
Appeal Decision

Site visit made on 22 August 2017

by Amanda Blicq BSc (Hons) MA CMLI

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

Decision date: 31 August 2017

Appeal Ref: APP/F2605/W/17/3171002

Land off The Street, Beeston, Norfolk PE32 2NB

- 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 Helen Palmer-Wright against the decision of Breckland District Council.
 - The application Ref 3PL/2015/1355/F, dated 11 November 2015, was refused by notice dated 26 January 2017.
 - The development proposed is residential development for 6 no dwellings (inc. 2 no affordable housing) with associated access drive, parking area, garaging and amenity space.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Although the description of development states that it includes affordable housing, the appellant confirmed during the appeal that the development would not include affordable housing.

Main Issue

3. The main issue is whether the development would be in a sustainable location in the context of relevant local and national policies.

Reasons

Housing land supply

4. The Council's latest position¹ uses the objectively assessed housing need (OAN) calculated from the most recent Strategic Housing Market Assessment (SHMA). Including a 20 per cent buffer, there is a 4 year housing land supply (HLS) using the Sedgefield method for allocating the shortfall, and 4.6 year HLS using the Liverpool method. The Council considers use of the SHMA a more accurate reflection of actual housing need than that used for the preparation of the Core Strategy, and this approach is confirmed in Paragraph 159 of the National Planning Policy Framework (the Framework). I appreciate the OAN has not been tested at inspection, but it remains that it is based on methodology set out in the Framework. On the basis of the evidence before me, I see no reason to disagree with the Council's figures.

¹ Committee Report, 31 July 2017

5. The appellant argues that as the Council cannot demonstrate a five year HLS, Paragraph 14 of the Framework is engaged. However, case law² has indicated that where policies for the supply of housing are out of date, development plan policies cannot be judged to carry no weight or be disregarded as a result. The weight to be given to those policies remains a matter of planning judgement and depends upon the degree of shortfall and the prospect of development coming forward to meet that shortfall. In this instance the shortfall is significant but not substantial, and I conclude that the relevant policies of the Local Plan for housing should carry moderate weight.

Location

6. The appeal site is a corner plot on greenfield land in the small linear village of Beeston. Beeston is classified as a lower tier rural settlement in the Local Plan³ (LP), and according to LP Policy SS1, it is a settlement considered not capable of sustaining consequential growth as it is reliant on higher order settlements for services and facilities. The development would comprise six dwellings.
7. Beeston is some 7 miles from Dereham, which is the administration centre of Mid-Norfolk, and about 2 miles from the service centre village of Litcham which has a combined post office and general store. I noted that although Beeston has a school and village hall, the public house has recently closed and there are no shops. The evidence before me also indicates that local employment opportunities on the nearby industrial estate are retracting rather than expanding and at my visit there appeared to be very limited activity on the roads or in nearby gardens. Nor did I notice any footways along the main road through the village, and public transport is limited to a single bus service in both directions on Tuesday and Fridays only.
8. I am not satisfied that the limited amenities in Litcham would be adequate to provide day to day needs and as such, future occupiers of the development would be reliant on travelling further afield for most facilities and services. Furthermore, the lanes linking Beeston to other settlements pass through open agricultural land and the lane to Litcham is single lane with passing places, so opportunities for walking or cycling would be limited. As such, the development would generate significant traffic to access even basic facilities and given the very limited public transport options, it is highly likely that these journeys would be made by private vehicles.
9. I appreciate that there would be some short term and localised economic benefit from the development but I am not satisfied that this would outweigh the harm identified above in relation to the increase in journeys and the reliance on unsustainable modes of transport. I conclude that Beeston is almost entirely dependent on higher order settlements for services and facilities and that the site is not in a sustainable location.
10. The proposals would not meet any of the criteria listed in LP Policy CP14 for development in villages not identified for a specific level of growth in the settlement hierarchy. It would also be contrary to LP Policies SS1 and DC2 which taken together, restrict residential development to specific settlements

² Crane v Secretary of State DCLG (2015) EWHC 425 (Admin)

³ Breckland Council, Core Strategy and Development Control Policies Development Plan Document, adopted December 2009

and to land within settlement boundaries, as well as guidance in the Framework with regard to sustainable development.

Other matters

11. The appellant argues that when pre-application advice was given the site was considered favourable for development. However, pre-application advice is not necessarily indicative of whether planning permission will or will not subsequently be given.
12. I appreciate that Paragraph 55 of the Framework states that housing should be located where it will enhance or maintain the vitality of rural communities. However, it is apparent that there are minimal facilities in Beeston and limited facilities in Litcham. I appreciate that this is an area of scattered villages in a rural context, but even by these standards, I consider Beeston to be fairly remote from amenities and services.
13. The appellant states that the Framework states councils cannot have prescriptive policies which limit development to settlement boundaries. However, no specific paragraph reference is given. I appreciate that some councils take a flexible view with regard to settlement boundaries where policies for the supply of housing are out-of-date. However, in this instance the determinative factor is the location and accessibility of the development relative to basic facilities. The location of the development outside the settlement boundary has been of lesser relevance in my reasoning.

Other matters

14. Interested parties have raised concerns in relation to drainage, highway safety, biodiversity and loss of agricultural land. However, as I have found harm in respect of the main issues it is not necessary for me to consider these matters further.

Conclusion

15. Notwithstanding that the Council cannot demonstrate five year HLS, for reasons outlined above, I conclude that the adverse effects of the development arising from its location would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
16. Consequently, for the reasons given above and taking all matters into account, I conclude that the development would be contrary to the relevant policies of the Council's Local Plan and that there are no material considerations to outweigh that harm. Therefore the appeal should be dismissed.

Amanda Blicq

INSPECTOR