
Appeal Decision

Hearing Held on 20 August 2019

Site visit made on 20 August 2019

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 August 2019

Appeal Ref: APP/F2605/W/19/3224842

Land off The Street, Hockering, Norfolk NR20 3AJ

- 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 Paul and Denise Brown against the decision of Breckland District Council.
 - The application Ref 3PL/2018/1133/O, dated 29 August 2018, was refused by notice dated 11 January 2019.
 - The development proposed is the erection of 6 No. dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline with all detailed matters reserved for later determination, apart from access. I have dealt with the appeal on this basis, with the further details taken as indicative only of how the site might be developed.

Main Issues

3. The main issues in the appeal are the effects of the proposal on
 - the character and appearance of the area and
 - the safety of users of the adjacent public highway.

Reasons

Policy Framework

4. The development plan, insofar as relevant to this appeal, comprises the Council's Core Strategy and Development Control Policies¹ (CSDCP) and Site Specific Policies and Proposals Development Plan Document (SSPP). The proposal would be outside of the settlement boundary on the Proposals Map identified by SSPP Policy SB.1, whereby decisions on the type and scale of development are to be based on the CSDCP. The emerging Breckland Local Plan (eLP) is reaching an advanced stage and scheduled for possible adoption

¹ Breckland Council's Core Strategy and Development Control Policies Development Plan Document 2001-2026, adopted in December 2009.

in November 2019. The eLP would upgrade the status of Hockering to that of a service centre.

5. The National Planning Policy Framework (the Framework) and its supporting Planning Practice Guidance (PPG) comprise material considerations to which substantial weight is given.

Character and appearance

6. Hockering is a relatively compact village, comprising development of varying ages including some modern estate housing. The main settlement lies alongside the A47 trunk road, which has at some point by-passed this village thus providing a clearly defined southern edge. The appeal site is situated east of the main village, to the same side of the A47. However, it is physically separated from the built-up edge of Hockering by an intervening field of grassland. Access to the site would be via an improved track running through this grassland from The Street; the main east-west road through Hockering.
7. The grassland between the appeal site access and the edge of the village had at an earlier stage of the eLP been proposed as an alternative housing allocation to a preferred site to the north of the village. However, in its submitted version, the eLP had subsequently removed this grassed field as an allocation, proposing just the site to the north.
8. The housing would be situated close to and just beyond the hedge along the boundary of the next field out from the village. The housing would be screened behind the boundary hedging between the two fields from where the land then rises gently. From the roadside to the south, the hedging and trees at the rear of the highway verge would screen the proposal from The Street and A47 slip road, other than where there are gaps, such as a field entrance.
9. The indicative visualisation submitted with the application portrays what appear quite large detached dwellings set out in a regular, closely-arranged layout, with three houses either side of a central drive. The appellant advised at the Hearing that a preferred detailed scheme could be six single-storey dwellings of a converted farm building design, which might thus appear less suburban and fit in better with the surroundings. However, such details are not before me. Assessed in outline, I consider the principle of housing in this disjunct location within open countryside to be incongruous.
10. There is no specification for the proposed planting and how this might screen whatever housing details might eventually be proposed. However well screened and designed the potential development, I consider that housing, situated within what is open countryside and set apart from the main settlement, would not relate with the nucleated form of the village. Away from the village and set back from The Street in a gently rising and exposed position within open countryside, a discrete parcel of housing framed by planting would appear entirely out of keeping, harmful to both the present character and appearance of Hockering and its rural landscape setting.
11. At the Hearing the appellant emphasised the point that small and sporadic amounts of building are a feature of the countryside around Hockering. I agree that these exist, including farmsteads, new farmworker's dwellings like that nearby and agricultural buildings and other developments which require a rural location. A further example presented at the Hearing was the Hill House, Park

Lane development further outside of Hockering. Here the Council had allowed 14 dwellings on what was, in part, previously developed land. This was allowed to enable funding for the relocation and expansion of a business that was a locally significant employer. I viewed this development after the hearing site visit. However, unlike this appeal proposal, that development had been permitted contrary to development plan policy on the basis that it would enable significant job creation in the District. No such special circumstances exist in this case.

