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## 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:**

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**Appeal Ref: APP/F2605/W/17/3171856**

**The Coach House, Low Lane, Rockland All Saints, Rocklands NR17 1TU**

- 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 Stephen Baker against the decision of Breckland District Council.
  - The application Ref 3PL/2016/1119/O, dated 15 September 2016, was refused by notice dated 22 November 2016.
  - The development proposed is the erection of new dwelling and garage and minor alterations to existing access.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of a new dwelling and garage and minor alterations to existing access at The Coach House, Low Lane, Rockland All Saints, Rocklands NR17 1TU, in accordance with the terms of application 3PL/2016/1119/O, dated 15 September 2016, subject to the conditions contained in the Schedule to this decision.

### Preliminary

2. The application was made in outline with all matters other than access reserved for later determination. I have considered the appeal on this basis, treating the submitted details as indicative.

### Main Issue

3. The main issue is effect of appeal scheme on the character and appearance of the area.

### Reasons

#### *Local planning policy context*

4. 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, such as Rockland All Saints, is contained within settlement boundaries, as defined on the accompanying Proposals Map.

5. Rockland All Saints 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.
6. Nonetheless, although the Council's decision notice references the fact that the appeal proposal is outside the settlement boundary for Rockland All Saints, no harm is alleged to arise from this. The Council's primary concern is not one of principle but of character and appearance. The Core Strategy policies and National Planning Policy Framework (the Framework) paragraphs cited in the decision notice, with which conflict is alleged, relate only to character and appearance, insofar as they are relevant to the appeal scheme.
7. It is the judgment of the planning officer, set out in her report, on which the Council relies, that the services and facilities available in Rockland All Saints, supplemented by those of the Local Service Centre of Great Ellingham a short distance away, are accessible from the appeal site. Only a small amount of harm would arise from the likely need to travel a short distance by car to Great Ellingham.
8. I also note that the Council has recently granted planning permission for a single dwelling next to The Spinney, the access to which would be opposite that for the appeal site. This is also outside the settlement boundary for Rockland All Saints. As such, it is further evidence that conflict arising from a site's location a short distance beyond a settlement boundary is a matter of fact and degree, to be weighed in a planning balance.
9. Thus, based on all that I have read and seen, I have no reason to depart from the Council's view that, in this particular instance, little weight should be attributed to the 'in principle' development plan conflict arising from the site's location beyond the settlement boundary.

#### *Character and appearance*

10. The appeal site is part of the large curtilage of The Coach House. It is a largely unremarkable area of grass and nettles, well-contained behind mature hedges and trees, and largely unnoticed from the public realm.
11. One would be hard pressed to argue that the appeal site is isolated. The officer's report places the edge of the settlement boundary around 20 metres away and main body of the village is a very short walk away up Low Lane. Once the permitted dwelling next to The Spinney is complete<sup>1</sup>, development will come down to opposite the access with the appeal site, from where The Coach House is visible from Low Lane.
12. Unlike the plot next to The Spinney, the appeal site is not within, nor would it follow, the area of denser, more regular ribbon development on Low Lane and The Street. Nonetheless, a low key dwelling upon it, which respected the local vernacular in terms of both style and materials, would not appear out of place. It would conform to the looser knit, irregular grain of development in that part of the village, contained by The Street and Low Lane, where several of the dwellings are, like the appeal site, set back from the road and accessed by long tracks.

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<sup>1</sup> Construction appeared to be underway on the site at the time of my visit.

13. I conclude that, subject to an appropriate design at reserved matters stage, the appeal proposal would have no adverse impact upon the character and appearance of the area. It would not conflict with Core Strategy policies DC01 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, reinforces locally distinctive patterns of development and has regard to the quality of the townscape and landscape. Nor would it conflict with paragraphs 17 and 58 of the Framework, which require planning decisions to take account of the different roles and character of different areas and respond to local character and history.

### **Other Matters**

14. There is considerable uncertainty, on the basis of the evidence before me, over whether or not the Council is able to demonstrate a five-year supply of deliverable housing sites. As this matter is not determinative, however, I do not address it further.

### **Conditions**

15. The Council has proposed a number of conditions, which I have considered against the relevant tests in the Framework, amending and adding to as necessary for reasons of clarity and enforceability.
16. In addition to the standard condition requiring commencement of development, I have applied the required reserved matters conditions, all of which are necessary for statutory reasons. The conditions requiring adherence to specified plans, and specifying the number of dwellings permitted, are necessary in the interests of certainty.
17. Those relating to access are necessary in the interests of highway safety and that relating to boundary treatments is necessary in the interests of securing appropriate living conditions for future occupiers, and maintaining that of neighbouring residents, with regard to privacy.
18. Those relating to materials and bird nesting are unnecessary at this stage, as they would be more appropriately attached to any reserved matters application, which would address matters of appearance and clearance of vegetation, as necessary.

### **Conclusion**

19. I have found that the appeal scheme would conflict with the development plan inasmuch as it would be located beyond the settlement boundary for Rockland All Saints. Arguably, therefore, the appeal proposal could be said to conflict with the development plan when taken as a whole.
20. Nonetheless, the appeal site reads as part of the village; Rockland All Saints is a village at which some new residential development is permitted under the Core Strategy; and it is clear that the Council has in the recent past taken a pragmatic approach to development situated outside the settlement boundary (indeed, as noted above, it does not object on grounds of principle). There would be no conflict with Core Strategy policies in relation to the character and appearance of the area. Thus, on balance, in this particular instance only, I consider that there is a weight of material considerations sufficient to override the proposal's conflict with the development plan's locational policy.

21. This decision should, not however, be taken as authority for the proposition that any proposal for residential development beyond the Rockland All Saints settlement boundary, or indeed any other settlement boundary, should be regarded as acceptable in principle.
22. Thus, for the reasons given above, and taking all other matters into consideration, I conclude that the appeal should be allowed.

*Richard Schofield*

INSPECTOR

### **SCHEDULE OF CONDITIONS**

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall commence not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following plans: 5606 01 A B (Location Plan) and OAS/16-165-TS01 (Tree Protection Plan).
- 5) The total number of dwellings authorised by this permission shall not exceed one.
- 6) No development shall commence until full details (in the form of scaled plans and/or written specifications) of on-site parking provision and turning areas in accordance with adopted local standards have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details prior to the first occupation of the dwelling hereby permitted.
- 7) Prior to the first occupation of the dwelling hereby permitted the vehicular access shall be provided at the position shown and with the visibility splays identified on drawing 5606 21 (Revised Access Details) in accordance with a specification to be agreed in writing by the local planning authority. Such specification shall include arrangements for surface water to be intercepted and drained such that it does not discharge from or onto the highway carriageway. The access and visibility splays shall be retained thereafter and shall be maintained free of obstruction exceeding 1.05 metres above the level of the adjacent highway carriageway.
- 8) The approved access shall be maintained in perpetuity at a minimum width of 4.5 metres for a minimum length of 5 metres as measured from the near edge of the highway carriageway.
- 9) Prior to the occupation of the dwelling hereby approved a scheme for the provision of boundary screening reflective of the character and appearance of the area shall be submitted to the local planning authority for written approval. Once approved the scheme shall be implemented in full prior to the first occupation of the permitted dwelling.