
Appeal Decision

Site visit made on 19 September 2016

by Caroline Mulloy BSc (Hons) DipTP MRTPI

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

Decision date: 3rd October 2016

Appeal Ref: APP/F2605/W/16/3152086

Fredericks Loke, Southburgh, Thetford IP25 7SU

- 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 Simon Cole against the decision of Breckland Council.
 - The application Ref 3PL/2015/1012/F, dated 24 August 2015, was refused by notice dated 15 December 2015.
 - The development proposed is residential development (three dwellings).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - whether occupants of the proposed development would have reasonable access to shops and services;
 - the effect of the proposal on the character and appearance of the area; and
 - the effect of the proposal on any potential ecological interest on the site.

Reasons

Access to shops and services

3. The appeal site is situated on the edge of the small hamlet of Southburgh characterised by traditional dwellings loosely clustered around two junctions. Properties immediately adjacent to the site are set back off the road with long tracks. The surrounding area is mainly agricultural and undeveloped. The site is comprised of overgrown grassy land bounded by existing properties to the east and open fields to the west and south.
 4. The hamlet of Southburgh has very few, if any services, shops or facilities. A limited range of facilities is provided in the nearby villages of Cranworth and the service centre village of Shipdham is situated approximately 5km from the site. There are two bus stops to the east of the appeal site where a service to Norwich and Shipdham can be reached although the service runs very infrequently. I also note the presence of a school bus service which has few passengers; however, the development of three houses is unlikely to sustain the service. Consequently, and notwithstanding the availability of online
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services, I consider that future occupiers would be reliant on the private car in order to access essential needs.

5. Paragraph 55 of the National Planning Policy Framework (the Framework) states that, in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and new isolated homes in the countryside should be avoided, unless special circumstances apply. None of the special circumstances apply to the appeal proposal. Whilst not remote from other houses in Southburgh, the proposal would, nevertheless, result in the development of new dwellings in the countryside that would be isolated from services. The proposal would not, therefore, enhance or maintain the vitality of rural communities.
6. The appellant has suggested that a condition could be applied to the dwellings on the appeal site to sell two of the cottages at a discount of 15% to local people. However, it has not been demonstrated that the wording of the condition as suggested would meet the relevant tests of the Planning Practice Guidance (PPG) and an alternative mechanism to secure the dwellings as affordable in the long-term is not before me. This limits the weight which I can attach to the matter in my Decision.
7. The appellant refers to planning permissions which were granted for residential development at the old Forge and the stables at Chase Farm. However, no details have been provided of those cases by the appellant which limits the weight which I can attach to them in my Decision.
8. I, therefore, conclude that the proposal would be situated in an unsustainable location and would, therefore, be reliant on the private car for day to day services. The proposal would, therefore, be contrary to Policies CP 14 and DC 2 of the Breckland Core Strategy and Development Control Policies Development Plan Document (DPD) and Policy 5 of the 3rd Local Transport Plan which outlines the Council's strategy to focus development in sustainable locations.
9. Furthermore, the proposal would be contrary to paragraph 7 of the National Planning Policy Framework (the Framework) which sets out the three dimensions of sustainable development. Conflict also arises with paragraph 34 of the Framework which states that plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Moreover, conflict arises with paragraph 55 of the Framework.

Character and appearance

10. The appeal site is an overgrown piece of land situated adjacent to existing properties on Church Lane. It is bound on the south and east by open fields and has a significant semi-mature hedge with some hedgerow trees adjacent to the road the boundary of which is formed by soft verges. The hedgerow fronting the site would be largely maintained together with some new planting. I consider that the appeal site is more closely related visually and functionally to the surrounding open countryside than to the adjacent dwellings.
11. The three dwellings would be accessed by a single point to the east and would be set back within the plot in line with adjacent dwellings. Whilst there has been some attempt to reflect the local vernacular, I consider that the proposal

would, nonetheless, extend the linear residential development into the countryside and result in a significant change to the appearance of the site. There would be a suburban character to the layout and an increase in built form and domestic curtilages which would be at odds with the attractive wider open rural landscape.

12. I, therefore, conclude that the proposal would significantly harm the rural character and appearance of the area. It would, therefore, be contrary to Policy CP11 of the DPD which seeks the protection and enhancement of the landscape. The proposal would also conflict with Policy DC2 of the DPD which sets out the principles of new housing and Policy CP14 of the DPD.
13. Furthermore, conflict arises with Paragraph 7 of the Framework which seeks to secure high quality design and recognise the intrinsic character and beauty of the countryside.

Ecology

14. Paragraph 99 of Circular 06/2005 'Biodiversity and Geological Conservation-statutory obligations and their impact within the planning system' ODPM states that developers should not be required to carry out surveys for protected species unless there is a reasonable likelihood of the species being present and affected by development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and/or planning obligations, before the permission is granted.
15. The appellant has commissioned a phase one habitat survey which recognises that the site has the potential to support foraging amphibians including Great Crested Newts due to the presence of a number of ponds within 500m of the appeal site, the closest of which occurs on the south-east corner of the development field. The ponds could not be inspected, however as they were on private land and were not visible from public roads. Whilst I acknowledge the difficulty of accessing land to undertake the surveys, Circular 06/2005 advises that surveys should only be required by condition in exceptional circumstances. In light of this and the acknowledged potential of the site to support Great Crested Newts, it would not be possible to condition the permission were I minded to allow the appeal.
16. Consequently, there is insufficient evidence before me to demonstrate that there are no Great Crested Newts on or in the vicinity which would be harmed by the proposed development. The proposal would, therefore, be contrary to Policy CP10 of the DPD which seeks the enhancement of biodiversity and geodiversity in the District. Furthermore, conflict would arise with paragraphs 117 and 118 of the Framework which seek to minimise impacts on biodiversity and geodiversity and conserve and enhance biodiversity.

Overall Planning Balance

17. The appellant considers that the proposal would contribute to unmet housing need. Whilst no specific evidence is before me relating to housing land supply the Council acknowledge that they do not have a five year supply of housing.
18. Paragraph 49 of the Framework states that *'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'.

19. Policy CP14 states that village and countryside communities will be supported by appropriate development in order to make them more sustainable. Local Service Centres will be the focus for service provision and enhancement in the rural areas. In villages not identified for a specific level of growth in the settlement hierarchy residential development will only be permitted where there are suitable sites in the limits of a defined settlement boundary. The broad purpose of the Policy to sustain rural communities has significant resonance with paragraph 55 of the Framework. Nonetheless, in light of the housing land supply situation, the element of the Policy relating to settlement limits is out of date.
20. The proposal must, therefore, be considered against paragraph 14 of the Framework which sets out the presumption in favour of sustainable development. It states that, where the development plan is absent, silent or relevant policies are out of date permission should be granted 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.
21. Paragraph 8 of the Framework makes it clear that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The proposal would bring social benefits in terms of making a contribution, albeit small, to new housing provision. The proposal would also bring modest economic benefits in the short term during the construction phase and longer term benefits through the likes of increased local spend. However, in terms of the environmental dimension I consider that the proposal would be in an unsustainable location removed from services and facilities and cause harm to the character and appearance of the area. Furthermore, there is insufficient evidence before me to assess whether the proposal would have a harmful effect on ecology.
22. I, therefore, conclude that the proposal would not constitute sustainable development and that the significant harm which I have identified would significantly and demonstrably outweigh the benefits.

Conclusion

23. For the reasons stated above and taking all other considerations into account, I consider that the appeal should be dismissed.

Caroline Mulloy

INSPECTOR