



Appeal Decision

Site visit made on 21 October 2019

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 November 2019

Appeal Ref: APP/F2605/W/19/3233946

Secret Garden, Drury Square, Beeston, PE32 2NA

- 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. Julie Adcock against the decision of Breckland Council.
 - The application Ref 3PL/2019/0070/F, dated 28 November 2018, was refused by notice dated 1 April 2019.
 - The development proposed is described as 'new dwelling and garage'.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposed development would be in an appropriate location, having regard to the aims and objectives of local and national planning policies,
 - The effect of the proposed development on the living conditions of neighbouring occupiers; and,
 - The effect of the proposed development on the character and appearance of the area.

Reasons

Location

3. The appeal site is located approximately a mile from the nearest settlement, Beeston, which has limited services. It is approximately 2.5 miles from the village of Litcham, which offers a wider range of services. Occupiers of the proposed dwelling would need to travel to these or other neighbouring settlements to use day-to-day facilities. As Beeston would not, by itself, meet the day-to-day needs of residents, this would be likely to result in longer journeys, most of which are likely to take place by car due to the distance to Litcham. Beeston does have a bus stop, but I have not been provided with details of the frequency or range of services.
4. The Council's criteria for sustainable housing development are set out in Policies SS1, DC2, CP1 and CP14 of the Breckland Core Strategy and Development Control Policies Development Plan Document 2001-2026 Adopted

December 2009 (the CS). Together these policies direct development towards larger settlements in the District which provide a range of services and facilities to meet the needs of residents. Beeston is classed as a rural settlement providing nominal housing growth where local capacity allows.

5. The National Planning Policy Framework (the Framework) recognises at paragraph 103 that in rural areas there may be less access to sustainable transport solutions than in urban locations. However, it also encourages the management of patterns of growth in support of the Framework's sustainable transport objectives. The direction of new development towards the District's larger settlements accords with this.
6. My attention has been drawn by the appellant to a previous appeal in the District in which permission was granted for housing at a similar distance from the nearest settlements¹. The appellant also refers to a permission for housing development outside of the settlement boundary of Beeston that was granted by the Council. However, I do not have the full details of those cases before me so cannot be sure that they represent a direct parallel to the appeal proposal in terms of the distances and level of access available. I must, in any case, assess this appeal on its own merits.
7. For the above reasons therefore, the appeal site is not an appropriate location for new residential development, contrary to Policies DC2 and CP14 of the CS, the aims of which I have set out above.

Living Conditions

8. The proposed development would be sited close to the boundary with the neighbour to the south, The Bungalow. A bedroom window in the south elevation of the proposed development would face towards the neighbouring property. While there is a well-established hedgerow along the shared boundary, the proximity of the window and its first-floor siting would result in harm through overlooking and loss of privacy to neighbouring occupiers, particularly through clear views into their garden and into a bedroom.
9. The appellants have suggested that this could be addressed through alterations to the layout of development and the position of the window. However, I do not have alternative plans before me to show this proposed amendment, nor have affected parties been able to comment on it. I therefore cannot consider it further in determining this appeal.
10. The proposed development would therefore result in harm to the living conditions of neighbouring occupiers, specifically in regard to a loss of privacy, which would be contrary to Policies DC1 and DC16 of the CS. Together these policies require that new development not cause harm to the residential amenity of neighbouring occupiers, including through overlooking and/or privacy loss. These policies accord with the design requirements of the Framework, and therefore there is no conflict between local and national policy.

Character and Appearance

11. The appeal site is part of a cluster of properties which generally occupy large, spacious plots. Against this, the proposed development would occupy a

¹ Planning Inspectorate ref: APP/F2605/W/18/3214704

noticeably smaller plot, which would appear out of place against the prevailing spacious character to the pattern of development in the cluster.

12. Be that as it may, both the appeal site and the neighbouring properties which the proposed development would be set amongst are set well back from the public highway, and the visual impact of the proposed development would be limited. In addition, the proposed house would be of a scale generally in keeping with that of the neighbouring properties that I saw during my visit.
13. On balance, the proposed development would therefore not be out of keeping with the existing pattern of development in the area and would consequently not give rise to harm to the character and appearance of the area. It would comply with the relevant criteria of Policies DC1 and DC16 of the CS, which require new development to preserve or enhance the existing character of an area. This accords with the design criteria of the Framework, and therefore there is no conflict between local and national policy.

Other Matters

14. The appellant has stated that historically their property was occupied by a larger number of dwellings, with more activity than would result from the addition of the proposed development. However, I must determine this appeal based on the current situation, as any historic activity has ceased. In any case, the matter of potential disturbance is not a contentious matter in this appeal.

Planning Balance and Conclusion

15. The Council cannot show a 5-year housing land supply. In such circumstances, paragraph 11 of the Framework states that policies that are most important for determining the applications are out of date. It further states that planning permission should be granted unless policies in the Framework provide a clear reason for refusal, or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
16. There would be a benefit from providing an additional house in this location. It would contribute to the shortfall in housing supply, support local facilities, and there would be some economic benefits from the construction. I afford these benefits moderate weight in light of the lack of housing land supply.
17. However, the appeal site is not in a sustainable location for housing, with the closest settlement being a mile from the appeal site and only offering a small range of facilities that would not meet the day-to-day needs of occupiers. In addition, there would be harm to the privacy of neighbouring occupiers. I afford this cumulative harm substantial weight in determining this appeal, as well as the subsequent conflict there would be with the development plan.
18. The development would not be harmful with regard to the established pattern of development in the area. No objections were received on grounds of ecology or contaminated land. The highways consultee has suggested conditions on highway safety grounds and the tree and countryside consultant has requested retention of the boundary hedgerow. The appellant has agreed to these. These are however neutral considerations in determining this appeal.
19. I therefore find that the harm arising from the proposed development would significantly and demonstrably outweigh the benefits. The proposal would

therefore not be a sustainable form of development, when considered against the Framework as a whole.

20. For the reasons given above I conclude that the appeal should be dismissed.

M Chalk

INSPECTOR