
Appeal Decision

Site visit made on 1 August 2017

by R Norman BA (Hons) MA MRTPI

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

Decision date: 01 September 2017

Appeal Ref: APP/F2605/W/17/3173991

Adjacent The Homestead, Dereham Road, Scarning NR19 2PU

- 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 & Mrs David Baker against the decision of Breckland District Council.
 - The application Ref 3PL/2017/0053/O, dated 17 January 2017, was refused by notice dated 10 March 2017.
 - The development proposed is a new dwelling and garage.
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Decision

1. The appeal is allowed and planning permission is granted for a new dwelling and garage at land adjacent The Homestead, Dereham Road, Scarning NR19 2PU in accordance with the terms of the application, Ref 3PL/2017/0053/O, dated 17 January 2017, subject to the conditions listed in the attached Schedule.

Main Issues

2. The main issues are the effect of the development on the character and appearance of the surrounding area and whether the development would be in an appropriate location with regards to access to services and facilities.

Reasons

3. The site is located outside of the main village of Scarning and is set within a small cluster of residential homes. The site is currently vacant, with some vegetation clearance having taken place, and bounded by hedging and trees to the side and rear boundaries. Opposite the site is a row of 2 storey, semi-detached dwellings with individual accesses onto Dereham Road. To the side of the site is an existing bungalow. The wider area is characterised by open countryside with the village of Scarning located to the south west of the site. The appeal proposal is for one dwelling and is committing access and scale with all other matters, appearance, landscaping and layout, reserved for a later application. Access will be to the north eastern corner of the site, with the indicative street scene showing a two storey dwelling.
4. Paragraph 55 of the National Planning Policy Framework (the Framework) states that rural housing should be located where it will enhance or maintain the vitality of rural communities and should avoid isolated homes in the countryside unless there are special circumstances. Whilst the site is classed as open countryside by virtue of its detachment from the main village of Scarning,

it adjoins existing residential development and is distinct from the wider agricultural fields present due to its existing boundary treatments, which result in the site having limited openness in any event. As such, there would be limited encroachment of the built form into the countryside through the development of this site.

5. The site, although detached from Scarning itself, is connected by a footpath running all the way to the village on the opposite side of the road. Furthermore, although Dereham is slightly further away the site is close to a bus stop which would provide access to nearby services and facilities. It is acknowledged that there will be some reliance on the use of private vehicles to get further afield however, the existing links to the closest settlements would mean that the development would not be particularly isolated in this instance.
6. The introduction of one dwelling into this site would be well related to the existing group of dwellings. A 2-storey dwelling, as shown on the plans, would reflect the existing scale of the dwellings opposite. As such, the proposed dwelling would not be out of character with, nor unduly harmful to, the surrounding area.
7. I note that the Council have recently reviewed their 5 year Housing Land Supply in a document that was released in July 2017. This concludes in paragraph 4.4 that the Council is unable to demonstrate a five year land supply for housing. However, one dwelling would make a limited contribution to the 5 year Housing Land Supply and regardless of this, the development would be acceptable for the reasons above.
8. Policies SS1, CP14, DC2 and CP11 collectively seek to locate new housing within the settlements and protect the countryside. Although the development would not comply wholly with these Policies, it would not be at odds with their overall objective to safeguard the countryside and ensure sustainable development and I have given significant weight to the existing dwellings in this location, the nature of the site in relation to the open countryside, the proximity to the village and the contribution the development would make to the vitality of the area. Furthermore, the development would deliver sustainable development in line with the Framework and comply with paragraph 55 which seeks to ensure that new rural housing contributes to the vitality of the community and seeks to avoid isolated new homes. As such, I consider that the Policy conflict is outweighed by the above considerations in this instance.

Other Matters

9. I note that since the Council made its decision which included a refusal reason on highway visibility grounds, the Norfolk County Council Community and Environmental Services Team have carried out their own survey and have advised that whilst the visibility splays to the north east do not meet the required standards, nevertheless due to the sites location the achievable visibility splays are acceptable and a highway objection could not be sustained. This is subject to conditions. As such, this issue is now not contested between the parties and the development would not result in any harm to highway safety.

Conditions

10. The Council have requested the standard 3 year time limit condition which is usually used for full applications. As this is for an outline permission I have applied the outline standard conditions instead. I have included a condition relating to the approved plan for clarity. Conditions in relation to the access construction, restriction on gates across the access, visibility splays and parking provision are necessary in the interests of highway safety. An unsuspected contamination condition is necessary in order to ensure the development is safe for workers, neighbours and future occupiers.
11. The Council have requested conditions in relation to landscaping and external materials however these are covered by condition 1 which requires details of appearance and landscaping to be submitted as part of the Reserved Matters application, and as such are not necessary.

Conclusion

12. For the reasons given above I conclude that the appeal should be allowed.

R Norman

INSPECTOR

Schedule of Conditions

- 1) Details of the 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 takes place and the development shall be carried out as approved.
- 2) 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.
- 3) 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.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plan: Drawing No 9972 – 1A.
- 5) Prior to the first occupation of the development hereby permitted, the vehicular access crossing over the verge shall be constructed in accordance with highway specification TRAD 4 and thereafter retained at the position shown on the approved plan. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway.
- 6) Prior to the first occupation of the development hereby permitted a visibility splay shall be provided where the access meets the highway measuring 2.4 metres x 140 metres to the north east and 2.4 metres x 160 metres to the south west. The splays shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.
- 7) Prior to the first occupation of the development hereby permitted sufficient space shall be provided on the site for two standard size family cars to park, turn and re-enter the highway in forward gear. This area shall be levelled, surfaced, drained and retained thereafter for that specific use.
- 8) Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking, amending or re-enacting that Order), no gates / bollards / chains /other means of obstruction shall be erected across the approved access unless details have first been submitted to and approved in writing by the local planning authority.
- 9) 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.