12. Although sporadic development, existing for whatever reason, is a feature of the surrounding countryside, this is not encouraged by planning policy unless there is specific justification. Therefore, I do not consider this scheme gains any traction from being a further example of sporadic housing in the countryside because, as such, it is both harmful to character and appearance and resisted under development plan policy without a special reason.
13. Any new development in the countryside inevitably has an impact on and alters the landscape. However, in respect of this proposal, I do not subscribe to the appellant's argument that housing proposed away from the built-up village would have less of a suburbanising effect than the development of gaps within it. I do not consider this scheme provides any benefit through the visual relief provided by preserving a gap between it and the village.
14. Even if most other undeveloped gaps in Hockering have already been built upon, this would not provide any justification to permit a development on the basis that it incidentally creates a new one. The grassed field adjacent the appeal site is not currently proposed for housing and the open setting this provides the village does not depend on this proposal. The scheme put forward would involve housing leapfrogging this field and encroaching harmfully into the open countryside beyond. The intervening gap would not compensate for the harm this would cause and, in any case, is not preserved through this proposal.
15. The proposal is not justified either through not affecting views of St Michaels church, which is on entirely the opposite side of the village, or by enhancing woodland cover. The analysis of the Upper Tud Valley Landscape Character Area provides little support for the screen planting proposed as this would not add significant further woodland and appear rather incongruous in serving mainly to hide the dwellings from view.
16. The six dwellings and upgraded access would cause significant adverse impacts by detracting from the intrinsic character of both this area of countryside and the rural setting provided to the village. For the reasons given, six dwellings in this location would be out of keeping with the built form of Hockering and cause significant harm to both the character and appearance of the settlement and its open landscape setting, in conflict with CSDCP Policy CP11.

Highway safety

17. The proposal might not generate a large amount of additional vehicular movements although the appellant has not provided a detailed transport assessment. I have no evidence of the likely level or distribution of additional car movements or of vehicle flows at the nearest A47 junction. That Hockering has three junctions connecting with the A47 is not necessarily indicative of these being lightly used.

18. At the application stage the local highway authority (LHA) advised it had reservations regarding the level of forward visibility for drivers turning off the A47. This was over the time available to see and react to any vehicle waiting to turn into the appeal site access. I found that, on exiting the A47 and turning around the bend towards the village, the existing site access was encountered almost immediately. In advance of the signed speed restrictions at the village, the incidence of additional slowing, stopping and turning vehicular movements using this existing entrance would be somewhat unexpected by drivers this close to an exit manoeuvre from a trunk road.
19. I agree that widening the site entrance to 5m for its first 10m would prevent any delay in a vehicle entering the site should another be leaving at the same time. There would remain some delays in making this turning movement in the event of there being any oncoming traffic leaving Hockering. I have considered the appellant's evidence over stopping distances. However, I prefer the LHA's case that some trimming back of the nearside vegetation at the start of the westward entry to the village would be necessary to provide adequate visibility towards the appeal site access.
20. My overall conclusion on this issue is that the appeal site access is not ideally located in respect of its proximity to a trunk road junction. Whilst conditions could secure the improved visibility and widened entrance, there is not the adequate evidence to fully satisfy me that the Framework's requirement for safe and suitable access for all users would be achieved. Although for a relatively small housing scheme this might not be a determinative matter were it to be otherwise acceptable, this highway safety concern adds no positive weight in favour of this proposal.

