



Appeal Decision

Site visit made on 21 November 2016

by Zoe Raygen Dip URP MRTPI

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

Decision date: 5 December 2016

Appeal Ref: APP/F2605/W/16/3158769

Land at Coburg Lane, Saham Toney, Thetford, Norfolk

- 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 Peter Lawrence against the decision of Breckland District Council.
 - The application Ref 3PL/2016/0221/O, dated 22 February 2016, was refused by notice dated 8 June 2016.
 - The development proposed is demolition of small barn and erection of dwelling and garage.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The application is in outline; with all matters except for access reserved for future consideration. I shall determine the appeal on that basis. A layout plan has been submitted which I will treat as indicative only.

Main Issues

3. The main issues are:
 - i) whether the proposal would provide a suitable site for housing with particular regard to its location;
 - ii) the effect of the proposal on highway safety;
 - iii) the effect of the proposal on the character and appearance of the area, and
 - iv) the effect of the proposal on protected species

Reasons

Suitable site for housing

4. The appeal site is located outside of the development limits for Saham Toney as defined within the Council's development plan. As a result the proposal would be contrary to Policies CP14 and DC2 of the Core Strategy and Development Control Policies Development Plan Document 2001-2026 (2009) (the DPD) which seek to restrict development to within the main settlement boundaries.
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5. The Council acknowledges that it is unable to demonstrate a five year supply of housing land. Paragraph 49 of the National Planning Policy Framework (the Framework) states that 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. I therefore give saved Policies CP14 and DC2 limited weight.
6. 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 the meaning of 'isolated'. In my experience there are two main aspects to be assessed when considering 'isolation', these being whether the appeal site is physically isolated relative to settlements and other built development and whether it is functionally isolated relative to services and facilities.
7. The appeal site is located at the end of a track which has housing located on the west side. Furthermore there are houses on either side of the appeal site. As a result the proposed dwelling would be viewed within the context of built development and therefore would not be physically isolated.
8. The DPD identifies that focussed growth will be encouraged within the Local Service Centres, which includes Saham Toney as designated through Policy SS1 of the DPD. However, on my site visit I saw that facilities in Saham Toney are limited to a pub, church and school. I did not see any convenience store, health services or significant employment opportunities. As a result future occupiers would need to travel further to larger settlements for their day to day needs.
9. I noted that there was a bus stop close to the appeal site, but I am advised that it only has two services a day on school days. The nearest bus stop with regular services to larger settlements is located, along with the village facilities, some distance away. These are accessed by narrow unlit roads with no footway or cycle path. Given the distances involved therefore it is unlikely that future occupiers would walk or cycle to the limited facilities or bus stops particularly in the dark winter months, or if they have mobility issues or accompanied by children.
10. As a result future occupiers would be likely to have a high dependence on the use of motor vehicles to access the local services which would be contrary to one of the core planning principles of paragraph 17 of the Framework to make the fullest use of public transport, walking and cycling. Moreover, the proposal would conflict with one of the aims of paragraph 7 of the Framework to move towards a low carbon economy.
11. The appellant and his family makes on average 4 car journeys to the site per day. By living on the site he estimates that a saving of 1694.305kg of CO2 emissions would be saved per year. However, as I have already found that the future occupiers would be likely to be dependent on the car the overall limited reduction in car journeys would not be significant against a dependence on the car for all other services.
12. Whilst I recognise that there is generally a greater reliance on the private car in more remote rural areas, it remains the case that there would be a lack of sustainable transport choices available to enable future residents to conveniently access services and facilities. There would be a lack of relationship between the

site and the nearest settlements able to provide basic services and in this respect the dwelling would be functionally isolated.

