



Appeal Decision

Site visit made on 8 January 2025

by **P Storey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20th February 2025

Appeal Ref: APP/L2630/W/24/3345693

**Land between Norton Lodge and Alteresa (now Oasis), Croft Road,
Norton Subcourse, Norfolk**

Grid Ref Easting: 641157; Grid Ref Northing: 298455

- 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 Wayne Gaze and Mrs Tracey Bloomfield against the decision of South Norfolk District Council.
 - The application Ref is 2023/0489.
 - The development proposed is Planning Statement relating to the erection of two self build dwellings on land to the east of Croft Road, Norton Subcourse,
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application sought outline planning permission with all matters reserved. I have determined the appeal as such, and any details in relation to the reserved matters have been considered on an illustrative basis.
3. The appellants' statement of case states that the road fronting the appeal site is known as The Street. However, the address in the banner heading above, which refers instead to Croft Road, has been taken from the planning application form.
4. An update to the National Planning Policy Framework (the Framework) was published on 12 December 2024. The main parties have been given the opportunity to comment on the effect of the updated Framework for the appeal, and I have had regard to any comments received in my decision.

Main Issues

5. The main issues are:
 - whether the development would be in a suitable location for housing, having regard to the spatial strategy of the development plan, access to services and sustainable transport, and other sustainability considerations;
 - whether the development would have an acceptable effect on the character and appearance of the area; and
 - whether the development would be acceptable in terms of surface water flooding.

Reasons

Whether a suitable location

6. The appeal site is an undeveloped plot of land located to the east of The Street. It is bordered by dwellings to the north and south. To the western side of the road are additional dwellings further to the north, though the land directly opposite the site remains undeveloped. The site lies to the south of the settlements of Thurlton and Norton Subcourse, outside the boundary defined by the development plan, and therefore within the countryside.
7. Policy DM 1.3 of the South Norfolk Local Plan Development Management Policies Document, Adopted Version October 2015 (the SNLP) provides that permission for development in the countryside outside of defined settlement boundaries will only be granted in circumstances where specific development management policies allow for such development, or where the development otherwise demonstrates overriding benefits in terms of economic, social and environmental dimensions.
8. The appellants are on the Council's self-build register and argue that the proposal aligns with Policy 7.5 of the Greater Norwich Local Plan, Document 1 – The Strategy (Adoption Version for Councils, March 2024) (the GNLP). This allows for the small-scale residential development of up to 3 dwellings for self-build and custom build homes for people who meet specific eligibility criteria, on sites within or adjacent to settlements with a defined settlement boundary.
9. However, the nearest plot within the settlement boundary is a dwelling located north of the appeal site and on the opposite side of the road. Neither of the dwellings adjacent to the appeal site fall within the boundary. Policy 7.5 states that development permitted under its provisions will not be considered to have extended the defined settlement boundary or the built form of the settlement, to prevent incremental sprawl. Although the appeal site is adjacent to existing dwellings, it is not adjacent to the settlement boundary. As such, it does not meet the location requirements of Policy 7.5.
10. No other specific policies have been cited that would support the proposal under Policy DM 1.3. In such cases, this policy requires an assessment of whether the development demonstrates overriding benefits in terms of the economic, social and environmental dimensions of sustainable development, in line with the Framework and Policy DM 1.1 of the SNLP.
11. The proposed development would provide two additional dwellings, making efficient use of the land and generating employment opportunities during construction. The appellants, who are siblings, have also submitted statements detailing their personal circumstances. They currently undertake regular long journeys from their homes to care for their elderly mother, who lives locally. The proposed dwellings would be occupied by both siblings, allowing them to live closer to their mother, with the eventual intention that she would move into one of the new homes with one of her children.
12. These factors would contribute to the economic and social dimensions of sustainable development. However, as the proposal would provide only 2 dwellings, the scale of the benefits would be modest.

13. From an environmental perspective, the proposal would reduce the appellants' need to travel from their current homes. The nearby settlements offer some modest amenities including a primary school, shop, post office, village hall and a public house, and are served by buses, albeit infrequently. However, despite its proximity to the settlement boundary, the site lies outside of it and along an unlit road with no footpaths. Along with the limited nearby service provision, it is highly likely that future residents would rely on private vehicles for daily needs, conflicting with the environmental dimension of sustainable development. There would also be conflict with Policy DM 3.10 of the SNLP, which promotes sustainable transport and seeks to reduce the need to travel.
14. Taken together, although the development would deliver some benefits in terms of the three strands of sustainable development, these would be modest and would not amount to the overriding benefits required by Policy DM 1.3.
15. The appellants reference a previous appeal decision relating to settlement boundaries. However, that case falls under a different authority and was subject to different development plan policies. It is therefore of limited weight in my decision.
16. Additionally, the appellants have cited a planning application approved in 2019 on land south of the appeal site, further from the settlement boundary. Whilst some policies from that decision remain in place, others have changed at both local and national level. The Council appears to have undertaken a more thorough assessment of the current proposal's accessibility and sustainability than it did in 2019. Regardless, each proposal must be assessed on its own merits. Based on the submitted evidence and my site observations, I agree with the Council's assessment of this issue in the current case. Accordingly, the 2019 decision carries limited weight in my decision.
17. For the reasons given above, I conclude that the development would not be in a suitable location having regard to the spatial strategy of the development plan, access to services and sustainable transport, and other sustainability considerations. It would therefore conflict with Policies DM 1.1, DM 1.3 and DM 3.10 of the SNLP, and Policies 2 and 7.5 of the GNLP, the aims of which have previously been set out. Although the decision notice refers to Policy 7.4 of the GNLP, this policy does not appear applicable to the proposal due to it being outside of the settlement boundary and not for affordable housing.

