



Appeal Decision

Site visit made on 25 June 2019

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th October 2019

Appeal Ref: APP/F2605/W/19/3225531

Land adjacent to Decoy Farm, Norwich Road, Besthorpe NR17 2LA

- 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 Edwards against the decision of Breckland District Council.
 - The application Ref 3PL/2018/1283/O, dated 15 October 2018, was refused by notice dated 13 February 2019.
 - The development proposed is the erection of three dwellings, including means of access.
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of three dwellings, including means of access, at land adjacent to Decoy Farm, Norwich Road, Besthorpe, NR17 2LA in accordance with the terms of the application, Ref 3PL/2018/1283/O, dated 15 October 2018, subject to the nine conditions set out at the end of this decision.

Procedural Matters

2. The description of development on the application form includes the words "Outline application for" I have omitted these as they are not an act of development.
3. The planning application was submitted in outline with all matters reserved except for access. I have had regard to the site and location plans (Drawing Ref 3299.0818BK Revision A) but have treated each element of the drawing as indicative apart from the details of the access. I shall consider the proposed access arrangements later in my decision.
4. I have been referred to the emerging Local Plan for the district. I understand that there are Main Modifications that still require consultation. I have not received any compelling evidence to suggest that there has been any further progress made. Emerging policies and site allocations are not therefore matters that have a significant bearing on my consideration of the merits of this appeal, particularly as there may be unresolved objections to contend with. Therefore, in accordance with the requirements of paragraph 48 of the National Planning Policy Framework (the Framework), I have afforded the policies within the emerging Local Plan limited weight in my consideration of the merits of this appeal.
5. The Framework was revised in February 2019. I have taken this into account as part of the determination of this appeal and the revisions do not alter the policies upon which this appeal turns.

Main Issue

6. The main issue is the effect of the development upon the character and appearance of the area.

Reasons

7. The appeal site is located a short distance to the west of the settlement of Besthorpe in an area of countryside. Residential development is primarily arranged parallel to both sides of Norwich Road but there are instances of development beyond the southern frontage of the road. Nonetheless, the arrangement of dwellings is largely coherent, with dwellings incorporating a street frontage. This makes a significantly positive contribution to the character and appearance of the area.
8. Existing built development and landscaping within the frontage of Norwich Road would not intervene in views of the site from the public realm. The proposal would result in a physical change to the character and appearance of the area. However, the proposed dwellings would be situated between existing dwellings at the road frontage and the holiday and brewery developments to the south. The dwellings would be likely to directly front onto an established access which serves the brewery. This would be similar to other development found locally. In particular, the recently consented development furthest to the west of the site, to which I have been referred¹; and the depth development to the east, on the southern side of Norwich Road found within the settlement.
9. The proposal would not therefore result in the extension of built form into the countryside that would harm the established pattern of development I have described above. Similarly, whilst the layout provided is only indicative and I have considered it as such, there are similarities with the layout of development in Norwich Road. The indicative layout would not therefore suggest that the resultant development would be cramped. Be that as it may, there is scope to agree an alternative layout through an application for reserved matters.
10. I conclude on this issue that the development would not have a harmful effect on the character and appearance of the area. It would therefore accord with Policies CP11 and DC16 of the Core Strategy and Development Control Policies (2009) (CSDCP). Together these seek to ensure that new development is of the highest design quality in terms of architecture and built form, and urban design and landscape. Landscape should be protected for the sake of its own intrinsic beauty and its benefit to rural character. Development should also preserve or enhance the character and appearance of an area and contribute to a sense of local distinctiveness. For similar reasons there would also be compliance with Paragraph 127 of the Framework which, amongst other things, requires that developments are visually attractive as a result of good layouts; are sympathetic to local character and history; and establish or maintain a strong sense of place.

Other Matters

11. Ensuring visibility from the site's access onto Norwich Road is important in the interests of highway safety. Similarly, improvement of the footway between the

¹ Ref 3PL/2015/1188/F (Land adjacent to Northview Cottage, Norwich Road); Ref 3PL/2016/1393/F (Hartland, Norwich Road); and Ref 3PL/2017/1527/F (Land at Oakfield Lane, Norwich Road).

site's access and the dwelling known as Daisy Bank is necessary to provide a continuous footway to the nearest bus stop. Like the LPA, I am satisfied that these matters can be secured by way of planning conditions. Furthermore, subject to suitably worded planning conditions the future development of the site should not have a harmful impact upon trees situated within the site or be at risk from unsuspected contamination.

12. A third party has raised concerns regarding several matters in relation to the safety of the proposed access within the site and living conditions. The access serves other development and I found it to be lightly trafficked, as such I find no reason to dispute the position adopted by the LPA in their evidence.
13. The LPA also did not raise any concerns regarding the living conditions of neighbouring occupiers. Given the small number of properties proposed, an increased use of the existing access is not likely to be significant. There is also no substantive evidence to suggest that the development would cause harm to neighbouring occupiers' living conditions. Similarly, whilst the construction process is likely to be disruptive it would be short term and is not a reason to withhold permission. Furthermore, as the layout and scale of the development are not yet known, the potential implications of overlooking, loss of privacy or a loss of light for nearby occupiers are matters for future consideration.
14. The main parties agree that the LPA is not able to demonstrate that a five-year supply of deliverable housing land is available in the district. The provision of three new houses would make a modest contribution to the supply of housing in the District. That said, given my findings on the main issue this means approving the proposal as it would be in accordance with the development plan.

Conditions

15. I have imposed standard conditions relating to the submission and timing of reserved matter applications and the commencement of development. It is necessary to require compliance with the submitted plans, but only in relation to the access as this not a reserved matter. I have therefore amended the condition suggested by the LPA to this effect.
16. I have not imposed conditions referring to the landscaping within the site or the protection of existing trees requested by the LPA, as the layout and landscaping of the site are reserved matters. I have, however, imposed a condition calling for these details to inform the application(s) for those reserved matters. Similarly, I have not imposed conditions for external materials and boundary screening, as these are not required at this stage. These details will be considerations for the application(s) for the reserved matters of appearance, landscaping and layout.
17. However, conditions specifying the details of the required visibility from the access and improvement of the footpath to the east of the site are necessary in the interests of highway safety and accessibility.
18. The condition suggested by the LPA in relation to unsuspected contamination was incomplete. Nonetheless, I have amended the condition to include greater controls to cease development on site. The condition is necessary to address the risks associated with any contamination that has not previously been reported, especially given the sensitive end use of the site.

Conclusion

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

Paul Thompson

INSPECTOR

Schedule of Conditions

- 1) Details of the 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.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) Except where indicated elsewhere by other conditions, the access for the development hereby permitted shall be carried out in accordance with the following approved plans: 3299.0818BK Revision A.
- 5) The application(s) for the approval of the reserved matter of layout and landscaping shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 6) Prior to the first occupation of any of the dwellings hereby permitted, visibility splays measuring 2.4 metres x 59 metres shall be provided to each side of the access where it meets the highway. The splays shall thereafter be maintained at all times free from any obstruction exceeding 0.6metres above the level of the adjacent highway carriageway.
- 7) Notwithstanding the details indicated on the submitted drawings no works above slab level shall commence on site until detailed drawings for the off-site highway improvement works shown indicatively on Drawing Ref 3299.0818BK Rev A have been submitted to and approved in writing by the Local Planning Authority.
- 8) Prior to the first occupation of any of the dwellings hereby permitted, the off-site highway improvement works referred to in Condition 7 shall be completed in accordance with the details approved in writing.
- 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.

END OF SCHEDULE