
Appeal Decision

Site visit made on 28 January 2020

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 27th February 2020

Appeal Ref: APP/F2605/W/19/3239354

Land off The Street, Bridgham, Norwich NR16 2AS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Wright of Wrights of Brettenham against the decision of Breckland District Council.
 - The application Ref 3PL/2019/0221/O, dated 19 February 2019, was refused by notice dated 18 April 2019.
 - The development proposed is erection of four detached dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the application was determined by the Council, the Breckland Local Plan (November 2019) (LP) was adopted. I have therefore had regard to the adopted policies only rather than the former development plan policies cited in the Council's reasons for refusal.
3. The application was made in outline with all matters reserved. Therefore, I have assessed the proposed drawings on an indicative basis only.
4. I have consulted the main parties regarding the Housing Delivery Test that was published in February 2020 and taken the comments into consideration in my assessment.

Main Issues

5. While I note the reasons for refusal, from the wider evidence, the main issues are:
 - whether the proposed development would provide a suitable location for housing with particular regard for accessibility of services and facilities;
 - the effect of the proposed development on the character and appearance of the area;
 - whether the proposal would accord with the Council's development plan strategy for density of housing; and
 - the effect of the proposed development on Breckland Special Protection Area (SPA).

Reasons

Location

6. The appeal site is located in the settlement of Bridgham, which is outside of the settlement hierarchy as defined by LP Policy GEN 03 and is categorised as a Village without boundaries in LP Policy HOU 02. I have had regard to the Court of Appeal judgement¹ referred to by the appellant. Given the proximity to nearby dwellings, the site would not be isolated in the terms of the National Planning Policy Framework (Framework).
7. From the evidence before me, Bridgham has limited services and facilities such that the day-to-day needs of future occupiers would not be met within this settlement. While there is a wider range of services and facilities in East Harling including a doctor's surgery and post office, these are some distance from Bridgham and the appeal site such that future occupiers would be reliant on the private vehicle for access to these services. Furthermore, The Street lacks streetlights and the portion of road between the two settlements largely lacks a footpath such that future occupiers would be unlikely to walk or cycle to East Harling for day-to-day services.
8. I note the local bus services running through Bridgham including the school buses and the flexible request bus. However, since the bus service is limited and the flexible request bus requires booking a day in advance, they would not entirely remove the reliance on the private car for daily needs. I also note the train station in East Harling and bus services that run from that settlement. However, given that the route from the appeal site to the train station largely lacks streetlights, and the distance between Bridgham and East Harling, it is unlikely that future occupiers would walk or cycle to East Harling for daily needs.
9. While I acknowledge that East Harling would be a relatively short car journey from the appeal site, given the proximity of the site to the A11, it would be more likely that future occupiers would travel further to access a greater range of services and facilities in larger settlements further away than East Harling. Furthermore, four dwellings would be likely to result in a significant number of daily car journeys such that the proposal would have negative environmental effects.
10. While I acknowledge that sustainable transport solutions will vary from urban to rural areas, in this case, given the significant number of car journeys that would be likely to result from the four dwellings, this point does not override the adverse environmental effects of the proposal.
11. I note the comments of the Inspectors for the cases at Newman's Green², Tharston³ and Besthorpe⁴. However, the cases at Newman's Green and Tharston were in different districts and the case at Besthorpe was determined prior to the adoption of the current local plan. Therefore, these cases do not provide a direct comparison with the appeal proposal. I also note the comments of the Inspectors for the cases in South Norfolk⁵ and Breckland⁶. In

¹ Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610

² Appeal ref: APP/D3505/W/18/3196882

³ Appeal ref: APP/L2630/W/18/3197272

⁴ Appeal ref: APP/F2605/W/18/3198911

⁵ Appeal ref: APP/L2630/W/15/3003743

⁶ Appeal ref: APP/F2605/W/16/3148954

any event, limited details are before me and each case must be determined on its individual merits.

12. Consequently, the proposed development would not provide a suitable location for housing with particular regard for accessibility of services and facilities. Therefore, it would conflict with LP Policy TR 01 which among other things seeks development that minimises the need to travel. It would also conflict with LP Policy GEN 03 which directs development towards larger settlements.

