
Appeal Decision

Site visit made on 11 July 2017

by Graham Wyatt BA (Hons) MRTPI

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

Decision date: 2nd August 2017

Appeal Ref: APP/F2605/W/17/3173227

Land to the rear of Yaxham Mill, Norwich Road, Yaxham, Norfolk NR19 1RR

- 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 John Joss against the decision of Breckland District Council.
 - The application Ref 3PL/2016/1213/F, dated 6 October 2016, was refused by notice dated 18 January 2017.
 - The development proposed is a new dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The site has been the subject of a previous appeal¹ against a decision for 'two new dwellings'. I have considered the previous Inspector's findings and decision based upon the grounds of the proposal's location in relation to services and amenities and its effect on the character and appearance of the area. The evidence before me indicates that the significant difference between the previous appeal proposal and the one before me is the revised layout, scale and appearance of the proposed development.

Main Issues

3. The main issues are:
 - Whether the site is an appropriate location for new housing having regard to the provisions of the Development Plan and the National Planning Policy Framework (the Framework).
 - The effect of the development on the character and appearance of the area.

Reasons

Location of Development

4. Policy SS1 of the Breckland Core Strategy and Development Control Policies 2009 (the Core Strategy) sets out the settlement hierarchy for the district whereby the appeal site is classified as being within the countryside where development is restricted. The purpose of Policy SS1 is to concentrate development within settlements and to restrict development outside

¹ APP/F2605/W/15/3140431 dated 10 May 2016

settlements, other than in specific circumstances detailed at Policy CP14 of the Core Strategy, none of which apply here.

5. The site lies within a remote location between Yaxham and Clint Green which provide a range of services and amenities such as a shop, school, café and village hall. Despite being adjacent to a dwelling to the rear of the site, the proposed development would represent a new isolated home in the countryside as defined at paragraph 55 of the Framework. The appellant suggests that the dwelling would support services in a nearby village, namely that he would use the local shop at Yaxham Waters. No other evidence has been put forward to suggest that the dwelling would comply with other special circumstances as set out in paragraph 55 of the Framework.
6. While there is a footpath between the appeal site and Yaxham/Clint Green, the road is unlit and is some distance from the site. Notwithstanding the proposal is now for a single dwelling and there is a bus stop close to the site, the use of the private car would be a more attractive alternative to walking, cycling or public transport to access services and facilities. Moreover, although online deliveries are available, which would generate vehicle movements to and from the site, the occupier of the dwelling is highly likely for convenience to use the private car to meet their everyday needs.
7. While the Framework identifies that opportunities to maximise sustainable transport solutions will vary from urban to rural areas, allowing the development would result in unsustainable journeys. This would be contrary to a core planning principle of the Framework which seeks to actively manage patterns of growth to make fullest possible use of public transport, walking and cycling.
8. The reduction from two dwellings to one does not lead me to depart from the previous Inspector's findings on this issue. On the first main issue I therefore conclude that the development would not be in an accessible location. The proposal is therefore contrary to Policies SS1, CP14 and DC02 of the Core Strategy which seek, amongst other things, to focus new development to sustainable locations.

Character and Appearance

9. The appeal site forms a parcel of land to the rear of Yaxham Mill. The site is accessed between two ranges of buildings where it meets a gravelled parking area. As one enters land in the appellant's ownership there is a small parcel of land with a detached workshop and a smaller storage building. A fence of some 2 m separates this parcel of land from the appeal site with a central access to allow vehicles to enter.
10. The appeal site is mainly laid to grass with a belt of flowers and other ornamental trees and shrubs on either side. A small area for growing vegetables is located adjacent to an existing large storage building. A further access to Stone Road lies to the rear of the site. The site is bounded by mature landscaping of trees and hedges, some of which are on adjoining land. To the east and west of the site are open agricultural fields.
11. I have carefully considered the impact of the development on the surrounding countryside. The site is largely contained by mature landscaping and, as a result of planting, has a residential character. These matters lead me to arrive

at a conclusion that the impact of the development on the character and appearance of the area would be limited and localised.

12. On the second main issue I conclude that the proposed development would have a limited impact on the character and appearance of the area. The proposal would therefore be in compliance with Policy CP11 of the Core Strategy which seeks, amongst other things, to ensure that the landscape character of the district is protected.

Planning Balance

13. I have found that the proposed development would be in an unsustainable location. The Council state that they can demonstrate a 5 year supply of deliverable housing. Consequently, the policies for the supply of housing would be considered up-to-date. However, even if I were to conclude there is a shortfall in their 5 year supply as suggested by the appellant, I recognise that the proposal would contribute to the overall provision of dwellings in the district. This would have a small beneficial effect in terms of the social and economic strands of sustainability.
14. However, in my view the adverse effects I have identified above would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As such, the proposal would not amount to sustainable development in the terms of the Framework.

Other Matters

15. The appellant maintains that the site is previously developed land (referred to as brownfield land) as a result of finding footings of a previous development along with drainage. Annex 2 of the Framework defines previously developed land as, "Land which is or was occupied by a permanent structure, including the curtilage of the developed land." However, Annex 2 specifically excludes, "land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time." During my visit the land was laid mainly to grass and no evidence of a previous structure was evident. As a result, any previous development has blended into the landscape and the site does not comprise previously developed land.
16. I acknowledge that the site previously had planning permission for 4 holiday cottages. Whether this permission remains extant or not, is a matter for the appellant to consider. However, even if planning permission was extant, the development of holiday cottages, that appear to have been associated with an established enterprise, is quite different to a permanent dwelling. There were probably other considerations taken into account at that time such as supporting a prosperous rural economy. This background is not a fallback position of sufficient weight to alter my findings on the main issues.
17. The appellant has also drawn my attention to development proposals for new housing as part of an extension to Yaxham. However, the sites identified are part of the preferred options for the emerging local plan, which is at an early stage of preparation and has not been formally adopted, so little weight can be afforded to it.
18. I note the appellant's desire to provide a house for his family. I also note that local house prices may preclude the appellant or his son being able to buy a

house. Also, I am aware that the second appeal being dismissed will come as a disappointment. However, whilst acknowledging the personal benefits that would result if the appeal was to succeed, these are not sufficient to outweigh the harm that I have identified.

Conclusion

19. I have found that the proposed development would not harm the character and appearance of the area. However, I have found the site to be within an inappropriate location for residential development. For the reasons given above, and having regard to the development plan when read as a whole, I conclude that the appeal should be dismissed.

Graham Wyatt

INSPECTOR