

Appeal Decision

Site visit made on 21 February 2017

by Nick Palmer BA (Hons) BPI MRTPI

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

Decision date: 06 March 2017

Appeal Ref: APP/F2605/W/16/3164161

Beechwood House, Wretham Road, Great Hockham, Norfolk IP24 1NY

- 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 R Levy against the decision of Breckland District Council.
 - The application Ref 3PL/2016/0862/O, dated 14 July 2016, was refused by notice dated 8 September 2016.
 - The development proposed is the erection of a new dwelling and carport.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a new dwelling and carport at Beechwood House, Wretham Road, Great Hockham, Norfolk IP24 1NY in accordance with the terms of the application, Ref 3PL/2016/0862/O, dated 14 July 2016, subject to the conditions set out in the attached schedule.

Procedural Matter

2. The application is for outline permission with details of access submitted for approval. A site plan/elevation drawing has been submitted which is intended to be indicative of a possible development and I shall consider that plan accordingly.

Main Issue

3. The main issue in the appeal is whether or not the proposal would accord with national and local planning policies for housing development in the countryside having particular regard to its accessibility to services and facilities by sustainable means.

Reasons

4. The appeal site forms part of the rear garden to the host property and fronts onto Little Hockham Lane. It is adjacent to residential development along that road and to the settlement boundary for the village as defined on the adopted Proposals Map but is within the countryside for planning policy purposes.
 5. Great Hockham has a primary school, a public house, a church and a playing field. There are bus services which provide connections to Thetford and Watton. The appellants state that there are also some sources of employment in the village albeit of a small scale and that superfast broadband is available which would enable home working. While it would be necessary to travel to
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- other centres for many day to day needs such as shopping there are facilities available in the village which would reduce the overall need to travel.
6. I saw on my visit that although Little Hockham Lane has no footpaths the site is a short distance from Harling Road where there are footpaths connecting to the other parts of the village. The route along Little Hockham Lane is reasonably attractive for walking and access on foot to the village facilities would be possible and indeed likely. Cycling would also be a potential form of transport. I understand that during weekdays there are 5 bus services to Thetford and 5 services to Watton. While of limited frequency, public transport would still be a realistic travel option and furthermore Thetford benefits from rail connections. Although undoubtedly the occupants of the proposed dwelling would use the car to a significant extent they would not be totally reliant on this form of transport for all purposes. For these reasons I find that the site is reasonably accessible to services and facilities by sustainable means. The proposal would not be isolated in terms of its proximity to the village facilities and it would enable the use of sustainable means of transport in accordance with the National Planning Policy Framework (the Framework).
 7. When the Council made its decision it could not demonstrate a five year supply of deliverable housing sites. However since then it has published its Statement of Five Year Housing Land Supply¹ which assesses the supply at over 5 years. This is based on an annual requirement of 596 dwellings which derives from a Strategic Housing Market Assessment (SHMA) that was carried out jointly with other authorities. This is lower than the 780 dwellings required annually by the Core Strategy and Development Control Policies (CSDCP)². While the SHMA figure may be more up to date than the CSDCP which was based on policies in the now revoked East of England Plan, it has not been tested by examination. The Framework requires local planning authorities to boost significantly the supply of housing. The higher annual housing requirement in the CSDCP remains part of the development plan and that figure has not been demonstrated to be out of date.
 8. The appellants have drawn attention to the Council's reliance on allocations without planning permission in its calculation of supply. In particular 250 dwellings at the planned Attleborough Sustainable Urban Extension are included but the appellants question the viability of that development in terms of the cost of necessary infrastructure. The Council has provided no further information on this point. For these reasons I have doubts as to the robustness of the Council's claimed five year housing land supply.
 9. Paragraph 49 of the Framework provides that policies for the supply of housing should not be considered up-to-date in the absence of a demonstrated five year supply. Policies CP14 and DC2 of the CSDCP direct housing development to sites within settlement boundaries. The proposal would not accord with those policies but only limited weight can be given to them.
 10. Paragraph 14 of the Framework presumes in favour of granting permission for sustainable development where policies for the provision of housing are out of date, unless any adverse impacts outweigh the benefits. The proposed dwelling would contribute to housing supply albeit to a limited extent. Given that there is good accessibility on foot to the social and community facilities in

¹ Breckland Statement of Five Year Housing Land Supply (30.09.2016)

² Breckland Core Strategy and Development Control Policies (2009)

the village, the proposal would be likely to support those facilities and thus the vitality of the community. I give moderate weight to these considerations.

