



Appeal Decision

Site visit made on 16 May 2016

by **D M Young BSc (Hons) MA MIHE**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3 June 2016

Appeal Ref: APP/Y2620/W/16/3146874

Land adj. Holly Grove, Yarmouth Road, Stalham, Norfolk NR12 9QF.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by East Anglian Property Limited against the decision of North Norfolk District Council.
 - The application Ref PF/15/1857, dated 16 December 2015, was refused by notice dated 14 March 2016.
 - The development proposed is a residential development of 2 bungalows and associated external works (Revised Scheme).
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Decision

1. The appeal is allowed and planning permission is granted for a residential development of 2 bungalows and associated external works at land adj. Holly Grove, Yarmouth Road, Stalham, Norfolk NR12 9QF in accordance with the terms of the application, Ref PF/15/1857, dated 16 December 2015, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) No development shall take place until a scheme of landscaping works for the site has been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. All work shall be carried out in the first planting season after commencement of the development unless agreed otherwise in writing by the local planning authority, and shall be maintained for a period of 5 years. Any trees and shrubs that die within 5 years shall be replaced with a like for like species.
 - 3) No development shall take place until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 4) The development hereby permitted shall be carried out in full accordance with the Arboricultural Impact Assessment by A.T. Coombes Associates Ltd dated 27 November 2015 including all measures to protect trees on site, ground protection measures and the use of a no-dig surface where indicated.
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Procedural Matter

2. I have taken the site address from the Appeal Form as it is more complete than the version provided on the Application Form.

Main Issues

3. I consider the main issues are:
 - Whether the proposed dwellings are appropriate in principle in such a location in light of national policy concerning new housing in the countryside and sustainable development.
 - The effect of the development on trees.
 - The effect of the development upon the character and appearance of the area.

Reasons

Development in the countryside

4. It is germane that the appeal site forms part of a wider parcel of land that already has planning approval for nine dwellings (LPA ref: PF/14/0837). Three of these have already been constructed on the land immediately to the east. The proposal seeks to substitute the two-storey dwelling approved pursuant to this permission with a pair of bungalows. The existence of a viable fallback position is a material consideration to which I attach significant weight.
5. It is accepted by both parties that the Council's housing land supply (HLS) position has improved since 2014 meaning it can now demonstrate a 5 year supply of deliverable sites. Policy SS 2 of the "North Norfolk Core Strategy 2008" (the CS) seeks to resist development outside identified settlement boundaries in order to protect the quality and character of the countryside and to prevent occupiers of dwellings being overly reliant on car travel. Although the Council point to the proposal's conflict with Policy SS 2, there is nothing specific before me that explains what harm would be caused by the development.
6. Whilst the objectives of Policy SS 2 broadly accord with the aims and objectives of the *National Planning Policy Framework* (the Framework), in seeking to control the principle of development beyond settlement boundaries, there is some inconsistency with paragraph 55 of the Framework. Given this inconsistency and taking account of paragraph 215 of the Framework, I consider the more recent Framework outweighs the CS on this issue.
7. The Framework states that the presumption in favour of sustainable development should be seen as a golden thread running through both plan making and decision taking and that there are 3 dimensions to sustainable development: *economic, social and environmental*. Section 6 sets out policy in respect of housing in rural areas so that housing provision reflects local needs and is sustainable development. Paragraph 55 states that new isolated homes in the countryside are to be avoided unless there are special circumstances.
8. The appeal site is a rectangular plot of former paddock land located on the west side of Yarmouth Road between the settlements of Stalham and Sutton. Although outside the boundaries of both of these settlements and therefore by definition within the countryside, the appeal site is located within an area of

development set out in a loose linear pattern along Yarmouth Road. As a result, the site is flanked by existing development on three sides with open fields to the rear. It cannot therefore be considered isolated.

