



Appeal Decision

Site visit made on 4 May 2021

by R Norman BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th November 2021

Appeal Ref: APP/Y2620/W/20/3260863

Galley Hill House, Langham Road, Blakeney NR25 7PR

- 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 J Bunn, J Bunn Homes Ltd against the decision of North Norfolk District Council.
 - The application Ref PF/20/0614, dated 1 April 2020, was refused by notice dated 18 June 2020.
 - The development proposed is the subdivision of a dwelling to form two dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the subdivision of a dwelling to form two dwellings at Galley Hill House, Langham Road, Blakeney NR25 7PR in accordance with the terms of the application, Ref PF/20/0614, dated 1 April 2020, subject to the conditions in the attached Schedule.

Procedural Matter

2. The revised National Planning Policy Framework (the Framework) was published on 20 July 2021. Both parties have been given the opportunity to provide comments in relation to this change.

Main Issues

3. The main issues are:
 - Whether the site is isolated and therefore whether the exceptions in paragraph 80 of the National Planning Policy Framework should be applied; and
 - Whether the proposed development would provide suitable access to local services and facilities.

Reasons

Whether the site is isolated

4. The appeal site comprises a large and irregularly shaped dwelling. It is set back within a large plot with an access onto Langham Road. Adjacent is a single storey dwelling and caravan park. The main settlement of Blakeney is further along Langham Road. The proposed development would subdivide the existing dwelling to form two independent dwellings. The garden would also be subdivided, and parking provided for each property.

5. The appeal site is located within an area of countryside and is detached from the main settlement of Blakeney by over 400 metres. Langham Road is relatively narrow with high verges and no pedestrian facilities in proximity to the appeal site. Policy SS1 of the North Norfolk Local Development Framework Core Strategy (2008) (Core Strategy) states that in the countryside development will be restricted to particular types of development to support the rural economy, meet affordable housing needs and provide renewable energy. Policy SS2 lists a number of types of development considered suitable for a rural location including the re-use and adaptation of buildings for appropriate purposes.
6. Paragraph 80 of the National Planning Policy Framework (2021)¹ seeks to avoid the development of isolated homes in the countryside unless one or more of a list of circumstances apply, including the subdivision of an existing residential dwelling, part d).
7. Following the Braintree² judgement, it was found that the term isolated should be read as meaning 'far away from other places, buildings, or people: remote'. The appeal site is detached from the main settlement however is set adjacent to other sporadic buildings and properties therefore it is necessary to consider whether this means that the site is not isolated for the purposes of the Framework.
8. The appeal site and the nearby properties are separated from Blakeney by intervening agricultural land. The properties themselves are set within spacious grounds and have little cohesiveness other than being in proximity to one another. Even when viewed as a 'group' they are read as a series of sporadic rural properties, distinct from the built form of Blakeney. As such, these properties, including the appeal site, are functionally and visually separate from the settlement.
9. My attention has been drawn to a recent Court of Appeal judgement³ which considered the matter of what constitutes isolated and remote for the purposes of former paragraph 79 of the Framework. This judgement considers that *to adopt remoteness from other dwellings, instead of remoteness from a settlement, as the test for "isolated homes in the countryside" would seem inconsistent with the Government's evident intention in producing the policy in paragraph 79*⁴ (now paragraph 80) I note the Council have considered the appeal site to be poorly linked to the services and facilities in Blakeney, with limited pedestrian or public transport access along Langham Road and, whilst the appeal site is not miles from the settlement, it is however distinctly separate and located within a countryside environment.
10. I have been presented with a decision in Letheringsett⁵. The Appellant has highlighted that this site was closer to the nearest settlement and within an area that had more dwellings present than the appeal site. I find that I have not been presented with sufficient details to enable me to conclude that the

¹ Formerly Paragraph 79 of the 2019 National Planning Policy Framework

² Braintree District Council v Secretary of State for Communities and Local Government & Others [2017] EWHC 2743 Admin.

³ City Country Bramshill Limited v Secretary of State for Housing, Communities and Local Government, Hart District Council, Historic England and The National Trust for Places of Historic Interest or Natural Beauty [2021] EWHC 3437 (Admin)

⁴ Paragraph 33

⁵ APP/Y2620/W/19/3236740 – Land off Thornage Road, Letheringsett, Norfolk

Letheringsett site was sufficiently comparable to set a precedent for the proposal before me.

11. Consequently, for the above reasons I concur with the Appellant in this instance and find the appeal property to be remote and isolated from the main settlement. Accordingly, I find that the subdivision of the property meets the criteria within paragraph 80 of the Framework and any conflict with the provisions of the Development Plan are outweighed in this instance.