11. As the site forms part of a residential garden and is not in a built-up area it is previously developed land in accordance with the definition in the Framework. The use of such land for development is encouraged as a core planning principle of the Framework provided that it is not of high environmental value. The area was previously designated by the Council as being of important landscape quality but that designation no longer forms part of the development plan. The Framework requires protection of valued landscapes but there is no substantive evidence before me to indicate that the area forms part of such a landscape.
12. The indicative plan demonstrates that the proposed dwelling could be sited so as to follow the existing line of development along the road whilst retaining the majority of the trees at the front of the site. Those trees would screen views of the proposal from the road to some extent. There are also other trees within the garden which would have this effect. For these reasons I find that the proposal would respect the character of the area while recognising the intrinsic character and beauty of the countryside. Taking into account the Framework's encouragement of the use of previously developed land and the absence of evidence to demonstrate that the site is of environmental value I give weight in favour of the proposal for these reasons. That weight is however limited because the proposal would extend the built up area of the village. The proposal would accord with policy DC1 of the CSDCP which requires that the overall quality of the landscape is maintained.
13. While there is a reasonable degree of accessibility by sustainable means of transport it is also the case that the car would be relied upon to a significant extent. For these reasons when considered as a whole the travel options available to the occupants would be neither negative nor positive in the planning balance. I give limited weight to the conflict with planning policies for the location of housing development but this is not sufficient to outweigh the moderate and limited weights that I have given in favour of the proposal.
14. The proposal would accord with the economic dimension of sustainable development through the construction of the dwelling and the likelihood of support for local business arising from construction and from the future occupants but the extent to which the proposal would be sustainable in these respects would be limited. The proposal would accord with the social dimension in terms of providing a new dwelling and the potential for support of community facilities.
15. I have found that the use of the private car for access weighs against the options for sustainable travel and that this matter is neutral in the planning balance. In terms of the environmental dimension those effects would be balanced. I have found no overall harm in terms of the character and appearance of the area and that the use of previously developed land is encouraged by national planning policy. For this reason the proposal would accord with the environmental dimension.
16. The Highway Authority has no objection to the use of Little Hockham Lane for access and I see no reason to disagree. I have taken into account all other matters raised including the comments made by the Parish Council and local residents about appropriate locations for development in the village. Those

matters do not alter my conclusions. For the reasons given the proposal would accord with national and local planning policies for housing development in the countryside and considered in total would be a sustainable form of development.

Conditions

17. I have imposed the conditions suggested by the Council with some exceptions. In doing so I have had regard to the tests set out in paragraph 206 of the Framework.
18. Conditions requiring approval of external facing materials and protection of the existing trees during construction are necessary to ensure the appearance of the development is acceptable and that existing trees are not adversely affected. The condition requiring protection of the trees allows for submission of further details in connection with the layout of the development. It also requires the protective fencing shown on the Tree Protection Plan to be provided and maintained throughout the construction period.
19. Conditions requiring the approval of details of foul and surface water drainage are necessary to ensure that the drainage systems meet the required standards and do not give rise to flooding or pollution. Conditions requiring the provision and maintenance of parking and turning facilities and that the access, including the crossing over the ditch and the required visibility splays meets the required standards are necessary to ensure highway safety. A condition restricting the erection of gates or similar structures on the access is necessary to ensure that there is no obstruction of the highway.
20. The Council has requested the inclusion of a number of conditions which would be restrictive but have not provided adequate reasoning for such conditions. The imposition of shorter than normal time periods for submission of reserved matters and for commencement of development has not been explained.
21. The Council will be able to exercise control over matters of scale and appearance under the reserved matters application and I see no need to impose a condition limiting the height of the development to two storeys. A condition removing permitted development rights for extensions and other alterations to the dwelling has not been justified given that details of layout and scale have not been submitted.
22. As I have imposed a condition requiring car parking facilities to be provided and retained a further condition preventing the car port from being converted to domestic accommodation would be unnecessary.

Conclusion

23. For the reasons given I conclude that the appeal should be allowed.

Nick Palmer

INSPECTOR

Schedule of Conditions

- 1) Details of the 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 takes place 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 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) No development shall commence until details / samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
- 5) Operations on site shall take place in accordance with the Arboricultural Implications Assessment (AIA) and Preliminary Method Statement (PMS) Ref OAS/16-095-AR01 and the Tree Protection Plan (TPP) Ref OAS/16-095-TS01 (or such other details as may subsequently be approved by the local planning authority). No operations shall commence on site in connection with the development until the tree protection works and any pre-emptive tree works required by the AIA or PMS have been carried out and all tree protection barriers are in place as indicated on the TPP. The protective fencing shall be retained in a good and effective condition for the duration of the construction of the development and shall not be moved or removed, temporarily or otherwise, until all site works have been completed and all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.
- 6) No development shall commence until details of the means of foul water disposal have been submitted to and approved in writing by the local planning authority. Development shall take place in accordance with the approved scheme.
- 7) No development shall commence until details of the means of surface water disposal have been submitted to and approved in writing by the local planning authority. Development shall take place in accordance with the approved scheme.
- 8) No development shall take place until details of car parking and turning facilities have been submitted to and approved in writing by the local planning authority. The approved car parking and turning area shall be provided before the development is occupied and shall be retained thereafter for those purposes.
- 9) No development shall take place until details of the vehicular crossing over the ditch/watercourse have been submitted to and approved in writing by the local planning authority. Development shall take place in accordance with the approved scheme.

- 10) The visibility splays shown on plan Ref 5686 01 A shall be provided before the development is occupied. The splays shall remain free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway at all times.
- 11) Notwithstanding the provision of Class A of Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking, amending or re-enacting that Order with or without modification) no gate, bollard, chain or other means of obstruction shall be erected across the approved access unless details have first been submitted to and approved in writing by the local planning authority.