



Appeal Decision

Site visit made on 7 January 2025

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 28th January 2025

Appeal Ref: APP/Y2620/W/24/3344911

The Roost, Mundesley Road, Trunch, North Walsham NR28 0QB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant [outline] planning permission.
 - The appeal is made by Mr and Mrs Jellif against the decision of North Norfolk District Council.
 - The application reference is PF/23/0613.
 - The development proposed is construction of two-bedroom detached dwelling, cartshed garage and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A fuller, more precise description of development appears on the decision letter than in the application form. This description has been used by both the appellants and the Council in their appeal documents and so, in the interests of correctly and precisely identifying the proposed development, I have used that description in my banner heading.
3. Following the Council's determination of the application, a revised version of the National Planning Policy Framework (the Framework) was published in December 2024. The parties have had the opportunity to make comments on the revisions to the Framework as part of the appeal process and I have taken their comments into account in my decision.
4. As the site lies within the Trunch Conservation Area I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). Harm to the Conservation Area was not cited in the decision letter as a reason for refusal. Nonetheless, I have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. I will return to this matter later in my decision.
5. The Council have published their emerging Local Plan, but it has yet to be examined and found sound. Whilst the Framework, at paragraph 49, identifies that relevant policies in emerging plans may attract weight according to the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the Framework.
6. Whilst the emerging local plan is at a late stage of consultation, all matters are not yet resolved, and the final form of policies may yet change. I will return to this matter later in my decision.

7. There is no dispute that the site lies within the Norfolk Coast National Landscape (the NL), which is a protected landscape. I have, therefore, had special regard to section 85(A1) of the Countryside and Rights of Way Act 2000 (as amended) (the CRWA) and the duty imposed upon me by the Levelling Up and Regeneration Act 2023 (the LURA) to seek to further the purposes of protected landscapes.

Main Issue

8. The main issue in this appeal is whether the site is an appropriate location for a new dwelling, having regard to accessibility to everyday local facilities and services by a range of modes of transport.

Reasons

9. The appeal site is a roughly rectangular open area, enclosed by hedges. It lies on the edge of the built-up area of Trunch, at the end of an access track stretching back from Mundesley Road which serves a group of dwellings. Mundesley Road is, at this point, a single carriageway road, unlit and subject to a 30 MPH speed limit, as is the generally the case for the streets within Trunch, the exception being North Walsham Road, which has footways. Beyond the site the land gives way to open countryside.
10. There is no disagreement between the parties that the site lies outside of any settlement listed in policy SS1 of the North Norfolk Core Strategy (2008) (the CS) and this policy thereby defines the site as being within the countryside for planning purposes. Within land designated as countryside, policy SS2 seeks to limit development in the countryside other than in accordance with a list of exceptions. No case has been made that the proposal satisfies any of the exceptions set out in policy SS2 of the CS. Policy SS4 of the CS sets the aim that development will be located so as to reduce carbon emissions and mitigate and adapt to future climate change.
11. These policies set out the Council's spatial strategy. They are in general accordance with the aim of the Framework to promote development in sustainable locations with good transport access to existing facilities and services.
12. The Framework, in paragraph 110, identifies that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. It also, in paragraph 115, states that in specific applications for development, it should be ensured that sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location.
13. Further, at paragraph 117 the Framework advises that applications for development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas, second – so far as possible – to facilitating access to high quality public transport and create places that are safe, which minimise the scope for conflicts between pedestrians, cyclists and vehicles.
14. However, paragraph 110 also advises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making.
15. Paragraph 83 of the Framework states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality

of rural communities and that Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.