13. Leading on from this I do not consider there to be special circumstances (paragraph 55 of the Framework) to justify the erection of isolated dwellings, including those cited in the Framework namely that it would be essential for a rural worker; would secure the future of a heritage asset; would re-use a redundant or disused building or would be of exceptional quality or design.
14. The appellant has referred me to a number of planning applications for dwellings which have been approved outside of the settlement boundary which he considers are further away from the services and facilities of Saham Toney than the appeal site (3PL/2015/0879/O, 3PL/2016/0012/O, 3PL/2013/0869/F, 3PN/2016/003/UC, 3PL/2015/1334/F, 3PL/2014/0602/F). He also refers me to three other applications which have been refused, two of which have subsequently been in receipt of an appeal decision (APP/F2605/W/16/3143958, APP/F2605/W/3143930 and 3PL/2016/0254).
15. According to the site plan showing the location of the sites, supplied by the appellant, all but three of those referred to are closer to the local facilities than the appeal site. One of the three that is further away is a change of use application and therefore not directly comparable to the appeal proposal. A further one has been dismissed at appeal, notwithstanding that it was dismissed for highway reasons, it does not have planning permission. The final one (3PL/2015/0879/O) is immediately adjacent to the settlement boundary and forms an infill to adjacent development and therefore is different to the appeal proposal. Moreover a development for five houses on Coburg Lane close to the appeal site was recently dismissed for a number of reasons (APP/F2605/W/16/314958). The Inspector concluded that the proposal would not promote sustainable modes of travel or reduce the likely need for vehicular transport, in particular the private car. From my observations I see no reason to disagree with these findings.
16. Paragraph 55 of the Framework refers to development in small villages potentially supporting services either in the immediate environment, or in a village nearby. However, I have seen no evidence to suggest that the location of the appeal site is well placed by way of public transport connectivity, to the available facilities in nearby settlements and one dwelling would in any event, make a limited contribution in this regard.
17. For the reasons above therefore I conclude that the proposal would not provide a suitable site for housing with particular regard to its location. It would therefore be contrary to Policies CP14 and DC2 of the DPD, paragraphs 7, 17, 34 and 55 of the Framework and Policy 5 of Norfolk's 3rd Local Transport Plan. These seek, amongst other things, to avoid isolated houses in the countryside and minimise the need to travel and reduce reliance on the private car or the need for new infrastructure.

Highway safety

18. The appeal site has clear and visible access onto Coburg Lane which is a long relatively straight track and this matter is not in dispute. The concern raised by the local highway authority (LHA) relates to the point of access from Coburg Lane onto the C119 Hills Road due to the inability of the appellant to provide adequate visibility splays within land in his ownership.

19. Hills Road is the main thoroughfare through the northern part of the village and has a speed limit of 30mph. The part of the road near to the appeal site is relative straight with a slight curve to the south west. As a result it is likely that vehicles would be travelling at or near to the speed limit near to Coburg Lane.
20. The required visibility splay at the junction, based on the requirements of Manual for Streets 2007 would be 2.4 x 59 metres. Visibility to the north east is achieved by drivers looking over a ditch. To the rear of the ditch is a high hedge which, I observed, already restricts visibility. Neither the ditch nor the hedge is in the ownership of the appellant or the LHA. There is no guarantee therefore that the hedge would be appropriately maintained to ensure that the required visibility would be achieved at the junction.
21. Without looking over the ditch, the LHA advise that visibility is restricted to 25 metres being only 42% of the safety requirements. This is not disputed by the appellant. As a result emerging vehicles are likely to be reliant on encroaching onto the carriageway to gain sufficient visibility along Hills Road. Consequently there would be an increase in the potential for vehicle and pedestrian/cyclist conflict.
22. The LHA advise that the development would generate an average of 6 movements per day, on a regular basis, in addition to those vehicular movements associated with service and delivery vehicles. The appellant has stated that there are already 4 journeys to the site undertaken each day by himself and his family. However, at my site visit I observed no reason as to why there would be that level of activity. The site has a derelict barn and is overgrown and there did not appear to be any obvious reason for visiting the site each day throughout the year.
23. Therefore given the likely increase in traffic and the inability of the appellant to control sufficient land to provide adequate visibility at the site access to Hills Road the scheme would have an adverse impact on highway safety.
24. For the reasons above therefore I conclude that the proposal would be harmful to highway safety. It would therefore be contrary to Policy CP4 of the DPD and paragraph 32 of the Framework which require that safe and suitable access to the site can be achieved for all people.

Character and appearance

25. Coburg Lane is developed on its western side by a small cluster of housing by the junction with Hills Road. Further north the houses form a mainly linear development set back from Coburg Lane with a low brick wall comprising the front boundary. However there are houses set behind the main row of dwellings at the northern end of the lane. Together with the two houses at the end of Coburg Lane these add to the variety of the siting and design of houses along the road. Planting within the front gardens of these properties together with mature trees and shrubs on the eastern side of the lane create a pleasant open, verdant character and appearance. Plot sizes are large adding to the openness of the area. The appeal site is covered with scrub and trees and therefore contributes positively to the open, verdant character and appearance of the area. The presence of a derelict barn on the site detracts from the appearance of the area.
26. While I am aware that the layout is indicative only it shows that the proposed house could be set back within the site and although angled to the road it would

not, given the variety of design, be unique or unacceptable in this respect. It also demonstrates that the house could be located on a similar line to the adjacent properties so that it would not encroach further into the open countryside than existing development.

