
Appeal Decision

Site visit made on 9 May 2017

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

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

Decision date: 6 June 2017

Appeal Ref: APP/F2605/W/17/3167948

Land at Mill Lane, Rockland All Saints, Attleborough NR17 1XR

- 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 Adrien Annison against the decision of Breckland District Council.
 - The application Ref 3PL/2016/1194/F, dated 3 October 2016, was refused by notice dated 9 December 2016.
 - The development proposed is single storey dwelling, garage & cartshed and workshop.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. It has been confirmed that the spelling of the appellant's first name was incorrect on the original application form. The above spelling is taken from the appeal form.

Main Issue

3. The main issue is whether the proposed development would provide a suitable location for housing having regard to the character and appearance of the area and the accessibility of services and facilities.

Reasons

4. Rockland All Saints is focused principally along The Street, with some residential development on side roads such as Mill Lane. There are two distinct sections of housing on Mill Lane. The first runs perpendicular to The Street up to the point where the road forks. Part of Mill Lane then continues southwards as far as a cluster of houses along the western side of the lane. The appeal site adjoins this cluster of houses on its northern side and consists of a large area of open grassland. A bridleway links the site through to The Street past a touring caravan park and overflow car park for the village pub.
 5. The appeal site and cluster of houses are beyond the settlement boundary for Rockland All Saints. Housing development beyond settlement boundaries is restricted by Policies SS1, CP14 and DC2 of the Breckland Core Strategy and Development Control Policies Development Plan Document 2001-2026 ('the Core Strategy').
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6. The cluster of houses presents a domestic character and appearance, but is detached from the rest of the settlement by a large tract of undeveloped land between the cluster and The Street to the west, and is surrounded by open countryside. The properties are visible approaching south along Mill Lane, with The Elms particularly prominent, but are largely hidden approaching eastwards along the bridleway from The Street due to considerable boundary planting.
7. By virtue of its undeveloped state and the boundary planting along the bridleway, the appeal site is clearly separate from the cluster of houses and has a closer affinity with the fields to the north and east. The undeveloped state of the site is appreciated as one walks along the bridleway which leads into the wider countryside. It therefore forms part of the countryside and makes a positive contribution to rural setting of the village.
8. The proposed development would involve a detached dwelling of similar scale and layout to the adjoining cluster of houses. It would continue the linear nature of the cluster and would not be physically isolated. However, it would result in the loss of an undeveloped site and an encroachment of residential development into the countryside. Even with a single storey design and boundary planting, it would be obvious in views south along Mill Lane and east along the bridleway. While much of the site would remain undeveloped, a range of domestic elements would be introduced including an access drive and a number of outbuildings. The prominence of The Elms and the remaining houses in the cluster do not justify the erosion of the village's rural setting.
9. Turning to the accessibility of services and facilities, Rockland All Saints includes a community shop and post office, a public house and a primary school. These facilities are focused on The Street which is accessible on foot from the appeal site via a short walk along the bridleway. Accessing other services and facilities in larger settlements would likely require a private car given the distance and nature of country roads and the seemingly limited bus service. However, the above village facilities meet a range of day-to-day needs and reduce the need to travel and the reliance on the private car. As such, the proposed development would not be functionally isolated and would have satisfactory access to services and facilities. Thus, it would not conflict with paragraph 55 of the NPPF which seeks to avoid isolated homes in the countryside.
10. While the proposed development would have satisfactory access to services and facilities, it would result in harm to the character and appearance of the area for the reasons outlined above. Therefore, it would not accord with Policies SS1, CP14 and DC2 of the Core Strategy. Amongst other things, these policies seek to restrict housing in the countryside. It would also not accord with Policies CP11 and DC16 which require development to protect the landscape and local character. There would be conflict with paragraph 17 of the NPPF which, amongst other things, looks to take account of the different roles and character of different areas and recognise the intrinsic character and beauty of the countryside.
11. I have had regard to a number of other planning and appeal decisions for sites within Rockland All Saints and Rockland St Peter as highlighted by the appellant and the Council. In terms of character and appearance, none are directly comparable to this appeal site and proposal, and so I have assessed this case on its own merits.

Planning Balance

12. The appellant disputes the Council's recent housing land supply (HLS) statement¹ that it can now demonstrate a five year supply of deliverable housing sites at either 5.2 or 5.6 years depending on the methodology. The appellant does not object to the revised annual requirement of 596 dwellings based on a revised objectively assessed housing need contained in a joint Strategic Housing Market Assessment (SHMA) with other authorities. However, the appellant challenges the Council's assumptions regarding the delivery of housing sites and considers the housing supply to stand at 4.9 years.
13. According to the Council's HLS statement, the SHMA has yet to be tested at a Local Plan examination. The higher annual requirement of 780 dwellings a year in the Core Strategy remains part of the development plan and it has not been demonstrated to me that this figure is out of date.
14. Even based on the SHMA figure, I have doubts about the deliverability of specific sites based on the appellant's evidence. It would appear that a number of sites with planning permission relied upon by the Council in their HLS statement are not in a position to start delivering housing, while there seem to be issues regarding the deliverability of strategic allocations. In their statement of case, the Council provides little evidence to respond to the appellant's evidence on the delivery of housing sites.
15. Mindful of the above, along with recent appeal decisions elsewhere in the district², I cannot be certain that the Council can demonstrate a five year supply of housing land at present. As a consequence, and in line with paragraph 49 of the NPPF, relevant policies for the supply of housing should not be considered up to date.
16. Policies SS1, CP14 and DC2 of the Core Strategy are relevant policies for the supply of housing as they seek to restrict housing development in the countryside. Insofar as they contribute to the housing land supply shortfall, I can only afford them limited weight. Conversely, Policies CP11 and DC16 do not explicitly seek to create or constrain the supply of housing and so are not relevant policies. They are also broadly consistent with the NPPF, mindful of paragraph 215 of the NPPF, and so I can give them substantial weight. In coming to this view, I have taken into account the recent Supreme Court ruling³ regarding the interpretation of paragraph 49 of the NPPF and its relationship with paragraph 14 of the NPPF.
17. Paragraph 14 of the NPPF promotes the presumption in favour of sustainable development and states that where relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as whole, or specific policies in the NPPF indicate development should be restricted. Paragraphs 7 and 8 of the NPPF highlight the economic, social and environmental dimensions of sustainable development and the need to consider them together.

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

² APP/F2605/W/16/3156227 and APP/F2605/W/16/3164161

³ [2017] UKSC 37 on appeals from: [2016] EWCA Civ 168, [2015] EWHC 132 (Admin) and [2015] EWHC 410 (Admin)

18. Considering the adverse impacts to begin with, the development would result in harm to the character and appearance of the area through the encroachment of housing into the countryside. It would result in a marked change to the site and affect the rural setting of the village. The harm is tempered by the limited weight I have afforded Policies SS1, CP14 and DC2. However, the conflict with Policies CP11 and DC16 is important and there would be harm to the environmental dimension of sustainable development. Thus, the weight that can be afforded to the adverse impacts is significant.
19. Turning to the benefits, there would be social benefits arising from the provision of a dwelling mindful of the local housing supply situation and the extent of the shortfall as stated by the appellant. It is also stated that it would be a self-build project. There would be economic benefits from the construction and maintenance of the dwelling and the support to local services. As noted above, some day-to-day services are accessible without relying on the private car. The site is also readily available and development is achievable within five years. However, these benefits are modest given the scale of development and compared to the adverse impacts and environmental harm I have identified.
20. The adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of development. Therefore, the proposal would not represent sustainable development.
21. In conclusion, the proposal would not provide a suitable location for housing having regard to its effect on the character and appearance of the area. It would not accord with Policies SS1, CP11, CP14, DC2 and DC16 of the Core Strategy and would not meet the aims of the NPPF in terms of paragraphs 7, 8 and 17.

Other Matters

22. A number of interested parties have written in support of the proposal to highlight that its impact on the countryside, traffic and infrastructure would not be severe and it would provide a welcome additional property for a member of the village. However, this does not outweigh the harm I have identified.

Conclusion

23. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR