

**Reference:** 06/17/0777/F

**Parish:** Fleggburgh

**Officer:** Mrs G Manthorpe

**Expiry Date:** 12-03-18

**Applicant:** Mr D Parkinson

**Proposal:** Subdivision of site – Erection of 2no. dwellings.

**Site:** White Gates Main Road Fleggburgh Great Yarmouth

## **REPORT**

### **1. Background / History :-**

- 1.1 The application site comprises a large garden and a detached bungalow. There are two properties sited back from the road to the rear of the site to the north which are adjacent to the application site and to the east of the site is a development of executive houses, The Village. The application site is separated from The Village development by an established tree line.
- 1.2 There have been two previous applications on the site for housing, both of which were refused by delegated powers with one refusal being appealed. The Inspector found in favour of the Local Authority and dismissed the appeal. The current application is notably different from the two previous applications. The previous applications were for the demolition of the existing dwelling and the erection of 5 no. detached dwellings, one of which was a bungalow to the frontage of the site and 4 no. detached dwellings. The dwellings previously applied for were large three storey modern dwellings with comparably small gardens and would have been at odds in both layout and scale with the dwellings in the locality and the Village development. The previous application also had full height glazing which would have had a dominating and intrusive effect on the character of the area.
- 1.3 The current application, in contrast to the previously refused applications, is for a less intense use of the site by the reduction in numbers of dwellings applied for. In addition the application reflects the comments of the Inspector by reducing the scale of the dwellings applied for and therefore reducing the adverse impact on the character of the area. The reduction in numbers and scale provides a development which is in keeping with the character of the area and locality.

## **2 Consultations :-**

- 2.1 Highways – No objection to the application subject to conditions, full comments attached to the report.
- 2.2 Neighbours – There have been 2 objections from nearby residents which are summarised as follows and attached to this report.
- Why were members of the Village Management Company not consulted?
  - Properties are too close to the protected woodland, if there is any damage to the trees we will hold the Council fully accountable.
  - The dwellings will not be affordable.
  - The site has had previous refusals and one upheld at appeal.
  - Nothing has changed since the appeal.
  - The landscape would be blighted.
- 2.3 Fleggburgh Parish Council – No objection to the application, response states: Supported.
- 2.4 Building Control – No adverse comments.
- 2.5 Tree and Landscape Officer – The trees marked for removal are all scrubby and have little value or longevity. I would anticipate that there will be an adequate distance from the edge of the proposed development to the protected trees on the adjacent piece of land.
- 2.6 Norfolk County Council Fire and Rescue Service – No objections.
- 2.7 Strategic Planning - The proposal seeks planning permission for the erection of two detached dwellings, situated to the front and rear of the existing dwelling on the site, which is to be retained. This application follows two previously refused planning applications for 5 and 4 dwellings.

This application falls outside of the village development limit for Fleggburgh and is not immediately adjacent to the limit. The adopted Core Strategy Policy CS2 states; that approximately 5% of all new residential development over the plan period should be located in 'secondary villages' and 'tertiary villages' such as Fleggburgh which is a secondary village. However, a development located in the open countryside will be limited to conversions/replacement dwellings and schemes that help meet rural needs. Policy HOU10 states that new dwellings in the countryside will only be permitted in connection with agriculture, forestry, organised recreation or expansion of existing institutions, which is not present in this applications proposal. The proposed two dwellings could be considered

acceptable subject to the compatibility of the development in relation to the surrounding area, considering the density, scale and character of the area under Policy HOU17.

In consideration of the Interim Housing Land Supply Policy 2014, the site does not meet the first requirement of the policy as the site is not adjacent to the village development limit. However, the National Planning Policy Framework (Paragraph 55) promotes sustainable development in rural areas, and notes that housing should be located where it will enhance or maintain the vitality of rural communities. Policy CS1 supports developments with safe accessible places for walking, cycling and public transport to access jobs, shops and community facilities. The site is in close proximity to the main settlement and the adjacent Bygone Heritage Village development. The site is connected to village via a footpath leading to the nearby local primary school, the pub and other services and facilities in the centre of the village.

It is relevant that the Planning Inspector's report for a previous appeal on the site (for 5 dwellings) concluded that "...whilst there are some shortcomings in pedestrian facilities and public transport services, there are nonetheless some facilities within walking distance and easily accessible on foot or by bicycle....for these reasons I find the proposals would be reasonably accessible to a range of local services and facilities and would accord with policy CS1 of the CS in this regard" . Therefore on a reduced scheme (for 2 dwellings) I would not consider the location of the proposal to be unsustainable with regards to the accessibility of rural services.

