
Appeal Decision

Site visit made on 9 August 2017

by L Fleming BSc (Hons) MRTPI

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

Decision date: 18th August 2017

Appeal Ref: APP/F2605/W/17/3170052

The Old Post Office, Main Road, Little Fransham NR19 2JW

- 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 H Powell against the decision of Breckland District Council.
 - The application Ref 3PL/2016/1314/F, dated 12 October 2016, was refused by notice dated 26 January 2017.
 - The development proposed is residential development consisting of 2No. dwellings with associated double garages (revised application).
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Decision

1. The appeal is allowed and planning permission is granted for residential development consisting of 2No. dwellings with associated double garages (revised application) at The Old Post Office, Main Road, Little Fransham NR19 2JW in accordance with the terms of the application, Ref 3PL/2016/1314/F, dated 12 October 2016, subject to the conditions set out in the Schedule attached to this decision.

Application for costs

2. An application for costs was made by Mr H Powell against Breckland District Council. This application is the subject of a separate Decision.

Main Issue

3. Whether the proposal would amount to sustainable development having regard to the development plan and national policies.

Reasons

4. The appeal site is within the main built up part of the village of Little Fransham which is designated as a rural settlement through Policy SS1 of the Breckland Core Strategy and Development Control Policies Development Plan Document (2009) (DPD) and as such does not have a defined settlement boundary.
5. Policies SS1, DC2 and CP14 of the DPD seek to direct new housing development to within existing settlement boundaries and restrict development outside of defined settlement boundaries to specific types of development which are deemed appropriate in the countryside. The proposed development would therefore be in conflict with Policies SS1, DC2 and CP14 of the DPD.
6. However, the Council acknowledge that it cannot currently demonstrate a five year supply of deliverable housing land in accordance with paragraph 47 of the

National Planning Policy Framework (the Framework). In accordance with paragraph 49 of the Framework the proposal must therefore be considered in accordance with the presumption in favour of sustainable development which means the Framework taken as a whole.

7. Paragraph 55 of the Framework encourages housing in rural areas where it will maintain or enhance the vitality of rural communities but requires isolated new homes in the countryside to be avoided. The proposed dwellings would be next to other buildings and dwellings and would be well integrated into the village. They would not therefore be isolated.
8. A public footpath runs along the road frontage where the occupants would be able to walk to a limited range of local services including a farm shop, public house and a village hall. There are also bus stops close by which afford relatively frequent connections to nearby larger settlements where services and employment can be easily accessed.
9. Thus, whilst the occupants would inevitably require the use of a private car, they would not in my view be entirely dependent on the private car and could undertake some of their journeys through walking or public transport.
10. The occupants of the proposed dwelling might therefore work locally and use local services as part of a wider network of communities. There would be social benefits associated with housing provision and economic benefits in terms of new customers and employees for local businesses and there would also be economic benefits associated with construction.
11. Thus, even if the site is not previously development land and would result in the development of a green field, the proposal would still result in two new dwellings which would be well integrated into an existing village and I find the proposal would result in a small scale enhancement to the vitality of the rural community.
12. On this basis the reduced weight I afford to the conflict with Policies SS1, DC2 and CP14 of the DPD and the only partial dependence on the private car is significantly and demonstrably outweighed by the the benefit of the provision of two dwellings and the small scale enhancement to rural community vitality. Consequently, I conclude the proposal would amount to sustainable development and would accord with the aims of the Framework.

Other Matters

13. In reaching these conclusions I have considered the appeal decisions¹ put before me by both main parties. However, I have determined the appeal on its planning merits with regard to bespoke site specific circumstances and the five year land supply position prevailing at the time of my decision.
14. I have also noted the Parish Council's concerns with regard to whether the site should be developed for a one dwelling and whether the occupants of the proposed dwellings would be subject to harmful living conditions with regard to noise and disturbance arising from the public house and beer garden nearby.
15. However, two dwellings would represent a more efficient use of land and the proposal would accord with the density and layout of development in the area.

¹ Appeal References APP/F2605/W/16/3146696, APP/F2605/W/16/3164161, APP/F2605/W/16/3156227 & APP/F2605/W/17/3167173

Furthermore, in the absence of any substantive evidence to the contrary, I find there would be a sufficient separation distance which together with landscape buffering would result no harm to the living conditions of future occupiers with particular regard to noise and disturbance.

Conditions

16. The conditions imposed are those which have been suggested by the Council but with some variation in the interests of clarity and precision having regard to the advice on imposing conditions in the Framework and the Planning Practice Guidance.
17. In addition to the standard timescale condition, I have imposed a condition specifying the relevant drawings as this provides certainty. A condition is also necessary to ensure a tree protection plan is prepared and the development is carried out in accordance with such in the interest of safeguarding trees and the character and appearance of the area.
18. Furthermore, given the comments of the Council's Historic Environment Officer a condition is also required to investigate the potential for archaeological heritage assets and safeguard such if found. Moreover, given initial survey findings and the overgrown nature of the appeal site, a condition is also necessary to ensure the appropriate investigation and mitigation to avoid harmful effects to any ecology on the site.
19. As requested by the Council I have also imposed conditions which require materials and boundary screening to be agreed in the interests of safeguarding the character and appearance of the area. In accordance with the comments of the Council's Contaminated Land Officer and in the interests of public safety a condition is also necessary to ensure site contamination is investigated and mitigated where necessary.
20. Finally, although requested by the Council it is not necessary to impose a separate condition which would prevent demolition works taking place before the appropriate archaeological investigations have been undertaken as this matter is appropriately dealt through other conditions imposed.

Conclusion

21. For the reasons given above, having had regard to all other matters raised I conclude that the appeal should be allowed.

L Fleming

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Topographical Survey Drawing No 15836ea-01, Proposed Site Layout Plans Drawing No TL-35##-15-1 and Proposed Layout Plans & Elevations and Drawing No TL-35##-15-2.
- 3) Prior to the commencement of the development a Tree Protection Plan (TPP), in accordance with the approved Arboricultural Impact Assessment (AIA) produced by Wood 'N' Chips, dated 05 May 2016, shall be submitted to and approved in writing by the local planning authority. Operations on site shall take place in complete accordance with the approved details. No other operations shall commence on site in connection with the development until the tree protection works and any pre-emptive tree works required by the approved AIA or AMS have been carried out and all tree protection barriers are in place as indicated on the TPP. The protective fencing shall be retained in a good and effective condition for the duration of the development and shall not be moved or removed, temporarily or otherwise, until all site works have been completed and all equipment, machinery and surplus materials removed from site, unless the prior written approval of the local planning authority has been sought and obtained.
- 4) No demolition/development shall take place/commence until a Written Scheme of Archaeological Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
 1. The programme and methodology of site investigation and recording;
 2. The programme for post investigation assessment;
 3. Provision to be made for analysis of the site investigation and recording;
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 5. Provision to be made for archive deposition of the analysis and records of the site investigation; and
 6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.The demolition/development shall be carried out in accordance with the approved scheme.
- 5) No development shall take place (including demolition, ground works and vegetation clearance) until a Construction Ecological Management Plan (CEMP) has been submitted to and approved by the local planning authority (LPA). The CEMP shall include:
 - A risk assessment of potentially damaging construction activities;
 - Identification of areas of habitat to be retained and protected;

- Practical measures to avoid or reduce construction impacts (i.e. clearance of suitable reptile habitats etc.);
- The timing of works;
- Lighting scheme; and
- Mitigation measures.

The approved CEMP shall be adhered to and implemented throughout the construction period unless otherwise agreed in writing by the local planning authority.

- 6) No development beyond slab level shall take place until precise details, (including samples where required), of the materials used in the construction of the external walls and roof(s) of the development hereby permitted have been submitted to and approved in writing by the local planning authority. This condition shall apply notwithstanding any indication as to these matters that have been given in the current application. The materials to be used in the development shall be in accordance with the approved details.
- 7) Prior to the occupation of the development hereby approved, a scheme for the provision of boundary screening shall be submitted to the local planning authority for approval. Such scheme as may be agreed shall be completed prior to the occupation of the development which the screening adjoins to the satisfaction of the local planning authority.
- 8) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with details to be agreed in writing with the local planning authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the local planning authority.
- 9) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Archaeological Investigation approved under condition 4 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

***** END OF SCHEDULE *****