Character and appearance

18. The application was submitted in outline with all matters reserved. As such, in the event of planning permission being granted, matters relating to the detailed design of the dwellings would be reserved for future determination. Whilst I have had regard to the indicative proposals submitted, my assessment is made on a purely illustrative basis.
19. The appellants state that the site has been in their family for over 200 years and was previously occupied by a small cottage. It has also historically been used for keeping pigs. Nevertheless, it is understood to have lain vacant for many years, and any remnants of previous development have blended into the landscape.
20. Although there is existing development to both the north and south, the absence of buildings on the appeal site contributes positively to the area's character. Together with the undeveloped land opposite, it forms an important visual break between

the built form of the settlement to the north and the small cluster of dwellings near the entrance to Church Farm to the south.

21. Even though the scale and design of the proposed dwellings would be determined through future reserved matters proposals, introducing built development into this gap would encroach further into the countryside and erode the area's rural character.
22. For these reasons, the proposed development would harm the character and appearance of the area, conflicting with Policy 2 of the GNLP, which seeks to create beautiful, well-designed places and buildings which respect the character of the local area and seek to enhance it through appropriate design. Whilst the Council's decision notice also refers to Policy DM 3.4 of the SNLP, that policy relates to residential extensions and conversions within settlements, and I do not find it applicable to this proposal.

Surface water flooding

23. An existing watercourse runs through the site and is proposed to be diverted to accommodate the proposed development. Detailed drawings have been provided, showing that the watercourse would be relocated to the north of the site, along the boundary with the existing property.
24. The Waveney, Lower Yare and Lothingland Internal Drainage Board (the IDB) has confirmed its agreement to the diversion of the watercourse in accordance with the agreed specification described above. Despite this, the Council has expressed concern that the proposal could increase the risk of surface water flooding to nearby properties.
25. Policy DM 4.2 of the SNLP requires proposals to fully integrate sustainable drainage measures into the design to manage any surface water arising from development, and to minimise the risk of flooding on the development site and in the surrounding area.
26. Whilst I acknowledge the Council's concerns, no compelling evidence has been provided to substantiate them. Although Policy DM 4.2 refers to the integration of sustainable drainage measures into development proposals, the outline nature of the scheme means the precise design of such measures may be refined through future submissions. Moreover, the agreed specification for the watercourse diversion, as approved by the IDB, offers sufficient assurance at this stage that surface water drainage would not be adversely affected. There is no indication that any outstanding issues could not be addressed through future submissions.
27. For these reasons, I therefore conclude that the proposed development would be acceptable in terms of surface water flooding and would accord with the provisions of Policy DM 4.2 of the SNLP, the aims of which have previously been set out.

Other Matters

28. The site lies within the Zone of Influence of one or more European Sites comprising the Norfolk Green Infrastructure and Recreational disturbance Avoidance and Mitigation Strategy (GIRAMS). A unilateral undertaking has been submitted with the appeal, which seeks to secure a financial contribution to mitigate the additional recreational pressure on the European Sites arising through

the proposed development. In the event that I was minded to allow the appeal, it would be necessary to consider this matter within an appropriate assessment.

Planning Balance

29. Paragraph 11.d) of the Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless certain circumstances apply. Under paragraph 11.d) ii., this includes circumstances where the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole.
30. Footnote 8 of the Framework directs that for applications involving the provision of housing, paragraph 11.d) applies where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The Council confirms it currently falls short of this requirement, meaning paragraph 11.d) is engaged.
31. Having regard to my findings on the main issues, the policies most important for determining this appeal are Policies DM 1.1, DM 1.3, and DM 3.10 of the SNLP, and Policies 2 and 7.5 of the GNLP.
32. Policies DM 1.1 and DM 3.10 of the SNLP seek, respectively, to achieve sustainable development and to promote sustainable transport. Both align with the relevant provisions of the Framework, in particular paragraphs 8 and 109, and are therefore not out-of-date.
33. Policy DM 1.3 acknowledges the rural character of the countryside and the challenges of accessing services and sustainable transport in such areas. Whilst it directs development towards settlement boundaries, it also allows for exceptions where other sustainable development considerations apply. As it is not overly restrictive and remains broadly aligned with the Framework, it is not out-of-date.
34. Policies 2 and 7.5 of the GNLP are part of a recently adopted development plan document and align with the Framework's provisions. Therefore, taken together, the basket of most important policies for determining this appeal is not out-of-date.
35. I have previously outlined the scheme's benefits in terms of the three dimensions of sustainable development. However, these benefits, when considered collectively, are modest. Consequently, the harm caused by the proposal's conflict with the development plan would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
36. Because I have found the proposal to be unacceptable for reasons other than the effect on European Sites, an appropriate assessment has not been undertaken.

Conclusion

37. Although I have identified no harm in respect of surface water flooding, the proposal would conflict with the development plan as a whole and there are no considerations, including the provisions of the Framework, to lead me to a decision other than in accordance with the plan. I therefore conclude that the appeal should be dismissed.

P Storey

INSPECTOR