Therefore, in the broader context of:

- The proposal's location within an area identified for housing growth in the adopted Local Plan Core Strategy;
- Being reasonably accessible to a range of local services and facilities;
- The generally small scale of the proposal; and,
- The urgent need to boost the supply of housing as identified in the Borough's Annual Monitoring Report, the NPPF and the recent Housing White Paper,

I consider the proposal to be broadly policy compliant and support it in principle, and subject to the satisfactory resolution of design and other detailed considerations i.e. treatment of Tree Preservation Order adjacent to the site.

### **3 Policy :-**

#### **3.1 Local Policy - Saved Great Yarmouth Borough-Wide Local Plan Policies (2001):**

- 3.2 Paragraph 215 of the NPPF states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the Local Plan is to the policies in the NPPF the greater the weight that is given to the Local Plan policy. The Great Yarmouth Borough Wide Local Plan was adopted in 2001 and the most relevant policies were 'saved' in 2007.
- 3.3 The Saved Policies listed have all been assessed as being in general conformity with the NPPF, and add further information to the policies in the NPPF, while not contradicting it. These policies hold the greatest weight in the determining of planning applications.
- 3.4 Policy HUO10 – Permission for new dwellings in the countryside will only be given if required in connection with agriculture, forestry, organised recreation, or the expansion of existing institutions. The council will need to be satisfied in relation to each of the following criteria: (partial)
- 3.5 Policy HOU17 - In assessing proposals for development the borough council will have regard to the density of the surrounding area. Sub-division of plots will be resisted where it would be likely to lead to development out of character and scale with the surroundings.

#### 4 **National Policy:- National Planning Policy Framework (NPPF)**

- 4.1 The presumption in favour of sustainable development is set out under paragraph 14. For **decision-taking** this means where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in the Framework indicate development should be restricted
- 4.2 Paragraph 17. Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should (partial):
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- 4.3 Paragraph 49. Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 4.4 Paragraph 55. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances: (partial)

## **5.0 Core Strategy – Adopted 21st December 2015**

5.1 For the Borough of Great Yarmouth to be truly sustainable it has to be environmentally friendly, socially inclusive and economically vibrant not just for those who currently live, work and visit the borough, but for future generations to come. When considering development proposals, the Council will take a positive approach, working positively with applicants and other partners to jointly find solutions so that proposals that improve the economic, social and environmental conditions of the borough can be approved wherever possible. To ensure the creation of sustainable communities, the Council will look favourably towards new development and investment that successfully contributes towards the delivery of: (partial)

a) Sustainable growth, ensuring that new development is of a scale and in a location that complements the character and supports the function of individual settlements

5.2 Growth within the borough must be delivered in a sustainable manner in accordance with Policy CS1 by balancing the delivery of new homes with new jobs and service provision, creating resilient, self-contained communities and reducing the need to travel. To help achieve sustainable growth the Council will:

a) Ensure that new residential development is distributed according to the following settlement hierarchy, with a greater proportion of development in the larger and more sustainable settlements:

- Approximately 35% of new development will take place in the borough's Main Towns at Gorleston-on-Sea and Great Yarmouth
- Approximately 30% of new development will take place in the borough's Key Service Centres at Bradwell and Caister-on-Sea
- Approximately 30% of new development will take place in the Primary Villages of Belton, Hemsby, Hopton on Sea, Ormesby St Margaret, Martham and Winterton-on-Sea
- Approximately 5% of new development will take place in the Secondary and Tertiary Villages named in the settlement hierarchy
- In the countryside, development will be limited to conversions/replacement

5.3 Policy CS9: Encouraging well designed and distinctive places. This policy applies to all new development.

**6 Interim Housing Land Supply Policy – (description)** The Interim Housing Land Supply Policy seeks to facilitate residential development outside but adjacent to development limits by setting out criterion to assess the suitability of exception sites. This policy only applies when the Council's Five Year Housing land Supply utilises sites identified in the Strategic Housing Land Availability Assessment. As such the Interim Policy can be used as a material consideration in the determination of planning applications.

6.1 New Housing development may be deemed acceptable outside, but adjacent to existing Urban Areas of Village Development Limits providing the following

criteria, where relevant to development, have been satisfactorily addressed: inter alia points a to n.

