
Appeal Decision

Site visit made on 16 August 2017

by Paul Singleton BSc (Hons) MA MRTPI

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

Decision date: 25 August 2017

Appeal Ref: APP/F2605/W/17/3175051

Land to be known as Church Farm, Church Lane, Gressenhall, Dereham NR20 4DS

- 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 Mrs Amanda Wilcox against the decision of Breckland District Council.
 - The application Ref 3PL/2016/1360/F, dated 10 November 2016, was refused by notice dated 5 April 2017.
 - The development proposed is erection of dwelling and double garage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the site would be an appropriate location for residential development having regard to its accessibility to services and facilities and its location in the open countryside.

Reasons

3. The Council is unable to demonstrate a five-year Housing Land Supply (HLS) as required by paragraph 47 of the National Planning Policy Framework (Framework). The Council has produced a revised Strategic Housing Market Assessment 2017 (SHMA) which indicates a lower level of Objectively Assessed Need (OAN) for housing across the district than that assumed in the adopted Breckland Core Strategy and Development Control Policies Development Plan Document (2009) (CSDCP). As neither the SHMA nor OAN has been tested at a development plan examination the revised need assessment can be afforded limited weight at this stage. However, even using that revised OAN figure, the Council's best case assessment, as set out in its updated position statement as at 31 March 2017, is that there is a HLS of 4.6 years.
4. The updated position statement shows that the identifiable supply equates to between 2.4 and 2.8 years against the requirement set out in the CSDCP. The difference between these figures reflects the alternative methods for dealing with the identified shortfall of around 2,800 units since the start of the plan period. The advice in Planning Practice Guidance is that the Sedgfield methodology should normally be adopted and I do not consider that local circumstances warrant an alternative approach. Accordingly, I find that 2.4 years supply is the more realistic assessment.

5. This assessment indicates a significant level of need for new housing in Breckland. The Council expresses confidence that adequate provision to meet projected needs will be made through the proposed new Local Plan for the period 2011-2036. This has recently been published as a pre-submission draft but, following the close of the consultation period in October, will need to be submitted to the Planning Inspectorate and be subject to an examination in public before it can be adopted. There will, therefore, be significant delay before any new land allocations are in place to help meet the current shortage in the HLS. Substantial weight must, accordingly, be given to that current shortage and the absence of a 5 year supply of deliverable sites.
6. Paragraph 49 of the Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant development plan policies for the supply of housing should not be considered up-to-date where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
7. Paragraph 14 states that, where relevant policies are out-of-date, planning permission should be granted unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole; or
 - specific policies in the Framework indicate development should be restricted.
8. The appeal site is not subject to any of the designations or policies which are given in Footnote 9 to the Framework as examples of policies that might give such an indication. Accordingly, the proposal falls to be assessed against the tilted balance in favour of development set out in the first limb of this part of paragraph 14.
9. The site lies outside the settlement boundary for Gressenhall as defined in CSDCP Policy CP 14. It is about a 5 minute walk from the village shop and post office and other local facilities, such as the public house, social club and playing field are accessible on foot. The roads in the village do not have separate footways but are regularly used by pedestrians and traffic speeds are low. The occupiers of the proposed dwelling would safely be able to walk or cycle to the shop and other facilities in the village.
10. By bringing another household into the area the proposal would help support the long term viability of these local services and facilities and the general vitality of the village. The proposal could also help to support services and facilities in other villages, such as the primary school, village hall and recreation ground in nearby Beetley. It would accord with the objectives of paragraph 55 of the Framework in this regard.
11. The residents of the proposed dwelling would need to travel to Dereham, about 3 miles away, for many of their daily needs in terms of shopping, leisure and other activities. However, they would be able to walk to local bus stops that would give them access to regular services to and from Dereham on Mondays to Saturdays. Accordingly, they would not be dependent on the use of a private car to meet their day to day needs and the development would not be in an unsustainable location.

12. CSDCP Policy SS 1 identifies Gressenhall as a rural settlement which is largely dependent on higher order settlements for services and facilities. Such settlements are not considered to represent a sustainable option for significant expansion but Policy SS 1 states that these will provide nominal housing and employment growth where capacity allows. Insofar as it seeks to direct development to sustainable locations where there are key local services it is a policy for the supply of housing and should be regarded as being out of date. In light of the current shortage of housing land limited weight can be afforded to that policy. However, a proposal for one additional dwelling would represent nominal growth rather than significant expansion of the village and would not conflict with the policy.
13. Residential development outside the settlement boundary conflicts with CSDCP Policy CP 14 and the proposal would not meet any of the exceptions set out in that policy. However, this policy and the related settlement boundaries are directly concerned with the supply of housing and should be regarded as being out-of-date. In light of the current shortage in the supply of land for new housing only limited weight can be given to that conflict.
14. The site boundary is not contiguous with the built area of the village but is separated from it by a stream and its valley. This valley and the adjacent woodland provide a substantial visual separation between the two. I saw on my site visit that, in addition to marking the start and finish of the 30 mph speed restrictions, the bridge over the stream serves as a clear physical and functional demarcation of the extent of the village. On crossing this bridge one has a strong sense of leaving the village behind and passing into an expansive area of open countryside characterised by agricultural land and only isolated or small clusters of houses.
15. Given this clear demarcation the proposal would represent a significant and harmful encroachment of built development into the open countryside. Due to its scale and the screening provided by retained and new boundary hedges, the new dwelling would not be seen in medium and longer distance views and would not have a significant effect on the wider landscape. Nevertheless, it would cause significant detriment to the open character of the site itself and significant harm to the rural setting of the village.
16. The proposal does, therefore, conflict with that part of Policy CP 14 which seeks to protect the form and character of settlements from inappropriate proposals and with one of the core planning principles in paragraph 17 of the Framework of recognising the intrinsic character and beauty of the countryside. It also conflicts with Policy DC 16 which requires that all new development should be of the highest standard of design which preserves or enhances the existing character of the area. The proposal would fail to do this.

Other Matters

17. No planning permission has been granted for the appellant's outline proposals for a leisure/tourism based business on the site and those proposals do not form part of the appeal scheme. There are references in some of the letters of support to the difficulties of finding suitable housing within the village but no empirical evidence has been submitted to substantiate those comments.
18. The proposal would help to meet housing supply in the district and, in view of the scale of the current shortage, significant weight should be given to that

benefit. However, as a proposal is for a single house, that contribution would be a very modest one. There would be some economic benefit through the investment and employment involved in the construction of the dwelling and the future expenditure of the appellant and her family in shops and services but this also would be of a very modest scale. No other benefits have been identified.

19. I note the appellant's concerns regarding the manner in which the application was determined but these matters are not relevant to my consideration of the planning merits of the proposal.

Conclusions

20. The proposed development would not be in an unsustainable location with regard to access to services and facilities. It would, however, represent a significant and harmful encroachment into the open countryside and cause significant harm to the open character of the site and the rural setting of the village. Notwithstanding the current shortage of land for new housing I find that these adverse impacts would significantly and demonstrably outweigh the benefits identified above. The proposal does not, therefore, benefit from the presumption in favour of development set out in paragraph 14 of the Framework and would not constitute sustainable development.
21. In the absence of a 5 year HLS only limited weight can be given to CSDCP Policy CP 14. However, the proposal's conflict with that policy, Policy DC 16 and the Framework is sufficient to justify a refusal of planning permission. I therefore conclude that the appeal should fail.

Paul Singleton

INSPECTOR