
Appeal Decision

Site visit made on 22 March 2017

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

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

Decision date: 26th April 2017

Appeal Ref: APP/F2605/W/17/3167173

Land to the South of The Street, Gooderstone, PE33 9BP

- 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 Chris Palmer against the decision of Breckland Council.
 - The application Ref 3PL/2016/1127/O, dated 7 September 2016, was refused by notice dated 13 December 2016.
 - The development proposed is construction of 2 No 2 storey dwellings – resubmission of 3PL/2016/0389/O.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is in outline with access to be considered and all other matters reserved.

Main Issues

3. The main issues are whether the site is a suitable location for residential development in respect of (a) access to everyday local facilities, by a range of modes of transport and (b) the effect on the character and appearance of the countryside.

Reasons

Access to local facilities

4. To promote sustainable development in rural areas, paragraph 55 of the National Planning Policy Framework (the Framework) is clear that new housing should be located where it will enhance or maintain the vitality of rural communities, and isolated new homes in the countryside should be avoided unless there are special circumstances. One of the core planning principles of the Framework is also to actively manage patterns of growth to make fullest possible use of public transport, walking and cycling (Paragraph 17). Consequently, new residential development should not be detached from being part of a viable and vibrant rural community, where there would be access to day to day facilities without the need to travel.
 5. The spatial strategy within the Breckland Core Strategy and Development Management Policies 2009 (CS) seeks to focus growth within established settlements where there are services and facilities and limiting growth in rural settlements. Policy CP14 supports sustainable rural communities setting out
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criteria to be met for development within defined rural settlement boundaries. Policy DC2 also seeks to support new housing within development boundaries of settlements. Accordingly, while these policies and settlement boundaries are of some age, I consider that their objectives are broadly consistent with the Framework and, as part of the adopted development plan, they carry moderate weight, in accordance with paragraph 215 of the Framework.

6. The appeal site comprises part of a smallholding and storage for the appellant's Tree Surgery business. The development proposed relates to two separate plots within this smallholding. The site is located around 500m away from Gooderstone, a rural settlement which contains basic services such as a public house, a church, a school, a post office and other facilities. This site is also located outside the defined settlement boundary. Access to this settlement would be via The Street, a narrow rural road which leads into the village centre. In the vicinity of the appeal site, this is unlit and has no footpaths running along its length.
7. The appeal site is located to the east of the village in an area where there is sporadic development. I acknowledge the sprawling nature of development along The Street and I accept that the addition of a further residential property in this location would not be isolated in this respect. I also have no doubts that the future residents of the development would make use of the services within the village, including the school, thereby supporting the existing facilities. However, I consider that the appeal site is physically detached from the core of Gooderstone and the existing services are limited in their nature and scope.
8. The nearest settlement with a variety of services is the market town of Swaffham, located around 8km away. The distances involved and the conditions of these roads are as such that I do not consider that occupants would readily walk or cycle between the appeal site and these settlements. It is understood that Gooderstone is served by public transport, although I have not been provided with any details of frequency or type of service. Occupants of the proposed dwellings would thus be almost entirely reliant on the private car to access services and facilities.
9. In light of the above, I therefore find that the development would be isolated for planning purpose insofar as it would be remote from key facilities required for day to day living. The development would not therefore accord with paragraphs 17 or 55 of the Framework.
10. I note that one of the proposed dwellings would be for the appellant and his young family. The second dwelling would assist in the funding/mortgage arrangements. Paragraph 55 of the Framework does permit isolated new homes where there is an essential need for a rural worker to live permanently at their place of work in the countryside. CS Policy CP14 also identifies an exemption where it is required as part of a rural enterprise.
11. However, as part of determining whether there is an essential need, there is no specific evidence before me that there is a physical requirement for someone to be on site. In respect of animal welfare concerns, I am not aware that relevant regulations specify a residential presence is necessary to achieve animal welfare standards. I also have no specific details in respect of livestock, however, in any case the site is relatively small, thus limiting the scale of the operation here. I note that there have been recent occurrences of theft from the site, in spite of increased security, however no details of the nature of the

break-ins, including the damage/theft caused have been provided, or the wider scale of security issues.

12. On this basis, I do not consider that the provision of full-time accommodation for the appellant as a rural worker is justified. In respect of the second dwelling, such personal financial considerations would not outweigh the harm I have identified and would not justify the erection of a dwelling in this location.
13. I note that the appellant deemed a more intensive scheme to be inappropriate, however, I have found conflict with both the Framework and the CS in respect of the addition of 2 dwellings in this location.
14. On this matter, I therefore conclude that the proposed residential development would not be in a suitable location and would be in clear conflict with the social and environmental objectives which underpin the Framework in respect of transport (paragraph 17) and accessibility (paragraph 55). The development would also be in conflict with CS Policies CP14 and DC2.

Character and Appearance

15. The appeal site is bounded by a large close-boarded fence with young planting which has recently replaced mature roadside vegetation. The site also contains a brick built building and storage container associated with the existing use of the site. The site is therefore not characteristically 'open,' and views out of the site into the wider landscape are restricted.
16. Nonetheless, the proposed development would entail the introduction of 2 dwellings with separate accesses and the creation of more formal residential curtilages. The proposed development would therefore intensify and consolidate the built form and would have an urbanising effect, causing harm.
17. It is on this basis that I consider the development would be materially harmful to the rural character of the area and would not accord with CS Policy CS1 which seeks to protect amenities of the area and Policy DC16 which requires development to preserve or enhance the character of an area. The development would also conflict with paragraphs 17 and 109 of the Framework which recognises the character and beauty of the countryside and landscape protection. The decision notice also makes reference to paragraph 114, however this is not relevant to the determination of this application as it relates to biodiversity, green spaces and coastal landscapes.

Other Matters

18. The appeal site is located around 40m from the Breckland Special Protection Area (SPA), the Breckland Farmland Special Site of Scientific Interest (SSSI) and within the SPA Stone Curlew Buffer Zone. I am also aware that the site is also 1.3km north of the Norfolk Valley Fens SPA, 2km west of the Breckland Special Area of Conservation (SAC) and near to the Foulton Common SSSI, Gooderstone Warren SSSI and the Breckland Forest SSSI.
19. Subject to a condition for mitigation, it is noted that the Council did not consider that there would be any significant effects on the Breckland Farmland SSSI, the Breckland SPA or the SPA Stone Curlew Buffer Zone. However, concern has been raised locally in respect of the impacts upon these sites and the adequacy of the submitted Preliminary Ecological Assessment. It is also noted that Natural England, as the Government's statutory adviser on such

matters, was not consulted on these proposals. They were, however, consulted on a previous application for the same site and based on the information before me it is clear that concern was raised at that point leading to an additional reason for refusal.¹

20. If the circumstances leading to a grant of permission had been present, in light of the above, I would have been required to give further consideration to the impact upon the European Sites in accordance with the Habitats Regulations. However, as I have found harm due to other factors, I have not undertaken this exercise as part of my consideration of this appeal.

Conclusion

21. At the time of determination of the original application, the Council were unable to demonstrate a 5-year housing land supply and as such paragraphs 49 and 14 of the National Planning Policy Framework (the Framework) were engaged. Following an updated Statement of Five Year Housing Land Supply (30.09.2016) which was published in November 2016, the Council contend that a 5-year supply is now established.
22. However, this is disputed by the appellant who, in accordance with paragraph 14 of the Framework, has sought to justify the development in respect of social, environmental and economic benefits relating to the existing business, and the freeing up of an affordable unit in which the appellant currently resides. I also note the local support for the development. These matters attract weight in the planning balance.
23. Even if I were to conclude that there is a shortfall in the District in terms of 5 year housing land supply, and that relevant policies for the supply of housing, should not be considered up-to-date, the contribution to housing land supply would be minimal. On balance, I find the adverse impacts I have identified in respect of access to services and character and appearance would not secure sustainable development when assessed against all three strands. The harm would therefore significantly and demonstrably outweigh the benefits and as such, the proposals cannot be considered sustainable development for which the Framework presumes in favour.
24. For the reasons given above, taking into account all other matters raised, I conclude that the appeal should be dismissed.

C Searson
INSPECTOR

¹ Application Reference: 3PL/2016/0389/O