



Appeal Decision

Site visit made on 21 October 2024

by S Pearce BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 November 2024

Appeal Ref: APP/Y2620/W/23/3335003

14 Reynolds Lane, Potter Heigham, Norfolk NR29 5LY

- 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 Alison Vanner against the decision of North Norfolk District Council.
 - The application Ref is PF/22/1306.
 - The development proposed is described as the "construction of new 2 storey 2 bedroom house with parking within the curtilage of the existing house".
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of this application, a revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. Where I have referred to specific paragraph numbers these are from the current version.
3. In addition, on 30 July 2024 the Government published a consultation on proposed reforms to the Framework and a written ministerial statement titled "Building the homes we need." Whilst a direction of travel has been outlined within the Written Ministerial Statement, which is a material consideration, the changes to the Framework can only be given limited weight at this stage, given that no final document has been published. As a result, I consider that there is no requirement for me to seek further submissions in respect of these matters, and I am satisfied that no party's interests would be prejudiced by my taking this approach.
4. The appellant has confirmed that the company name listed on the planning application form was included in error. I have therefore used the appellant's name only in the banner heading above.

Main Issue

5. The main issue is whether the appeal site is a suitable location for the development proposed, having regard to the development plan, the vitality of the rural community and the accessibility of day-to-day services.

Reasons

6. Policy SS1 of the North Norfolk Local Development Framework Core Strategy 2008 (CS) sets out the spatial strategy for North Norfolk and directs the

majority of new development to the towns and larger villages. It states that the rest of North Norfolk, including all settlements not listed as a Principal Settlement, Secondary Settlement, Service Village or Coast Service Village will be designated countryside. Moreover, development in the countryside will be restricted to particular types of development to support the rural economy, meet affordable housing needs and provide renewable energy. The supporting text to this policy highlights that concentrating development in the towns will also reduce the need to travel.

7. CS Policy SS2 states that in areas designated as countryside, development will be limited to that which requires a rural location and falls within a closed list of exceptions. With regard to housing, this includes affordable housing in accordance with the Council's 'rural exceptions site policy' and the extension and replacement of dwellings.
8. The appeal site does not lie within one of the settlements listed within CS Policy SS1 and, as such, is located within the countryside. Moreover, the proposed development is not listed within any of the exceptions identified in CS Policy SS2. Therefore, the appeal scheme conflicts with CS Policies SS1 and SS2.
9. The appeal site adjoins a relatively small number of dwellings located in a linear arrangement on one side of Reynolds Lane. While the proposed development would not comprise an isolated home in the countryside, paragraph 83 of the Framework states that housing should be located where it will enhance or maintain the vitality of rural communities.
10. There are no immediate services or facilities close to the appeal site. Therefore, future occupiers would need to travel to access day-to-day services and facilities. Nearby settlements, including Potter Heigham, Ludham, Catfield, Stalham and Martham, offer a range of services and facilities, such as schools, shops, doctors, a pub and post office. It is therefore likely that future occupiers of the proposed dwelling would be likely to make use of services and facilities in these settlements. However, one additional dwelling would have a negligible impact in respect of enhancing or maintaining the vitality of the surrounding rural communities.
11. The appellant asserts that, in addition to relatively short journeys by private motor vehicles, the settlements highlighted are accessible by bus and cycle, with varying journey times. For instance, the appellant highlights that Stalham has a full range of services and is 52 minutes by bus, or a 20 minute cycle ride. Potter Heigham, which includes a Post Office and Lathams of Potter Heigham, is 19 minutes on the bus, or a 4 minute cycle ride on quiet lanes.
12. The road network from the appeal site to the identified settlements is largely made up of the A149 and narrow country lanes. The A149 is a busy road, with a speed limit that largely varies between 50mph or the national speed limit. It has no pedestrian footways and is largely unlit. While other roads in the vicinity of the appeal site are quieter, these are typically single track roads, with no pedestrian footways or street lighting. This would not represent an attractive option for future occupiers to walk or cycle to a bus stop or settlement, particularly during inclement weather or after dark.
13. The appellant asserts that there are several bus stops in the locality. However, there is limited information in respect of the proximity of the bus stops relative

to the appeal site and the frequency of such services. While the Council have highlighted bus stops within Potter Heigham, these are located some distance from the site and would require future occupiers to traverse the A149, which, given the aforementioned characteristics of the A149, would not be an appealing option for future occupiers. Therefore, it has not been robustly demonstrated that the bus services available offer a realistic alternative to private motor vehicles.

