



Appeal Decision

Site visit made on 8 September 2020

by C Beeby BA (Hons) MIPROW

an Inspector appointed by the Secretary of State

Decision date: 7th October 2020

Appeal Ref: APP/K2610/W/20/3254640

Land adjacent to Flambirds, Buxton Road, Cawston, Norwich NR10 4HN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Kemp against the decision of Broadland District Council.
 - The application Ref 20191685, dated 3 October 2019, was refused by notice dated 23 December 2019.
 - The development proposed is the erection of a dwelling, with associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal seeks outline planning permission, with all matters reserved except access. I have considered the appeal on this basis and have treated any plans in relation to the reserved matters as illustrative.
3. The site address provided in the application was "Land adjacent to Lesita". However, at my site visit it was apparent that the name of the dwelling concerned had been altered to "Flambirds". I have therefore determined the appeal using the new name.
4. Whilst one of the two roads between the appeal site and the village of Cawston was closed to traffic at the time of my visit, I am satisfied that I have been able to make an adequate assessment of the proposal from observations at my visit and from the appeal evidence.

Main Issue

5. The main issue is whether the proposed development would provide a suitable site for housing, having regard to the proximity of services and facilities.

Reasons

6. The site lies outside a defined settlement limit and is consequently categorised as "countryside" according to Policy GC2 of the Development Management Development Plan Document (2015) ("the DPD"). The supporting text to Policy GC2 sets out that it seeks to focus residential development in settlements which are well-linked to existing development, services, facilities and employment opportunities.
7. The National Planning Policy Framework (2019) ("the Framework") does not indicate that the definition of settlement boundaries is no longer a suitable

- policy response and therefore that such policies are bound to be out-of-date, having regard to Paragraph 213 of the Framework. Policy GC2 of the DPD is consequently broadly consistent with the Framework, which indicates that the purpose of the planning system is to contribute to the achievement of sustainable development. I therefore attach full weight to Policy GC2 in determining the appeal.
8. Policy 17 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (2011) ("the JCS") sets out the types of development which will be acceptable in such locations. The proposal does not form any of the development types set out in this policy. The proposal consequently conflicts with Policy 17 of the JCS.
 9. The appeal site lies in the hamlet of Eastgate. The neighbouring village of Cawston has some limited services and facilities, which include a primary school, post office and convenience store, a public house, and some employment opportunities. Nevertheless, the roads to the village are generally unlit, with no footway. They are also subject to some sharp bends and have a narrow width in places. These factors are likely to render the routes concerned unattractive for regular use by pedestrians or cyclists. Thus, I do not consider that these would form realistic routes for occupants of the proposed development to regularly walk or cycle at all times of the year.
 10. Whilst the Framework notes that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, there is minimal indication that the wider range of services and facilities available at a larger settlement would be accessible from the development by any public transport. Occupants would consequently be reliant on journeys of some distance by private car in order to access the majority of services and facilities necessary to meet their day-to-day needs.
 11. Furthermore, although I acknowledge that the use of plug-in and other ultra-low emission vehicles is likely to become more widespread, I have identified above that journeys from the site to access the majority of services and facilities would be of some distance. Journeys of such a distance using private electric vehicles would be likely to have a greater environmental impact than journeys made on foot to services available close to a dwelling. Therefore the potential use of such vehicles is a consideration to which I attach only limited weight.
 12. Paragraph 79 of the Framework sets out that the development of isolated homes in the countryside should be avoided, unless particular circumstances apply. The word "isolated", in this context, connotes a dwelling that is physically separate or remote from a settlement¹. However, the appeal site lies within a small settlement of dwellings. Thus, I do not consider that the proposed new dwelling would have an isolated location for the purposes of this part of the Framework.
 13. However, paragraph 79 does not imply that a dwelling has to be "isolated" in order for restrictive policies to apply. There may be other circumstances where development in the countryside should be avoided. Thus, a proposed development may not be "isolated" as defined but this does not mean that it

¹ Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610

will accord with development plan policies that seek to prevent the location of new housing outside settlements.

14. As a result of the above considerations, the proposed development would not provide a suitable site for housing, having regard to the proximity of services. It therefore causes harm in achieving the planned distribution of development across the area. It consequently conflicts with Policy GC2 of the DPD, and with Policy 17 of the JCS, which set out acceptable categories of development at such locations. Additional conflict exists with Policy 1 of the JCS, which states that development should minimise the need to travel, and Policy GC4 of the DPD, which requires proposals to pay adequate regard to being accessible to all via sustainable means.

Other Matters

15. The Council is required to give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in its area. The appellant suggests that there is a shortfall of such permissions in the area.
16. I acknowledge appeal decisions which address the issue of self-building and which have been submitted by the appellant. Both of the other proposals included a planning obligation which limited the development to self- or custom build housing. The appeal proposal does not include such a mechanism, and therefore it is materially different from the other proposals.
17. If I were to adopt the approach of the earlier decision and discount permissions for which a mechanism to secure a self- or custom build development was not before me, the calculation of suitable permissions of this type would reveal that the area has a significant shortfall compared to demand.
18. Nevertheless, as the appeal proposal is similarly unrestricted it would not be counted in the calculation of numbers of permissions suitable for self-build developments. This minimises the ability of the proposal to address unmet demand for self- or custom housebuilding.
19. Moreover, in the absence of a suitable mechanism, there would be nothing to prevent the scheme from evolving into a different type of development. Accordingly, I cannot be certain of the likelihood of self- or custom housebuilding forming a benefit of the proposal, and I therefore attach minimal weight to it in determining the appeal.
20. The Framework requires planning policies to assess and reflect the size, type and tenure of housing needed for different groups in the community, including people who wish to commission or build their own homes. The development plan does not contain a policy which concerns demand for self- and custom build housing. The development plan is therefore inconsistent with the Framework, in this limited regard.
21. However, development plan policies which are relevant to the proposal are identified above. I have not found the policies which are most important for determining the appeal to be out-of-date, having regard to the provisions of paragraph 11 of the Framework. Thus, the "tilted balance" of paragraph 11 is not engaged in this case.

Planning Balance and Conclusion

22. The provision of a home, the potential support of future occupants for local services and the social well-being of the community, local finance considerations and economic benefits from the construction phase are advanced in support of the proposal. Thus, the proposal would enhance or maintain the vitality of rural communities, in accordance with paragraph 78 of the Framework. However, the provision of one unit of housing would make only a minimal contribution to these matters. The weight which I attach to these benefits is consequently correspondingly limited.
23. Whilst I acknowledge that the proposal carries these modest benefits, they do not outweigh the harm in achieving the planned distribution of development across the area, having regard to the proximity of services.
24. Thus, for the reasons given above, I conclude that the appeal should be dismissed.

C Beeby

INSPECTOR