Planning Balance and Conclusion

21. The starting point is the current development plan. As the appeal site is outside the Hockering settlement boundary the scheme conflicts with CSDCP policies SS1, DC2, CP1 and CP14. Collectively these steer most housing to larger centres, focusing lesser amounts to within the defined settlement boundaries of smaller ones. This is to protect village form and character whilst securing sustainable rural communities and safeguarding the surrounding countryside from development not requiring to be located there.
22. However, the presumption in favour of sustainable development applied by paragraph 11 of the Framework is also an important material consideration. For decision making this means, where the policies which are most important for determining the application are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against Framework policies taken as a whole. This is commonly referred to as the 'tilted balance'. For applications involving the provision of housing, footnote 7 to paragraph 11 qualifies out of date to include situations where, as in Breckland, a five-year supply of deliverable housing sites cannot currently be demonstrated.
23. To achieve the interdependent economic, social and environmental objectives of sustainable development the Framework seeks that the planning system pursues these in mutually supportive ways. There would be quite small economic benefits to the locality from the construction and future servicing of the dwellings and from the additional household expenditure.

24. The Council is claiming a 4.77-year housing land supply and the appellant has not provided detailed evidence to contest the deliverability of this. The six dwellings proposed would provide a relatively small social benefit in helping to address this current under-supply of housing. Even if there was a five-year housing land supply this is not a ceiling figure and the proposal would, to a modest degree, support the Government's objective of significantly boosting the supply of homes. I give some further weight to paragraph 68 of the Framework which recognises that small sites such as that proposed can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly.
25. The PPG notes that a wide range of settlements can play a role in delivering sustainable development in rural areas, so blanket policies restricting housing development in some types of settlement will need to be supported by robust evidence of their appropriateness². Insofar as the Hockering settlement boundary serves as a blanket restriction to development beyond, this is not entirely endorsed by the Framework. There would be some small social benefits in allowing some housing beyond this settlement boundary linked to the aims expressed in Framework paragraph 78. This is in relation to promoting sustainable development in rural areas, enhancing or maintaining the vitality of rural communities and supporting opportunities for villages to grow and thrive, especially where this will support local services.
26. In this case, Hockering has a quite good range of services, including a shop, public house and primary school. The distance to these services from the appeal site would allow the walking or cycling encouraged by the Framework, providing the modest environmental advantage of occupiers not being entirely dependent on private car use to access all regularly-required services. I note that as the appeal site is quite close to the main village, the proposal would not comprise the development of isolated homes in the countryside which paragraph 79 of the Framework seeks that decisions avoid.
27. The site is not located within a protected landscape at a national or local level which would offer it any special protection. 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. CSDCP Policy CP11 is consistent with the Framework in this respect and I therefore give significant weight to the conflict found from this proposal.
28. In all, the adverse environmental impacts found would significantly and demonstrably outweigh the small social and economic benefits deriving from the six dwellings. Therefore, this proposal would not benefit from the presumption in favour of sustainable development and material considerations would not weigh in favour of a decision other than in accordance with development plan policy, with which there would be conflict. For these reasons I conclude that the appeal should be dismissed.

Jonathan Price

INSPECTOR

² Paragraph: 010 Reference ID: 67-010-20190722

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Planning permission 3PL/2016/1552/F for 14 dwellings at Hill House, Park Lane, Hockering with Planning Committee report and plans.
- 2 Photomontage showing the approach to the appeal site from the A47, plus indicative stopping distance to site entrance with details of typical vehicle lengths.
- 3 Copies of on-line RAC stopping distances advice.
- 4 Extracts from two stages of the emerging Breckland Local Plan with Hockering development boundaries and allocations.
- 5 Set of 4 aerial photographs of Hockering, the appeal site and surrounding area, indicating open spaces, existing developments and allocations.

APPEARANCES

FOR THE APPELLANT:

Jason Parker	Parker Planning Services Limited
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FOR THE LOCAL PLANNING AUTHORITY:

Mark Simmonds	Breckland Council
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Angela Simmonds	Breckland Council
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Kay Gordon	Norfolk County Council
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INTERESTED PERSONS:

Richard Hawker	Hockering Parish Council
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Wayne Ragan