
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/17/3169929

Crimond, 98 The Street, Sporle PE32 2DR

- 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 and Mrs B Howell against the decision of Breckland District Council.
 - The application Ref 3PL/2016/1116/O, dated 14 September 2016, was refused by notice dated 13 January 2017.
 - The development proposed is permission for five plots for bungalows.
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Decision

1. The appeal is allowed and planning permission is granted for permission for five plots for bungalows at Crimond, 98 The Street, Sporle PE32 2DR in accordance with the terms of the application, Ref 3PL/2016/1116/O , dated 14 September 2016, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following drawings in respect of the scale and nature of the development only: Site and Location Plan.
 - 2) Details of the access, appearance, landscaping and layout, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
 - 3) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
 - 4) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
 - 5) The scheme to be submitted as part of the reserved matters shall make provision for car parking and turning within the site, and prior to occupation of the development the parking areas shall be constructed in accordance with the approved scheme. The parking area shall thereafter be kept available at all times for the parking of vehicles.
 - 6) The scheme to be submitted as part of the reserved matters shall make provision for 2.4m x 43m visibility splays on each side of the access onto The Street. These shall thereafter be kept free of obstructions exceeding 1.05 metres above the level of the adjacent highway carriageway.

- 7) No development shall take place until written details or samples of the materials to be used in the construction of the external surfaces of the development hereby permitted, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 8) The landscaping details to be submitted under Condition 2 shall include:
 - a) Indications of all existing trees and hedgerows within the site, identification of trees and hedgerows to be retained and protection measures to be employed during the works;
 - b) Details of soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate; maintenance schedules.
 - c) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 9) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.

Procedural Matters

2. The evidence before me indicates that this is an outline application with all matters reserved. Whilst illustrative plans have been submitted, I consider these to be indicative only.
3. The appellant has applied for a full award of costs. This application is the subject of a separate decision.
4. The Council's report refers to harm to the character and appearance of the area. However, this is not given as a reason for refusal nor have policies been cited which would test the development against this harm. Accordingly, I have not included this as a main issue.

Main Issue

5. The main issues are:
 - Whether the development would be in a sustainable location in the context of relevant local and national policies; and,

- Whether the development would have an adverse effect on the safe and efficient operation of the highway.

Reasons

Housing land supply

6. The Council's latest position¹ states that using objectively assessed housing need calculated from the most recent Strategic Housing Market Assessment and 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.
7. The appellant argues that as the Council cannot demonstrate a five year housing land supply, Paragraph 14 of the National Planning Policy Framework (the Framework) is engaged. This states that where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless the adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
8. 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. Accordingly, I give those policies cited in the reasons for refusal which are restrictive in terms of housing supply, reduced weight in the overall planning balance.

Sustainable Location

9. The appeal site is a large plot containing a dwelling and ancillary buildings some 500 metres from the centre of Sporle, which is categorised as a rural settlement in the Local Plan³ (LP). According to LP Policy SS1, Sporle is a settlement considered not capable of sustaining consequential growth. Nonetheless, the site is only some 5 kilometres from Swaffham using reasonable roads and Sporle itself has a school, general store, village hall and public house, as well as a limited bus service. The main road through the village had a regular if low volume, traffic flow at my visit and residents were in evidence in their gardens, walking along the road or frequenting the shop.
10. The site is outside the settlement boundary, but lies within a loose linear development pattern that runs from the village centre to the junction of The Street and Dereham Road, some 400 metres to the north of the appeal site. Although not lit, there is a footway on one side of the road for most of the distance between the village centre and the site. As this is a rural area with low traffic volumes, I am satisfied that the appeal site would have adequate access for future occupiers to cycle or walk to the village if they chose to do so and this view is reinforced by my observations of the behaviour of local residents.
11. In addition, although the parish council raised a concern at application stage with respect to visibility at the site entrance, they did not consider the narrowness of the lane and lack of continuous footway to be a significant issue.

¹ Committee Report, 31 July 2017

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

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

As they are more familiar with the area than I am, this reinforces my reasoning that the appeal site is not particularly remote from the village centre nor from nearby towns such as Swaffham.

12. Furthermore, future occupiers would be likely to frequent village amenities as well as travel to other nearby settlements, so the development would enhance and maintain the vitality of rural communities as set out in Paragraph 55 of the Framework. As such, although it is likely that future occupiers would be reliant on private vehicles to access services, such services are not particularly distant and more sustainable modes of transport could be used.
13. In the light of the above, I conclude that although the development would be contrary to the settlement hierarchy set out in the Local Plan, I am not satisfied that it is sufficiently remote from facilities to warrant dismissal of the appeal on grounds of location.
14. LP Policy CD14 lists exceptions where development might be allowed in village and countryside communities, none of which apply in this instance. I appreciate that this development would be outside the settlement boundary and that housing delivery is focussed in higher tier settlements. However, the development would make some contribution to local housing supply on previously developed land and within an existing loose linear development pattern which, although not determinative, weighs in its favour as does the designation of Sporle as a Local Service Centre in the emerging Local Plan.
15. Accordingly, as I give reduced weight to the settlement hierarchy as set out in the Local Plan, I conclude that the adverse effects of the development would not significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
16. LP Policy DC2 refers to the density of housing development within the settlement boundaries and as such is of limited relevance here.

Highway Safety

17. Norfolk County Council has accepted the appellant's argument that appropriate visibility can be achieved from the proposed point of access. On the basis of observations at my visit, I see no reason to disagree. As such, the development would not be contrary to CS Policy CP04 or relevant sections of the Framework.

Conditions

18. I have considered the conditions put forward by the Council against the requirements of the national Planning Practice Guidance and the Framework. In respect of the plans, I have imposed a condition specifying the drawings upon which I have based this appeal, as this provides certainty.
19. With regard to ensuring the finished appearance of the building, boundary treatments, hardstanding areas and access I have imposed conditions to ensure the local planning authority can exercise proper control over the development with respect to the materials used, and finishes to the building to protect the character and appearance of the area.
20. I have also imposed conditions to ensure a parking and turning area, and visibility splays are provided prior to the development's occupation, and

subsequently retained to ensure adequate parking provision, and in the interests of highway safety.

21. Finally, I have imposed a condition to ensure existing vegetation is protected during the works and to ensure the local planning authority can exercise proper control over the development with respect to new landscape works to safeguard the character and appearance of the area.
22. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance.

Other matters

23. Although the development would extend the building pattern to the east of the Street, the site is previously developed land and contains ancillary buildings. Furthermore, the full extent of the development would be screened from the road by the rising ground and Crimond, which spans most of the site frontage. There is nothing in the evidence before me to indicate that the site would be particularly visible from sensitive sites, or that a condition could not be imposed to mitigate visibility from the open countryside. As such, I am not satisfied that there would be sufficient harm to the character and appearance of the area to warrant dismissal of the appeal.
24. Interested parties have raised concerns in relation to site trees and light pollution. However, nothing I observed on site indicated that the tree referred to requires management and I have imposed a condition to ensure its protection during the works. With respect to lighting, although I note the concerns, I am not satisfied that future lighting at the development would cause sufficient harm to the living conditions of neighbours to warrant dismissal of the appeal.

Conclusion

25. For the reasons given above and taking all matters into account, I conclude that the development would not be contrary to the relevant policies of the Council's Local Plan and that therefore the appeal should be allowed.

Amanda Blicq

INSPECTOR