

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: 17th October 2016

Appeal Ref: APP/F2605/W/16/3152570

Land to the west of Richmond Road, Richmond Road, Saham Toney, Thetford, Norfolk IP25 7EX

- 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 and Mrs Terry, Melissa, Mark and Merry Page, Burgan, Thompson and Halliday against the decision of Breckland Council.
 - The application Ref 3PL/2016/0284/O, dated 4 March 2016, was refused by notice dated 17 May 2016.
 - The development proposed is outline planning permission (with all matters reserved) for one four bedroom detached dwelling with garage and gardens.
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Decision

1. The appeal is allowed and planning permission is granted for outline planning permission (with all matters reserved) for one four bedroom detached dwelling with garage and gardens at land to the west of Richmond Road, Richmond Road, Saham Toney, Thetford, Norfolk IP25 7EX in accordance with the terms of the application, Ref 3PL/2016/0284/O, dated 4 March 2016, and the plans submitted with it, subject to the conditions set out in the schedule attached to this Decision.

Application for costs

2. An application for costs was made by Mr and Mrs Terry, Melissa, Mark and Merry Page, Burgan, Thompson and Halliday against Breckland District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The application was made in outline with all matters (access, appearance, landscaping, layout and scale) reserved for future consideration. To the extent that the plans submitted touch upon any of these reserved matters I shall treat the details as being illustrative only.

Main Issues

4. The main issues in this case are:
 - The effect of the proposal on the character and appearance of the area; and
 - The effect of the proposal on the trees subject of a Tree Preservation Order.
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Reasons

Character and appearance

5. The appeal site is situated to the south west of Saham Toney and comprises approximately 0.1 ha of land to the west of Richmond Road. It lies outside of the settlement boundary of the village which is situated slightly further to the north. The site has extensive tree and hedgerow cover along the front boundary with Richmond Road.
6. 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'*. 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. The proposal should, therefore, be considered in the context of paragraph 14 of the Framework which states that where the development plan is absent, silent or out of date permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits.
7. Policy CP 11 of the Core Strategy and Development Control Policies Development Plan Document 2001-2026 (2009) (DPD) states that the landscape of the District will be protected for the sake of its own intrinsic beauty and its benefit to the rural character and in the interests of biodiversity, geodiversity and historic conservation. The Policy goes on to state that the release of land in Breckland will have regard to the findings of the Council's Landscape Character Assessment (LCS) and Settlement Fringe Landscape Assessment to ensure land is released, where appropriate, in areas where the impact on the landscape is at a minimum. The approach to protecting valued landscapes is consistent with paragraph 109 of the Framework and thus some weight can be afforded to the Policy. Nonetheless, the Policy seeks to control the release of housing land and, therefore, only limited weight can be attached to it in my Decision.
8. Policy DC 12 of the DPD states that any development that would result in the loss of or the deterioration in the quality of an important natural feature(s), including protected trees and hedgerows will not normally be permitted. This Policy is consistent with paragraph 17 of the Framework in addition to bullet point 5 of paragraph 118 which states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees. Significant weight can, therefore, be attached to it in my Decision.
9. Policy DC 16 states that all new development should achieve the highest standards of design which is consistent with paragraph 17 and 56 of the Framework which seek to secure high quality design. Significant weight can, therefore, be attached to it in my Decision.
10. Richmond Road is the boundary between two very distinct areas of land with distinctive characteristics and appearance. To the east the linear housing development fronted by the road acts as a strong settlement edge to the south. In contrast, to the west of the road, the landscape is defined by the

open parkland of Broom Hall and Saham Hall which are set back from the road with long driveways.