16. The main consideration in this appeal are whether the proposed development would be suitably located.
17. The local village convenience store having recently closed, Trunch contains a limited range of services, but includes a village hall, garage, social club, public house and church. The site is located a significant distance from the nearest centre that would provide a full range of services for the day-to-day needs of residents, including schooling for children. The streets of Trunch generally lack footways and are unlit, albeit that they are subject to a 30 MPH speed limit. I note the presence of bus services passing through Trunch, and these link through to larger settlements, such as North Walsham and Cromer, providing a service throughout the day with a reasonable frequency. The bus stops are, however, some distance away from the appeal site. There is also a taxi service operating from the village.
18. The local streets and roads between local settlements, with their lack of a continuous footway route and vehicular speeds would be likely to deter pedestrians and cyclists, particularly after dark, with children or during inclement weather. Similarly, access to the bus stops and the school pickup point is by means of unlit streets within the village, deterring pedestrians and cyclists. Thus, the site is poorly located with regard to access to services and facilities by walking or cycling and residents of the site would almost certainly rely very heavily on the private car to meet their day-to-day needs. The appellants acknowledge that the need for a car in the village has always been a necessity.
19. There is no meaningful alternative to using the private car to satisfy these needs. With, for such a limited scale of development, no real scope to improve connexions for walking, cycling or public transport, dependency upon private motor vehicles would be almost total. Thus, the proposal would undermine the Council's Spatial Strategy. Given the emphasis that the Government places, in paragraph 15 of the Framework, on a genuinely plan-led system and in chapter 9 on promoting sustainable transport, this harm carries significant weight.
20. I thus conclude that the appeal site would not be a suitable location for a dwelling, with particular regard to accessibility to everyday local facilities and services by a range of modes of transport. The development is therefore contrary to the provisions of policies SS1 and SS2 of the CS.
21. For similar reasons the proposal would also be in conflict with the Framework, which seeks to promote sustainable transport.

Other Considerations

22. Section 85(A1) of the CRWA places a statutory duty upon me to have regard to the purpose of conserving and enhancing the natural beauty of the NL. However, the site is well enclosed in wider views from the countryside and from the public realm within Trunch. Its visual impact would be limited mainly to within the site and the immediate vicinity. The proposal would not be in conflict with nearby buildings in terms of its scale, form or design. It would not be strident or intrusive within the wider landscape and would, therefore, not harm the landscape and scenic beauty

of the NL. In so doing it would conserve its scenic beauty, It would not, however make any enhancement.

23. As I have identified above, the proposal would lie within the Trunch Conservation Area (the CA). There is no dispute between the parties as to whether the proposal would preserve or enhance the CA. During my site visit I observed that the site is well screened from public views by interposing development and there are only limited views into the site from the private realm. Under such circumstances case law has established that proposals must be judged according to their effect on a conservation area as a whole and must therefore have a moderate degree of prominence. Given the above, I find that the proposal would not be detrimental to the CA and thus preserve its significance. There is, therefore, no reason for me to consider this matter further.
24. The appellants assert that the village of Trunch has been repeatedly endorsed as suitable for further residential development by the Planning Inspectorate in appeal decisions. However, no specific decisions have been brought to my attention in support of this assertion and I have, in any case, determined this appeal on its own merits.
25. Against the harm identified, the development would provide benefits in terms of delivering an additional home to boost housing supply. This would support the Governments' aim of significantly boosting the supply of homes. Paragraph 73 of the Framework identifies that small developments are generally built-out relatively quickly, and this adds weight in favour of the proposal. However, the supply of a single additional home would, in this context attract minor weight.
26. Future occupiers would be likely to participate in local events and societies and so contribute to the vitality of the local community. There would be minor benefits to the local economy in terms of short term employment in the construction industry and longer term support to shops and businesses. The long term support to shops and businesses would be mainly felt in the local town, rather than supporting rural villages. Given the scale of the proposal these benefits attract limited weight.

Planning Balance

27. The appeal proposal would, due to its location, undermine the Council's Spatial Strategy by virtue of the lack of access to services and facilities by means of more sustainable modes of transport. I have determined the magnitude of this harm as significant.
28. The CS predates the Framework, but the weight to be attached does not hinge on its age. Paragraph 232 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. As will be seen above, I find that the policies most relevant to this appeal, SS1 and SS2 of the CS generally accord with the aims of the Framework and thus the conflict with these policies carries significant weight in this appeal.
29. As there are no policies in the Local Plan which positively favour development of this kind in this location and as the proposal would be contrary to the policies referred to above, there would be a conflict with the development plan as a whole.
30. The emerging Local Plan is at a late stage of examination. Within policy SS1 of the emerging Local Plan, Trunch is identified as a Small Growth Village, and will have

a settlement boundary. It is understood that, as things currently stand, the site would lie outside that boundary.

31. This notwithstanding, the Framework does not impose a blanket restriction on development outside defined settlements, nor does it explicitly prevent the use of such boundaries. The appeal site is located in close proximity to existing dwellings and is not isolated and so the countryside location does not conflict with paragraph 84 of the Framework.
32. The identification of Trunch for additional growth speaks in favour of the proposal. However, the emerging policy has received significant objections which remain unresolved. Thus, on the basis of the evidence before me I allocate moderate weight in support of the proposal to the identification of Trunch as a Small Growth Village within the emerging Local Plan.
33. There is no dispute between the parties that the Council is unable to demonstrate an effective five year housing land supply. The appellant asserts that the Council's supply of housing land may be as low as 2.5 years or less and the Council has not disputed this figure.
34. In these circumstances footnote 8 of the National Planning Policy Framework establishes that the policies which are most important for determining the application are deemed out-of-date. Consequently, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
35. As described above the benefits associated with the provision of an additional dwelling would be relatively minor even taking into consideration the aim of significantly boosting the supply of housing set out in the Framework and the Council's housing supply position.
36. Paragraph 78 of the Framework states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and that Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.
37. The Framework recognises that sustainable transport solutions will vary between urban and rural areas and that rural housing development in smaller settlements can enhance or maintain the vitality of rural communities. I have no evidence before me to demonstrate that local villages nearby have services within them to provide for the day-to-day needs of future occupiers of the development. Thus, in all likelihood, future occupiers of the development would make a trip into the local town to satisfy their day-to-day needs. Therefore, it could not be said that the development would contribute meaningfully to the vitality of villages outside the town.
38. Given the location of the site and the lack of access to safe walking and cycling routes to reach what public transport provision lies within Trunch or to reach facilities and services to provide for day-to-day needs it is likely that future occupants of the development would be heavily reliant on private motor vehicles to access local shops and services. In allocating weight to this matter I am mindful of the revisions to paragraph 11 d) of the Framework that I must have particular regard to key policies for directing development to sustainable locations, including

paragraphs 110 and 115 of the Framework and so this is a significant factor weighing against the scheme.

39. The site is located within the zone of influence of one or more European Designated Sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). This is confirmed within the Council's Questionnaire response.
40. The Court of Justice of the European Union has ruled that the decision maker, when considering the effect that a proposal may have on a European Site, must consider mitigation within the Framework of an Appropriate Assessment (AA). This responsibility now falls to me within this appeal.
41. Had I been minded to allow the appeal, it would have been necessary for me to seek additional information from the parties and consult Natural England in order to undertake an AA. The AA is required on a case-by-case basis to determine whether or not the project would adversely affect the integrity of the European Site. It would also have required a consideration of whether or not any proposed mitigation would be adequate, effective, could be appropriately secured and delivered in a timely manner. However, as I am dismissing the appeal for other reasons, I do not need to consider the matter further as it would not change the outcome of this appeal and., whilst the issue of the effect of the site on European Sites remains unresolved, the effects could only be, at best, neutral in my considerations.
42. Consequently, the harm to the Council's strategy for locating new residential development where it would have access to services and facilities by more sustainable modes of transport would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole. As a result the presumption in favour of sustainable development does not apply.

Conclusion

43. In conclusion the proposal would conflict with the development plan as a whole and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given this appeal should be dismissed.

I A Dyer

INSPECTOR