



Appeal Decision

Site visit made on 21 November 2024

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2024

Appeal Ref: APP/L2630/W/24/3341459

Land off Low Road, Scole IP21 4DS

- 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 B Tunmore against the decision of South Norfolk Council.
 - The application Ref is 2023/2330.
 - The development proposed is erect 2 no. single storey dwellings and garages.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's refusal reasons refer to policies within the Joint Core Strategy for Broadland, Norwich and South Norfolk (Core Strategy) and the South Norfolk Local Plan Development Management Policies Document (DMPD). In March 2024, and since the Council made its decision, the Greater Norwich Local Plan (GNLP) has been adopted and now forms a part of the development plan. As a consequence, the Core Strategy has been superseded, and I give no weight to it in my decision. The DMPD remains a part of the development plan.
3. During the appeal, I have also been made aware of the Diss and District Neighbourhood Plan 2021-2038, adopted October 2023 (NP). The NP is also a part of the development plan.
4. The South Norfolk Village Cluster Housing Allocations Local Plan is also emerging (emerging allocations plan), but it does not form part of the development plan at this stage. Further examination of it is also yet to be undertaken and, therefore, its content could change. In such circumstances, the emerging allocations plan is a matter of limited weight in my decision.
5. The appellant has been provided with the opportunity to comment upon the Council's submissions in regard to the GNLP, the NP and the emerging allocations plan. Where necessary, I refer to them in my decision.
6. The Council's first reason for refusal refers to housing supply and sets out that, at that time, 5 years' worth of housing supply could not be demonstrated. I refer to housing supply, in the light of updated evidence, later in my decision.
7. A screening direction was issued under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations). In exercise of the powers conferred by Regulations 14(1) and 7(5) of the EIA Regulations, the Secretary of State directed that the development is not EIA development.

Main Issues

8. The main issues are:

- Whether the appeal site provides a suitable location for the development proposed, including having regard to the development plan's spatial strategy; and
- The effects of the proposed development upon the character and appearance of the area and whether it would preserve or enhance the character or appearance of the Scole Conservation Area.

Reasons

Location

9. The appeal site is located adjacent to, but outside of, the settlement boundary of Scole. Scole is a village located within a rural area.
10. Amongst other matters, Policy 1 of the GNLP establishes a settlement hierarchy. At the top of this hierarchy is the Norwich urban area. Beneath, there is, firstly, the main towns, then key service centres and, finally, village clusters. Scole is within the village cluster tier.
11. GNLP Policy 7.4, which is applicable to these clusters and, furthermore, Policy DM 1.3 of the DMPD each direct that most development should take place within settlements. Together, and as applicable to this case, these policies also set out that housing development outside of settlement boundaries, and thereby within the countryside, should be restricted to certain exceptions and when compliant with other development plan policies. Such exceptions include the likes of affordable housing led development and self-build and custom build housing.
12. The proposal seeks the erection of two market dwellings and associated works. As such, the proposed development would not be a form of residential development which would constitute one of the aforementioned exceptions. Sited outside of a settlement boundary, it would, therefore, conflict with the spatial strategy of the development plan set out by policies 1 and 7.4 of the GNLP and DM 1.3 of the DMPD.
13. In coming to these views, I acknowledge that other buildings are located near to the appeal site, as are the main built-up parts of Scole itself. Consequently, the proposed dwellings would not be isolated homes of the type which paragraph 84 of the National Planning Policy Framework (the Framework) relates. Despite this, and for the reasons I have set out, the proposal would nevertheless conflict with the pattern of housing growth advocated by the development plan. Such a spatial strategy, and the utilising of settlement boundaries, is not inconsistent with the Framework.
14. I am mindful of the advice within the Framework in relation to rural housing and the need to maintain or enhance the vitality of villages. However, policies within the GNLP and the DMPD, including those to which I refer above, do allow for some appropriate and proportionate housing growth within rural areas. Furthermore, the NP specifically allocates housing sites within Scole. Therefore, and in accordance with the Framework, the development plan does make provision for villages to grow and thrive.

15. Although Scole is served by some services and facilities, these are not extensive. The accessibility credentials of the site are reasonable, but they are not excellent, and they do not sufficiently address or mitigate the conflict with the development plan's spatial strategy. The proposition of housing at the appeal site, in a location which is contrary to the approach to housing growth and distribution set out within the development plan is, by itself, harmful.
16. For these reasons, I find that the proposal conflicts with the development plan's spatial strategy, and the appeal site does not provide a suitable location for the development proposed. Consequently, the proposal is contrary to Policy DM 1.3 of the DMPD and policies 1 and 7.4 of the GNLP.

Character and appearance and the CA

17. The appeal site largely comprises of areas of grass, scrub and other low-level plantings. To its edges, there are trees, sections of hedgerow and means of enclosure. The appeal site is beside Low Road. At its southern end, Low Road forms a junction with one of the main roads running through a central part of Scole. At this point, Low Road is quite wide, and there are concentrations of buildings in the surroundings. At Low Road's opposite end there is a vehicular dead-end. On the route to it the road narrows, and although there are a couple of bungalows opposite the site and buildings such as those recently developed at Kings Close are in the backdrop, the character nevertheless transitions to one which is less developed and more rural.
18. The appeal site is located within the Scole Conservation Area (CA). As a result, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty upon me, in respect to any buildings or other land within a conservation area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
19. Characteristics which contribute substantially to the significance of the CA as a whole include its concentration of built form beside historic crossroads within the village. In these parts of the village there are traditionally designed buildings which exhibit various architectural styles and building materials. These traditionally designed buildings include the Scole Inn and St Andrew's Church which are dominant landmarks within Scole. Parcels of open space and trees within the village add a verdant character, furthermore, the CA encompasses not only some of the built-up parts of the village but also areas of a more open and rural character including that which Low Road runs through. Overall, the significance of the CA is principally derived from its architectural and artistic interest, because of its aesthetics, but also its historic interest owing to the evidence of religion and worship that St Andrew's Church provides.
20. The appeal site's open and verdant character is very reflective of other parcels of land within this particular part of the CA which exhibit a more rural and undeveloped character, and which contribute to the CA's significance. As a result, the appeal site makes a positive contribution to the character and appearance of the CA as a whole.
21. Upon completion of the proposed development, much of the site would become built-upon. The dwellings proposed are bungalows rather than two-storey houses, nevertheless, together with the detached garages proposed and the hammerhead access driveway, the overall quantum of development would be quite significant. Altogether, these works would necessitate the loss of much of the site's plantings, and it would appear markedly more built-up.

