



Appeal Decision

Site visit made on 18 November 2024

by D R McCreery MA BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 December 2024

Appeal Ref: APP/U2615/W/24/3344907

Land North of Filby Road, Stokesby, NR29 3ES

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mrs Paula Skippings against the decision of Great Yarmouth Borough Council.
 - The application Ref is 06/24/0154/PIP.
 - The development proposed is Permission in Principle for the erection of up to 4 dwellings (including one single storey bungalow) and provision of informal amenity green space.
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Decision

1. The appeal is dismissed.

Applications for costs

2. Applications for costs by both the Appellant and the Council against the other party are the subject of a separate decision.

Preliminary Matters

3. As the proposal is for Permission in Principle (PiP) the scope of the considerations is limited to location, land use and the amount of development. If PiP is granted, all other matters would be determined as part of a subsequent Technical Details Consent (TDC) application. I have decided the appeal on this basis, including treating details of anything that would be considered at the TDC stage as indicative.
4. To conclude on the matters relevant to the PiP stage I have considered policies in the Great Yarmouth Local Plan Core Strategy [2015] (Core Strategy) and the Great Yarmouth Local Plan Part 2 [2021] (Local Plan). The National Planning Policy Framework (the Framework) is a material consideration.
5. In light of the Council's position on their reason for refusal number 3, as set out in their statement of case, effects arising from the location of the site within the Indicative Habitats Impact Zone is not a main issue.
6. The subject matter of the Council's reason for refusal number 4 relates to an issue that would be determined as part of a subsequent TDC application. In light of this, and the Council's position set out in their statement of case, it is not a main issue in this appeal.

Main Issue

7. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development, in particular relating to:
 - Accordance with development plan policy that directs the location of housing;
 - Effects of developing the site, in principle, on the character and appearance of the area.

Reasons

Location of housing

8. Policy CS2 of the Core Strategy is a strategic policy seeking to ensure that development is distributed following a settlement hierarchy that identifies Stokesby as a tertiary village. Such locations, along with secondary villages, are anticipated to accommodate approximately 5% of new development over the plan period. The policy notes that the distribution may need to be flexibly applied, within the overall context of ensuring that the majority of housing development is in the main towns and key service centres.
9. Policy CS2 itself also does not specifically mention development limits or settlement boundaries, which the Council indicate mean the same thing. They are instead given force in the hierarchy by table 5, which places dwellings/buildings outside of defined settlement boundaries as within the countryside. Within this context, the Council's comment in the officer report that CS2 makes it clear that all land outside of the development limits will be treated as countryside is an over simplification of the policy and its relationship to the wider development plan.
10. Paragraph 4.2.14 of the Core Strategy (supporting Policy CS2) addresses development limits. It notes their role in protecting the countryside from encroachment and the character of settlements, especially the village edges where countryside meets the built environment. It says that limits will be reviewed and amended through future plans to ensure that they are consistently applied and accurately reflect settlement boundaries.
11. The Council made an amendment to the development limits in 2021 when the Local Plan was adopted, removing the limits from all tertiary villages. Their statement of case sets out the rationale for doing so, namely to direct development towards the most sustainable locations in circumstances where approximately 5% across all secondary and tertiary villages is expected to be met over the plan period.
12. It is not for this appeal to question the rationale itself as that was a matter for the examination of the Local Plan. This includes decisions about the sustainability of different settlements and how to meet the assessed development needs of the area over the plan period, balanced against other sustainability considerations, as part of an overall spatial strategy.

13. Against this backdrop, Policy GSP1 of the Local Plan is one of a collection of strategic policies intended to complement the Core Strategy. It guides the location, type and amount of development by reference to the development limits defined on the policies map that excludes Stokesby. It does not prevent housing development outside development limits but does limit it by exception.
14. As the location of the proposal falls outside the development limits, it would only accord with GSP1 if the exceptions at (a) to (c) applied. I have no evidence that (a) and (b) are of relevance.
15. Turning to the exception at GSP1(c), the relevant part of Policy CS2 of the Core Strategy relates to the general distribution of development across the whole area and over the plan period. It is a strategic policy, of a different and more general character to the issue specific examples of the policies set out in paragraph 2.5 of the Local Plan, which I appreciate is not a closed list but are illustrative of what might be a specific policy. Weighing this issue up, as a matter of judgement, I do not find Policy CS2 of the Core Strategy to be a specific policy for the purposes of GSP1 in this case.
16. Even if Policy CS2 of the Core Strategy were regarded to be a specific policy, the change to the development limits made in 2021 to respond to the overall distribution of development and the adoption of Policy GSP1 of the Local Plan are of relevance. The mutually reinforcing nature of these policy mechanisms creates circumstances where Policy CS2 does not indicate that development should be permitted on land outside of the development limits.
17. If adopting this latter approach introduces a degree of conflict between Stokesby being identified as a tertiary village, having no defined development limit, and the approach in Policy GSP1 of the Local Plan, section 38(5) of the Planning and Compulsory Purchase Act 2004 is of assistance. It instructs that conflict must be resolved in favour of Policy GSP1, as it is within the last adopted document. This includes its approach to managing development outside of defined development limits.
18. I have paid regard to the Appellant's evidence on whether Stokesby is a sustainable settlement, including details of amenities. However, the policy approach in the development plan requires no such assessment, as that issue is one fundamentally resolved at a strategic level as part of the plan adoption process. The approach of the neighbouring Council to determining the locations for growth is not materially relevant in this case.
19. The Appellant's selection of statistics from the Annual Monitoring Report does not seriously dent the Council's position that approximately 5% over the plan period, as part of an overall distribution of development, is on track to be met. The Appellant's view about the potential impact of issues such as nutrient neutrality on housing delivery is speculative.
20. There is no substantiated evidence that the plan's spatial strategy isn't delivering the anticipated housing as part of an overall distribution over the plan period, including appropriate growth in secondary and tertiary villages. Nor is a comparative assessment of Stokesby specific completion statistics particularly instructive when considering the performance of a strategy intended to cover a wider area over a defined period.

