

Appeal Decision

Site visit made on 21 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: 28th April 2017

Appeal Ref: APP/F2605/W/16/3162211

Land adjacent to Oak Tree Park, Norwich Road, Attleborough

- 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 Matthew Gibbard (Tingdene Parks Ltd) against the decision of Breckland Council.
 - The application Ref 3PL/2016/0448/F, dated 1 April 2016, was refused by notice dated 12 September 2016.
 - The development proposed is the change of use to residential for the siting of up to 23 mobile homes.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Tingdene Parks Ltd against Breckland Council. This application is the subject of a separate Decision.

Procedural Matter

3. A representation has been received in respect of whether the proposals are operational development under s55 of the Town and Country Planning Act 1990. However, the Council are clear that the proposals relate to the change of use of land for the erection of 23 mobile homes and dealt with the original application on this basis. Accordingly, I have also considered the appeal proposals in this regard. Any future action relating to this matter would be unaffected by my determination of this appeal.

Main Issue

4. The main issue is the effect of the proposed development upon the character and appearance of the area.

Reasons

Character and Appearance

5. The appeal site comprises of a grassed and open area of land located adjacent to Norwich Road. To the rear of the site is Oak Tree Park, a residential mobile home site for the over 50s age group.
 6. The A11, as a strategic road, is visible in the distance, separated from the appeal site by open fields. One of the approaches and exits from the A11 for
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Attleborough is to the north east of the appeal site and vehicles using this junction enter the village via Norwich Road, past the appeal site.

7. Development along Norwich Road has a mixed character with built homes of differing architectural designs, densities and ages of development. However, in the main dwellings address the main road, forming a strong built frontage along the thoroughfare into the centre of Attleborough.
8. In design terms, the height and scale of mobile homes is controlled under the Caravan Sites and Development Act 1960 and the Caravan Sites Act 1968. In general, the maximum dimensions would be comparable with the size of a traditional bungalow. Specific details such as materials could also be controlled by condition.
9. However, I consider that the change of use of the appeal site would give rise to a significantly more visual prominence in the street scene which would be out of character with existing development along Norwich Road. The erection of 23 detached mobile homes and associated gardens and parking would create a highly regimented layout. The restrictions placed in respect of the scale and form of mobile homes and in combination with their layout and positioning in the plot in proximity to Norwich Road would result in a form of development which would be at odds with the existing pattern of development in the area.
10. Oak Tree Park is distinct in character from the overall built development in the area and the appeal proposals would match the character of the existing site, however, due to its location the existing mobile homes are, in general, recessive in the views along Norwich Road, with the appeal site providing a visual break in the street scene. Even with landscaping which could be secured by condition, I find that the siting of mobile homes along Norwich Road would be prominent and the incongruous nature of the development would dominate along an important and busy approach into the centre of Attleborough.
11. This effect would not be mitigated to any great effect by amending the layout so that the mobile homes were to front onto Norwich Road, rather than being inward facing as illustrated on the submitted plans. Nor would the imposition of a condition relating to design details be effective in this respect.
12. The Council has already granted outline planning permission for residential development on the site and thus the principle of residential development is established. While the submitted overlay of the approved scheme with the proposed layout for the mobile homes is similar in terms of its set back from the road and landscaping, the general form and layout would be in contrast to the approved clusters and groups of terraced and semi-detached dwellings of the consented scheme. The approved scheme and the proposals before me would therefore be significantly different.
13. I note that an extension to Oak Tree Park was granted in 2011. This is adjacent to the appeal site and the permission had been implemented at the time of my site visit. From the information provided, the Council considered that the proposed development would have only a limited impact on the character of the surrounding area and the development would benefit from screening from wider public views. While this site is visible from Norwich Road, it is set back from this and as I have identified above, Oak Tree Park, which includes the extension, is a recessive in the street scene, whereas the appeal proposals would be prominent and would fail to integrate into the street scene,

causing harm. Accordingly, the grant of consent in 2011 would not justify the proposals before me.

14. I therefore conclude that the proposals would cause harm to the character and appearance of the area. The development would conflict with Policies CP11 and DC16 of the Breckland Core Strategy and Development Control Policies 2009 (LP). These policies which require high quality design which is responsive to local context and preserves or enhances the character of the area. I am also mindful of paragraph 64 of the National Planning Policy Framework (the Framework) which states that permission should be refused for development of poor design that fails to improve the character and quality of an area.

Other Matters

15. The Council's second reason for refusal relates to a lack of a planning obligation or undertaking in respect of financial contributions for education and library facilities within Attleborough as well as affordable housing.
16. An executed Unilateral Undertaking (UU) was submitted during the course of the appeal and the Council have confirmed that they have accepted the specific sums in respect of an off-site affordable housing contributions and library provision. The Council also have confirmed that a contribution to education would not be necessary subject to a clause within the obligation which restricts the minimum age of occupants to 50.
17. On reviewing the UU the Council have, however, have raised a number of concerns in respect of the contents of this document. While I share some of the Council's concerns, given that I am dismissing for other reasons it has not been necessary for me to consider this matter in any further detail.

Conclusion

18. I acknowledge that the proposed development is in a sustainable location and the economic benefits associated with the provision of housing. However, in light of the harm I have identified in respect of character and appearance, I consider that the benefits would not outweigh that harm.
19. For all of the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

C Searson
INSPECTOR