



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: 6th December 2024

Appeal Ref: APP/L2630/W/24/3345475

Mill Farm, Attleborough Road, Deopham, Norfolk NR18 9DQ

- 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 Davidge Developments Limited against the decision of South Norfolk District Council.
 - The application Ref is 2023/3164.
 - The development proposed is a change of use for existing pig sheds to two new dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Although the description of development references a change of use of the pig sheds, the proposal includes their demolition and the erection of 2 dwellings. The appellant has identified that the proposed dwellings could be self-build and this has been assessed as part of this appeal.

Main Issue

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

Reasons

4. The appeal site includes 2 large former agricultural buildings that are in a poor state of repair and would be demolished and replaced by 2 detached self-build dwellings. These agricultural buildings form part of a group of isolated residential, agricultural and commercial buildings which are located within open countryside away from any recognised settlement and associated development boundary as defined in either the Greater Norwich Local Plan (GNLP) or South Norfolk Local Plan Development Management Policies Document (LP).
5. The removal of large agricultural buildings of poor quality and their replacement by smaller dwellings would have the potential to improve the character and appearance of the site and the surrounding area. Although the council has identified that the site would possess a domestic appearance, this would not be materially different to the other adjacent residential properties so as to be unduly conspicuous and thereby cause unacceptable harm to the character and appearance of the surrounding open and verdant countryside.

Accordingly, there would not be a conflict with the design aspirations of GNLP Policies 2 and 3 and LP Policies DM 1.4 and DM 3.8.

6. However, from what was observed during the site visit, there are few facilities available to future residents which could be accessed easily on foot and cycle. No public transport links have been identified. The future occupiers of the proposed dwellings would be reliant upon the private car to access facilities and services. For these reasons, the location of the site would result in an unsustainable form of development which would be contrary to GNLP Policy 2 concerning development having a safe and convenient access for all, including by non-car modes, to on-site and local services.
7. The site is situated in the open countryside away from local facilities and LP Policy DM 1.3 identifies that development in the countryside outside of the defined development boundaries of settlements will only be granted where either specific policies allow for development outside of development boundaries or overriding economic, social and environmental benefits are demonstrated.
8. GNLP Policy 1 does allow for self-build and custom build dwellings subject to the requirements of GNLP Policy 7.5. This policy identifies that such schemes for up to 3 dwellings for people who meet the eligibility criteria for Part 1 of the relevant district's self-build register will be permitted on sites within or adjacent to other settlements without a defined settlement boundary. As identified, the site is not adjacent to a settlement but rather a group of isolated buildings in the open countryside.
9. Even if the site was adjacent to a settlement, the appeal application is seeking a full planning permission and there is no indication that there has been any input from the potential initial owners into the design of the proposed dwellings of the type referenced in the Planning Practice Guidance. Further, the appellant has not provided any form or agreement or other mechanism which would secure the appeal scheme delivering self-build dwellings. If this appeal succeeds then there is no certainty that the 2 dwellings would be delivered as self-build and, as such, the proposed development would not accord with GNLP Policies 1 and 7.5.
10. For the reasons already given, there would be some environmental benefits associated with the removal of the poor quality agricultural buildings which should be given moderate 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 self-build dwellings. 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 2 single dwellings.
11. 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 would conflict with GNLP Policies 1, 2, 3 and 7.5 and LP Policy DM 1.3 concerning the location of development.

Other Matters

12. The site is located within the overall Zone of Influence for River Wensum Special Area of Conservation and the Broads Area of Conservation as identified in the *Norfolk Green Infrastructure and Recreational Impact Avoidance Mitigation Strategy*, (GIRAMS). Given that the proposal is for additional housing, there is a reasonable likelihood that the European Sites within the area would be accessed for recreational purposes by future occupiers of the proposed development. Therefore, in combination with other developments, likely significant effects cannot be ruled out.
13. 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.
14. 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.
15. Whilst the appellant has 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 at reserved matters stage or by condition.
16. Due to the lack of a mechanism to secure the contribution to mitigate the impacts of recreational pressure, 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 2 dwellings 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.
17. 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 National Planning Policy Framework (the Framework) should be applied to the assessment of this appeal.
18. 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 harm to the integrity of European sites in the

absence of any form of legal agreement identified 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.

19. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR