The Planning Inspectorate

Appeal Decision

Site visit made on 22 October 2019

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 November 2019

Appeal Ref: APP/F2605/W/19/3234581
Former Dereham Water Supplies International Limited, Bradenham Lane, Scarning NR19 2LA

- 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 Henry Hewson against the decision of Breckland District Council.
- The application Ref 3PL/2019/0056/F, dated 17 September 2018, was refused by notice dated 19 June 2019.
- The development proposed is conversion of existing office to a dwelling and erection of garage; conversion of existing workshop building to three dwellings and erection of garage; erection of two houses and garages.

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of development from both the application form and the Council's Decision Notice. Nevertheless, I acknowledge that the refused block plan (Ref 10025 1D) shows that the workshop building that is proposed to be converted would not, contrary to the description of development, be served by a newly erected garage. For the avoidance of doubt, my responsibility is to consider the appeal based on the scheme as it appears on the plans submitted.

3. The Council has confirmed that, with respect to the emerging Breckland Local Plan (the EBLP), the examining Inspector's report has recently been received. I understand that this report concludes that, subject to several main modifications being made, the EBLP is sound and capable of adoption. Whilst at an advanced stage, the EBLP does not yet form part of the District's development plan and cannot yet be afforded full weight in decision making. I shall consider the appeal on this basis.

Main Issues

4. The main issues are:

   - Whether or not the appeal site represents an appropriate location for housing, having particular regard to access to facilities and services;

   - The effect upon the character and appearance of the area, including the likely long-term effect upon existing trees; and

- The effect upon the living conditions of future occupiers of the workshop building, with particular regard to noise, light and the availability of private garden space.

Reasons

Whether or not an appropriate location for housing

5. The appeal site falls outside of any defined settlement boundary and thus in a rural area of the District. It currently contains a workshop building, an office building and a central yard area that, during inspection, accommodated various storage containers, machinery and other materials. Nevertheless, it is my understanding that the site has not been operated in a business capacity for several years.

6. Whilst full details of the District's housing land supply position are not before me, the Council has acknowledged that it cannot currently demonstrate a five-year supply of housing. Policies DC2 and CP14 of the Breckland Core Strategy and Development Control Policies (2009) (the BCSDCP) direct new housing development inside the limits of defined settlement boundaries and are thus associated with the supply of housing. Whilst the scheme before me conflicts with Policies DC2 and CP14, I afford this conflict limited weight due to the Council's housing land supply deficit. The fact that the site is located outside of any defined settlement boundary is not a determinative factor in this case.

7. However, the National Planning Policy Framework (February 2019) (the Framework) states that planning decisions should avoid the development of isolated homes in the countryside and that opportunities to promote walking, cycling and public transport use should be identified and pursued. Whilst the site makes up part of a small and loose cluster of development such that it is not isolated in a purely physical sense, it is situated far beyond the defined development limits of the nearest villages and thus in an area where no other similar development is expected.

8. Indeed, the nearest villages of Scarning and Wendling are not conveniently accessible on foot or by cycling due to the distances involved and a lack of footpaths/cycle paths. In any event, these villages do not contain a wide range of facilities and services able to serve the day-to-day needs of future occupiers of the development. Dereham, where such a range of services and facilities does exist, is located further still from the site. Whilst the route from Scarning to Dereham is pathed, its length and remote location relative to the appeal site would not promote its regular use by future occupiers of the proposed development.

9. I acknowledge the existence of bus services running Dereham Road. However, from the evidence before me, the site is not closely served by bus stops offering regular services. Future occupiers of the development would thus face difficulties in accessing local bus services and would not be conveniently able to depend on such services to serve their day-to-day needs.

10. The Framework notes that sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making. Nevertheless, the proposal's location evidently promotes private modes of transportation. This sits uncomfortably alongside the Government's

objectives of delivering sustainable development in a planned and coordinated manner.