## **7 Assessment :-**

- 7.1 The application is for the subdivision of an existing garden and the erection of 2no. dwelling houses, the existing dwelling, White Gates, is to remain. The proposed houses are two storey, one three bedroom and one four bedroom. There are currently two accesses to the existing dwelling which shall remain. The access to the east shall serve one of the new dwellings and the access to the west shall serve the existing dwelling and one of the proposed new dwellings. There are no objections from Norfolk County Highways subject to conditions.
- 7.2 The two objections to the application have been received from occupants of two of the properties at The Village, no objections have been received from the occupants of the two closest dwellings, one of which has a boundary that abuts the application site. The objections received are primarily concerned with the impact on the existing trees located adjacent the application site and that the application has been previously refused for five and four dwellings respectively.
- 7.3 The Inspector notes during the appeal decision that the previous applications would cause an unacceptable harm to the character and appearance of the area stating the National Planning Policy Framework requirement for a high quality of layout and design taking in to account the surrounding area. The current application has reduced the numbers applied for and is in accordance with the character and density of the area thereby sufficiently mitigating this harm.
- 7.4 The Inspector notes that the application site has a reasonable level of accessibility to services and that this is not a reason for refusal noting again that the refusal is because of the environmental impact of the previous applications. This is referenced in the comments received from Strategic Planning that find the application site a sustainable location.
- 7.5 The previous application that was dismissed at appeal provided a linear development with dwellings having the rear facing to the west which would be highly visible for a considerable distance to persons traveling to the east from Main Road. The current application mitigates this by the orientation of the two proposed dwellings and the reduction in numbers. In addition the dwellings as proposed are significantly lower in height than those previously applied for. The two proposed dwellings are 8.35m in height for plot 2 and 7.3m in height for plot 1. The reduction in height and orientation sufficiently mitigates the environmental impact that was the reason for the previous refusals.

- 7.6 The Inspector noted that the environmental impact was the only reason for refusal and that the location of the development was a sustainable one. This has been further reinforced by the application sites consideration and recommendation for allocation in the Local Plan Part 2 for the residential site allocations. The site has been recommended for inclusion by the Strategic Planning section and this has been agreed by the Local Plan Working Party. When considering the application sites suitability for residential development the progress of the site specific allocations should be given appropriate weight.
- 7.7 The application site is adjacent to a band of protected trees which are under separate ownership. The objections to the application note the potential impact on the protected trees. The site was visited by the Tree and Landscape Officer who is satisfied that the proposed development has been positioned far enough away from the protected trees so that there should be no adverse impact from the development.
- 7.8 The Interim Housing Land Supply Policy (IHLSP) gives guidance on the development of sites such as this until the emerging Development Policies and Site Allocations Local Plan Documents are adopted and where the Borough Council cannot demonstrate a five year housing supply. As of April 1<sup>st</sup> 2017 the Borough has a 4.13 year supply of housing land and as such is a significant material consideration in the determination of this application. If as a local planning authority we cannot show that we are meeting this requirement, our policies with regards to residential development will be considered to be "out of date" therefore that para 14 of the NPPF is engaged (harms must significantly and demonstrably outweigh the benefits to justify a refusal, reduced weight to existing adopted Local Plan policies). As an authority we would then be significantly less able to resist all but the most inappropriate housing development in the area without the risk that the decision would be overturned at appeal under the presumption in favour of sustainable development.
- 7.9 The application complies with saved policy HOU17 of the Borough Wide Local Plan and policy CS2 of the adopted Core Strategy. The erection of only 2 dwellings with the retention of the existing dwelling is in keeping with the character and density of the area ensuring that the donor dwelling is left with sufficient curtilage. The development as proposed is a sustainable development.

## **8 RECOMMENDATION :-**

- 8.1 It is recommended to approve the application with conditions requiring the development to be built in accordance with the approved plans, removal of permitted development rights for the new dwellings for openings in the roofs and all conditions as requested by Norfolk County Highways.





Gemma Manthorpe  
Great Yarmouth Borough Council  
Town Hall  
Hall Plain  
Great Yarmouth  
Norfolk  
NR30 2QF

Your Ref: 06/17/0777/F  
Date: 2 January 2018

My Ref: 9/6/17/0777  
Tel No.: 01603 638070  
Email: stuart.french@norfolk.gov.uk

Dear Gemma

**Great Yarmouth: Sub-division of site - erection of 2 dwellings  
White Gates Main Road Fleggburgh GREAT YARMOUTH NR29 3AG**

Thank you for your recent consultation with respect to the above.