11. Whilst the appeal site is situated outside the settlement boundary of the village, it is nevertheless, in close proximity of the village and within easy walking distance of services and facilities within the village. Watton provides a good range of services and supplements the services in Saham Toney. The appeal site is close to a bus stop where services to Norwich and Watton can be reached. Notwithstanding the proposal to de-allocate Saham Toney as a Local Service Centre in the emerging local plan the appeal site, nevertheless, has access to services and facilities in the village itself, nearby Watton and access to higher order services and employment in Norwich via public transport.
12. The proposal would only result in a small extension to the settlement boundary on the west side of Richmond Road. Indeed the row of properties on the opposite side of the road extends beyond the appeal site. I, therefore, consider that the appeal site is not isolated in the context of paragraph 55 of the National Planning Policy Framework (the Framework) and is situated on the edge of the village as opposed to in the open countryside. Furthermore, the proposal would provide an additional house in a sustainable location and help to maintain the vitality of the village.
13. Policy CP 11 states that proposal within the Brecks Landscape Character Areas will not be permitted where these would result in harm to the key visual features of the landscape type, other valued components of the landscape, or where proposals would result in a change in the landscape character.
14. The site is part of the D2 Santa Heath landscape character area as defined in the Breckland District Landscape Character Assessment (LCA) 2007; however, the Breckland Settlement Fringe Landscape Assessment 2007 (the Assessment) recognises that this area is not characteristic of the D2 area. It identifies the Saham Toney South West sub-area as enclosed parkland landscape of pasture, small woodland blocks and tree lined watercourse forming part of the grounds of Broom Hall and Saham Hall.
15. The area is defined as having high sensitivity to further expansion of Saham Toney/Watton due to the role of the tributary valley and parkland/pasture and woodland setting in defining the separation of Saham Toney and Watton and creating a strong rural character to this edge of the village. The assessment sets out broad development principles including conserving the low density residential development and single line of houses along the B1077 approach to Saham Toney, avoiding infill or creation of further blocks of development and conserving the sensitive rural gap between the Watton and Saham Toney created by the wooded watercourse and the parkland landscape of Broom Hall. The Council consider that the proposal would introduce a dwelling along the road frontage in a location where currently none exists and detract from the rural wooded character of the area and undermine the important rural gap.
16. A key objective for the D2 Santa Heath landscape area is to preserve the rural gap between the settlements of Saham Toney and Watton. However, Broom Hall is situated further south than the appeal site on the west side of Richmond Road and development on the opposite side of the road extends well beyond the appeal site to the south. Furthermore, the Assessment defines the gap as being less than 200m. As the appeal site is 415 metres away from the nearest edge of Watton, it is not within gap which the Assessment seeks to preserve.

The gap between the settlements would, therefore, be retained and consequently the objective would not be undermined.

17. It is intended to remove 4 self-set trees from the site, however, I note that the Council's tree consultant has no objection to their removal and nothing I have seen in submissions or on site would lead me to a different conclusion. The rest of the trees are to remain and a new hedgerow is to be planted to the front of the site to replace the existing hedge which is in a poor condition. Consequently, the proposal would not affect the wooded character of the site.
18. The appeal site is situated in close proximity to Broom Hall and the site of the former Saham Hall. Historical photograph evidence shows that there has been a building in this location from as early as 1800. The 1849 Tithe Map Key lists the appeal site as a 'cottage and garden'. Records of the property continue until 1955, however, it is not known when the cottage was demolished. Although the site has grassed over, there is still a distinct clearing in the trees where the property once stood. I, therefore, consider that the appeal site has been historically segregated from the Hall's parkland and is thus not part of this key feature. Whilst the proposal would result in road frontage where there is none at present, a building/house in this location has, nevertheless, formed part of the historical and landscape character of the village. Consequently, I consider that the proposal would not have a harmful effect on the historic parkland setting.
19. Furthermore, the layout of the proposal would be low density and would not constitute a 'large block of infilling'. This objective of the character area would not, therefore, be undermined and the proposal would be consistent with surrounding properties which are low density detached and semi-detached dwellings set in relatively spacious plots.
20. The proposal would be well-screened in views approaching from both directions along Richmond Road. The proposal would also be screened from the west by woodland. The only point at which the proposed dwelling would be visible is from the access, other than glimpses through the trees. Moreover, the proposal is an outline application and consequently, I am satisfied that a scheme could be designed that would not detract from the rural wooded character and appearance the area. Consequently, I consider that the proposal would not undermine the key visual features of the landscape type.
21. Attention is drawn to an appeal decision¹ for the erection of four new dwellings on land further south on Richmond Road than the appeal site in which the Inspector concluded that the proposal would be located in the open countryside and would have a harmful effect on the character and appearance of the area. However, I note that the site is situated further south than the appeal site and more removed from the settlement. I also note that the site extends beyond the built form of Broom Hall. Furthermore, the site is situated in an open grassed paddock and would consequently have a greater effect on the character and appearance of the area than the appeal proposal. This case is not, therefore, directly comparable to the appeal proposal which limits the weight which I can attach to it in my Decision.
22. Representations from third parties raise concerns that the allowing the appeal would set a precedent for future ribbon development on the western side of

¹ Appeal decision APP/F2605/A/13/2194372

Richmond Road. However, I have concluded that appeal site has been historically segregated from the parkland; is close to the built-up area of Saham Toney and has a history of a dwelling in this location. I have, therefore, considered the appeal proposal on its own merits and do not consider that it would set a precedent for further development on this side of Richmond Road.

