



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/19/3233489

Land Opposite Westbrook Barn, West End, Bradenham IP25 7QZ

- 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 Mr Hindrey and Miss Raven against the decision of Breckland Council.
 - The application Ref 3PL/2019/0517/F, dated 30 April 2019, was refused by notice dated 19 June 2019.
 - The development proposed is described as full application for the erection of 1 no. self build dwelling at land opposite Westbrook Barn, West End, Bradenham, IP25 7QZ.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 1 no. self build dwelling at land opposite Westbrook Barn, West End, Bradenham IP25 7QZ in accordance with the terms of the application, Ref 3PL/2019/0517/F, dated 30 April 2019, subject to the conditions set out in the attached schedule.

Procedural Matter

2. I have accepted comments from the Council, appellant and a third party after the stated deadline for submissions. This is to allow all interested parties the opportunity to comment on this appeal and submissions made, and to ensure that I have been able to take all relevant points into account.

Main Issues

3. 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; and,
 - The effect of the proposed development on the character of the area.

Reasons

Location

4. The appeal site is around 1 mile from the village of Bradenham, which offers limited services and facilities. The village of Necton is approximately 2 miles from the site and offers a wider range of services.

5. The roads in the vicinity of the site are narrow and unlit. I consider that they would not be attractive to most people for walking or cycling, particularly outside of daylight hours or when seeking the wider range of services at Necton or more distant neighbouring settlements. I have not been provided with any evidence that public transport is available in the near vicinity of the site. Most journeys from the site are therefore likely to occur by car rather than a more sustainable form of travel.
6. Paragraph 103 of the National Planning Policy Framework (the Framework) recognises that in rural locations access to sustainable transport measures may be more limited than in urban locations. However, it also states that the planning system should actively manage patterns of growth so opportunities to promote sustainable transport are identified and pursued.
7. The Council has referred to policies DC2 and CP14 of the Breckland Core Strategy and Development Control Policies Development Plan Document 2001-2026 Adopted December 2009 (the CS) in its decision notice. These policies direct rural development generally towards Local Service Centre villages. The site is not located in one of these villages and, based on the evidence before me, the nearest settlement of Bradenham is not one.
8. The appeal site is not therefore an appropriate location for the proposed development, contrary to the requirements of Policies DC2 and CP14 of the CS.

Character of Area

9. The appeal site is a paddock located in the countryside outside of any settlement. It is sited at the junction of two roads, in a small cluster of residential and agricultural buildings. The size and heights of the buildings vary, but on the other side of the road is a two-storey brick building directly abutting the highway. On the opposite side of the junction is a rendered two-storey house set back only a little from the highway.
10. Within this context, the proposed development would be a single-storey house and detached garage and car port, set well back from the site frontage. The site is particularly well screened by the boundary hedge along its north side. The house would add to the existing cluster of buildings, but not be a particularly prominent or intrusive feature in the landscape. It would be a low-profile addition to the site, appropriate in appearance and scale in this rural location, and the indicated external materials would relate well to those used in the immediate vicinity.
11. The proposed development would therefore not result in harm to the character of the area, in accordance with Policies DC16 and CP11 of the CS. These policies require the protection of the landscape and rural character of the District and that new development be of the highest standard of design, embrace opportunities to enhance the character and appearance of an area and contribute to creating a sense of local distinctiveness. These policies accord with the criteria of the Framework, and there is no conflict between local and national policy.

Other Matters

12. Third parties have raised additional questions about site ownership and the effect of the proposed development on the living conditions of neighbouring occupiers. Site ownership issues are a civil matter between the appellants and

- any other interested parties, and do not form part of the determination of this appeal. I have considered the likely effect of the proposed development on the living conditions of neighbouring occupiers and consider that the usual level of disturbance associated with a single dwelling, in addition to any lawful use of the adjoining field which shares the site access, would not be so significant that it would warrant refusal of planning permission.
13. I have had a previous appeal decision for a dwelling on this site¹ brought to my attention. While that appeal was dismissed, I note that there are differences in the developments proposed, for example that earlier appeal sought permission for a two-storey dwelling rather than the single-storey dwelling that is the subject of this appeal. In any case, each appeal must be determined on its own merits.
14. The Parish Council has raised concerns about increased traffic and road flooding as a result of the proposed development. However, this concern is not supported by the Highways consultee, and therefore I only accord it limited weight in determining this appeal. The Parish Council has also referred to a permission granted on appeal for a storage barn on adjoining land. I am aware of that approval, but do not consider that the cumulative effect of the approved and proposed developments would be an overly intensive use of the neighbouring sites.
15. The appellants have stated that the proposed development would assist them in caring for an elderly relative, and in taking on the running of the holiday cottage business at the Westbrook Barns site opposite the appeal site. However, I am mindful of advice in the national Planning Practice Guidance² that in general planning is concerned with land use in the public interest. I have not been presented with evidence that these personal circumstances are particularly unusual, or that there is no other accommodation in the area that could meet the appellants' needs. I have therefore not given this consideration much weight in determining this appeal.
16. The appellants have also stated that the proposed development would be a self-build scheme. However, I have not been provided with a Section 106 agreement or unilateral undertaking which would secure the development only for the sake of the appellants and their family. Such a restriction cannot be imposed solely by a condition on a planning permission. I have therefore determined this appeal on the basis of the proposed development having no occupancy restriction.

Planning Balance and Conclusion

17. The Council cannot show a five-year housing land supply as required in paragraph 73 of the Framework. In such circumstances, paragraph 11 of the Framework states that policies that are most important for determining the applications are out of date. In this case, I have found that the proposed development would be contrary to Policies DC2 and CP14 of the CS.
18. Planning permission should therefore 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

¹ Planning Inspectorate ref: APP/F2605/A/13/2199105

² What is a material planning consideration? Paragraph: 008 Reference ID: 21b-008-20140306

benefits, when assessed against the policies in the Framework taken as a whole.

19. There would be a benefit from providing an additional house in this location. It would contribute to the recognised shortfall in housing supply, support local facilities in Bradenham and neighbouring settlements, and there would be some economic benefit from the construction. I afford these benefits moderate weight in determining this appeal.
20. The appeal site is not located in a sustainable location, but in the absence of an up-to-date Local Plan, I consider that this amounts only to limited harm in determining this appeal.
21. I have not found that the proposed development would result in harm to the character of the surrounding area, or to the living conditions of neighbouring occupiers. These are neutral considerations in determining this appeal.
22. I therefore find, in the absence of a five-year housing land supply, that in this instance the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits. The proposal would therefore be a sustainable form of development, when considered against the Framework as a whole.
23. For the reasons given above I conclude that the appeal should be allowed.

Conditions

24. The Council have recommended a condition requiring that work commence on the proposed development within two years, rather than the standard three years, to ensure the deliverability of the scheme to contribute to the Council's five-year housing land supply. However, I have not been provided with evidence of the extent of the shortfall in the supply. I therefore do not consider it reasonable to depart from the standard time limit for commencement.
25. I have amended the plans condition to refer to the plans only, as these show the proposed development, and the formal decision at paragraph 1 makes clear that the grant of planning permission encompasses all information submitted with the application.
26. I have imposed a condition requiring approval of external materials of the proposed development. I have accorded weight to the use of appropriate external materials in determining this appeal, and this condition would ensure that suitable materials are used.
27. A condition relating to highway safety is imposed in line with the comments of the County Council Highways consultee. This is appropriate for this development to ensure adequate visibility at the junction of the access with the highway.
28. I have considered the recommended condition requiring a visibility splay at the junction of West End and Squires Oak Lane. However, this would involve works on land outside of the appellant's control, and I am not convinced based on the evidence submitted that it is reasonable to require this be carried out by the appellant based on the additional traffic generated by a single new dwelling.

29. I have also considered the recommended condition relating to the parking area. I am satisfied that the provision of this area is covered by the approved plans condition, and a separate condition is not required.
30. A condition guarding against the discovery of unsuspected contaminated land is appropriate, given that the proposed development is a dwellinghouse. I have adjusted the wording for clarity.
31. A condition requiring details of landscaping is attached. I have amended the wording of the recommended condition to seek details of retained landscaping as well as proposed. This is to ensure the benefits of the existing boundary treatments are preserved, other than where may be necessary to accommodate the highway visibility splays. I have also allowed for the dwelling to be occupied prior to completion of the landscaping works, as planting can be dependent on the season.
32. The appellant has suggested a condition requiring the installation of an electric vehicle charging point at the site, to encourage the use of non-polluting private vehicles. However, it would not be possible to enforce the use of such vehicles on future occupiers of the property, so I do not consider that such a condition would be reasonable in this instance.

M Chalk

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: PL01, PL02, LP01 Revision A.
3. No development beyond slab level shall take place until precise details, (including samples where required), of the materials used in the construction of the external walls and roof(s) of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. This condition shall apply notwithstanding any indication as to these matters that have been given in the current application. The materials to be used in the development shall be in accordance with the approved details.
4. Prior to the first occupation/use of the development hereby permitted visibility splays measuring 2.4 metres x 25 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 1.05 metres above the level of the adjacent highway carriageway.
5. Prior to the first occupation of the development hereby permitted the proposed parking and turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
6. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must then be undertaken in accordance with details to be first agreed in writing with the Local Planning Authority. Where remediation is necessary, a remediation scheme must then be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall then be submitted to and approved in writing by the Local Planning Authority.
7. Prior to the occupation of the development hereby permitted a plan indicating the positions, design, materials and type of boundary treatment/screening to be erected and retained shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment/screening shall be completed no later than the end of the first planting season after the dwelling is first occupied. Development shall be carried out in its entirety in accordance with the approved details.