14. As such, given the characteristics of the surrounding road network and the distance of the appeal site from the settlements, services and facilities identified, future occupiers would be heavily reliant on private motor vehicles to find suitable services and facilities to support their day-to-day activities.
15. For these reasons, the appeal site is not a suitable location for the development proposed, having regard to the development plan, the vitality of the rural community and the accessibility of day-to-day services. This is contrary to CS Policies SS1 and SS2 and the Framework, as set out above.

Other Matters

16. The appeal site lies within the Zones of Influence of protected sites, including the Broadland RAMSAR, Broadland Special Area of Conservation, Broadland Special Protection Area, Winterton-Horsey Dunes Special Area of Conservation, Breydon Water Special Protection Area, Great Yarmouth North Denes Special Protection Area, North Norfolk Coast Special Protection Area, North Norfolk Coast RAMSAR, North Norfolk Coast Special Area of Conservation, and The Wash & North Norfolk Coast Special Area of Conservation.
17. The Council have referred to the effect of the proposed dwelling on these sites in respect of recreational impacts and nutrient neutrality. For small scale schemes, such as the appeal proposal, the Council have advised that a financial contribution, in accordance with the Norfolk Wide Green Infrastructure and Recreational Avoidance Mitigation Strategy, is required. The evidence indicates that this has been paid by the appellant.
18. The Conservation of Species and Habitats Regulations 2017 (the Regulations) require the Competent Authority to consider whether the proposal could adversely affect the integrity of protected sites. I shall return to this, if necessary, once I have considered all other matters in the planning balance.

Planning Balance

19. Paragraph 11 d) of the Framework states that, where the policies which are most important for determining an application are out-of-date, which includes situations where the local planning authority cannot demonstrate a Framework compliant supply of deliverable housing sites, permission should be granted unless any adverse impacts of doing so significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
20. The Council have confirmed that they cannot demonstrate a Framework compliant supply of housing. While an exact figure has not been provided paragraph 11 d) is, nevertheless, engaged.
21. The appeal scheme would conflict with CS Policies SS1 and SS2. As such, the appeal scheme would not accord with the development plan as a whole. The

weight to be given to this conflict is significant, as the overarching aims of these policies, in respect of the main issue, broadly reflect the provisions of the Framework.

22. The proposal would make a modest contribution towards housing supply within the area. The Government's objective is to significantly boost the supply of homes. The Framework recognises that windfall and small sites can make an important contribution to meeting the housing requirement. The proposal would lead to some social and economic benefits through the construction of the residential unit and the activities of the future residents of the scheme.
23. Moreover, the appellant states that the proposed scheme is a self-build project and, while they highlight that North Norfolk do not appear to publish how many self-build plots have been assigned, confirm that the appellant is on the self-build register. Cumulatively, these benefits weigh in favour of the proposal.
24. The appellant states that there are large areas in North Norfolk affected by nitrates neutralise and, therefore, housing land supply is reducing. While the Council may not be providing figures in respect of this matter, in the absence of substantive evidence, this matter carries limited weight.
25. An absence of harm, in respect of the design, which would reflect a semi-detached house, is a neutral matter, which weighs neither for nor against the appeal scheme.
26. While there is support for new housing, the benefits in respect of the appeal scheme would be limited, given the scale of development proposed. Therefore, the harm identified in respect of the main issue would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.
27. On this basis and having regard to the requirements of the Regulations, given that I am dismissing this appeal on other grounds, it is not necessary for me to consider the integrity of protected sites any further, nor undertake an appropriate assessment.

Conclusion

28. For the above reasons, I conclude that the proposed development would conflict with the development plan as a whole. There are no material considerations, including the Framework, that indicate I should conclude other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

S Pearce

INSPECTOR