22. As the appeal site is set between more open land fronting onto Low Road to the north and south, the proposal would not form an appropriate infill and develop a gap between an otherwise built-up frontage. Instead, it would provide an interruption that would encroach upon, and harmfully erode, the rural character of this part of Low Road and the local area. By doing so, the proposed development would have a detrimental effect upon the rural and open qualities which typify this part of the CA. This would be harmful to the CA as a whole and, therefore, the proposal would fail to preserve or enhance the character or appearance of the designated heritage asset. The harm to the CA would be less than substantial. Even so, having regard to the statutory duty I set out earlier, this harm is a matter of considerable importance and weight in my decision.
23. In coming to these views, I have had regard to the presence of the two bungalows opposite the appeal site, but I note that the Scole Conservation Area Character Appraisal and Management Guidelines describe the bungalows as having themselves broken the rural character here. The proposal would serve to exaggerate this loss of rural character. This would be detrimental and, therefore, the presence of the bungalows does not provide justification for the appeal scheme. I have also had regard to the nearby and relatively recent Kings Close development. However, that development is accessed from Norwich Road rather than Low Road, and it does not directly front onto or address Low Road in the manner that the proposal would. The proposal would, therefore, result in different effects upon Low Road's character and these would be harmful. Again, therefore, the Kings Close development does not provide me with reason to allow the appeal or accept the proposal's effects.
24. The proposed development would make a contribution to housing supply. It would increase the choice of housing in the area and, as a small development, it is likely that it could be delivered quickly too. However, in providing only two dwellings, the contribution to supply would be a limited one, and it would also come at a time when the most up-to-date evidence before me indicates that the Council has in excess of 5 years' worth of housing supply. Some economic benefits would also be derived from both the construction phase of the development and through its occupation but, given the proposal's scale, these would not be significant. These matters are each public benefits of the proposal but, in the circumstances, they are ones which I find to be modest and to which I attribute only a limited amount of weight.
25. It is submitted to me that the proposed dwellings would be energy efficient, well-designed and well-landscaped, and that they would provide for their occupants appropriate living conditions, including in relation to their internal and external space. However, good design is a key aspect of sustainable development, and it is fundamental to the planning process. The delivery of electric vehicle charging points in respect of the proposed development is now an incumbent part of the building regulations. As such, that the proposal would be well-designed in certain regards is a requirement and an expectation rather than a public benefit of any significant weight in this case.
26. It is submitted to me that the proposal would deliver biodiversity net gains. However, the evidence before me provides no compelling evidence that this would be the case. Therefore, this is not a public benefit to which I have attributed any meaningful weight. Altogether, the public benefits which would be derived from the proposal would not be sufficient to outweigh the less than substantial harm that would be wrought upon the CA.

27. Therefore, for the reasons I have set out, I find that the proposed development would result in harmful effects upon the character and appearance of the area, and it would fail to preserve or enhance the character or appearance of the CA. As a result, the proposal conflicts with policies DM 1.4, DM 3.8 and DM 4.10 of the DMPD together with Policy 3 of the GNLP. Altogether, and amongst other matters, these policies require developments to make a positive contribution to local character and distinctiveness, to seek to sustain, avoid harm to and, where possible, enhance the significance of heritage assets with any less than substantial harm to them justified only when public benefits outweigh the harm. This development plan policy content is very reflective of that within the Framework which, likewise, advises that the significance of heritage assets should be sustained and enhanced and that any less than substantial harm upon designated heritage assets should be weighed against the public benefits of the proposed development.

Other Matters

28. It may be, in respect of a range of other planning considerations, that the development would not result in harmful effects. This may include the effects of the proposal upon the living conditions of neighbouring occupiers and the local highway network. Even so, an absence of harm in respect of these matters is a neutral factor in my decision, and it does not outweigh the harm that I have identified.
29. The Council's third reason for refusal relates to the potential effects of the development upon the integrity of Habitats Sites in the area. More specifically, the potential for the interest features of those sites being affected by the proposal's contribution toward recreational activities and pressures. If I were minded to allow the appeal, I would need to be satisfied that the proposal would have no adverse effects upon the Habitats Sites. However, I am dismissing the appeal because of my findings on the main issues. Therefore, there is no requirement for me to undertake this assessment.
30. Evidence before me refers to paragraph 11(d) of the Framework. However, there are policies within the development plan relevant to the development proposed and which provide for a framework against which to assess the proposal. Those policies are consistent with the content of the Framework, and I have no substantive evidence before me which indicates to me that they are out-of-date. Given this, the housing land supply position I have before me, and the Council's most up-to-date Housing Delivery Test results, I have no reason to conclude that paragraph 11(d) or criterion (d) of DMPD Policy DM 1.1, which is very reflective of it, applies in this case.

Conclusion

31. The proposed development conflicts with the development plan taken as a whole. There are no material considerations of sufficient weight to indicate a decision other than one in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

H Jones

INSPECTOR