21. For the reasons set out, the proposal would not accord with development plan policy that directs the location of housing. There is conflict with the development plan for the area, including Policy CS2 of the Core Strategy and GSP1 of the Local Plan. As such, the site is not suitable for residential development, having regard to its location and the proposed land use.
22. Although it is referred to in the Council's reason for refusal, the relevance of the Norfolk Local Transport Plan is not substantiated in the Council's evidence.

Character and appearance

23. The character of the area is rural, with the site set within a village edge location. The semi-detached houses adjacent gives the surroundings an urban quality that contrasts with the open agricultural fields to the rear and opposite that also provides a sense of open countryside.
24. From Filby Road, the site is heavily screened by greenery. This, along with the position of other dwellings on the road, results in only close views of part of the site through the existing access. Here, the existing bungalow can be seen, setback from the road and providing a continuation of the domestic appearance of this side of Filby Road. In this context, the site has a closer relationship with the urban influences of the area than the open countryside.
25. To the rear, there is a clear demarcation between the site and the open countryside that follows roughly the boundary line at the edge of the gardens of the adjacent semi-detached houses. Views from the countryside to the rear are filtered through vegetation and seen within the context of the existing domestic influences, including the existing bungalow.
26. There is no strong sense of intervisibility between the countryside to the front and rear through the site. Given the location, I do not have evidence demonstrating that the site is an important undeveloped gap, plays a role in preserving a layout within the village that is important to its character, or that it is sensitively located in terms of its exposure to countryside views. As such, retaining the site as undeveloped as a matter of principle is not justified.
27. The effect in principle of the proposal would be a continuation of the urban influence already evident in this location and within the confines already set by similar built development. Some character change in the land would arise. However, the maximum scale of the development would be congruent with the surroundings and the impact on the rural characteristics of the immediate area would be acceptable.
28. While the details would be a matter to be agreed at the TDC stage, I am satisfied that there is a reasonable prospect of a well designed scheme being able to successfully manage the effects on the character and appearance of the area, which would arise principally from the character change in the land itself. This includes maintaining an acceptable level of screening and minimising the impact of site access.
29. For these reasons the proposal would, in principle, be acceptable when regard is paid to the character and appearance of the area. There is no conflict with the development plan, in particular Policy CS9 of the Core Strategy on encouraging well designed, distinctive places.

Conclusion

30. The proposal would not be on a site that is suitable for residential development when regard is paid to development plan policy that directs the location of housing, and judged on the matters of principle that are relevant to a PiP. There is conflict with the development plan that amounts to conflict with the plan as a whole.
31. The proposal would deliver housing that would support the Government's objective of significantly boosting the supply of homes. The site is of a small/medium size and, therefore, capable of making an important contribution to the housing requirement of the area. Paragraph 70d of the Framework says support should be given to the development of windfall sites through policies and decisions. This includes giving great weight to the benefits of using suitable sites within existing settlements.
32. Given the location and paying regard to the Appellant's evidence on the matter, the site is within an existing settlement. However, considering my conclusions on the level of conflict with the spatial strategy for the area, the site is not a suitable one. As such, while I recognise and give great weight to the benefits of supporting windfall site development, at a project level in this case the matter attracts moderate weight.
33. The Appellant's view about the sustainability of the location attracts limited weight in circumstances where the spatial strategy directs the location of growth, has been updated recently, and there is no evidence that it is not performing as expected. The benefits of the proposal in rural community support terms are generic, unsubstantiated and attract limited weight.
34. The potential for delivering housing suitable for older persons is unsecured and, as such, attracts limited weight. Although a grant of PiP is not within the scope of biodiversity net gain (as it is not a grant of planning permission), a subsequent technical details consent would be. However, I have limited benchmarking information on which to base a judgement that this consideration attracts any more than limited weight.
35. Paying regard to these and all other points made, there are no material considerations indicating that a decision should be taken other than in accordance with the development plan.
36. For these reasons, PiP should not be granted and the appeal is dismissed.

D R McCreery

INSPECTOR