27. The appellant has submitted an Arboricultural Impact assessment (the AIA) which the Council consider to be insufficient but give no further reasons for that opinion. I found that the AIA adequately represented the trees on the ground and based on the indicative layout demonstrates that a house could be accommodated without having a significant impact on the surrounding trees with the removal of only three small fruit trees.
28. Their replacement and suitable protection measures for existing trees could be achieved through the imposition of a suitably worded condition in accordance with the recommendations of the AIA. As a result the indicative layout and the AIA demonstrate that a house could be achieved on the site without causing harm to the open, verdant character and appearance of the area or encroaching into the open countryside to a significant degree.
29. For the reasons above I do not consider that the proposal would be harmful to the character and appearance of the area. It would therefore be in accordance with Policy CP11 and DC12 of the DPD. This requires that development should be of the highest design quality which contributes to creating a sense of local distinctiveness and to preferably retain trees in situ .

Protected species

30. I have not been advised that the appeal site has any formal designation as having significant wild life interest. Nonetheless, my site visit confirmed that it has a number of mature trees together with scrub and a derelict brick building. Furthermore there is a pond within 10 metres of the appeal site. I consider that the combination of these factors, together with the rural location, means the site has the potential to contain habitats that could serve both protected and non-protected species.
31. The appellant's phase 1 Habitat Survey/Protected Species Survey (the HSPSS) was undertaken in mid November 2015. It finds that the presence of great crested newts cannot be discounted in the nearby pond and recommends further surveys are undertaken. Furthermore the derelict building has a number of features of potential value to small numbers of individual roosting bats. The HSPSS therefore recommends a further survey for bat activity should be undertaken between May and August.
32. The lack of the additional surveys in relation to great crested newts and bats means that there is an unacceptable level of uncertainty about how the proposal may affect protected species. The Framework indicates that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity and that opportunities to incorporate biodiversity in and around developments should be encouraged (Paragraph 118). This is confirmed by Paragraph 17 of the Framework, which details the core planning principles and indicates that planning should contribute to conserving and enhancing the natural environment (bullet point 7). The Framework therefore makes it clear the importance the government attaches to conserving and enhancing biodiversity.

33. The lack of the additional surveys means that insufficient information exists for a decision maker to satisfactorily conclude that the proposed development would not result in material harm to protected species.
34. Accordingly, I conclude that the proposed development would be contrary to the provisions of the Framework, and Policy CP10 of the DPD. These require amongst other things to seek to conserve and enhance the natural environment and open spaces and protect areas of biodiversity interest from harm.

Other matters

35. The appellant refers to the Government's Housing Strategy including a land release scheme relating to "Right to Build" to help self-builders get their project started. He states that the Framework requires councils to identify and serve the appetite for self-build in their area. Furthermore Appendix 11 of the Policy Paper "2010-2015 government policy: house building" published jointly by the Department for Communities and Local Government and the Homes and Community Agency clearly sets out the Government intent. Whilst I do not disagree with these principles, I have found harm based on the location of the appeal site together with the appellant's inability to provide and ensure safe access to the site.

Balancing and conclusion

36. In considering the potential benefits of the proposal, I note that the new dwelling would contribute to the Council's five year housing land supply as required by the Framework. However, a net increase of one dwelling would be a small contribution so I afford this benefit only limited weight.
37. In addition, the construction of the dwelling would derive some economic benefits but this would be for a limited time. Furthermore, given the small scale of the development, the contribution to the local economy from the spending power of future occupants is unlikely to be significant.
38. The lack of harm to the character and appearance of the area and existing trees are not benefits justifying the development, but are a pre requisite of good design.
39. The proposed development would be in a functionally isolated location resulting in the inherently harmful effects I have already identified. It would also be harmful to highway safety. In addition I cannot be sure that the proposal would not be harmful to protected species. These impacts are contrary to both local and national planning policy to which I give considerable weight.
40. I have considered the benefits which would be derived from the appeal scheme but these carry limited weight. I therefore conclude that the considerable harm I have found would significantly and demonstrably outweigh the limited benefits I have identified when assessed against the policies in the Framework and the development plan as a whole. Consequently the proposal is not sustainable development for which the Framework carries a presumption in favour. For this reason, and having regard to all other matters raised, including the letter of support, I conclude the appeal should be dismissed.

Zoe Raygen

INSPECTOR