
Appeal Decision

Site visit made on 8 July 2019

by Ian McHugh Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th November 2019

Appeal Ref: APP/F2605/W/19/3224793

Aslan, Hoe Road East, Swanton Morley, Norfolk, NR20 4PZ

- 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 Mrs Patricia Lawrence against the decision of Breckland Council.
 - The application Ref 3PL/2018/0003/F, dated 3 January 2018, was refused by notice dated 10 October 2018.
 - The development proposed is the construction of 3 new dwellings with associated amenities provision, improved access and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are:
 - Whether the appeal site is an appropriate location for new housing development having regard to the policies of the Development Plan.
 - The effect of the proposal on the character and appearance of the area; and
 - Whether there would be an adequate and safe pedestrian access to the site.

Reasons

Location

3. The appeal site currently forms part of the garden of 'Aslan', which is a detached dwelling situated on the northern side of Hoe Road East, beyond the village of Swanton Morley. The appellant states that the site can be considered as 'previously developed land' because of its rural location. I agree with that statement. The site is mainly grassed and is enclosed by trees and shrubbery. A residential estate of former RAF houses lies to the north of the site and a detached dwelling (The Old Rectory) is situated on its eastern side. A large garage building, within the grounds of The Old Rectory, abuts the appeal site on its northern boundary.
4. The proposal is to erect three, two storey dwellings (one detached and a pair of semi-detached properties). They would be served by a shared private access road leading from Hoe Road East. Parking spaces would be provided at the front of each of the dwellings and most of the existing trees and vegetation would be retained. The proposed dwellings would be of a contemporary design

- incorporating weatherboarding, timber and grey brickwork on the external walls.
5. Swanton Morley is defined by the Council as a Service Centre Village in Policy SS 1 of the Breckland Core Strategy and the Development Control Policies Development Plan Document, which was adopted in 2009 (CSDPD). In that regard, the village is considered to contain adequate services and facilities to meet the day-to-day requirements of existing residents. The appellant considers the appeal site to be a sustainable location for new housing development.
 6. Policy DC 2 of the CSDPD allows for new housing development within settlement boundaries. At present, the settlement boundary encompasses the former RAF estate in addition to the older village, even though they are two distinct and physically separate areas. In addition, Policy CP 14 seeks (amongst other things) to only permit new residential development within the limits of the settlement boundary. I am informed that the emerging District Local Plan proposes to maintain this approach.
 7. I also note that the referendum on the emerging Swanton Morley Neighbourhood Plan 2017 – 2035 (NP) is to take place soon. Whilst there are no specific policies relating to the appeal site in the NP, the document seeks (amongst other things) to protect the identity of Swanton Morley; to direct housing growth to certain key sites; and to influence the design of new development.
 8. With regard to new housing sites, a development of 85 houses is proposed on agricultural land on the southern side of Hoe Road East, close to the appeal site. Planning applications for this development are currently being considered by the Council. Furthermore, it has also confirmed that the emerging District Local Plan, which is at an advanced stage, proposes to extend the settlement boundary to include the site of the 85 houses. In addition, a new residential estate has recently been built on land adjoining the village, further to the south east of the appeal site.
 9. Notwithstanding the relatively close proximity of existing or proposed housing, the appeal site is not situated within the existing settlement boundary. In addition the site is not proposed to be included within the revised boundary in the emerging plan. On this basis, I consider that the appeal proposal would conflict with Policies GP 14 and DC 2 of the CSDPD.
 10. There is agreement between the parties that the Council does not have a five year supply of deliverable housing land, although the extent of the shortfall differs between the appellant and the Council. In that regard, it is accepted that policies for the supply of housing should not be considered as being up to date. In such cases, paragraph 11 of the National Planning Policy Framework 2019 (the Framework) states (amongst other things) that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. I shall return to this matter later in my decision.

Character and Appearance

11. Policy CP 11 of the CSDPD seeks to protect the landscape of the District for the sake of its own intrinsic beauty. In addition, Policy DC 16 states (amongst other things) that all proposals for new development must preserve or enhance the existing character of an area. In my opinion, these policies accord with paragraph 127 of the Framework. This states that planning decisions should ensure that developments are sympathetic to local character and history and add to the overall quality of the area. Paragraph 170 of the Framework also requires decisions to recognise the intrinsic character and beauty of the countryside.
12. The site has no special landscape designation. However, the appeal proposal would introduce a substantial amount of development into an area of the appellant's garden that is currently free from buildings and which appears distinctly rural in character. Notwithstanding the presence of the large outbuilding/garage within the grounds of The Old Rectory, the site appears as part of an area of countryside, sandwiched between the main part of the village and the former RAF estate. In my opinion, the site and its immediate surroundings make a positive contribution to the rural character of the area.
13. I acknowledge that the proposed dwellings would be largely screened by the existing trees within and around the site. However, the overall density, form and layout of the development, including the subdivision of the site to create residential gardens, together with the creation of the access road and car parking and turning areas, would result in a significant urbanisation of the site. I consider that this would be harmful to its rural character and appearance and to the area generally. For these reasons, I conclude on this issue that the proposal would conflict with the relevant policies of the CSDPD and with the provisions of the Framework, as referred to above.

Accessibility

14. The appellant points out that the site is within 400m of the nearest bus stop and within a relatively short distance to local shops and services. The Council argues that the proposal lacks a suitable means of access to the village for pedestrians. I observed during my site visit that there are no footways along the section of Hoe Road East in the vicinity of the appeal site. As a result, pedestrian access would only be available along relatively narrow and unlit roads or via a permissive footpath across a field.
15. The appellant states that this situation is only temporary, as plans are in place to improve connectivity in the area as part of the proposed residential development on the opposite side of the road. I also note that the emerging NP encourages improvements to this section of the road. The appellant has suggested that a 'Grampian' style condition could be imposed that would prevent occupation of the proposed houses until such time as suitable footway provision is made.
16. Although the appeal site is relatively close to the village and its small range of shops and community facilities, I consider that the absence of safe and convenient pedestrian routes would result in the occupants of the proposed dwellings resorting to their cars for relatively short journeys. I have taken into account the possibility of improved pedestrian accessibility in the future, but given the number of uncertainties over the timing and precise details, I

consider that it would not be appropriate at this time to impose a condition, even if the proposal was to be acceptable in all other respects.

17. In my opinion, the proposal would undermine the provisions of Chapter 9 of the Framework, which generally promotes sustainable transport options. The development would also conflict with Policy CP 4 of the CSDPD, which seeks to ensure (amongst other things) that access and safety concerns are resolved within all new developments. I note that paragraph 103 of the Framework highlights that sustainable transport solutions will vary between urban and rural areas, but that does not outweigh my findings on this issue.

Other Matters

18. The appellant has drawn my attention to two recent appeal decisions that granted planning permission for new residential development in the countryside within the District (APP/F2605/W/18/3196711 and APP/F2605/W/18/3198911). I have considered these decisions and the reasoning of the Inspectors in each case. The appellant points to consistency in decision making. However, all proposals must be considered on their individual merits having regard to the precise location and individual characteristics of the site. Consequently, I am not persuaded that these decisions create a precedent for the current appeal.
19. Representations were made to the Council in relation to trees, ecology, heritage, design and highway issues. The Council Officer's report covered these matters and I have also received suggested conditions in the event of the appeal being allowed. I have no substantive reason to disagree with the Council's conclusions or suggestions in respect of these matters.

Planning Balance

20. The evidence before me is that the Council is unable to identify a five year supply of deliverable housing land, although the extent of the shortfall differs between the parties. Having regard to the Supreme Court's judgements in the case of *Suffolk Coastal District Council v Hopkins Homes Ltd and the Richborough Estates Partnership LLP v Cheshire East Borough Council*, I consider that the presumption in favour of sustainable development applies to the appeal proposal. In my opinion, Policy CP 14 is not a policy for the supply of housing. However, it does have the effect of restricting housing supply and it must, therefore, be balanced against the presumption in favour of sustainable development and against the Government's stated objective of "significantly boosting the supply of homes" (The Framework – paragraph 59). The other relevant policies of the Development Plan must also be taken into account as part of the balancing exercise.
21. The appeal proposal would make a contribution towards housing numbers in the area. There would also be some short term economic benefits during the construction period and some long term benefits arising from local spending and the use of community facilities by the occupants of the proposed dwellings. However, for the reasons given above, in respect of character and appearance and pedestrian access, I consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits arising from the proposal.

Conclusion

22. It is concluded that the appeal should be dismissed.

Ian McHugh

INSPECTOR