

Appeal Decision

Site visit made on 2 February 2017

by D J Board BSc (Hons) MA MRTPI

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

Decision date: 21st March 2017

Appeal Ref: APP/F2605/W/16/3163777

Cowslip Lodge, Drury Lane, Carbrooke, IP25 6SJ

- 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 Michael Porter against the decision of Breckland District Council.
 - The application Ref 3PL/2016/1059/O, dated 26 August 2016, was refused by notice dated 3 November 2016.
 - The development proposed is described as "Outline planning permission is being sought for the erection of two dwellings on land that currently forms part of the grounds of Cowslip Lodge. This land is not providing any economic benefit at present or in the foreseeable future and certain limitations place very specific restrictions on what can be done with this land. Planning permission is being sought in line with Paragraph 49 of the National Planning Policy Framework (2012) and Section 6 of The Breckland Statement of Five Year Housing Land Supply, dated July 2015 (updated by the recently published 2016 Statement)".
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is made in outline with all matters reserved for future consideration. As such the site plan is purely indicative. The appeal is considered on this basis.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appellant considers that the settlement boundary is arbitrary and subject to change. In addition reference is made to the increase in the number of houses in Drury Lane over time, particularly those granted planning permission recently. Nevertheless, within the development plan the site is located outside of the development boundary and is in the countryside for the purposes of the application of planning policy. Cowslip Lodge is located on Drury Lane and the site for the proposed dwellings would be formed from the land adjacent to the existing dwelling. This part of Drury Lane is characterised by sporadic housing development within open countryside and separated by large gaps. The area is distinct from the core settlement of Carbrooke where the pattern of development is closer knit with smaller plots and a more suburban character.
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5. The site is part of the land associated with Cowslip Lodge and sits between this dwelling and those further to the west and is firmly part of the rural street scene in the locality. The addition of two dwellings into a space that currently contributes to the rural street scene and space between and around dwellings would appear intrusive which planting and screening would not change. The effect would be the creation of a form of development harmful to the open rural character of the area.
6. I therefore conclude that the proposal would have a harmful effect on the character and appearance of the area. It would therefore be in conflict with policy DC16 of the Adopted Core Strategy and Development Control Policies Development Plan Document (CS) which amongst other things requires all new development to preserve or enhance the existing character of an area. The proposal also conflicts with the National Planning Policy Framework (The Framework) which identifies that one of the core principles of planning is to recognise the intrinsic beauty and character of the countryside.

Other matters

7. Drury Lane is a rural lane by the site and outside the appeal site there are no footways or street lighting. The appellant has provided a plan showing the proximity of local service which indicates that there are bus services. The appellant also points out that there is a good range of local facilities and amenities in Carbrooke, that Watton is nearby and that cycling would be easy. Overall, there are some services in the village and connection to public transport but it is likely that to undertake day to day activities and meet day to day needs, such as shopping and employment, the occupants of the new dwelling would rely on the private car for some trips. However, there would be the option to use other modes such as walking, cycling or public transport. The site is as accessible to services as other dwellings in the settlement boundary. In the context of the district as a whole the appeal site is in a relatively sustainable location. The scheme would not be wholly isolated, and as such the site location does not count against it.
8. The appellant has also referred me to a recent decision to permit two bungalows¹. However, the Council identify that the site is located within the settlement boundary. As such it is distinct from the appeal site. I also appreciate that there is no highway objection to the scheme and that the new dwellings would not be at risk of flooding. However none of these matters alters my conclusions on the main issue in the appeal.
9. There is dispute between the parties regarding whether a five year supply of deliverable housing land can be identified in the area. In particular that the Council are relying on an untested Objectively Assessed Need and is not seeking to address its shortfall. I acknowledge that the provision of dwellings is a benefit that weighs in favour of the scheme. However, irrespective of the issue of housing land supply I have found that there would be significant and demonstrable harm to the character and appearance of the area and clear conflict with one of the core planning principles of the Framework. This would outweigh the benefits of the proposal. In reaching this conclusion I have taken account of paragraphs 14 and 47-49 of The Framework.

¹ LPA ref 3PL/2014/1101/F

Conclusion

10. The appeal proposal would provide two dwellings that would represent a benefit and there would be no harm to economic and social aspects of sustainable development from the location. However, the proposal would not represent a sustainable development when considered against paragraphs 7 and 8 of the Framework which require the economic, social and environmental dimensions of sustainable development to be considered together as it would harm the character and appearance of the area.
11. CS Policy DC16 seeks new development that would reflect the existing pattern of development. In this regard it is not out of date and relevant to the consideration of matters of character and appearance. As such I have attached significant weight to the significant and demonstrable harm that the proposal would cause to the character and appearance of the area and the resultant conflict with the development plan. Whilst there are other material considerations that do weigh in favour of the proposal these do not outweigh the clear conflict with the development plan. Therefore, in this case, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits such that the proposal would not represent sustainable development.
12. For the above reasons and having regard to all other matters raised I conclude that the appeal should be dismissed.

D J Board

INSPECTOR