The Planning Inspectorate

Appeal Decision

Site visit made on 23 April 2019

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 April 2019

Appeal Ref: APP/F2605/W/18/3214123
Land adjacent to Thieves Lane, Rockland St Peter, Rocklands, Norfolk NR17 1UH

- 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 J Ridgeon and Mr Michael Symons against the decision of Breckland District Council.
- The application Ref 3PL/2018/0203/O, dated 23 May 2018, was refused by notice dated 8 August 2018.
- The development proposed is for 6 self-build/custom-build dwellings.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline with all detailed matters reserved for later consideration. I have dealt with the appeal on this basis but have had regard to the indicative masterplan submitted with the application and the Design Principles Statement over the proposed self and custom build housing. Amendments were made during the application to incorporate land fronting the B1107 to provide a visibility splay at the junction with Thieves Lane to satisfy highway safety concerns.

Main Issues

3. The main issues are:

   - the extent to which future occupiers of the proposed dwellings would have reasonable access to regularly-required services and facilities
   - the effect of the housing proposed on the character and appearance of the area.

Reasons

Access to local services and facilities

4. The development would lie just outside the settlement limit defined for the relatively small rural village of Rocklands in the Council's adopted Core Strategy and Development Control Policies Development Plan Document 2009 (DPD).

5. Rocklands is defined a rural settlement in the spatial strategy established by DPD Policy SS 1. Rural settlements comprise the lowest tier in the defined hierarchy, where only a nominal amount of housing growth is planned for due to the relative paucity of services. DPD policies DC 2 and CP 14 steer appropriate new housing to within settlement boundaries defined for rural settlements.

6. Thieves Lane marks one edge to the built-up part of Rockland St Peter. The wider village of Rocklands as a whole contains a quite limited range of services. Most of these are located within the adjacent Rockland All Saints part of the settlement and include a primary school, public house and post office/general stores/café. These are some distance away from the appeal site and access by foot would involve a moderate walk along sections of roads without footpaths. I noted that a footpath extends for a short distance from the junction with Thieves Lane along Attleborough Road, but this terminates at the junction with Bray's Lane and does not extend along The Street into the centre of Rockland All Saints where most of the services are located.

7. There are a good range of services to meet regularly-required needs in the nearby market towns of Attleborough and Watton but, at about four- and six-miles distance from the appeal site respectively, these are located beyond a convenient walking distance. There is no bus service connecting Rockland St Peter to these towns and so I consider the proposal to be in a location where future occupiers of the dwellings would be dependent to a relatively high degree on private car use to access regularly required needs.

8. As such the proposal conflicts with DPD policies SS 1, DC 2 and CP 14 insofar as these seek to focus new housing in amounts commensurate with the level of services available by restricting the outward expansion of rural settlements where there is limited provision. These policies pre-date the publication of the National Planning Policy Framework (The Framework) in 2012, now as recently revised in February 2019. However, the aims of these policies remain generally consistent with the Framework's overarching objectives to achieve sustainable development.

9. The DPD policies are consistent with paragraph 103 of the Framework. This seeks that the planning system actively manages patterns of growth in support of sustainable transport objectives whereby significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can then help to reduce congestion and emissions and improve air quality and public health.

10. I have taken into account that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Nevertheless, I find the proposal would result in significant harm through the conflict found with development plan policy, that remains consistent with the Framework, over the location of residential development without reasonable access, other than by private car journeys, to regularly-required services and facilities.

Character and appearance of the area

11. The six dwellings proposed would broadly mirror the established residential development to the western side of Thieves Lane, where the retention of most of the existing trees and hedges along the appeal site boundaries would soften

the visual impact of the development. The proposal is in outline and the intention for custom, self-built homes could lead to some incongruous design heterogeneity. However, approval might be conditional upon adhering to the submitted Design Principles Statement which, along with the requirement for reserved matter approval, would provide some safeguard over the satisfactory scale, siting and appearance of the housing.

12. Despite these considerations I am of the view that the development of this site would fail to mesh satisfactorily with the physical shape of this village and would constitute a very conspicuous and abrupt incursion of suburban ribbon development in open countryside, leap-frogging the clearly-defined built-up area boundary provided by Thieves Lane.

13. I recognise that the planning system has no role to preserve the private views of existing property owners. However, the impact of a linear form of housing encroaching into the undeveloped rural landscape would result in general public harm. As such the proposal would have a significantly adverse effect on the character and appearance of the area in conflict with DPD policies CP 11, DC 1, DC 2 and DC 16 insofar as these seek to protect the rural qualities of the landscape fringing this village from inappropriate development

14. The site is not located within a protected landscape at a national or local level which would offer it any special protection. DPD Policy CP 11 might not be entirely consistent with the Framework in seeking to protect the countryside simply for its own sake. However, paragraph 170 of the Framework seeks that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. Therefore, the harm extends beyond that caused to the site itself and has wider landscape implications on the rural character of the surrounding area as a whole.

15. The Council's emerging Local Plan is reaching an advanced stage and I also give its policies weight, albeit moderate prior to adoption. This does not alter the proposal being outside the defined settlement boundary for Rocklands but Policy HOU4 would support development located immediately adjacent to this if certain criteria are met. However, for the reasons discussed above, this proposal is not considered of appropriate scale and design to the settlement and so would not satisfy this policy or emerging Policy HOU5, although I consider the latter less relevant as it applies to small villages and hamlets outside of settlement boundaries.

Planning Balance and Conclusion

16. The conflict with development plan policy is the starting point. However, significant weight is given to the Framework as a material planning consideration. As Breckland cannot currently demonstrate a five year supply of deliverable housing sites, whereby the Framework deems the policies most important for determining this proposal to be out-of-date, the presumption in favour of sustainable development set out in paragraph 11 applies. This means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. This is now commonly-known as the tilted balance and should take into account the economic, social and environmental strands of sustainable development.

17. The six dwellings would provide moderate economic benefits from their construction and servicing, offering employment and feeding down the supply chain. The future occupiers would help to support local services and maintain the vitality of the local shop, school and other facilities. The housing would generate additional Council Tax receipts and New Homes Bonus.

18. There would be moderate social benefits in the six dwellings helping to secure the Framework aims to boost housing supply, where paragraph 68 recognises such small sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly.

19. Government is seeking to increase the number of self-build and custom homes being completed each year, whereby the Council is required to keep a register of those seeking to acquire such plots. This proposal would provide particular benefits in helping the Council meet it statutory duties to maintain an adequate supply of serviced plots to meet the demand for self-build/custom-build dwellings.

20. There would be some quite limited environmental benefits from the proposal incorporating Passivhaus standards along with the custom-build element, thereby offering reductions in energy demand, the use of renewable energy and a clean use of fossil fuels with relatively lower running costs. However, the location of the housing, necessitating the use of green field land and where regular needs would depend on a high reliance on private car use, would likely significantly offset any environmental benefits and carbon savings.

21. As I find that in addition to this, there would be significant environmental harm to the rural character and appearance of the area, the adverse impacts of this proposal would significantly and demonstrably outweigh the moderate economic and social benefits identified. Consequently, the proposal would not gain the presumption in favour of sustainable development as set out by the Framework.

22. I have had regard to the details of the appeal decisions made elsewhere provided in support of this development. None of these cases entirely match the circumstances here and will each have been decided on their own, individual merits and so I must do likewise with this proposal. Therefore, on the basis of the reasons given, I conclude that the appeal should be dismissed.

Jonathan Price

INSPECTOR