



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/19/3226098

Origin Stables, Fen Lane, East Harling, Norwich, Norfolk NR16 2NG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Philippa Westwood against the decision of Breckland District Council.
 - The application Ref 3PL/2018/0784/F, dated 18 June 2018, was refused by notice dated 17 October 2018.
 - The development proposed is a new house and garage.
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Decision

1. The appeal is allowed and planning permission is granted for a new house and garage at Origin Stables, Fen Lane, East Harling, Norwich, Norfolk NR16 2NG in accordance with the terms of the application, Ref 3PL/2018/0784/F, dated 18 June 2018, subject to the conditions set out at the end of this decision.

Procedural Matters

2. I have taken the description of the development from the appeal form as this is more concise and relevant to the development for which planning permission was sought. Furthermore, I have been provided with additional drawings for the proposed dwelling (Drawing Refs 218.769.01, 218.769.03 and 218.769.04.A). However, in the interests of fairness and natural justice, I have considered the appeal based on the plan referred to on the Council's Decision Notice, Drawing Ref 218.769.01.A.
3. 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.
4. 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

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

Reasons

6. The appeal site is located some distance north of the settlement of East Harling in an area of countryside. It is accessed from Fen Lane, which is long and narrow with residential development scattered along it to either side. However, the lane remains a largely undeveloped route with established mature trees along the majority of its length. There are occasional views through the planting but these tend to be close views toward fields that are also enclosed by planting. The verdant nature of the lane and the openness of the fields beyond make a significant contribution to the character and appearance of the area.
7. The majority of residential development within the lane is situated in a close linear group to the south of the lane, near to the junction with Quidenham Road. The dwellings which have more recently been granted planning permission by the Council, to which I have been referred, are a short distance to the north. Dwellings beyond these are spaced at a greater distance.
8. The site is a relatively large parcel of land and is located where residential development is clearly more limited, some distance to the north of the aforementioned group of dwellings. It could not therefore be considered as an extension of the settlement. However, the proposed dwelling would be read in the context of two neighbouring dwellings and would form a loose grouping. This would not be harmful to the established pattern of development in Fen Lane that I have described above.
9. The landscaping along the lane frontage opens out at the existing access to the site so there are views across the site. The site is relatively large and the proposed dwelling would be positioned centrally, close to the site frontage. Together with the existing stables, the proposed dwelling and garage would be set within spacious grounds against the backdrop of the trees within and around the edge of the site. They would soften views of the development. The position of the dwelling within the site would therefore maintain the feeling of openness and the site's verdant context.
10. The Council is concerned that this development would add further pressure to allow development on land either side of the proposed dwelling in the future. However, the Council can consider the merits of any future development having regard to the particular circumstances at the time, alongside the matters that I have referred to above.
11. I conclude 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.

12. For similar reasons the proposal would comply with paragraphs 8 and 170 of the Framework. Paragraph 8 includes the environmental objective of sustainable development which seeks to ensure that development protects and enhances natural, built and historic environments. Furthermore, paragraph 170 refers to the protection and enhancement of valued landscapes and recognising the intrinsic character and beauty of the countryside.

Other Matters

13. Several third parties, including the Parish Council, have raised concerns regarding the development. These principally relate to the impact on Fen Lane from vehicles associated with the development but I have also been referred to others points of consideration.
14. Given that there is already an established use of the site that requires regular use of the lane, the increased use generated by the residential occupation of the site is likely to be modest. Similarly, based on the number of properties within the lane and the speed that vehicles would be likely to be travelling, the highway safety of pedestrians and other vulnerable users of the lane would not be significantly affected by the traffic associated with the proposed development. Furthermore, whilst other vehicles will be needed to serve the development, during construction and following its occupation, these would either be short term or will almost certainly already take place for other dwellings nearby. Nonetheless, as Fen Lane is a private route the responsibility for its upkeep rests with those that have rights of access along it. As such, these impacts are outside the scope of my consideration of this appeal. I therefore find no reason to dispute the position adopted by the Council in their evidence.
15. Notwithstanding the above, I agree with the Council that it would be reasonable and necessary through a planning condition to limit the use of Fen Lane by tying the stables and dwelling together. This would ensure that the development and stables would remain associated in the future to link trips to the site.
16. The development of the site would not have a harmful impact upon the ecological value of the site. Moreover, mitigation and enhancement are proposed within the appellant's ecology report. These matters can be secured by way of a suitably worded planning condition.
17. The Council did not raise any concerns regarding the living conditions of neighbouring occupiers. Whilst third parties have raised concerns, the proposed dwelling would be situated some distance from its neighbours so harm through any overlooking, loss of privacy or loss of light is unlikely to arise.
18. Whilst the construction process is likely to be disruptive it would be short term and is not a reason to withhold planning permission. However, given that the site is within a relatively quiet setting, it would be reasonable to ensure that the construction work within the site is restricted to protect the living conditions of neighbouring occupiers.
19. Concerns have been raised regarding drainage within the site and elsewhere nearby. However, I have not been provided with any evidence to substantiate these claims. Finally, I agree with the Council that the availability of a fire hydrant for firefighting purposes would need to be addressed through Building

Regulations, as I have not been referred to any relevant policies that specifically address such matters.

20. The Council acknowledge that they cannot currently demonstrate a five-year supply of deliverable housing land. The proposal would make a modest contribution to the supply of housing in the District. However, given my findings on the main issue this means approving the proposal as it would be in accordance with the development plan.

Conditions

21. It is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. In the interests of the character and appearance of the area, materials listed in the application should be controlled by condition. The access and parking are required to be provided to serve the development, prior to it being occupied, in the interests of highway safety. Similarly, in the interests of the neighbouring occupants living conditions, a condition to control the hours of construction working is necessary. Ecological mitigation and enhancement detailed in the appellant's report shall also be provided prior to occupation of the dwelling, in the interests of the wider ecological value of the site. In order to ensure that linked journeys are made to the site to avoid additional burden on Fen Lane, it is necessary to ensure that the stables within the site are not used separately from the occupants of the proposed dwelling.

Conclusion

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

Paul Thompson

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 218.769.01.A and the Design and Access Statement (dated 18 June 2018).
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials specified on the planning application form and / or submitted drawings.
- 4) Prior to the first occupation of the development hereby permitted the proposed access and parking area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the details shown on the approved plan and retained thereafter available for that specific use.
- 5) Prior to the first occupation of the development hereby approved, the mitigation and enhancement measures outlined in sections 8.6, 8.12, 8.13, 8.17, 8.18, 8.24, 8.32 and 8.37 of the Preliminary Ecological Appraisal report (Greenlight Environmental Consultancy Ltd; June 2018)

shall be implemented and evidence submitted to and approved by the Local Planning Authority.

- 6) Demolition or construction works shall take place only between 0800 and 1700 Monday to Friday; 0800 and 1300 on Saturday; and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 7) The stables shown for retention on the approved plan shall only be used for the applicant's own horses and for no commercial purposes.

End of Schedule