
Appeal Decision

Site visit made on 17 July 2017

by Richard Schofield BA(Hons) MA MRTPI

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

Decision date: 27 July 2017

Appeal Ref: APP/F2605/W/17/3169513

Prince of Wales Lodge, Cherry Tree Lane, Stow Bedon, Norfolk NR17 1BY

- 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 David Taylor against the decision of Breckland District Council.
 - The application Ref 3PL/2016/0360/F, dated 24 March 2016, was refused by notice dated 18 January 2017.
 - The development proposed is 8 no. new dwellings with associated parking, garaging, amenity & open space, including the retention of the existing dwelling *Prince of Wales Lodge*.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether, having regard to local and national planning policy for the delivery of housing, and the effect of the proposed development on the character and appearance of the area, the appeal site is an appropriate location for the appeal scheme.

Reasons

Planning policy context

3. Policy SS1 of the Breckland Core Strategy and Development Control Policies DPD (the Core Strategy) sets out a detailed spatial strategy for Breckland. It seeks to direct development to the largest towns, with a more limited amount allowed for rural settlements. Core Strategy policy CP14 provides more detail in relation to rural communities, allowing a scale of development reflective of the need to maintain the vitality of smaller villages and rural communities. Core Strategy policy DC2 seeks to ensure that development in these locations is contained within settlement boundaries, as defined on the accompanying Proposals Map.
4. Stow Bedon has a settlement boundary and the appeal site lies beyond it. The appeal scheme fails to meet any of the exception criteria set out in policy CP14 and, as such, conflicts on its face with the adopted development plan policies for the location of new development as set out above.

5. The appellant argues that policy SS1 should be regarded as out-of-date as it conflicts with the Planning Practice Guidance (the Guidance). This states, in relation to rural areas¹, that:

"... blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence".

6. This argument is far from convincing. First, the test of 'out-of-datedness' of development plan policies is set out in the National Planning Policy Framework (the Framework) paragraph 215. This is clear that:

*"...due weight should be given to relevant policies in existing plans according to their degree of consistency with **this framework** [my emphasis]..."*.

7. Settlement boundaries are long established planning tools, perfectly consistent with the Framework's objectives of achieving sustainable development by, among other things, supporting patterns of development that facilitate the use of sustainable modes of transport; taking account of the different roles and character of different areas; and avoiding new isolated homes in the countryside. Indeed, this is almost the stated rationale for settlement boundaries as set out in policy CP14.
8. Second, the Core Strategy has been through an examination process and adopted accordingly. While this may have been in advance of the publication of the Guidance there is no reason to suppose that evidence provided to support the settlement boundaries was found wanting by the examining Inspector.
9. Third, the appeal site is well beyond the settlement boundary. As such, it cannot reasonably be considered as part of Stow Bedon. Therefore, even if the village did not have a settlement boundary, and could grow without policy constraint, the appeal site would not be a logical or desirable expansion of it.
10. Finally, it is common ground that Stow Bedon has no fundamental services or facilities. Indeed, on the basis of my site visit it appeared to be little more than a small ribbon development of housing.
11. There is some merit in the argument that services and facilities are accessible at other settlements in the wider area, notably given that the Framework takes some account of the transport shortcomings of some rural areas. Even so, it remains desirable for new residential development to be located at those settlements, in line with the adopted plan, rather than in the middle of the open countryside beyond any residential areas, particular given, rather than in spite of, the rurality of the area and the restricted opportunities to exploit non-car based modes of transport. It was suggested that the appeal site is accessible to the nearest bus stop, but in reality this is largely via an unlit country footpath, which would be far from an appealing route for prospective bus users.
12. Thus, the proposal would be at odds with Core Strategy policy CP13, which seeks to ensure a balanced distribution of housing, integrated with existing or proposed transport infrastructure that ensures a choice of transportation methods.

¹ 001 Reference ID: 50-001-20160519

13. The Framework² is clear that rural housing should be located where it will enhance or maintain the vitality of rural communities. New isolated homes in the countryside should be avoided unless certain criteria are met, which they are not in this instance. Given that the appeal site is in open countryside, beyond Stow Bedon and distant from any larger settlements, it is reasonable to consider that the proposed new homes would be isolated. It is certainly difficult to see how anyone living there could make a meaningful contribution to the vitality of a rural community, even were there any substantive evidence to suggest that such communities locally are in need of support from developments such as the appeal scheme. As such, the appeal proposal would also conflict with the requirements of national policy for the location of rural housing.
14. I conclude that the appeal proposal would conflict with local and national planning policy for the delivery of housing, the requirements of which are set out above.

Character and appearance

15. The appeal site is a large field, sub-divided by post and rail fencing, usually given over to grazing. It is surrounded by largely flat open countryside, typically comprising large arable fields. Development in the area is characterised by sporadic single houses and farms, with the small settlement of Stow Bedon (of which there is no awareness from the site) further to the north.
16. The appeal scheme would be fundamentally at odds with this wider context and the pattern of development. It would be completely disconnected functionally and physically from the nearest settlement, appearing as a mini suburban housing estate, lost in the open countryside and completely anomalous to its rural situation.
17. It would be starkly visible from numerous public viewpoints, most notably the public right of way that currently runs beside it to Stow Bedon.
18. I conclude that the appeal proposal would harm the character and appearance of the area. It would conflict with Core Strategy policies CP11 and DC16, which seek, among other things, to ensure that new development fully considers the context within which it sits, preserves or enhances the existing character of an area, and reinforces locally distinctive patterns of development.

Other Matters

19. My attention was drawn to two appeal decisions where dwellings in rural areas were permitted. It is evident, however, that the sites in question are not comparable to that before me, being either adjacent to a development boundary or in a "*rather built up area*".
20. The appellant questions the Council's ability to demonstrate a five-year supply of deliverable housing sites. The evidence before me on this matter is, however, inconclusive. Nonetheless, even if I were to conclude that there is a shortfall in five-year supply of the scale suggested by the appellant, and that relevant policies for the supply of housing should not be considered up-to-date, the adverse impacts of granting permission, as set out above, would significantly and demonstrably outweigh the benefits, being a modest amount

² Paragraph 55

of market housing and some moderate local economic benefits during construction and once the dwellings were occupied.

Conclusion

21. For the reasons given above, and taking all other matters into consideration, I conclude that the appeal proposal conflicts with the development plan when taken as a whole and, thus, that the appeal should be dismissed.

Richard Schofield

INSPECTOR