
Appeal Decision

Site visit made on 17 October 2016

by Graham Chamberlain BA (Hons) MSc MRTPI

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

Decision date: 25th October 2016

Appeal Ref: APP/F2605/W/16/3154572

Highcroft, Ellingham Road, Attleborough, Norfolk NR17 1AE

- 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 & Mrs Richard Selwin against the decision of Breckland District Council.
 - The application Ref 3PL/2016/0037/O, dated 12 January 2016, was refused by notice dated 26 May 2016.
 - The development proposed is the erection of four detached dwellings and garages.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form indicates that the planning application was submitted in outline with matters of 'appearance', 'landscaping', 'layout' and 'scale' reserved for future consideration. The 'access' is a matter for which approval is being sought. Nevertheless, the drawings submitted, which are not marked as illustrative or indicative, show a layout in some detail. As such, I have also taken the layout presented to be a matter before me. I have determined the appeal accordingly.
3. I have taken the description of development from the appeal form as the description on the application form refers, in part, to a triple garage. However, a new triple garage to the front of Highcroft is shown outside the application site area, as articulated by the red line on the site plan, and therefore does not form part of the appeal scheme before me.

Main Issues

4. The main issues in this appeal are: 1) Whether the proposed development would constitute a suitable site for housing having regard to local and national policy; and 2) The effect of the proposed development on the character and appearance of the area.

Reasons

Whether the proposed development would constitute a suitable site for housing

5. It is common ground between the Council and appellants that the appeal site is located in the countryside being outside of the nearest defined settlements, which are defined on the Policies Map as Attleborough and Great Ellingham.
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6. To assist in protecting the vitality of rural communities, Policies DC02 and CP14 of the Core Strategy and Development Control Policies Development Plan Document 2009 (DPD) require most new housing to be located within the boundaries of defined settlements unless the housing is associated with a rural enterprise or complies with national guidance in respect of exceptions. This approach is broadly consistent with the National Planning Policy Framework (the Framework), which recognises the intrinsic character and beauty of the countryside, promotes sustainable patterns of travel and only permits isolated dwellings where there are special circumstances. As the appeal site is not located within a defined settlement boundary it would undermine the broad strategy for housing land supply contained in the Development Plan.
7. Nevertheless, when taken together, I am of the view that Policies DC02 and CP14 of the DPD relate to the supply of housing as they aim to restrict housing in locations outside of settlement boundaries. This is significant as it is common ground between the Council and appellants that the Council cannot currently demonstrate a five year housing land supply as required by Paragraph 47 of the Framework.
8. As a consequence, the policies relating to the supply of housing in the development plan are out of date, including the settlement boundaries and Policies DC02 and CP14. Paragraph 14 of the Framework indicates that in such circumstances planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. I have determined this appeal accordingly.
9. Paragraph 55 of the Framework specifically addresses the provision of housing in rural areas. It states that housing should be located where it will enhance and maintain the vitality of rural communities by avoiding isolated homes in the countryside unless there are special circumstances. The Framework does not define or limit the meaning of 'isolated'. In my experience, and having regard to the aims of the Framework, there are two main aspects to be assessed when considering 'isolation', these being the site's physical relationship with a discernable settlement along with its functional connectivity to services and facilities.
10. To the east of the appeal site there is a row of three bungalows set in very large plots. There is also some frontage development along Crowshall Lane. To the west there is a rural worker's dwelling that is currently under construction and beyond this St Luke's Hospital. To the north and south are open agricultural fields. There is also a scattering of other agricultural and non-agricultural buildings in the broader vicinity of the appeal site.
11. Nevertheless, although there is sporadic development in the vicinity of the appeal site, the proposed development would not be within or abutting a continuous built up frontage and nor would it be part of a recognisable nucleus of development. It would also be a significant distance from the nearest defined settlements of Attleborough and Great Ellingham. In this respect the appeal scheme would not appear well related to, or a natural extension of, a discernable settlement. As such, the proposed development would appear physically isolated and thus a harmful encroachment into an otherwise undeveloped site in the countryside. This would undermine the Framework's aim of recognising the intrinsic character and beauty of the countryside.

12. In terms of connectivity to services, the appeal site is located at the upper limits of what can be considered a reasonable walking distance from a good array of local services and facilities in Great Ellingham and Attleborough¹. Nevertheless, such a walk would be along the B1077, which I observed was a busy road², subject to a 60mph speed limit and is devoid of pavements and street lighting in the vicinity of the appeal site.
13. The distance and unappealing walking environment is likely to deter future residents from walking to local facilities. This would be especially so for vulnerable pedestrians such as parents with young children and those with mobility, aural or visual impairments. Given the distance, inconvenient and in some respects unattractive walking environment, I consider it highly likely that future residents would be predisposed to rely on a private car to access everyday services and facilities, especially in the winter months. The provision of a footpath across the site frontage would not mitigate this as it would not link with any other pavement, the nearest being some distance towards Attleborough.
14. I note that there are bus stops along Attleborough Road but the Local Highway Authority (LHA) has confirmed, and the appellants do not disagree, that the service is infrequent during weekdays with a reduced service on weekends. The infrequency of the bus service is such that it would be unlikely to provide a regular alternative to private car use. Cycling could be an option for some future residents, but not all, depending on mobility and proficiency thus reducing the reliance that can be placed on this mode of transport as an alternative to a private car. Some employment may be available at St Luke's Hospital but this cannot be relied upon. Consequently, I find that the proposed development would be a functionally isolated development in the countryside due to its limited connectivity to everyday services and facilities.
15. This functional isolation would result in significant harm when considering the social and environmental dimensions of sustainable development. It would leave future occupants of the proposed dwelling largely reliant on private vehicles with limited travel choices. It would also undermine the Framework's aim of locating new dwellings in rural areas close to services and facilities as a means of supporting the vitality of rural communities and reducing unnecessary travel by car, with its associated carbon emissions, as one measure to cumulatively limit the effects of climate change.
16. In considering any special circumstances that would justify the isolated location of the appeal scheme, I do not have substantive evidence before me to suggest that the examples of special circumstances listed in Paragraph 55 of the Framework are met. However, the list is not exhaustive and the appellants suggest that the appeal site is within a residential garden and not open countryside and is therefore a simple infill. However, I have found that the development would be physically and functionally isolated. The location of the proposed development in a garden would not be a special circumstance that would outweigh the harm that would arise from this.
17. I therefore conclude that as isolated dwellings outside of a defined settlement boundary the appeal proposal presents a conflict with the development plan. More significantly in this case, the development is contrary to the Framework

¹ The appellants have suggested the distance is 1.1 and 1.4 miles respectively.

² Classified by the Local Highway Authority as a Main Distributor Route within the Norfolk Route Hierarchy

(Paragraphs 17 and 55 in particular), which seeks to protect the countryside and deliver development that minimises the above adverse impacts by siting development in locations that maximise opportunities for future residents to live in a sustainable way.

The effect of the appeal scheme on the character and appearance of the area

18. The appeal site is located to the south west of Highcroft. The southern and western boundaries of the appeal site are delineated by thick hedging and the northern boundary is partially marked by a row of trees. This affords the appeal site a rural and verdant character, which is an important characteristic of the area and positively contributes to its overall quality. The appeal scheme is for four houses arranged in a small cul-de-sac. Access would be provided from a spur road off the existing driveway serving Highcroft. The proposed houses would therefore be set back from the B1077 with views from this direction towards the appeal site filtered by landscaping.
19. I have already concluded that the appeal scheme would appear visually isolated as the four houses would have little visual affinity with any nearby development when viewed from the B1077 and the access road to the hospital. The orientation and position of the houses would not follow any discernable grain of development and the cul-de-sac layout would have an inherently suburban appearance that would jar with the rural character of the area. As such, the appeal scheme would appear as a discordant and harmful incursion into the rural and verdant setting of the site.
20. In coming to this view I note that the development would be screened by the belt of trees and boundary planting to the north. This would soften the impact of the development but not wholly remove it. Furthermore, landscaping cannot be relied upon as long term mitigation to screen an otherwise unacceptable development as it may be removed or fail in the future.
21. I also note that a new dwelling is currently under construction to the west of the appeal site. This is however, a rural workers dwelling which is likely to have an essential need to be where it is. Thus, unlike the appeal scheme, the isolated appearance³ has been justified to the satisfaction of the decision taker by this special circumstance.
22. I therefore conclude that the proposal would significantly harm the character and appearance of the area. This would be contrary to Policy DC1 of the DPD, which seeks to safeguard the important features and quality of the landscape. These objectives are consistent with Paragraph 58 of the Framework.

Conclusions

Whether the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits

23. In considering the potential benefits of the proposal, the new dwellings would contribute to the Council's five year housing land supply that is required by Paragraph 47 of the Framework. A net increase of four dwellings would not be an insignificant contribution. I therefore give this benefit moderate weight.

³ And isolated location relative to services and facilities

24. In addition, the construction of the dwellings would derive some economic benefits to the construction industry and the New Homes Bonus would bring additional resources to the Council. Nevertheless, these benefits would be for a limited time and could apply to new development anywhere. Furthermore, given the modest scale of the development the contribution to the local economy from the spending power of future occupants is unlikely to be significant. In any event, these benefits could be made by a development constructed in a more appropriate location. I therefore give them only limited weight.
25. I have considered the benefits which would be derived from the appeal scheme but these carry only moderate weight overall. The proposed development would however be in an isolated location, with the significant and inherent harm this would bring. Moreover, the inaccessibility of the site on foot to everyday facilities and services would be at odds with Policy 5 of the Norfolk Transport Plan. There is nothing before me to suggest I should not afford this conflict some weight in my overall assessment. The appeal scheme would also significantly harm the character and appearance of the local landscape. These are harmful social and environmental impacts that would be contrary to the development plan and Framework. Overall, I attribute significant weight to the harm I have identified.
26. I therefore conclude that the benefits of the proposal are significantly and demonstrably outweighed by the harm I have identified. I therefore find that when taken as a whole, the proposal is not sustainable development for which the Framework carries a presumption in favour.

Overall conclusion

27. For the reasons given above, and having regard to all other matters raised, I conclude the appeal should be dismissed.

Graham Chamberlain
INSPECTOR