



Appeal Decision

Site visit made on 17 September 2019

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th October 2019

Appeal Ref: APP/L2630/W/18/3207075

Land to the rear of and including no. 16 Poringland Road, Stoke Holy Cross, Norwich NR14 8NL

- 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 Steward, Glavenhill Strategic Land (Number 10) Limited against the decision of South Norfolk Council.
 - The application Ref 2017/2871, dated 19 December 2017, was refused by notice dated 25 May 2018.
 - The development proposed is demolition of existing bungalow and development of land for up to 54 residential dwellings, together with the point of access into the site from Poringland Road.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline with all detailed matters reserved for later consideration, apart from access. I have dealt with the appeal on this basis. My attention has been given to a range of background and supporting details, including the illustrative masterplan, planning statement, statement of community involvement, design and access statement, ecological report, tree survey and constraints plan, flood risk assessment and surface water drainage strategy, archaeological assessment, transport statement and landscape and visual issues statement (LVIS).
3. An updated parameters plan (reference: 0598-00-003 Rev A) was provided with the appeal to seek to fix the proposed landscape buffers around the edge of the site and address concerns over the potential landscape impacts of the proposal. My consideration of this updated plan would not prejudice the interests of any interested party and so my decision accounts for these parameters being potentially secured through a planning condition.
4. The appeal is accompanied by a completed Section 106 planning obligation made between the appellant and the Council. This is a material consideration and provides for 33% affordable housing, children's play space and a financial contribution to local recreation facilities. I am satisfied that the on-site and off-site open space provision meets the requirements of the Council's Supplementary Planning Document for recreation provision in new housing schemes, which was adopted since this appeal.

Main Issues

5. The main issues in the appeal are the effects of the proposal on (i) the character and appearance of the area and (ii) the living conditions of the occupiers of the dwellings either side of the site entrance, with particular regard to noise and disturbance from vehicular traffic, and (iii) whether the location of the housing is supported by development plan policy and other material considerations.

Reasons

(i) Character and appearance

6. The proposal relates to an arable field located immediately adjacent to a section of the built-up area of Poringland. This quite large and expanding settlement is of an irregular form, with most of the development focused at significant depth either side of a main axis along the Norwich to Bungay Road. For the most part those sites allocated for or undergoing larger scale housing development appear to be at the sides of this main core to the village.
7. The housing adjacent to the appeal site forms part of a pronounced off-shoot of residential development at Upper Stoke. An aggregation of housing here has consolidated at the end of the ribbon development running outwards along Poringland Road from the main centre of the village. The demolition of No 16 punctures this ribbon development and provides access to develop the agricultural field to the rear. There is existing housing at medium depth to the other side of the Poringland Road and also along one side of the appeal site. On its back edge, the new housing would abut the densely wooded grounds of a holiday site. A public footpath runs along the side of the appeal site adjacent to open countryside. This countryside comprises a large swathe of undeveloped farmland which lies to the rear of the ribbon development along Poringland Road. This open landscape separates the appeal site from the main built-up core of the village, where a substantial amount of planned housing has or is being built.
8. The housing proposed to the rear of No 16 would occupy a roughly square shaped area, with the overall site extending slightly further alongside the footpath to accommodate additional landscaping and a sustainable drainage system. The development would not be prominent from the Poringland Road and the sketch scheme submitted demonstrates that, as viewed from the new entrance, the proposed housing would have a satisfactory appearance within the street scene. The character of the wider landscape beyond the appeal site is that of a quite level plateau of farmland, comprising hedged field boundaries and parcels of woodland. The landscape parameter plan gives peripheral space to screen the exposed edge of the development with substantial planting. This would soften the visual impact of the new housing as viewed from the footpath. Other than this, close views of the new residential development would mainly be experienced from the rear gardens of the adjoining dwellings. I do not concur, however, with the conclusion of the LVIS that peripheral planting screening the new housing proposed would be of an overall small benefit to the landscape quality of the area.
9. The housing allocations in Poringland generally flank the edges to the main core of the settlement, forming smooth contours of development. In contrast, this proposal would be a comparatively more separated and pronounced

incursion of estate-scale housing into open countryside, consolidating a lesser aggregation of existing development within a more outlying part of the village. Generally speaking, any new development on the edge of a built-up area inevitably alters the character and appearance of the previously undeveloped landscape. I have no reason to consider that, through reserved matter approval, the designs of the individual homes would not be broadly compatible with the surrounding dwellings. Nevertheless, despite the peripheral landscaping, the encroachment of a significant amount of estate-scale housing into the countryside in this particular location would fail to relate well with the pattern of development in the settlement as a whole. The housing proposed would not integrate with the contours of the planned development to the sides of the main settlement core and, as such, would comprise a harmful incursion of development into the open countryside outside of this.