Access to Local Services and Facilities

12. The appeal site is accessed from Langham Road via a narrow driveway. Langham Road is a relatively narrow road which leads to Blakeney. At this point it has high verges and no pedestrian facilities such as footpaths or streetlights. By virtue of its location detached from the main settlement, access to Blakeney and the surrounding settlements is limited. As such, the proposed development would not provide pedestrian or disabled access to the services and facilities within the surroundings and it is highly likely that any future occupiers of the subdivided property would be largely reliant on a private car to meet their day to day needs.
13. I note the concerns from Norfolk County Council's Community and Environmental Services team. I have been provided with copies of the speed data and transport statement for the adjacent site which demonstrates that the average speeds along this stretch of road are below the 60mph speed limit in place.
14. The Appellant has highlighted that by virtue of the location of the site meeting the exceptions in paragraph 80 of the Framework, namely the subdivision of an existing dwelling, it is not unusual for isolated homes in the countryside to have limited access to services and facilities with minimal public transport options leading to a reliance on the use of the private car. As a result of its inclusion within Paragraph 80 of the Framework, I consider that such subdivision of properties may be acceptable despite not meeting the aspirations of locating housing where it will enhance or maintain the vitality of rural communities.
15. It has been suggested that the provision of an additional property in this location would generate around 6 vehicular movements per weekday. I find that although this would not wholly meet the requirements of Policy CT 5 and the general aims of the Framework to secure opportunities to promote sustainable forms of transport, it would not result in a significant increase in traffic levels.
16. I have been directed to an appeal at a neighbouring property⁶ however, this was for holiday accommodation rather than an additional dwelling which by its very nature would be likely to generate additional traffic and pedestrian movements than a private dwelling. Accordingly, I do not find this to be wholly comparable to the proposal before me.
17. Accordingly, I find that the proposed subdivision would fail to provide access to local services other than via the use of vehicles and would therefore not be wholly satisfactory in terms of highway safety. Nevertheless, by virtue of compliance with paragraph 80 of the Framework and the number of likely trips

⁶ APP/Y2620/W/19/3239047 – Villeroche, Langham Road, Blakeney, Norfolk NR25 7PW

generated, this would not result in undue harm to highway safety or access to services. As such, whilst not complying wholly with the provisions of Policy CT 5 of the Core Strategy and Chapter 9 of the Framework, the above considerations outweigh any conflict and the development would be acceptable in this regard.

Other Matters

18. The appeal site is located within the Norfolk Coast Area of Outstanding Natural Beauty (AONB) and the North Norfolk Rolling Heath and Arable Landscape Character Area (RHA1). During the Council's consideration of the proposal, amended plans were submitted to address the concerns relating to the design and impacts on the sensitive landscape. The Council, in their report, indicated that the amendments result in some mitigation of the impacts and whilst some concerns remained, it is not considered that the development would result in an adverse impact to an extent that would render the development unacceptable. I have not been presented with any evidence that would lead me to a different conclusion on this matter.

Conditions

19. In addition to the standard time limit condition I have imposed a condition listing the approved plans as this provides certainty. The Council and Norfolk County Council have suggested conditions which I have considered against the tests in the Framework and the Planning Practice Guidance.
20. Conditions for materials and landscaping are necessary in the interests of the visual appearance of the surroundings and the site's location within the AONB. I have imposed conditions relating to the provision of the parking and turning areas and restriction of obstructions to the access in the interests of highway safety. I have not made the landscaping condition a pre-commencement condition as it is not fundamental to have these works agreed prior to any works starting on the site.

Conclusion

21. For the reasons given above, and having considered all matters raised, I conclude that the appeal should be allowed.

R Norman

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Numbers 18-118-01; 18-118-0101; 18-118-0201; 18.118.0102 Rev A; and 18.118.0301 Rev C.
- 3) Before their first use on site details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.
- 4) Prior to any works affecting any existing areas of landscaping within the site, a scheme for hard and soft landscape proposals shall be submitted to and approved in writing by the local planning authority. The proposals shall include plans at no less than 1:200 showing the following details:

Soft Landscaping

- a) existing trees, shrubs and hedgerows on the site, indicating those to be removed;
- b) accurate plotting of those to be retained (including species and canopy spread), including measures for protection during the course of the development to BS5837:2012;
- c) details of all new planting including species, location, number and size of new trees and shrubs;
- d) measures for protection of new planting

Hard Landscaping

- a) surface materials for vehicle and pedestrian areas;
- b) boundary treatments, including fencing and walls.

The scheme as approved shall be implemented during the next available planting season (November – March) following the commencement of development or such further period as the local planning authority may allow in writing.

- 5) No tree, shrub or hedgerow which is indicated on the approved plans to be retained shall be topped, lopped, uprooted, felled or in any way destroyed within ten years of the date of this permission, without the prior consent of the local planning authority in writing.
- 6) Notwithstanding the provision of the Town and Country Planning (general Permitted Development) Order (2015), (or any Order revoking, amending or re-enacting that Order) no gates/bollards/chain/other means of obstruction shall be erected across the approved access at its junction with the highway unless details have first been submitted to and approved in writing by the local planning authority.
- 7) Prior to the first occupation of the development hereby permitted, the proposed access and on-site car parking and turning areas shall be laid

out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.