



Appeal Decision

Site visit made on 18 March 2025

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 7 April 2025

Appeal Ref: APP/L2630/W/24/3352686

Land south of Home Farm, Roydon, Diss, IP22 5XL

- 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 Robert Bowden against the decision of South Norfolk District Council.
 - The application Ref is 2024/1162.
 - The development proposed is the erection of new dwelling and cart shed.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are: i) whether the site is suitable for housing development; ii) whether the site is accessible to services or well-connected in terms of nearby services and facilities; and iii) the effect of the proposed development on the character and appearance of the area and on heritage assets.

Reasons

3. The appeal site is within a rather loose group of dwellings spread along a length of about 250m of Hall Lane. The group is situated between the villages of Roydon and Bressingham Common in a farming landscape. The main feature seen along Hall Lane is Home Farm Barns, a range of former agricultural buildings which were converted into dwellings. The site is immediately to the south of Home Farm Barns and shares an existing access from Hall Road with the southern range of Barns. Roydon Hall (a grade II listed building) is located to the south east of the site. Within its grounds, between it and the application site, is the Coach House, which the council considers to be curtilage listed. There are trees on the frontage of the site and a group of trees on most of the eastern boundary.

Whether the site is suitable for housing development

4. As paragraph 2 of the National Planning Policy Framework (NPPF) points out, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
5. The policy quoted in the refusal reason is DM1.3 of the South Norfolk Local Plan Development Management Policies Document of 2015 (Local Plan). In part 2 of this policy it is stated that "*permissions for development in the countryside outside of*

the defined settlement boundaries will only be granted if: c) Where specific Development Management Policies allow for development outside of development boundaries or d) Otherwise demonstrates overriding benefits in terms of economic, social and environment dimensions as addressed in Policy 1.1”.

6. The local plan is now some 10 years old, and the NPPF has undergone a number of iterations from the version that the plan would have been judged against. Nevertheless, the underlying thrust of the 2012 NPPF remains broadly consistent with the 2024 version, and the policies against which this appeal must be judged cannot reasonably be said to be out of date, subject to the consideration of the applicability of NPPF paragraph 11 d) ii.
7. For the appellant it is argued that South Norfolk District Council cannot demonstrate a five year housing land supply, and in support of this an appeal decision of November 2024 is quoted (APP/L2630/W/24/3346313). Within this the Inspector notes that the council has confirmed that due to nutrient neutrality issues that are currently being addressed, it is taking a precautionary approach in confirming that it cannot currently demonstrate a five year supply of housing land. This precautionary approach is not mentioned in the council's statements in relation to this appeal.
8. I note that the Greater Norwich Local Plan (GNLP) was adopted by the councils concerned in March 2024. The council quotes the Examiner's report as confirming that there is a 5.77 year supply. This statement therefore predated the statement made at the hearing for the appeal just mentioned. The council's current view is that a supply of 5.77 years has been established, whilst the appellant gives no indication of the degree of under supply, the amount of which is not mentioned in the appeal decision referred to. I will come back to the matter of NPPF paragraph 11 d) ii in due course.
9. Leaving NPPF paragraph 11d) ii aside, exceptions to the main thrust of Policy DM1.3 include where other specific policies allow for development outside of development boundaries, or there are overriding benefits in terms of economic, social and environment dimensions. These are set out in Local Plan Policy DM1.1. Unsurprisingly, they reflect the text of NPPF paragraph 8. There has been no indication to me that there are other specific policies that would support the appeal proposal, and therefore the possible overriding benefits in terms of economic, social and environment dimensions must be considered.
10. The appellant considers that the proposed development would meet these objectives as follows. The economic objectives would be met as the residents of the development would help to sustain and improve the vitality and viability of local shops, services and facilities in Roydon and Diss; the development would meet the social objective by providing a new self-build family home; and the development would also accord with the environmental objective as the appeal site is a short distance from a wide range of shops, services, facilities, employment opportunities and public transport in Diss.
11. Taking these in turn, I cannot see that 1 new dwelling would have a material effect on the services and facilities in either Roydon or Diss. Furthermore, if accepted, this argument would support any number of proposals in the countryside in a wide area around both settlements which would be damaging to the countryside and contrary to Local Plan policy. In terms of the social role (I will deal with the self-build

point later), the addition of a single dwelling is such a modest benefit that it can carry little weight. As for the point about sustainable development, and the short distance from Diss, this is a matter for the second issue.

Whether the site is accessible to services or well-connected in terms of nearby services and facilities

12. The appellant's case in relation to this issue starts with paragraph 110 of the NPPF (was paragraph 109 in 2023 version) which includes "*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*" and "*However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making*". The point is made that the proposal does not amount to significant development, and that the paragraph recognises that different considerations arise in rural areas.
13. This extract must be read in the context of its inclusion in section 9 of the NPPF headed 'Promoting sustainable transport', the whole thrust of which is about promoting development where the need to travel is limited and a genuine choice of transport modes is available, and pursuing opportunities to promote walking, cycling and public transport. Of course, where development is necessary in rural areas, travel considerations will be different to those within urban areas.
14. The appeal site is located where it is very unlikely that residents will travel for everyday needs by modes other than the private car. This is due to distance to facilities and the nature of the roads that have to be traversed. It is true that working from home is now quite prevalent, either part time or full time. In such cases that removes one reason to travel for all or part of the week, but all the other reasons for leaving home remain.
15. Paragraphs 82 to 84 of the NPPF deal with rural housing, with paragraph 83 stating: "*To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby*". However, the support that this gives for the appeal proposal is limited. The site is not within a village and as I have already remarked, the appeal dwelling would have no material effect in terms of supporting local services. The site is within a 'smaller settlement' (although it is arguable that it is not a 'settlement'), but for the same reason the 'support for services in a village nearby' would be minimal. Paragraph 84 makes reference to avoiding isolated homes in the countryside, but there is no suggestion in this case that the site is isolated.
16. It is also argued that the increasing use of electric vehicles means that reliance on the use of the private car need not necessarily lead to an increase in carbon emissions. That should certainly be the case, but electric car use has been encouraged by government for a number of years, but the December 2024 version of the NPPF continues to maintain the same policy for sustainable travel and where possible, avoidance of private car use.