11. The appellant has drawn my attention to Policy DC20 of the BCSDCP, which relates to the conversion of buildings in the countryside and states that the re-use of existing buildings in the countryside for residential purposes will be supported subject to the satisfaction of various criteria. However, the proposal before me is not purely focussed upon the conversion of existing buildings and involves the erection of two new houses. I must assess the scheme on this basis. Similarly, Policy HOU12 of the EBLP relates only to the conversion or re-use of existing buildings in the countryside and guards against significant rebuilding works.

12. Several appeal decisions relating to sites elsewhere have been referred to by the appellant in the interests of seeking to demonstrate that the appeal site occupies an appropriate location for housing. However, the sites identified at The Homestead and Podmore Lane, when compared to the appeal site, are situated on the opposite side of Scarning and therefore have considerably better connections to Dereham. Furthermore, a site identified at Dereham Road, Whinburgh is closely located to Yaxham, a village that I understand contains a number of local services. These other appeal decisions relate to sites where different circumstances are in place and are thus of limited relevance to my considerations here. In any event, I must consider the proposal before me upon its own individual merits.

13. For the above reasons, the proposal would cause material harm by virtue of not being in an appropriate location for housing, with particular regard to access to facilities and services. The proposal conflicts with the Framework in so far it requires that opportunities to promote walking, cycling and public transport use are identified and pursued.

Character and appearance

14. A dispersed pattern of development is in place along the section of Bradenham Road that contains the appeal site. Indeed, other than occasional scattered and sporadic instances of development, the site's surroundings are inherently rural and agricultural in their character and appearance.

15. The appeal site, when considered in isolation, is of commercial appearance and appears distinct from surrounding agricultural land due, in-part, to its planted boundaries. Two relatively substantial buildings are already in place on the site, which have an urbanising influence upon the rural character and appearance of its surroundings. Nevertheless, this influence is tempered due to the notable gap that currently exists between the two buildings. This relationship complements the dispersed pattern of development I have identified along Bradenham Road.

16. The works proposed to convert existing buildings at the site would be expected to have a limited visual impact. However, the additional buildings that are proposed, more specifically the pair of two-storey dwellings that would be constructed to the central area of the site, would be prominent when experienced from various viewpoints along Bradenham Road. Indeed, they would have a noticeable urbanising effect and lead to a dense and unduly cramped development of the site. This is even when noting that various existing containers, machinery and materials would be expected to be cleared

as part of any redevelopment of the site and that the hedgerow to the site's frontage is intended to be retained.

17. Concerns have been raised as regards the potential effect of the proposal upon existing trees. Indeed, the Council's Tree and Countryside Consultant has noted the proximity of trees to the existing workshop building. However, as the workshop would be converted rather than enlarged, I am satisfied that surrounding trees would not be expected to be unduly impacted upon. I note that some future pressures would likely be placed upon existing trees by virtue of any future residential occupation of the workshop building but consider that an Arboricultural Method Statement and full tree protection details could suitably be secured via planning condition in the event of the appeal being allowed. I am satisfied that the proposal does not conflict with Policy DC12 of the BCSDCP.

18. Whilst I have found that the scheme would be likely to have an acceptable long-term effect upon existing trees, the proposal would cause harm to the character and appearance of the area for the reasons stated above. The proposal conflicts with Policy DC16 of the BCSDCP in so far as it requires that proposals must preserve or enhance the existing character of an area and that development should compliment the natural landscape, natural features and built form that surround it.

Living conditions of future occupiers

19. I note that an area of car parking is proposed to be provided to the frontage of the workshop building. Given that the area would provide merely two car parking spaces and that its position would be set slightly away from the building itself, I am satisfied that undue noise and disturbance would not be caused as a result of vehicle movements related to the workshop building's proposed residential occupation.

20. The Council has raised concerns that existing planting to the rear of the workshop building would give rise to loss of light to various habitable rooms. However, from inspection, I observed only one significant mature tree to be in place in this specific location. Other planting to the rear (west) of the building was relatively low-level and did not provide a substantial screen. I am satisfied that rear-facing windows to habitable rooms would receive appropriate levels of light so as not to cause harm to the living conditions of future occupiers.

