



Appeal Decision

Site visit made on 21 January 2020

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th February 2020

Ref: APP/F2605/W/19/3237149

Land to the rear of Middle Harling Farm, West Harling Road, Middle Harling, NR16 2SQ

- 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 Meldongreen Limited against the decision of Breckland Council.
 - The application Ref 3PL/2018/1577/O, dated 14 December 2018, was refused by notice dated 20 March 2019.
 - The development proposed is the erection of up to 4 dwellings with associated parking, garages, access, servicing and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are whether the proposed development would:-
 - amount to a suitable location to provide some flexibility for housing delivery or to support the services and facilities of Harling, taking into account the Council's development plan policy for self-build housing and if not, whether there are any material considerations that would outweigh any conflict;
 - provide safe access for vehicles, walking and cycling.

Procedural matter

3. Since the Council's decision, the Breckland Local Plan has been adopted (on 28 November 2019) and its policies replace those of the Breckland Core Strategy and Development Control Policies (2009) referred to in the Council's decision. Both parties have also referred to the relevant policy in the new Local Plan and I have referred to that in this decision.

Reasons

Location

4. The development plan includes policy HOU 03 of the Breckland Local Plan (LP) which supports proposals for self-build dwellings outside settlement boundaries subject to a number of criteria, including that they are immediately adjacent to the settlement boundary. This is a very recently adopted policy which accords with the sustainable development objectives of the National Planning Policy Framework (the Framework).

5. The appeal site lies outside the defined settlement boundary for the Local Service Centre of Harling in the Local Plan and is located some 0.8km from the boundary and according to the appellant's transport report some 1.5km from the centre. Middle Harling is a small rural hamlet of a few dwellings and commercial units which is separated from the built part of Harling by agricultural land, by a few individual dwellings and by more recent housing closer to the boundary. It is clear then that the appeal site is not located immediately adjacent to the settlement boundary.
6. The first of the policy's two objectives is to provide some flexibility for housing delivery in larger rural settlements. The appellant has stated that the Council has a housing land supply of 5.24 years. It also says that the Local Plan inspector required 'immediate/early review'. I accept that the proposal would provide for four self-build units which would make a small contribution towards the supply and variety of housing (notwithstanding that it contains no legal mechanism such as a Section 106 Agreement to secure the site for self-build units). However, the Council's policy allows for flexibility for housing delivery only where sites are immediately adjacent to a defined settlement boundary. The housing land supply figure relates to a very recently adopted development plan and as I have little information before me regarding housing delivery I find that the proposed development is not necessary to provide flexibility for housing delivery and that the 'tilted balance' in favour of sustainable development in paragraph 11 of the Framework does not apply.
7. The second objective of the policy is to support the services and facilities of larger rural settlements. Whilst Harling has a good range of services and facilities, I have no evidence to show that those are at risk of closure or that this small number of dwellings is necessary for their continued viability.
8. Furthermore, the Council's decision also refers to the significant distance of the site from Harling's services and facilities along unlit roads with limited footpath provision. The appellant's evidence shows that many of those services and facilities are some 20 mins walk. At my visit I noted that the lane is rural in character and although fairly straight with grass verges it has a 60mph speed limit with a narrow carriageway, only a few vehicle passing places and no footpath or street lighting provision beyond the built part of the village. I saw no bus stop provision along the lane and have not been told of any bus service along it. The character of the lane and the distance from the nearest services and facilities would therefore be likely to discourage most future residents from walking on a regular basis and it is likely that they would be predominantly car dependent. Whilst the site cannot be considered to be isolated and I have had regard to the advice of the Planning Practice Guidance which advises that all settlements can play a role in delivering sustainable development in rural areas but in this case, there is robust evidence that the location of the development would not support the sustainable development objectives of the development plan policy or of the Framework.
9. The site is a brownfield site which contains large, modern agricultural buildings and was previously used as a riding school and for storage. The proposal includes the removal of those buildings which would represent a slight environmental improvement but given their siting behind existing development and very tall conifer hedging with limited views into the site from the lane, this would be a minor benefit which would not outweigh the policy harm caused.

10. The other benefits referred to by the appellant, the contribution to the economy during and after construction and the opportunity to enhance biodiversity are minor benefits given the modest scale of the proposal. As such, they do not outweigh the policy harm that would be caused.
11. I have noted the recent permissions for housing along West Harling Road and agree with the Council that the Mauley's Meadow and Mauley's Farm sites are significantly closer to the village centre. The officer's reports show that they were granted at a time when the Council did not have a five year housing land supply. Those permissions and those of the adjacent dwelling at Furneaux approved in 2015 and the recently built eco dwelling immediately to the north of the site were all approved prior to the adoption of the new local plan. Thus the policy context differed significantly from this case and they do not, therefore, set a precedent for the approval of this proposal.
12. The appellant has referred to other appeal decisions which it says were cases where permission has been granted on appeal for housing proposals outside development boundaries (APP/N1730/W/17/3185513 & APP/F4410/W/17/3169288). However, those are in different local authorities and regions outside Suffolk and the circumstances of those cases are not therefore directly comparable with this case.
13. For these reasons, I conclude that the proposal is not in a suitable location to provide flexibility for housing delivery or to provide support for the services and facilities of Harling and it would conflict with policy HOU 03. There are no material considerations sufficient to outweigh the conflict with that policy.

Access

14. The application was submitted as an outline application with access included. The Highways Authority had requested further information concerning the extent of traffic generated by the site's previous use as a riding school. That information was provided only after the Council's decision and as part of a resubmitted application for the site (3PL/2019/1210/O). The HA has confirmed that, despite the level of visibility falling short of that required in government guidance, given the expected reduction in traffic movements to and from the site generated by the four dwellings, it considers that an objection would be difficult to substantiate. From what I have seen I have no reason to disagree with that and I conclude that the proposed use of the existing access would accord with the Framework which seeks to ensure that proposals do not compromise highway safety.

Conclusion

15. Although I have found that the proposal would not result in harm to highway safety, my findings regarding the harm caused in terms of the location are significant and overriding. The proposal would therefore conflict with the development plan and the Framework as a whole. There are no other material considerations that warrant determining the appeal otherwise and it should be dismissed.

Sarah Colebourne

Inspector