9. As I saw at time of my visit, there is a petrol filling station including shop, public house, primary and infant schools, doctors surgery and bus stops all within a short walk of the appeal site. The route along Yarmouth Road to these facilities is lit with pedestrian footways. The centre of Stalham, identified as a secondary settlement in the CS, contains a range of services and is roughly 1km from the site. Accordingly, whilst future occupants would still be reliant on a motor vehicle to access more distant destinations, neither the number of vehicle movements nor the level of car dependency would be at a level where there would be conflict with the aims of Policy SS 2 and the Framework in terms of the need to minimise travel and maximise the use of sustainable forms of transport.
10. The development would support the *economic* role through the purchase of materials and services in connection with the construction of the dwellings. The occupants of the dwellings would provide some support for the local facilities which would contribute to maintaining or enhancing the vitality of the rural community. Notwithstanding the favourable HLS position, there would be benefits in terms of fulfilling the *social* dimensions of through the erection of two bungalows.
11. However, the benefits of the proposal must be balanced against any harm. Other than pointing to the proposal's conflict with Policy SS 2, the Council have failed to substantiate what harm would be caused by the development. The site is within the countryside and the Framework and local policies seek, amongst other things, to recognise its intrinsic character and beauty and its role as an important economic asset supporting a variety of uses. The site is enclosed on three sides by development and has a well demarcated boundary to the rear and is visually contained rather than forming part of the open countryside. It is also pertinent that the visual impact of the bungalows would be materially less than the large two-storey dwelling that already has the benefit of planning permission. As such, the proposal would result in a degree of betterment or enhancement to the countryside as required by Policy SS 2.
12. Overall, I find the proposal would be in a sustainable location and that it would provide some economic and social benefits. As I have concluded the proposal would not cause harm to the countryside there does not exist adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole. I therefore conclude the proposal would comply with Policies SS 2 and EN 4 of the CS and paragraphs 7 and 17 of the Framework.

Trees

13. Policy EN 2 of the CS seeks the protection and enhancement of distinctive landscape feature such as trees. Two C category Larch trees which were in poor condition have been removed since the Council's determined the application. A Scots Pine would be planted as part of the appeal scheme and despite comments to the contrary, I see no reason to conclude that given sufficient time, this would not be a suitable replacement for the Larch trees.

14. The remaining trees on the site affected by the proposal consist of a Monterey Cypress (T40) and two oaks (T41 and T42). None of these would be felled. However, the provision of the driveways would necessitate some construction activity within their root protection areas (RPA's). However, subject to a no-dig surface, the Appellant's Arboriculturalist is of the view that the appeal scheme would not pose a significant risk to the survival of these trees.
15. With cognisance to the advice in paragraph 7.1.3. of BS 5837:2012 *Trees in relation to design, demolition and construction – Recommendations*, I am satisfied that, subject to adequate protection, the amount of encroachment into the RPA's would not be at a level which is likely to be injurious to the trees.
16. The appellant has identified that the construction within the effected areas could be the matter of a condition and I agree that that could be the case. On this basis, I conclude that the proposed development would not compromise the health of the protected trees. Accordingly there would be no conflict with CS Policy EN 2.

Character and appearance

17. The bungalows although large, would sit comfortably within their plots and be accompanied by a commensurate amount of garden space. Consequently they would not appear unduly cramped. As I have already commented, I find nothing objectionable about the proposed design particularly the height of the dwellings bearing in mind the extant permission for a two-storey dwelling.
18. The driveways would be finished in gravel as opposed to tarmac and I do not consider they would be excessively large or prominent when viewed in their context. There would be sufficient space between and surrounding the properties to implement a suitable landscaping scheme, which could be conditioned if the appeal were allowed. This would strengthen the existing landscaping and trees, thus providing an effective visual foil when viewed from Yarmouth Road.
19. Based on the foregoing, I conclude that the proposal is in accordance with Policies EN 2 and EN 4 of the CS as well as paragraph 56 of the Framework which collectively seek to secure high quality design that reinforces local distinctiveness.

Conditions

20. The Council has suggested a number of planning conditions which I have considered against the advice in the Planning Practice Guidance (PPG). In some instances I have amended the conditions provided by the Council in the interests of brevity and to ensure compliance with the PPG.
21. In addition to the standard time limit condition, those conditions suggested by the Council relating to landscaping and external materials are necessary to ensure the appearance of the dwellings are compatible with their surroundings. I have imposed a condition to ensure the tree protection measures set out in the Arboricultural Impact Assessment are adhered to throughout the construction phase to ensure the long term survival of trees on the site.