21. The two northernmost residential units proposed to be provided within the workshop building would be served by very small rear garden areas. This is clear from the plans before and was also apparent from my own inspection of the site. Highly limited extents of private external space would thus be provided for the future occupants of relatively substantial 3-bedroomed units. Whilst the Council does not have a specific standard in this regard, Policy DC1 of the BCSDCP states that for all new development consideration will need to be given to the impact upon amenity.

22. The appellant has referred to the potential for land situated to the south of the workshop building to be used on a communal basis. However, this would not provide areas for the private enjoyment of future residential occupiers. Furthermore, whilst only limited examples of other residential properties exist in the site's vicinity, such small private garden areas (as proposed) are not

characteristic of the area, which is an issue highlighted for consideration under Policy DC1.

23. For the above reasons, the proposal would cause harm upon the living conditions of future occupiers of the two northernmost residential units intended to be provided within the workshop building, with particular regard to the availability of private garden space. The proposal conflicts with Policy DC1 of the BCSDCP in so far as it states that development will not be permitted where there are unacceptable effects on the amenities of the area or the residential amenity of neighbouring occupants, or future occupants of the development site.

Other Matter

24. I accept that if the site was to be actively used in a commercial/business capacity it would generate activity as well as machinery/vehicle movements to and from the site in proximity to existing residential occupiers. However, it is also the case that the introduction of six residential properties (two of them being new-build properties) would be expected to generate activity including regular movements to and from the site. I thus do not consider that the proposal would be expected to provide discernible improvements/benefits in the contexts of neighbouring living conditions or highway safety. This is particularly as I understand the site has not been operated in a business capacity for several years.

Planning Balance

25. The Framework is clear that where a five-year supply of deliverable housing sites cannot be demonstrated the policies most important for determining proposals are considered out-of-date and the presumption in favour of sustainable development, as set out under paragraph 11 of the Framework, applies. For decision making this means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework's policies taken as a whole.

26. I have identified conflict with Policy DC16 of the BCSDCP, which sets out key design principles. Policy DC16 is broadly consistent with the Framework, which recognises the intrinsic character and beauty of the countryside and states that developments should be sympathetic to local character and landscape setting. I have also identified conflict with Policy DC1 of the BCSDCP, which relates to the protection of amenity. Policy DC1 is also broadly consistent with the Framework, which refers to creating places that promote health and well-being with a high standard of amenity for existing and future users.

27. I thus attach significant weight to the conflicts identified with Policies DC16 and DC1 and to the associated harm. For the avoidance of doubt, this harm is upon the character and appearance of the area and upon the living conditions of the future occupiers of the two northernmost residential units intended to be provided within the workshop building.

28. The scheme would also cause material harm by virtue of the site not representing an appropriate location for housing, with particular regard to access to surrounding facilities and services. Even so, I acknowledge that opportunities to maximise sustainable transport solutions will be limited in rural

areas when compared to urban areas. Thus, given that the proposal is of relatively modest scale and partially focussed upon the re-use of existing buildings, I apportion only moderate weight to this identified harm.

29. Turning to the scheme's benefits, it would deliver six additional residential units capable of being delivered quickly in a District where a five-year supply of housing cannot currently be demonstrated. Whilst I apportion significant weight to this benefit, the scheme, being relatively small, would not be expected to make a clear and noticeable difference to the overall housing land supply position in the District. This is even should a substantial supply shortfall currently be in place.

30. The scheme would also generate jobs during its construction phase as well as expenditure in the local economy and support for local community facilities in the area once occupied, these are benefits that attract limited weight given the relatively modest scale (in District-wide terms) of development under consideration.

31. Having considered the benefits and adverse impacts of the scheme before me, I conclude that the harm and policy conflict that I have identified would significantly and demonstrably outweigh the proposal's benefits when assessed against the Framework's policies taken as a whole. The presumption in favour of sustainable development, as set out in the Framework, does not apply therefore.

Conclusion

32. For the reasons set out above, the appeal is dismissed.

Andrew Smith

INSPECTOR