The effect of the proposed development on the character and appearance of the area and on heritage assets.

17. Section 16(2) and S66(1) Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in considering whether to grant planning permission or listed building consent for development which affects a listed building or its setting, the local planning authority, or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
18. Paragraph 212 of the NPPF states: *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”*. And paragraph 215 advises: *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal ...”*.
19. The listed Roydon Hall, and the Coach House as a curtilage building, can be seen from parts of the site, as can an old garden wall to the east of the site. Merely being able to see these features does not of itself cause any harm to the heritage assets. The listing of the Hall notes: *‘Late C13 red brick mansion. Three storeys. 2:1:2 bays. String courses, cornice and parapet. Slate hipped roof. Sashes, without glazing bars, keyblocks. Central C19 porch. Flanking one storey, one bay wings.’* It appears to me that traditionally the setting of Roydon Hall would have been very much dependent on its agricultural surroundings. In this connection, the converted barns have a continued presence, but in a considerably changed form. This has not been beneficial to the setting of Roydon Hall.
20. The addition of a house on this open and verdant area, with all the paraphernalia of a domestic curtilage, would be a harmful intrusion into this setting. This would amount to less than substantial harm. There is very little public benefit, other than the general good to society of the provision of an extra dwelling, to set against this level of harm.
21. As to the general character and appearance of the area, the officers report raises no criticism of the form, design or materials of the proposed dwelling, but makes the point that the existing grass field positivity contributes to the character and appearance of the area and the setting of the converted barns and the listed building. The appeal site is not readily apparent in the street scene except in the immediate vicinity of the access. It is hemmed in by trees and hedging and the converted barn development. For this reason, the development of the site as proposed would not have a materially harmful effect on the general character and appearance of the area.
22. I do not consider that the converted barns have a ‘setting’ as used in connection with listed buildings, but the location and nature of numbers 5 to 8 as converted farm buildings means that they do benefit from the open nature of the site. To that limited extent, the proposal would be damaging to the character and amenity value of their surroundings.

Other matters

23. In paragraph 11 above I mentioned the matter of the appeal dwelling being for 'self-build'. I left the question of self-build and its ramifications to this point because the planning application form stated among other things that the proposed dwelling would be market housing. In addition, the application was accompanied by a Community Infrastructure Levy form, a Biodiversity Metric Calculation and a Biodiversity Metric Condition Assessment, none of which would be applicable to a self-build proposal. However, at some point in the consideration of the application, an indication was given that this was the intention of the applicant, and this was noted in the officer's report.
24. Proposals for self-build dwellings are dealt with in Policy 7.5 of the GNLP, which provides for self-build and custom build windfall development outside defined settlement boundaries. However, this is framed as "*a. On sites that are within or adjacent to settlements with a defined settlement boundary. b. Or on sites within or adjacent to other settlements without a defined settlement boundary*". It also has a criterion that the proposal accords with other relevant local plan policies. For this purpose, it is arguable as to whether or not the loose grouping of dwellings within which the appeal site is situated is a 'settlement' for the purpose of this policy.
25. In this case, this matter of whether the site is in a 'settlement' has not been addressed, nor the implications of other local plan policies. In addition, any self-build permission should be accompanied by a legal agreement, which I consider would be more appropriate than a condition, and I note that the council indicates that self-build should be secured/delivered via a legal agreement. In light of the pending refusal of permission by the council, a legal agreement has not been provided. In all these circumstances, I am not in a position to determine the appeal on the basis of the self-build policy and other matters.
26. An additional matter that is not satisfied, if the proposal was for market housing, is that a legal agreement would be necessary in relation to Biodiversity Net Gain to secure monitoring costs, and if the view was taken that mitigation is achieved off-site, a further agreement to secure this may be needed.

Conclusion

27. I have found under the first issue that the Local Plan is broadly consistent with the latest version of the NPPF, and the policies relevant to this appeal cannot be said to be out of date, subject to the consideration of NPPF paragraph 11 d) ii. The situation with regard to a 5-year housing land supply is not entirely clear, and there is no information as to the extent of any shortfall. It is clear that a recent appeal decision found a lack of a 5-year supply. That was on a precautionary basis taken by the council because of nutrient neutrality issues. Thus it would seem that there had been sufficient land allocated or allowed for, but the timing of delivery was in doubt. Even if I were to conclude that there is a shortfall, in this case the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the proposal.
28. These adverse impacts are considered above and I will not set them out in full at this point. The first consideration is that the Local Plan, Policy DM1.3 stands against the proposal and (DM1.3 d) there are no economic, social or environmental benefits that outweigh that objection. Secondly, the site does not have good accessibility to services other than by car, due to the distance and nature of the

roads. Matters of home working and electrically powered vehicles do not overcome these considerations. Thirdly, the proposed dwelling and its associated domestic appurtenances would be a harmful intrusion into the setting of the listed building Roydon Hall. This would amount to less than substantial harm that is not of offset by public benefit. In addition, whilst it would not harm the general character and appearance of the locality, there would be a degree of harm to the amenity of the residents of Nos.5 to 8 of Home Farm Barns. Fourthly, consideration of the proposal being for self-build is prevented by a lack of a legal agreement that would safeguard the policy position.

29. For these reasons, the appeal will be dismissed.

Terrence Kemmann-Lane

INSPECTOR