In highway terms only I have no objection to the proposals but I would recommend the following condition be appended to any grant of permission your Authority is minded to make.

- SHC 11 Notwithstanding the submitted details unless otherwise agreed in writing by the Local Planning Authority the proposed private drive (off existing access 1) shall be maintained in perpetuity at a minimum width of 4.5 metres for or a minimum length of 10m and shall be constructed perpendicular to the highway carriageway for that said distance.
- SHC 14 Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking, amending or re-enacting that Order) no gates, bollard, chain or other means of obstruction shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.
- Reason: In the interests of highway safety.
- SHC 19 Prior to the first occupation of the development hereby permitted a visibility splay (59m x 2.4m x 59m) shall be provided in full accordance with the details indicated on the approved plan (Drg No. 1008 A3.04). The splay shall

*Continued/...*

*Continuation sheet to Gemma Manthorpe*

*Dated 2 January 2017*

*-2-*

thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.

Reason: In the interests of highway safety.

SHC 24 Prior to the first occupation of the development hereby permitted the proposed access, on-site car parking and turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason: To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.

Yours sincerely

*Stuart French*

Highways Development Management & Licensing Officer  
for Executive Director for Community and Environmental Services

## Gemma Manthorpe

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**From:** Jamie Hall <[REDACTED]@b[REDACTED]>  
**Sent:** 15 January 2018 12:22  
**To:** Gemma Manthorpe; Gemma Manthorpe  
**Subject:** Re: Objection to the Cnew<sup>1</sup> White Gates application 06/16/0311/F - Jamie and Wendy Hall Part B  
**Attachments:** obj.pdf  
**Importance:** High

Dear Ms Manthorpe,

We understand that there is a new White Gates application been made **06/17/0777/F**. There are a few comments concerns from our side which we would like to understand;

- why have no member(s) of the Village management company (adjacent landowners – 1,3,5,7 & 9 the Village, Main Road, Fleggburgh) been sent a letter regarding the new development when on the two previous applications they were? We would like this clearly answered as we feel it has particular bearing on the outcome and feel that the system is failing in it's duty to consult all the relevant /affected parties. Particularly as there were strong objections to the previous applications.
- In light of the previous upheld objections and clear statements made by previous surveys (particular to the Risk to Ancient Woodland and any potential property damage/injury incurred post build due to damage to roots and adjacent trees and affecting the natural beauty of the area). Objections placed in 06/16/0311/F still stand in this case.
- If the council deems this application fit to commence as the two additional new properties are still very close to the woodland in the event there is damage to either to property or life from the TPO trees root system failing as already recently seen on the village development, we will hold the council fully accountable.

Refusal statements: 06/16/0311/F



**No. Condition Text**

1. The application site is located outside of the village development limits of Fleggburgh and is not adjacent to any other development. The application does not apply. Were the application to be assessed against the Interim Housing Land Supply Policy the application would be refused. HOU10 of the Borough Wide Local Plan seeks to prevent development outside of the development limits. The application is made to comply with policy HOU10 and as such the development as proposed is contrary to current policy. The application is in accordance with HOU10 restricts the development outside of development limits to exceptional circumstances. The application is an unsustainable location, is therefore contrary to the National Planning Policy Framework and CS1 of the Borough Wide Local Plan.
2. The layout of the proposed development is not in keeping with the character, form or layout of the village. The application is contrary to policy CS9 of the adopted Core Strategy. The overdevelopment of the site is contrary to policy CS1 of the Core Strategy and Paragraph 17 of the National Planning Policy Framework. The application is a development of the site which would lead to a development which is out of keeping with the character of the village. The application is contrary to the Borough Wide Local Plan.
3. The size and location of the proposed dwellings would have a significant adverse effect on the amenity of the village. The application is coupled with the over intense use of the site and the significant adverse effect on the character of the village. The application is contrary to the National Planning Policy Framework. The application has not taken the designation of the village as a village into account. The application is a few services and facilities, with limited access to public transport and very few employment opportunities. The application is an unsustainable location and the development would be contrary to the principles of the National Planning Policy Framework.