10. Examples of other nearby developments allowed off a single access are cited by the appellant and these appear to vary in size and character. However, they all seem to me to relate more closely with the adjacent main part of the village. In this case, the quite large housing development would lack a close integration with the main core of the settlement and comprise a comparatively less coherent and consequently more pronounced incursion into the countryside.
11. By encroaching into open countryside, the housing estate proposed here would not integrate successfully with the prevailing form of the wider settlement. As such the proposal would be out of keeping with the character and appearance of the area and result in significant harm. As a consequence, the proposal would conflict with Policy 2 of the Joint Core Strategy¹ (JCS), policies DM3.8 and DM4.5 of the Development Management Policies Document² (DM) and with the South Norfolk Place-Making Guide 2012. This is insofar as these broadly seek a high quality of design, including any new development integrating satisfactorily within the existing built environment and surrounding landscape.

(ii) Living conditions

12. The demolition of No 16 and the formation of an access into the appeal site from the Poringland Road would alter the living conditions for the occupiers of the neighbouring bungalows each side. In place of the existing dwelling would be a new estate road carrying the vehicular movements associated with up to 54 dwellings. However, I have no grounds to dispute the conclusions of the appellant's noise assessment. This has found that the noise levels of vehicular traffic would not be deemed significant under IEMA guidelines and be below the external noise limit of 50 dB LAeq as set out in the World Health Organisation guidelines.
13. However, notwithstanding the technical findings of the noise assessment, there would inevitably be a degree of harm to the present living conditions of the occupiers of the affected properties. These occupiers would not previously have experienced the additional degree of traffic sound and disturbance caused by a road adjacent to their side boundaries. Relative to the character of the area as residential development fronting a road, the new access to the side would have an adverse effect on the present living conditions of the neighbours each side, such that there would be some conflict with DM Policy DM3.13. This is insofar

¹ Joint Core Strategy for Broadland, Norwich and South Norfolk. Adopted March 2011, amendments adopted January 2014.

² South Norfolk Local Plan Development Management Policies Document – Adopted Version October 2015.

as this policy seeks to ensure a reasonable standard of amenity reflecting the character of the local area.

14. However, the noise impacts of the new access, where the provision of new boundary walls could be a mitigating requirement, would not be such as to give rise to environmental health concerns and the degree of general harm in respect of this issue would be quite limited.

(iii) *The location of the housing*

15. The appeal site lies immediately adjacent but outside of the defined settlement boundary for Poringland established in the development plan. In part 1, DM Policy DM1.3 directs new development to within such boundaries, or to allocated sites, in amounts commensurate with the role of the settlement. In this case, Poringland is defined a Key Service Centre. Part 2 of this policy only allows development in the countryside outside this boundary for two reasons. The first is if specific development management policies allow for this, which is not argued as relevant to this case. The second is where the proposal otherwise demonstrated overriding benefits in terms of economic, social and environmental dimensions as addressed in Policy 1.1.
16. In addition to the housing already planned for and provided in this settlement, the benefits of up to a further 54 dwellings would not be so overriding such as to justify a harmful incursion of further development into countryside beyond the settlement boundary defined in the adopted plan. However, in setting out to ensure development management contributes to achieving sustainable development, DM Policy DM 1.1 is couched in terms similar to that contained in paragraph 11 of the National Planning Policy Framework (the Framework). In summary, DM Policy DM 1.1 refers to a presumption for granting permission where development plan policies are out of date, taking account of whether any adverse impacts of so doing would significantly and demonstrably outweigh the benefits when assessed against, *inter alia*, the Framework policies as a whole. DM Policy DM 1.1 thus leads onto an overall balance of considerations and a conclusion as to how the Framework's presumption in favour of sustainable development applies as a material consideration in this case.

Overall Planning Balance and Conclusion

17. Subsequent to the appeal the parties were consulted by the Inspectorate on the February 2019 revisions to the Framework. In response, it was confirmed that the written representations procedure remained appropriate due to the then common ground over the Council being unable to demonstrate a deliverable five year housing land supply (5YHLS). However, the Interim Greater Norwich Area Housing Land Supply Assessment (HLSA) has since been published. The Council now relies on this, which indicates there to be just over a 6 year HLS in this District as of 1 April 2018.
18. In giving weight to the Framework as an important material consideration, it is necessary to consider if this new HLS evidence affects the application of the presumption in favour of sustainable development in paragraph 11. Applying this requires an assessment over whether the policies most important for determining this proposal are out-of-date.
19. Significant harm to the character and appearance of the area has been found from the proposal conflicting with JCS Policy 2 and DM policies DM3.8 and

DM4.5, as augmented by the South Norfolk Place-Making Guide. These policies remain generally consistent with the aims of the Framework to achieve well-designed places, whereby decisions ensure developments allowed are sympathetic to local character, including the surrounding built environment and landscape setting. More limited harm is found from the scheme conflicting with DM Policy DM3.13 over the effects on the living conditions of the occupiers of dwellings either side of the proposed new site access. However, DM Policy DM3.13 is consistent with the Framework objective for decisions to ensure developments create places with a high standard of amenity for existing and future users.

20. The aims of DM Policy DM1.3 over the location of new development are consistent with the central thrust of the Framework to secure sustainable development by focusing development in locations and amounts proportionate with supporting facilities and infrastructure. DM Policy DM1.1 remains consistent with the Framework in acknowledging the presumption in favour of sustainable development where development policies relevant to a proposal are out-of-date.
21. Footnote 7 to Framework paragraph 11 part d) confirms that, for applications involving the provision of housing, policies most important for determining the proposal are out-of-date where the local planning authority cannot demonstrate a 5YHLS. During the course of this appeal the housing requirement policy of the JCS has become more than five years old. The HLSA has therefore followed the requirement of paragraph 73 of the Framework and been based on an assessment of local housing need, following the standard methodology set out in the Planning Practice Guidance.
22. The Council are not seeking to establish a 5YHLS through an annual position statement, which is one option set out in paragraph 74 of the Framework. This does not necessarily mean the Council still cannot demonstrate this or that the HLSA should not be afforded any weight. However, the appellant has challenged the robustness of the HLSA, particularly in regard to the deliverability of the required supply of housing. The appellant has not carried out a forensic review of the HLSA and nor is it possible for me to reach a firm conclusion on the number of years HLS based on the evidence before me.
23. As housing supply is relevant to this appeal decision, the lack of a proven 5YHLS would be enough to find the relevant policies out-of-date and to engage the so-called tilted balance in the Framework. This would be to give weight to the material consideration of granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework policies taken as a whole.
24. To achieve the interdependent economic, social and environmental objectives of sustainable development the Framework seeks that the planning system pursues these in mutually supportive ways. There would be moderate social benefits from the housing proposed, particularly the policy compliant proportion of affordable housing which is 5% greater than that currently sought in practice. There would be modest benefits to the wider community from the recreational contributions and the footpath signage, bus stop and footway improvements along Poringland Road. There would be moderate local economic benefits from the construction and servicing of the houses and from the additional household expenditure and Council revenue.

25. However, set against these benefits would be the significant harm in a substantial amount of new housing extending beyond the limits established in the development plan and encroaching into open countryside. Coupled with this would be the more limited harm found due to the adverse effects on the living conditions of the present occupiers of the dwellings either side of the proposed new access from Poringland Road. Even if I were to conclude there was a shortfall in the 5YHLS, as suggested by the appellant, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. The presumption in favour of sustainable development provided by paragraph 11 of the Framework would therefore not be a material consideration to indicate this appeal be decided otherwise than in accordance with the development plan. This proposal would conflict with the development plan taken as a whole and, having balanced all considerations, I therefore conclude that the appeal should be dismissed.

Jonathan Price

INSPECTOR

Richborough Estates