unless material considerations indicate otherwise. Since both parties are aware of the contents of the GNLP, I need not set out the relevant policies in any detail.

6. The development plan also includes the Development Management Development Plan Document of 2015 (DMD) and the Salhouse Neighbourhood Plan (SNP), 'made' in July 2017. The council points out that some of the GNLP policies are broadly consistent with the JCS. However, JCS policy 15 is not directly replaced insofar as there is no "service Village" policy or definition in the GNLP. The relevant GNLP policy is 7.4 for village clusters. This primarily sets out the village allocations and the principle for windfall development within settlement limits subject to impacts in relation to character and scale.
7. Notwithstanding that, Policy GC2 – Location of new development, of the DMD, 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"*.
8. At the same time, the more recent SNP includes Policy H1 – 'New Housing Development' which states that *"New housing development will be within the defined settlement limits for Salhouse unless it is consistent with other development plan or national policies for housing in the countryside ....."*.
9. Page 9 of the SNP contains a plan of Salhouse showing a settlement limit boundary for the village. Whilst the text also refers to development plan documents that have now been superseded, it is clear to me that Policy H1 is intended to refer to the limits shown on this plan. It appears to be common ground that the appeal site is not within the settlement boundary, and the extracts above support this.
10. As a result, the change in the content of the development plan does not substantively alter the issue set out in paragraph 2 above, or the matters that are material. Indeed, the council continues to reply on the officer's report as far as the planning merits are concerned. The appellants' Rebuttal of the council's Statement of Case, whilst noting the adoption of the GNLP, accepts the officer's report and the policy basis therein, as the council's case, whilst arguing that the refusal reasons have not been substantiated.
11. Whilst the officer's report discusses the question of whether the proposal amounts to an additional dwelling, the fact is that what is proposed is a new development in the form of a bungalow. It matters not that it would be on land that is currently associated with either semi-detached cottages, or a single cottage resulting from amalgamation. Since the site is beyond the settlement limits of Salhouse, it is within the countryside and it offends Policy GC2 of the DMD and Policy H1 of the SDNP. In consequence of s38 of the PCPA04, this is a matter of considerable weight, unless other material considerations justify the grant of planning permission.
12. In this connection, the appellants argue that Policy 15 of the JCS states that 'additional development may also take place (within Service Villages) on

suitable exception, infill and windfall sites', and the appeal proposal is in accord with this statement. I do not agree because, whilst the site would amount to a windfall, it is not within a village envelope (whether termed a Service Village or not) and is not an infill site. Therefore the objection under Policy GC2 of the DMD and Policy H1 of the SDNP has the weight accorded to the development plan.

13. In addition to the broad policy objection, the extent of harm to the countryside location and to the conservation area need to be weighed. In respect of both of these matters I have considered the content of the Heritage Statement and Impact Assessment (HIA) by Alfie Robinson Heritage, submitted on behalf of the appellants. From this, as well as my assessment at my site visit, I regard the western end of Upper Street, where the appeal site is situated, as a hamlet originating from rural workers cottages and buildings relating to agriculture. Amongst these are cottages of considerable merit and visual benefit to the conservation area. The palette of materials is almost exclusively of brick and red pantiles.
14. The appeal cottages, converted from agricultural buildings, were thatched and built in 19<sup>th</sup> century brickwork, until a fire in 1986 destroyed the roof and much of the building's historic significance. In particular modern replacement brickwork has been placed over that surviving from the 19<sup>th</sup> century, and the thatch replaced with modern pantiles. The historic character of the existing building also suffers from uPVC windows and rooflights. Nevertheless, there is enough of the original front elevation left for it to continue to make a pleasant contribution to the conservation area.
15. The 2 cottages, like the majority on this part of Upper Street, are set close to the back edge of the narrow highway, whilst some have a deeper set back. The whole of this small area of development is low density and linear, in a somewhat staggered and informal form. The loose distribution of buildings along the street, with some immediately at the roadside and others set back, reflect the agricultural origins of the majority. There is an example of a pair of buildings set at right angles to the street, but I saw no example of dwellings built at the rear of frontage development. Behind the buildings, and the substantial hedges that are also a feature of the area, lies agricultural countryside.
16. The essential character of this part of the conservation area is thus comprised of mainly 19<sup>th</sup> century and earlier buildings, largely of brick and pantile construction, with some modern additions, set in an informal linear form, and surrounded by countryside. The proposed bungalow, in my judgement, does not relate well to these factors.
17. Its design demonstrates little attempt to produce a modern building that fits with the local vernacular. Whilst it would be of red brick blended with darker/clinker bricks and pantiled construction, it would have a relatively shallow pitched roof and the fenestration would have no affinity with the traditional sashes or fixed pane casement windows characteristic of the conservation area. Clearly it would not be frontage development.
18. It is argued that key viewpoints such as The Loke and the lower part of Upper Street would be unaffected by the presence of the proposed bungalow. However, glimpses of the site would be possible looking south from Upper

Street, for instance along the new drive serving the development as well as the entrances to the 2 properties to the east, and through occasional breaks in the greenery. The drive serving the development would have a different character to the existing arrangement serving No.9. These factors mean that the proposed dwelling would have an impact, albeit very minor from public view points, and therefore to a degree on the character and appearance of the conservation area.

19. However, the appeal building would not have a material effect on the setting of the Grade II listed Shrublands Farm, a heritage asset in the vicinity, because of the physical distance between it and the number of established hedges and trees which separate them visually. And in respect of harm to the conservation area, the harm amounts to 'less than substantial', but of a very low order.
20. In more general planning policy considerations, and the very local impact, the design is poor and does not meet the standards expected in the NPPF and local plan policy, and the siting of the bungalow would not accord with the grain of its surrounding. These factors reinforce the policy objection referred to in paragraph 10 above.
21. A further consideration is that access to Salhouse is by Upper Street and The Loke, both being narrow, unlit and with no formal footway. As a 'service village', Salhouse has a small range of services including a school and village hall; although cycling or walking are both realistic options, it is rather more likely that journeys will be predominately to destinations further afield by car. I do not regard the appeal site as being in a sustainable location.
22. In face of the matters that I have dealt with, I need to consider what public benefits would arise. There would be no gain in the number of dwellings, although the present pair of cottages would become 1 dwelling of 6 bedrooms. I am told that larger family dwellings are identified in the Central Norfolk Strategic Housing Market Assessment as being required, and to that extent it can be considered a public benefit, albeit at the expense of the loss of a 2 bedroom cottage. The other public benefits of economic development are so small and largely short term in respect of the construction period, as to be minimal. Certainly there would be an economic benefit to the appellants, but that carries little weight in this decision.

## Conclusions

23. Having considered all matters raised, I have reached the conclusions set out above that there is a strong objection to the proposed bungalow under Policy GC2 of the DMD and Policy H1 of the SDNP, and that there would be 'less than substantial' (of a very low order) harm to the conservation area. In addition, the design of the proposed bungalow is of poor quality, which offends both local policies and those of the NPPF.
24. The inclusion of the conversion of the '2 cottages into 1' part of the proposal was necessary because the proposed new bungalow would mean that the access and parking arrangements for No.9 would no longer exist. This would otherwise almost certainly have added a refusal reason in the decision notice. It is not clear from the information before me whether the amalgamation of Nos.9 and 11 would require planning permission. In the absence of sufficient

information and possible arguments, the appeal will be dismissed in its entirety.

*Terrence Kemmann-Lane*

INSPECTOR