



Appeal Decision

Site visit made on 20 November 2024

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 December 2024

Appeal Ref: APP/L2630/W/24/3345926

Land East of Birchwood, Snow Street, Roydon IP22 5SD

- 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 Chapman against the decision of South Norfolk District Council.
 - The application Ref is 2023/3828.
 - The development proposed is the erection of a new four bedroom dwelling with associated driveway and double garage.
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Decision

1. The appeal is dismissed.

Main Issue

2. It is considered that the main issue is whether the appeal scheme would be a sustainable form of development by reason of location.

Reasons

3. The appeal site is adjacent to a small group of residential properties which are located within open countryside away from any recognised settlement with a development boundary as defined in either the Greater Norwich Local Plan (GNLP) or South Norfolk Local Plan Development Management Policies Document (LP). By reason of being related to the small group of residential properties, the proposed dwelling would not be, in itself, an isolated home in the countryside of the type referenced in the National Planning Policy Framework (the Framework). However, the group of properties is in an isolated location.
4. Although there is a range of facilities and services at Diss, from what was observed during the site visit, there are few facilities available to future residents which could be accessed easily on foot. There is a bus stop about 500 metres from the site which is served by the No. 83 Diss Circular service. However, the evidence indicates there are 2 occasions when a bus serves this bus stop and these only occur during the morning. Further, there is no footway between the site and the bus stop with reliance placed upon walking along the carriageway.
5. There would be the potential option for future occupiers to cycle to the local facilities albeit this would occur on the carriageways. Snow Street is not a particularly wide road and this does raise concerns about the safety of cyclists.

For these reasons, the council's claim that the future occupiers of the proposed dwelling would be reliant upon their private car to access facilities and services has a sound foundation and, as such, there would be a conflict with the sustainable transport and development objectives referred to in LP Policy DM 3.10.

6. LP Policy DM 1.3 identifies that development in the countryside outside of the defined development boundaries of settlements will only be granted where specific policies allow for development outside of development boundaries or where overriding economic, social and environmental benefits are demonstrated. GNLP Policy 7.5 does allow for up-to 3 self-build and custom build dwellings for people who meet the eligibility criteria for Part 1 of the relevant district's self-build register. Such sites should be within or adjacent to other settlements without a defined settlement boundary.
7. As identified, the site is not adjacent to a settlement but rather a group of isolated residential properties in the open countryside. Even if the site was adjacent to a settlement, the appellants have not provided any form of agreement or other mechanism which would secure the appeal scheme delivering a self-build dwelling. There is no certainty that the dwelling would be delivered as self-build and, as such, the appeal scheme would not accord with GNLP Policy 7.5.
8. The appellants' claim that there would be some environmental benefits associated with the proposed high standard of construction and the use of renewable energy. However, such matters are required by Building Regulations and are given only limited weight in the determination of this appeal. In the absence of a mechanism to secure its delivery, limited weight is given to the claimed social benefit of the appeal scheme including a self-build dwelling. Short term economic benefits would arise from jobs during construction and there would be increased expenditure by the future occupiers in the local area. However, these economic benefits would be limited because the appeal scheme is only for a single dwelling.
9. Accordingly, it is not considered that these claimed benefits would outweigh the unacceptable harm which has been identified associated with the site's unsustainable location. For the reasons given, because of its location it is concluded that the appeal scheme would be an unsustainable form development and, as such, it conflicts with LP Policies DM 1.3 and DM 3.10 and GNLP Policy 7.5.

Other Matters

10. The site is located within the overall Zone of Influence of designated European Habitat sites as identified in the Norfolk Green Infrastructure and Recreational Impact Avoidance Mitigation Strategy, (GIRAMS). Given that the proposal is for an additional dwelling, there is a reasonable likelihood that the European Sites within the area would be accessed for recreational purposes by future occupiers of the appeal scheme. Therefore, in combination with other developments, likely significant effects cannot be ruled out.
11. 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, which 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.

12. The relevant European Sites are covered by GIRAMS which ensures that the cumulative impacts of additional visitors, arising from new developments of housing, such as the appeal scheme, 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, the measures should 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 required.
13. Whilst the appellants have indicated that they would be willing to provide the necessary contribution should the appeal be allowed, no Unilateral Undertaking to secure the required contribution has been received. Such a matter cannot be dealt with by a condition.
14. Due to the lack of a mechanism to secure the contribution to mitigate the impacts of recreational pressure being submitted as part of this appeal, it cannot be satisfactorily assessed that the proposed development would not result in an adverse effect on the integrity of the European Sites. Therefore, whilst the effect of a dwelling would be small, in combination with other developments, based on a precautionary approach, the appeal scheme 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.
15. The council has confirmed that it is not able to demonstrate a 5-year supply of deliverable housing. The extent of this shortfall has not been outlined. Nevertheless, on the current basis, the approach in paragraph 11(d) of the Framework and LP Policy 1.1 should be applied to the assessment of this appeal.
16. 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 identified harm to the integrity of European sites in the absence of any form of legal agreement 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 and, even if it did, the benefits which have already been identified would be significantly and demonstrably outweighed by the other adverse impacts related to the unsustainable location of the appeal site.
17. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR