
Appeal Decision

Site visit made on 22 November 2016

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

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

Decision date: 15 December 2016

Appeal Ref: APP/F2605/W/16/3156815

Land and Building to Rear of 86 to 92 Hills Road, Saham Hills IP25 7EZ

- 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 Graham Lond-Caulk against the decision of Breckland District Council.
 - The application Ref 3PL/2016/0521/F, dated 27 April 2016, was refused by notice dated 23 June 2016.
 - The development proposed is demolition of existing building and creation of new dwelling, including change of use to residential.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. Hills Road is a long road with a predominantly linear form of residential development, with green space and open countryside to the rear. Properties vary in size from larger detached properties to smaller semi-detached houses. There are a few farm complexes along the road, with buildings set back from the road, as well as short side roads.
 4. Recent housing developments include two small cul-de-sacs at Hillside Mews and Hunts Farm Close, with the latter appearing to involve conversions of barns and a farmhouse. I am also aware of residential development under construction to the rear of 114 Hills Road, replacing another barn complex. I do not know the full circumstances behind each development, how they relate to the settlement boundary and what existed on site previously. Nevertheless, built development remains close to Hills Road and the overall character and appearance of the area remains linear surrounded by extensive green and open space.
 5. The appeal site straddles the Saham Toney Settlement Boundary, with the proposed dwelling located beyond the boundary. The site contains a small redundant stable building, but is otherwise undeveloped and rough grazing land. The south-west boundary with 84 Hills Road comprises a tall and thick hedge, a number of trees line the north-east boundary, and fencing screens the gardens to the rear of 86-92 Hills Road. The rear boundary of the site, which
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follows the rear boundary of No 84, opens out to arable fields with expansive views across the countryside. The site forms a large transition space between Hills Road and the countryside beyond, providing green space to the rear of properties and thus contributing positively to the overall pattern of development.

6. The proposed development would not be significantly larger than the property at No 84 or other detached dwellings along Hills Road. As such, it would not be inconsistent with the surrounding area in terms of its scale and massing. However, the development would result in the erosion of green and open space to the rear of Hills Road. It would not follow the predominant linear pattern of development that fronts the road, or involve the replacement or conversion of existing buildings. Furthermore, the appeal site and the adjoining sites to the west and east are large. The proposed development if built could lead to pressure for additional residential development in the future that would further erode the pattern of development along Hills Road.
7. From the evidence before me, it is not possible to reach a firm conclusion on whether the appeal site is previously developed land as indicated by the appellant. While mostly beyond the settlement boundary, the site does not have the appearance or function of a private residential garden, while the proposal seeks to change the use of the land to residential. Notwithstanding the uncertainties regarding the status of the land, it evidently has environmental value as green and open space to the rear of Hills Road that makes a positive contribution to the character and appearance of the area.
8. The appellant highlights the proposal's lack of visibility from the road and its limited effects on the living conditions of occupiers of neighbouring properties, but this would do little to mitigate the effect on the pattern of development along Hills Road. I am aware of the appeal decision¹ at Main Road, Little Fransham, where backland development was considered acceptable in that instance. However, the pattern of development along Hills Road is not the same as that surrounding the appeal site in Little Fransham. Therefore, that appeal decision carries very little weight in the consideration of this proposal, which I have assessed on its own merits.
9. Based on the above assessment, I conclude that there would be harm to the character and appearance of the area. Therefore, the development would not accord with Policies CP11 and DC16 of the Core Strategy. Amongst other things, these policies require development to address local context and character, reinforce patterns of development and consider the layout and siting of buildings.

Planning balance

10. In its appeal statement submitted on 12 October 2016, the Council does not dispute the appellant's contention that the Council cannot demonstrate a five year housing land supply. Therefore, in line with paragraph 49 of the NPPF, relevant policies for the supply of housing should not be considered up to date and the presumption in favour of sustainable development set out in paragraph 14 applies. Paragraph 14 states that where 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

¹ APP/F2605/W/16/3146696

the policies in the NPPF taken as whole or specific policies in the NPPF indicate development should be restricted.

11. Policy DC2 cannot be considered up to date and has reduced weight in so far as it relates to restricting housing outside of settlement boundaries. In contrast, Policies CP11 and DC16 do not directly affect the supply of housing and so can continue to be given due weight relative to their consistency with the NPPF as set out in paragraph 215.
12. Addressing the adverse impacts of the proposed development, there would be harm arising from the siting of the dwelling to the rear of Hills Road beyond the settlement boundary within an area of green space to the rear of properties. The predominantly linear pattern of development along Hills Road would be negatively affected. The harm is tempered to some extent by Policy DC2 not being up to date, but the conflict with the development plan, particularly Policies CP11 and DC16, remains important. For this reason, significant weight can be afforded to the adverse impacts of development on the character and appearance of the area.
13. Turning to the benefits of the development, the provision of a new dwelling would contribute to the local housing land supply and provide some investment in terms of its construction, occupation and maintenance, helping to support local services. I note that the appellants are considered to be aspiring custom or self-builders, something which the government has sought to promote, and the site is available and development achievable within the short-term. I also note the relative proximity of services and facilities and the site's apparent connections to existing infrastructure. However, the proposal is for a single dwelling. As such, the above benefits are modest compared to the harm that would be caused to the character and appearance of the area.
14. Therefore, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of development. In the circumstances, the presumption in favour of sustainable development does not apply and the proposal would not represent sustainable development.

Conclusion

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

Tom Gilbert-Wooldridge

INSPECTOR