

Appeal Decision

Site visit made on 3 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: 23 March 2017

Appeal Ref: APP/F2605/W/16/3163649

Cherry Tree Barn, Norwich Road, Besthorpe, Norfolk, NR17 2LA

- 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 Terry Panter against the decision of Breckland District Council.
 - The application Ref 3PL/2016/0644/F, dated 23 May 2016, was refused by notice dated 30 September 2016.
 - The development proposed is 2 detached houses & double garages.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has submitted an amended site plan following the arboricultural assessment. This amends the access arrangement. However, the degree of change is such that no party would be prejudiced by my taking it into account. Therefore, the appeal is considered on this basis.

Main Issue

3. The main issue is the effect of the provision of two dwellings and garages on the character and appearance of the area, with particular regard to trees.

Reasons

4. Cherry House is located some distance from the main settlement area of Besthorpe, the appellant estimates this to be about 300m. The site would be formed from an area of land adjacent to Cherry House. There is dispute over whether the land is residential garden. Nevertheless, the site is located outside of the development boundary of Besthorpe and as such is in the countryside for the purposes of the application of planning policy.
 5. The site would have a frontage to Norwich Road. It would be in an area along the road that is typified by sporadic housing within the countryside that is separated by large gaps. The appellant submits that planning permission has been granted for other plots along Norwich Road. Nevertheless, the area is distinct from the core settlement area of Besthorpe where the pattern of development is closer knit with smaller plots and a more suburban frontage character. Whether it is part of the residential garden or not the site sits between Cherry House and other pockets of development to the east. In this regard it is firmly part of the rural street scene. The addition of two additional dwellings into a space that currently contributes to the rural street scene and
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space between and around dwellings would appear intrusive. The effect would be the creation of a form of development harmful to the open rural character of the area.

6. There are a number of trees on the site frontage and the easternmost boundary. The appellants have provided an arboricultural impact assessment (AIA) and in response to it amended the site access point. This report also indicates that two trees (T8 & T9) would be removed in order to facilitate the positioning of Plot 2. These trees are described by the Council as being good specimens suitable for a Tree Preservation Order (TPO), albeit one has not been served. The AIA gives T8 as being of moderate quality and T9 low quality. Nevertheless these trees are visible, albeit to a limited amount, within the street scene. I appreciate that taken alone T9 may not be hugely significant. However, when considered in combination with T8 and the other frontage trees as a whole they contribute to the intrinsic rural character and appearance of the site and wider area.
7. The appellants have provided detail of how the access could be constructed without harm to the trees. In addition it is demonstrated that tree protection could also be provided. However, there is no dispute that to accommodate the scheme T8 and T9 would have to be removed. Whilst noting the assessment made of the trees and the absence of a TPO they do make a contribution to character and appearance. Therefore their removal would diminish the character and appearance of the area.
8. I therefore conclude that the proposal would have a harmful effect on the character and appearance of the area, with particular regard to trees. It would therefore be in conflict with Breckland Core Strategy and Development Control Policies Document (CS) policies CP11, CP14 and DC16 which amongst other things requires new development to enhance the character and appearance of an area, contribute to local distinctiveness and protect the form and character of settlements from inappropriate development. 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

9. I appreciate that it there is no dispute that the site would not be wholly isolated. In particular that there is a regular local bus and good access to footpaths and bridleways and that Norwich is about a 20 minute drive away. Overall, the site would be as accessible to services as other dwellings in the context of the district as a whole. As such 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.
10. There is dispute between the parties regarding whether a five year supply of deliverable housing land can be identified in the area. I acknowledge that the provision of two dwellings is a benefit that weighs in favour of the scheme and that they would be deliverable. 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.

Conclusion

11. 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.
12. CS Policies CP11, CP14 and DC16 require new development to enhance the character and appearance of the area. In this regard they are 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.
13. For the above reasons and having regard to all other matters raised I conclude that the appeal should be dismissed.

D J Board

INSPECTOR