
Appeal Decision

Site visit made on 15 August 2017

by R A Exton Dip URP MRTPI

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

Decision date: 5 September 2017

Appeal Ref: APP/F2605/W/17/3175381

The Grange, The Street, Garboldisham IP22 2QN

- 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 Mrs K Colborn against the decision of Breckland District Council.
 - The application Ref 3PL/2016/0818/O, dated 21 November 2016, was refused by notice dated 9 February 2017.
 - The development proposed is described as proposed development of 4No new dwellings.
-

This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 25 August 2017.

Decision

1. The appeal is allowed and planning permission is granted for development of 4No new dwellings at The Grange, The Street, Garboldisham IP22 2QN, in accordance with the terms of the application Ref 3PL/2016/0818/O dated 21 November 2016 and the plans and supporting information, subject to the conditions set out on the attached schedule.

Procedural Matters

2. The appellant's title differs between the planning application and appeal form. I have used the correct title above, as indicated on the appeal form.
3. The application was made in outline form with all matters reserved. Plans have nevertheless been submitted showing a layout and indicative house types. I shall treat these as being for illustrative purposes and take account of the plans accordingly.
4. In the appellant's final comments reference is made to the Council's Statement of Five Year Housing Land Supply 31.03.2017, published July 2017 ('statement of five year supply'), and a copy is attached. The Council has subsequently also submitted this document as part of its evidence. I shall take this document into account alongside the policies and other evidence submitted in determining the appeal.

Main Issue

5. The main issue is whether the site represents an appropriate location for residential development having regard to the development plan and the National Planning Policy Framework.

Reasons

6. Garboldisham is identified as a rural settlement within Policy SS1 of the Core Strategy and Development Control Policies Development Plan Document Adopted 2009 ('the DPD'). This states that nominal housing growth will be provided where local capacity allows.
7. Policy CP14 of the DPD states that the type and scale of development will reflect the need to maintain the viability of these communities. The relevant criterion in relation to housing identifies that residential development will only be permitted where there are suitable sites available inside the limits of a defined settlement boundary.
8. The Council's statement of five year supply confirms that it cannot currently demonstrate a five year housing land supply. In light of this I afford Policies SS1 and CP14 of the DPD limited weight.
9. In the absence of a five year housing land supply, paragraph 14 of the National Planning Policy Framework (the Framework) is triggered. This requires planning permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole.
10. The appeal site lies outside, but adjacent to the settlement boundary. The Council have not identified any harm arising from the proposal other than its location. The fact that that appeal site lies outside the settlement boundary does not in itself automatically cause harm. In this case, the site is well related to the main built up area of the village and would have the same level of access to services as nearby dwellings inside the settlement boundary. Based on the evidence before me, the proposal would have no other adverse impacts.
11. The proposal would offer the benefits of contributing towards the Frameworks aim of boosting the supply of housing and assisting the Council achieving a five year supply of housing land.

Other Matters

12. I note the Parish Council and interested parties comments on the proposals effect on nearby sewage treatment works, highway safety, parking within and outside the site, wildlife habitats, anti-social behaviour and safety of children. However, there is no evidence before me that demonstrates any of these issues would cause harm that would lead me to a different conclusion.

Conclusion

13. The appeal scheme falls to be considered within the context of the presumption in favour of sustainable development. The proposal would accord with Policy SS1 of the DPD insofar as it provides nominal housing growth at a settlement identified as suitable to receive this. In the absence of any harm arising from the appeal sites location outside the defined settlement boundary and in light of the benefits identified above I conclude that the proposal represents sustainable development when assessed against the policies of the Framework as a whole.

14. For the reasons set out above and taking all other matters raised into account I conclude that the appeal should succeed. I have considered the conditions proposed by the Council. These are necessary in the interests of certainty and proper planning, to ensure that the site can be accessed safely, achieve satisfactory drainage, is free from harmful contamination and that trees on site are properly managed.

Richard Exton

INSPECTOR

Schedule of Conditions

- 1) Application for approval of the reserved matters shall be made to the local planning authority not later than 2 years from the date of this permission.
- 2) 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.
- 3) Details of the access, appearance, landscaping, layout, and scale, (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.
- 4) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 28 days of the report being completed and approved in writing by the local planning authority.
- 5) None of the dwellings hereby permitted shall be occupied until works for the disposal of sewage shall have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.
- 6) None of the dwellings hereby permitted shall be occupied until works for the disposal of surface water shall have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.
- 7) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method

statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.]