

Appeal Decision

Site visit made on 5 December 2016

by Chris Forrett BSc(Hons) DipTP MRTPI

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

Decision date: 13 January 2017

Appeal Ref: APP/F2605/W/16/3159301

Websters Farm, Hook Lane, Letton, Thetford, Norfolk IP25 7SZ

- 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 & Mrs Martin Vaughan against the decision of Breckland District Council.
 - The application Ref 3PL/2016/0583/F, dated 7 May 2016, was refused by notice dated 14 July 2016.
 - The development proposed is a detached dwelling and double garage.
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Decision

1. The appeal is dismissed.

National Planning Policy Background

2. The Council have confirmed that they do not have a five year housing land supply. It follows that, in accordance with paragraph 49 of the National Planning Policy Framework (the Framework), the housing supply policies in the Breckland Core Strategy and Development Control Policies Development Plan Document 2001-2026 (2009) (CS) are out of date.
3. Consequently the fourth bullet point of paragraph 14 of the Framework comes into play. This makes it clear that where development plan policies are out of date planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

Main Issue

4. The main issue is whether the proposal would result in a sustainable pattern of development with particular regard to the effect on the character and appearance of the area and the accessibility of services.

Reasons

5. From the evidence before me, the site lies outside of any defined settlement boundary and, in planning policy terms, is located in the countryside. There is very limited development in the area with fields to the north and east of the site with some tree and hedgerows to the field boundaries. To the south, beyond Hook Lane, there are also open fields. The area is therefore very rural in character. I acknowledge that there is a cluster of low level buildings to the west of the site, but these would not be visually associated with the appeal development.
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6. The proposed dwelling would be set back in the region of 9 metres from Hook Lane with a double garage set further back into the site. Whilst this set back would reduce the impact of the dwelling it would nevertheless appear as a prominent feature. The dwelling and garage would also be highly visible from Hook Lane owing to the wide access driveway. Whilst the undeveloped land, with its tree and landscape coverage, in the appellants control would assist in minimising the impact of the new dwelling and garage it would nevertheless still have an undesirable urbanising effect on the rural character of the site and the wider area.
7. Paragraph 55 of the Framework seeks to promote sustainable development in rural areas and indicates that housing should be located where it will enhance, or maintain, the vitality of rural communities. However isolated homes in the countryside should be avoided unless there are special circumstances.
8. Whilst there are other buildings to the west of the site, the dwelling would still be, physically, isolated from other development in the area. Additionally, given the remote location of the site, there is little access to services in the vicinity with only a school bus stop nearby.
9. Whilst there are other villages and market towns in the area, given the distances from the appeal site and the nature of the road and footpath networks, walking would not be an attractive option. It is likely that travel would invariably involve regular journeys by the private motor vehicle which is the least sustainable mode of transport. Consequently, I consider that the dwelling would be isolated from services and not in a sustainable location.
10. My attention has been drawn to several other developments which have been granted planning permission including applications for new dwellings and holiday let units. However, I have only been provided with very little information regarding these developments. I also understand that there was a dwelling on the site historically. However, this dwelling has long since disappeared and I give these matters very limited weight.
11. For the above reasons, I conclude that the dwelling would not result in a sustainable pattern of development and would lead to unacceptable harm to the rural character and appearance of the area. The proposal would therefore be contrary to DC2, DC16, CP11 and CP14 of the CS which amongst other things seek to protect the character and appearance of the area. The development would also be at odds with the Framework which recognises the intrinsic character of the countryside.

Planning balance

12. In their reason for refusal the Council cite Policies DC2, DC16, CP11 and CP14 of the CS. A recent court judgement (Cheshire East Borough Council v SoS for CLG and Renew Land Developments Ltd) has made it clear that relevant policies for the supply of housing, as mentioned in paragraph 49 of the Framework, include policies that influence the supply of housing by restricting the locations where they may be developed. From this I deduce that Policies DC2, CP11 and CP14 affect the supply of housing, and that therefore they cannot be considered to be up to date. Limited weight can therefore be afforded to any conflict arising with them and the fourth bullet point of paragraph 14 of the Framework comes into play as detailed above.

13. I have found that the proposal would not result in a sustainable pattern of development due to the harm to the character and appearance of the area and the lack of accessibility to services in conflict with the CS and the Framework. These factors weigh heavily against allowing the proposed development.
14. In its favour are the benefits to the social and economic aspects of sustainability as a result of the provision of an additional dwelling and allowing a local young person to get onto the housing ladder.
15. From the evidence before me, it is unclear what the exact shortfall in the Council's five year housing land supply is. I also acknowledge that the appellant has stated that the site is available and deliverable within a five year period, and would be willing to accept a reduced time limit condition to ensure that the development would be brought forward quickly. However, the provision of one dwelling would be unlikely to have any significant effect in reducing the deficit.
16. I have also been referred to four appeal decisions, although commentary has only been provided in relation to two of these¹. Whilst both of these cases deal with the issue of housing land supply, it is significant to note that both of these cases were in materially different locations, with the Besthorpe case being an existing residential property and the South Norfolk case being on the edge of a group of residential and farm buildings. Moreover, each case must be considered on its individual merits.
17. Against this background, the harm identified significantly and demonstrably outweighs the minor benefits when assessed against the policies in the Framework taken as a whole.

Conclusions

18. Taking all matters into consideration, including some local support for the proposal, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR

¹ APP/F2605/A/13/2209599 and APP/L2630/A/13/2205855