Clearly any statements to mitigate regarding increasing affordable housing (nationwide) would not apply in this case due to the size and location of the housing, although it may be convenient to reference this to strengthen the case. The cost of the housing will clearly not fall into the first home/affordable housing category. As taxpayer I would expect a clear line to be drawn by a professional body such as yourselves as to whether this qualifies as stated.

In closing we fail to see what has changed here, the landscape will still be blighted by these properties as originally stated by the planning inspectorate - Nick Palmer (see attached – 17-22)

Regards

Jamie and Wendy Hall  
Woodlands  
7 The Village  
Main Road  
Fleggburgh

## Gemma Manthorpe

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**From:** Nick Calver <[REDACTED]>  
**Sent:** 05 February 2018 10:31  
**To:** Gemma Manthorpe; Gemma Manthorpe  
**Subject:** Objection to the 'new' White Gates application 06/16/0311/F - Nick and Rachel Calver  
**Attachments:** obj.pdf  
**Importance:** High

Good morning Ms Manthorpe

With reference to the new application regarding developing the White Gates site **06/17/0777/F**

The comments Jamie Hall made highlight the same objections we wish to formally raise. It seems as though even with government reports and the ancient woodland report these comments have been ignored when submitting the latest application.

More worrying is why we haven't received a letter in a timely fashion and only after we noticed a sign on the gate of the property did communications start.

If you could record our objection in line with Jamie and Wendy's points and let me know you have received it I would appreciate it

Thanks  
Nick Calver  
5 The Village  
Main Road  
Fleggburgh

----- Forwarded Message

**From:** Jamie Hall <[REDACTED]>

**Date:** Mon, 15 Jan 2018 12:21:39 +0000

**To:** <gm@great-yarmouth.gov.uk>, <Gemma.Manthorpe@great-yarmouth.gov.uk>

**Conversation:** Objection to the 'new' White Gates application 06/16/0311/F - Jamie and Wendy Hall Part B

**Subject:** Re: Objection to the 'new' White Gates application 06/16/0311/F - Jamie and Wendy Hall Part B

Dear Ms Manthorpe,

We understand that there is a new White Gates application been made **06/17/0777/F**. There are a few comments concerns from our side which we would like to understand;

- why have no member(s) of the Village management company (adjacent landowners – 1,3,5,7 & 9 the Village, Main Road, Fleggburgh) been sent a letter regarding the new development when on the two previous applications they were? We would like this clearly answered as we feel it has particular bearing on the outcome and feel that the system is failing in it's duty to consult all the relevant /affected parties. Particularly as there were strong objections to the previous applications.
- In light of the previous upheld objections and clear statements made by previous surveys (particular to the Risk to Ancient Woodland and any potential property damage/injury

incurred post build due to damage to roots and adjacent trees and affecting the natural beauty of the area). Objections placed in 06/16/0311/F still stand in this case.

- If the council deems this application fit to commence as the two additional new properties are still very close to the woodland in the event there is damage to either to property or life from the TPO trees root system failing as already recently seen on the village development, we will hold the council fully accountable.

Refusal statements: 06/16/0311/F



No. Condition text	
1.	The application site is located outside of the village development limit of Fleggburgh and is not within the limits of the proposed Fleggburgh Local Plan Policy 10/19 of the Borough Local Plan which seeks to prevent development outside of the development boundaries other than in exceptional cases. An attempt has been made to comply with policy 10/19/19 but as both the development as proposed is contrary to current policy. Paragraph 10 of the National Planning Policy Framework, at paragraph 48 (10/19) states the development is contrary to the development boundaries which have not been met, the development, in an unmitigated location, is therefore contrary to the National Planning Policy Framework, para 48(1) of the adopted Core Strategy.
2.	The layout of the proposed development is not in keeping with the strategic form or layout of the village and as such would have an adverse effect on the existing landscape contrary to policy 10/19 of the adopted Core Strategy. The development of the site would have a significant adverse effect on the landscape as proposed contrary to policy 10/19 of the Core Strategy and Paragraph 17 of the National Planning Policy Framework. The number and size of the dwellings proposed constitute an over development of the site which would lead to a development which is not in keeping with the character and scale of the surrounding area contrary to policy 10/19/17 of the Borough Local Plan.
3.	The size and location of the proposed dwellings would have a significant adverse effect on the character of the nearby residential dwellings by way of overlooking. This would result in the loss of privacy and the significant adverse effect on the character of the area is contrary to policy 10/19 of the adopted Core Strategy and the National Planning Policy Framework. The application has not taken the designation of the village as a secondary village into account. A designated secondary village has no services and facilities, with limited access to public transport and very few employment opportunities as set out in para 9 of the adopted Core Strategy and must be in an unmitigated location and the development would be contrary to the principles of the National Planning Policy Framework and the Core Strategy.

