



Appeal Decision

Site visit made on 4 February 2025

by **C Harding BA (Hons) PGCert PGDip MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 April 2025

Appeal Ref: APP/G2625/W/24/3353976

Hellesdon Barns, Hellesdon Hall Road, Hellesdon, Norwich, Norfolk NR6 5BB

- 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 Paul Millbank against the decision of Norwich City Council.
 - The application Ref is 24/00716/PIP.
 - The development proposed is described as “x4no. detached dwellings with associated gardens and parking”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent routes has two stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle, and the second (‘technical details consent’) stage (‘TDC’) is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of the subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.
4. An applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum number of dwellings as part of the application. In this instance, permission is sought for a minimum of one and a maximum of four dwellings. I have treated the proposed layout plan as indicative only, given that the application only relates to the principle of the proposed development.
5. A revised National Planning Policy Framework ‘(the Framework)’ was published on 12 December 2024. I sought submission from the parties on this matter. I have considered their additional submissions alongside the original representations.

Main Issue

6. 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.

Reasons

Location

7. The appeal site is an area of land located to the north of Hellesdon Barns, which is a commercial site operating as a garden centre and nursery. The appeal site includes a currently grassed area of the northern part of the garden centre itself, and a separate fenced area of woodland which screens Hellesdon Barns from the road. Residential development can be found to the west and north, while to east and south is a large industrial complex which is stated as operating as a chemical plant.
8. Policy DM12 of the Norwich Local Plan Development Management Policies Plan ('DMPP') 2014 states that residential development will be permitted. However, a number of exceptions are set out, one of which is where it is on land specifically designated for non-residential purposes.
9. The main parties agree that the site is designated as employment land for the purposes of DMPP Policy DM16. This policy seeks to prioritise such areas for employment uses or other forms of economic development. It is also agreed that there is a potential conflict with DMPP Policy DM16 and given that the proposal does not comprise employment or other economic development, this would be the case.
10. Paragraph 127 of the National Planning Policy Framework ('the Framework') states that planning decisions need to reflect changes in the demand for land, and where a local planning authority considers there to be no reasonable prospect of an application coming forward for a site allocated in a plan; it should seek to reallocate the site for a more deliverable use that can address identified needs, or if appropriate, deallocate a site; and in the interim support applications for alternative uses where the proposal would contribute to meeting an unmet need for development in the area.
11. PPG advises that when considering whether there is not a realistic prospect of an allocated site being developed for its intended use, that factors such as the length of time since the site was allocated in the development plan; the planning history of the site; whether there is evidence that the site has been actively marketed for its intended use for a reasonable period and at a realistic price; and whether there are any changes of circumstance that mean that take-up of the site for its intended use is now unlikely, may be relevant.
12. Although neither the site, nor Hellesdon Barns, forms part of the adjacent chemical plant, it is nevertheless allocated for employment purposes. The development plan is clear in setting out the importance of maintaining an adequate supply of such land. No marketing information or evidence of any specific lack of demand for the appeal site for employment uses has been supplied to demonstrate that there is no reasonable prospect of the site being put to employment use. The fact it predominantly comprises an area of woodland and grassland at the periphery of the allocation would not fundamentally prevent its use for employment purposes either alone, or as part of a larger site, nor does the absence of objection to the proposal from the Health and Safety Executive.
13. It is stated that although the site may have formerly been part of the adjacent chemical plant, it has never been used, itself, for employment purposes. Be that as

it may, this also does not indicate that there is no reasonable likelihood for it being suitable for such use in the future.

14. It is stated that a marketing exercise would be carried out as part of any submission of a technical details consent should permission in principle be granted. However, as this is a matter which relates to the principle of development, it requires consideration at the current stage and there is no substantive evidence before me in this regard.
15. Overall, the proposal would comprise residential development on a site allocated for employment uses. It has not been shown that there is no reasonable prospect of the appeal site coming forward for such uses. Consequently, the appeal site would not be a suitable location for residential development as it would be contrary to the spatial strategy outlined in the development plan. The proposal would conflict with DMPP Policies DM12 and DM16 for the reasons given above.

Proposed land use

16. The proposal would lead to the domestication of the current appeal site, and therefore the northern edge of the employment allocation. At present, the relatively slim strip of woodland contains and provides screening of employment and commercial premises beyond and forms part of a larger area of woodland and undergrowth that extends eastward along the road, towards, and providing screening of, the main chemical works site.
17. However, the introduction of between one and four dwellings in this location would not be inherently harmful as it likely these would, themselves, introduce a degree of screening themselves. Additionally, I saw that other residential properties abut the Hellesdon Barn site on its western boundary and the proposal would have the potential to form a continuation of this. Furthermore, this a matter that would be considered more fully at the TDC stage of the PiP process where more details would be available. As a result, I find that the proposal, in principle, would not lead to harm to the character and appearance of the area.
18. The appeal site is located at the periphery of employment land and therefore at the transition between employment uses and an area of more residential character. Residential dwellings can be found opposite the appeal site, and adjacent to the appeal site to the west, on the same side of the road, as well as on the western boundary of the wider Hellesdon Barns site.
19. There is no evidence before me to indicate that there are, or have been, issues with regard to the proximity of the employment uses to existing residential properties. While it is possible that the wider employment allocation could be brought forward for a use with greater potential impacts than the use that currently exists at the site, there is no indication that this proposal, in itself, would constrain the employment allocation to an unreasonable degree given the nature of the surrounding area.
20. When considering the proposed land use only, I find that the site is suitable for residential development and would be in accordance with DMPP Policies DM2 and DM3. Together, and amongst other factors, these policies state that new development should secure a high standard of amenity for future occupiers without preventing or unreasonably restricting the continued operation of activities of adjacent sites, and that proposals should respect, enhance and respond to the character and local distinctiveness of the area

Other Matters

21. I understand that the appeal site lies within proximity of one or more European Designated Sites. The Conservation of Species and Habitat Regulations 2017 require the Competent Authority to consider whether or not the proposal could adversely affect the integrity of the protected sites, either alone, or in combination with other plans and projects. This responsibility falls to me in the context of this appeal. I return to this matter below.
22. The site is situated adjacent to the boundary of Hellesdon Conservation Area and the Hellesdon Barn premises is itself a Grade II listed building ('Barn at Hill House Farm'). The appeal site lies within the setting of these heritage assets. The significance of the barn is derived from its age and evidential value as a remaining element of historic agricultural activity. The significance of the CA is derived from the historic buildings that exist and the relationship of the settlement with the River Wensum and its verdant setting.
23. There is no evidence before me at this stage of the Permission in Principle process to indicate that the erection of between one and four residential properties would unacceptably harm the significance of these assets or their setting. The Council has raised no objection on this basis, and I have no reason to reach a different conclusion. Furthermore, as I am dismissing the appeal for other reasons, no harm in this respect could arise from my decision in any event.

Planning Balance and Conclusion

24. The Greater Norwich Local Plan adopted in March 2024 demonstrated a supply of 5.77 years of suitable housing land, and given the recent adoption of the GNLP, no position statement was produced in April 2024. However, it is common ground between the main parties that the Council can no longer demonstrate a five-year supply of housing land. It is stated that this is due to a number of factors slowing the supply of new housing sites, however no up-to-date housing supply position to take account of these factors has yet been produced.
25. Given the common ground between the parties on this issue, I am taken to Paragraph 11(d) of the Framework which states that permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide a strong reason for refusing the development, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
26. The proposal would make a modest contribution towards the government's aims of boosting the supply of housing in a location with access to facilities and transport options. Being a small site, it could also be built out quickly. Given the Council's stated housing land supply position, I afford these benefits moderate weight. There would also be associated economic and social benefits resulting from the construction and occupation of dwellings which would also be modest.
27. The proposal would, however, be located on a site unsuitable for residential development, as it would conflict with the spatial strategy of the development plan. Given the importance of the plan-led system set out in the Framework, and the fact that it has not been shown that there is no reasonable prospect of the appeal site coming forward for its allocated purpose, I afford this conflict with the spatial strategy considerable weight.

28. Overall, I find that the harm I have identified would significantly and demonstrably outweigh the benefits in this case, when assessed against the policies in the Framework taken as a whole.
29. Had I come to a different conclusion, I would have sought additional information in order to undertake the appropriate assessment, and be satisfied that the integrity of European Sites would not be adversely affected. However, as I have found that the presumption does not apply in this case, this has not been necessary.
30. The proposal would conflict with the development plan as a whole and there are no material considerations of sufficient weight, including the provisions of the Framework, to indicate that the development should be determined other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

C Harding

INSPECTOR