23. Consequently, I conclude that the proposal would not harm the character and appearance of the area. The proposal would not, therefore, conflict with Policy CP 11, Policy DC 12 and Policy DC 16 of the DPD. Furthermore, the proposal would not conflict with paragraph 17 or 55 of the Framework. Moreover, no conflict would arise with paragraph 109 of the Framework which states that the planning system should contribute to and enhance the natural and local environment, by amongst other things protecting and enhancing valued landscapes. The Council have referred to paragraph 114 of the Framework; however, I do not consider that it is relevant to the appeal proposal.

Protected Trees

24. The site contains a number of trees, the majority of which are situated to the boundaries, with the exception of some self-set trees. Two of the trees within the site T15 and T17, both Beech trees, are protected by a Tree Preservation Order (TPO) (2008 No 64). I note that reason for refusal 2 relates to the trees which are subject to the TPO.
25. The proposed access is shown to be close to T17 and consequently the Council is concerned that the access and turning area would be within the root protection area of T17 and that heavy pruning would be required in order to create sufficient ground clearance. However, the access is reserved for future consideration and I note that the Design and Access Statement (DA) refers to alternative options within the site. The appellants' submissions refer to there being ample space for the access between T15 and T17 which would not affect the root protection area nor be under any tree canopy. The Council has not disputed that there is an alternative access available. Consequently, I consider that an alternative location could be utilised. I also note that it is proposed to utilise a piled foundation system and no-dig drive in order to ensure that the root system of the tree remains intact.
26. I note the Council's concerns regarding the potential for future pressure to trim and prune the trees, however, as the application is outline, I consider that a suitable design could be achieved which would not affect the long term health and visual appearance of the trees subject of the TPO.
27. I consider that with suitable conditions in place this would overcome the Council's concerns about these matters. With such controls, I conclude that there would be no risk of an unacceptably harmful effect on the protected trees. As a result the proposal is not contrary to Policy DC12 of the DPD which seeks to prevent the loss of protected trees amongst other natural features.

Other matters

28. Concerns have been raised regarding the status and condition of Richmond Road and consequently whether it would be suitable to serve the intended use and its ability to enable access to sustainable forms of transport such as cycling and walking. There is a footpath on the eastern side of Richmond Road and

slightly further north on the western side; although I note that there is no street lighting. However, there is a bus stop close to the site providing services to Watton and Norwich. At the time of my site visit (1230) the road did not appear to be heavily trafficked and the site is within a 30mph zone. I, therefore, consider the site would have reasonable access to alternative means of sustainable transport.

29. Concern is raised that the northern boundary of the appeal site is incorrectly drawn. However, this is a private legal matter outside of the remit of this Decision.

Conditions

30. I have attached conditions relating to the standard time limits for outline applications and approval of reserved matters (conditions 1, 2, 3). I have also imposed a condition (4) requiring submission of access details in the interests of highway safety. A condition (5) requiring the submission of a Tree Protection Plan and Arboricultural Impact Assessment and Method statement is necessary to ensure the protection of the trees subject of the TPO and other trees on site.
31. Finally, conditions (6, 7) requiring the submission of details of surface and foul water disposal are necessary to ensure satisfactory drainage of the site.

Overall Planning Balance

32. As the Council does not have a five year supply of housing sites, policies for the supply of housing are out of date. Paragraph 14 which sets out the presumption in favour of sustainable development is invoked. I consider that there are no specific policies in the Framework which indicate development should be restricted.
33. Furthermore, I have found that no harm would arise to the character and appearance of the area or to the protected trees. I have also concluded that the proposal complies with development plan policy and other policies in the Framework. Consequently, there are no adverse impacts which would significantly and demonstrably outweigh the benefits. The proposal, therefore, represents sustainable development and planning permission should be granted in accordance with the presumption in favour of sustainable development.

Conclusion

34. For the reasons stated above the appeal should be allowed subject to the conditions set out in the schedule attached to this decision.

Caroline Mulloy

INSPECTOR

Schedule

Conditions

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) No development shall take place until full details (in the form of scaled plans and/or written specifications) shall be submitted to and approved in writing by the Local Planning Authority to illustrate the following:
 - i) Visibility splays (2.4m x 59m).
 - ii) Access arrangements.
 - iii) Parking provision in accordance with the adopted standard.
 - iv) Turning areas.
- 5) Before development takes place, a Tree Protection Plan, Arboricultural Impact Assessment and Method Statement which shall take account of all development which is being undertaken within the RPA of the retained trees, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 6) Before development takes place details of the means of surface water disposal shall be submitted to and approved in writing by the local planning authority. None of the dwellings shall be occupied until works for surface water disposal have been provided on the site to serve the development hereby permitted, in accordance with those details.
- 7) Before development takes place details of the means of foul water disposal shall be submitted to and approved in writing by the local planning authority. None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with those details.