Clearly any statements to mitigate regarding increasing affordable housing (nationwide) would not apply in this case due to the size and location of the housing, although it may be convenient to reference this to strengthen the case the cost of the housing will clearly not fall into the first home/affordable housing category. As taxpayer I would expect a clear line to be drawn by a professional body such as yourselves as to whether this qualifies as stated.

In closing we fail to see what has changed here, the landscape will still be blighted by these properties as originally stated by the planning inspectorate - Nick Palmer (see attached – 17-22)

Regards

Jamie and Wendy Hall  
Woodlands  
7 The Village  
Main Road  
Fleggburgh

----- End of Forwarded Message

Scan 06/16/0311/F



The Planning Inspectorate

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## Appeal Decision

Site visit made on 30 August 2016

by Nick Palmer BA (Hons) BPI MRTPI

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

Decision date: 9 September 2016

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**Appeal Ref: APP/U2615/W/16/3148204**

**White Gates, Main Road, Fleggburgh, Norfolk NR29 3AG**

- 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 Mr M Barnard against the decision of Great Yarmouth Borough Council.
  - The application Ref 06/15/0617/F, dated 18 September 2015, was refused by notice dated 12 February 2016.
  - The development proposed is demolition of existing detached dwelling and the erection of 5 detached dwellings.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The Council's delegated planning officer's report and appeal statement refer to effects on the living conditions of adjacent occupants but these do not form part of the stated reasons for refusal. I shall not therefore consider these matters as main issues in the appeal.

### Main Issues

3. The main issues are:
  - i) the effect of the proposal on the character and appearance of the area, including its potential effect on adjacent trees; and
  - ii) the accessibility of the site to services and facilities.

### Reasons

#### *Character and Appearance*

4. The appeal site lies close to the village of Fleggburgh but in open countryside. It comprises a detached bungalow which stands in a large garden. There are two other adjacent dwellings which are sited well back from the road and to the rear of the site. There are trees within the gardens of the site and adjacent properties and an adjacent area of protected woodland. Beyond the woodland there is a recent housing development of mainly large detached houses in large gardens having a wooded setting ('The Village'). The site lies outside the village development limits of Fleggburgh as defined in the Great Yarmouth Borough Wide Local Plan (LP) (2001).
-

5. Saved policy HOU10 of the LP restricts permission for new dwellings in the countryside to those required for specified purposes such as agriculture or forestry. The Plan period has expired and the Council relies on sites which have been identified in its Strategic Housing Land Availability Assessment (SHLAA) and on its Interim Housing Land Supply Policy (IHLSP) to ensure its supply of housing. This arrangement is to continue until its Site Allocations Local Plan is adopted. In the meantime the Council considers that it has a five-year supply of housing land and the appellant does not dispute this.
6. The full text of the IHLSP has not been provided to me. However that policy is said to make provision for housing development on sites that have been identified in the SHLAA and which are on the edge of villages. I understand that the site was put forward for inclusion within the SHLAA but the Council advises that it has not been included. The site is not on the edge of the village in that it is separated from the village development limit by intervening land. Thus on the basis of the information before me the IHLSP would not allow for the proposed development.
7. Paragraph 14 of the National Planning Policy Framework (the Framework) states a presumption in favour of sustainable development. Where relevant development plan policies are out-of-date as in this case, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.
8. Policy CS1 of the Great Yarmouth Local Plan: Core Strategy (CS) (2015) requires sustainable development including consideration of landscape and built character as well as accessibility to jobs, shops and community facilities by sustainable means of transport. These considerations are consistent with the core planning principles in paragraph 17 of the Framework.
9. Although the site is close to the built up area of the village and there is housing development to the east, the immediate area has a distinctly rural character arising from the generally open adjoining land and the extensive tree cover. The nearby development at 'The Village' does not alter that character because of its spacious quality and wooded setting. The site is associated with two other dwellings but these are within an open setting and concealed to a large extent by trees.
10. The proposed development would contrast sharply with the layout and scale of 'The Village' and with that of the adjacent dwellings. It would provide three storey detached houses and a bungalow sited in close proximity to each other and with small gardens in comparison to the adjacent and nearby developments. The proposed development would be a more intensive form of development than is present in the immediate area and as such would be out of character.
11. Furthermore I find that the proposed full-height glazing features particularly those proposed for plot 1 would add to the dominant and intrusive effect of the development. I noted on my visit that the first house on 'The Village' has a full-height glazed feature but this is not dominant in the context of the scale, design and layout of that development.
12. The adjacent woodland is a significant feature in the landscape and provides separation between the site and 'The Village'. Most of the woodland is



protected by a Tree Preservation Order (TPO) which is defined by reference to an area. The boundary of the area covered by the TPO does not directly adjoin the site but I saw on my visit that conifer trees forming part of the woodland grow up to the site boundary. The appellant's Arboricultural Impact Assessment assesses the impact of the development on trees within the site and immediately around its boundaries but survey information regarding the nearest woodland trees is limited and for this reason any potential effects on those trees from the construction of the house on plot 1 and the driveway cannot be fully assessed. Protective fencing would be erected to protect the roots of selected trees around the boundaries and other protective measures would be used. However for the above reasons the extent of the survey information does not provide complete reassurance that the trees within the woodland would not be adversely affected.

13. I have taken into account the presumption in favour of the use of previously-developed land in the Framework. I have also taken into account the screening effect of the trees in the woodland and adjacent gardens but the development would remain visible and prominent. For the reasons given I conclude that the proposal would unacceptably harm the character and appearance of the area.
14. The appellant has drawn attention to the recent development at 'The Village' and further permissions on land adjoining that development. However the circumstances of each site and proposal vary and those other permissions for development outside the village development limits do not alter my conclusions on this issue. The proposal would not accord with policy CS1 of the CS or with saved policy HOU17 of the LP which requires consideration of density in relation to the character of the area. The proposal would not accord with saved policy HOU10 of the LP regarding housing development in the countryside but this carries reduced weight as the policy is out-of-date.

#### *Accessibility*

15. The site is within walking distance of a number of facilities which include a primary school, church, public house and village hall. There is also in close proximity a caravan and leisure park with a shop, although interested parties point out that this is only open in the high season. There is also a gym, pool and sports centre close by. The appellant states that there are other facilities including a doctor's surgery, post office and shop within 1 mile of the site and that those facilities are accessible via footpaths but the suitability of the footpath along the road is questioned by interested parties.
16. There are bus stops on Main Road but services to Great Yarmouth are infrequent. Although there are shortcomings in pedestrian facilities and public transport services there are nonetheless some facilities available within walking distance and easily accessible on foot or by bicycle. For these reasons residents of the proposed development would not necessarily be wholly reliant on the car and reasonable use could be made of sustainable means of transport. For these reasons I find that the proposal would be reasonably accessible to a range of local services and facilities and would accord with policy CS1 of the CS in this regard.

#### **Planning Balance**

17. I have found that the proposal would result in unacceptable harm to the character and appearance of the area. The core planning principles in the

Framework require high quality design taking into account the character of different areas and recognising the intrinsic character and beauty of the countryside. For the reasons given I find that the development would be at odds with the character of its surroundings and I attach significant weight to this harm.

18. Given that development plan policies for housing supply are out of date the proposal may be of benefit. The appellant advises that the site is available for development. However the Council says that it has a five year supply of land for housing. On the basis that there is no identified shortfall in provision I can give only limited weight to any benefit in terms of the contribution to housing supply.
19. The bungalow is proposed as an affordable dwelling but there is no planning obligation before me to secure this provision. For this reason I cannot give weight to any benefit in this regard.
20. The significant weight that I have given to the identified harm significantly and demonstrably outweighs the limited weight that I have given to the benefit of the proposal.
21. The harm to the character and appearance of the area indicates that the development would not accord with the environmental dimension of sustainable development. The reasonable level of accessibility of the site to services and facilities would accord with the three dimensions of sustainable development. The provision of new housing would accord with the social dimension in terms of increasing housing provision and supporting community facilities. It would also accord with the economic dimension in terms of providing employment during construction and supporting local businesses. However the significant harm that I have identified in respect of the environmental dimension means that the proposal when considered as a whole would not be a sustainable form of development.

#### **Conclusion**

22. For the reasons given I conclude that the appeal should be dismissed.

*Nick Palmer*

INSPECTOR