Character and appearance

13. The site is an undeveloped agricultural field that lies adjacent to The Street with open countryside to the rear. There are dwellings either side of the site, however, since the site is part of a larger agricultural field, it has a closer relationship with the open countryside than the settlement of Bridgham. The area generally has a spacious, rural character and appearance.
14. While the application was made in outline with all matters reserved, the proposal would nevertheless include a significant amount of built development, areas of paved driveways and domestic gardens and paraphernalia that would urbanise the site and substantially alter the character of the area. Furthermore, the site offers views to the open countryside beyond and the erection of four dwellings would significantly diminish the open rural character and appearance of the area.
15. While I acknowledge the Council's comments regarding infilling, from the evidence before me, the definition of infilling in the LP does not restrict development to a single dwelling. Since there is built development along the street frontage on either side of the site, in this instance I consider that the site could be regarded as infill. Nevertheless, given that the proposal would urbanise the site which runs a significant length along The Street, it would have an adverse effect on the spacious, rural character and appearance of the area.
16. Consequently, the proposed development would harm the character and appearance of the area. Therefore, it would conflict with paragraph 127 of the Framework which seeks development that is sympathetic to local character. While the proposal may not conflict with the criteria set out in LP Policy HOU 05 which relates to small villages and hamlets outside of settlement boundaries, since I have found conflict with other development plan policies as discussed above, the proposal would not accord with this Policy.

Density

17. The indicative drawings show four detached dwellings with a spacing similar to the semi-detached dwellings to the side of the site. LP Policy HOU 06 states that in rural locations and at the edges of settlements proposals for lower density development will be supported where it can be demonstrated that this is justified having regard to local character and wider sustainability issues.
18. Since the nearby dwellings are semi and detached houses with ample spacing, the proposal for four dwellings would not be out of keeping with these properties. However, since the proposal would introduce a significant amount of built development on undeveloped agricultural land that is part of the wider open countryside, the scheme would nevertheless harm the spacious and rural character of the area. While I note that all matters such as appearance, scale and layout will be for future consideration, given the adverse effects of the

development on local character as well as the negative environmental effects of the proposed development, it would not accord with this Policy.

19. Consequently, the proposal would conflict with development plan strategy for density of housing. Therefore, it would not accord with LP Policy HOU06 which requires the density of a development to be appropriate and justified for the local character and wider sustainability issues.

SPA

20. I note the reason for refusal regarding Stone Curlews. The site lies within the Stone Curlew Buffer Zone for the Breckland SPA. Had I found the appeal development to provide a suitable location for housing I would have found it necessary to investigate this matter in greater detail as part of my appropriate assessment. However, in the circumstances of this case this has not proved to be a determinative matter given the adverse environmental impacts and harm to the character and appearance of the area that would arise from the development.
21. During the course of the appeal the Environmental Services Team of the Planning Inspectorate carried out an Environmental Impact Assessment (EIA) screening which concluded that while there may be some impact on the surrounding area and nearby designated sensitive areas as a result of this development, it would not be of a scale and nature likely to result in significant environmental impact and that an EIA is not required.
22. Since the number of additional recreational visitors from four dwellings would be limited, the likely effects on the SPA from the proposed development alone may not be significant. However, while I note that a search of the Council's website has revealed no other development proposals within the parish and notwithstanding the conclusion of the EIA screening, in combination with other developments in the wider area, there is no certainty that the proposal would not have significant effects on the SPA. Therefore, while I note the evidence regarding mitigation including those relating to Stone Curlews, from the evidence before me it appears likely that the proposed development would give rise to at least some harm to the SPA were that harm not to be mitigated.
23. While not determinative, as it has not been demonstrated that the proposal would not harm the SPA, it would not accord with LP Policies ENV02 and ENV03 which together seek to protect the SPA and its qualifying features.

Other Matters

24. I note the benefits of the proposal including the economic benefits that would result from the support to local services and facilities. However, in my view, given that future occupants would be more likely to travel to larger settlements such as Thetford once in their car, and the number of future occupiers that would result from four dwellings, this benefit would be limited. There may also be temporary economic benefits during the construction phase. In addition, future occupiers would be likely to provide a degree of social benefit. I also acknowledge that there may be some benefit with respect to social isolation.
25. There is no dispute between the main parties that the Council is able to demonstrate a five-year supply of housing. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The

Framework carries great weight as a material consideration. I note the Government's emphasis on boosting the supply of homes and the presumption in favour of sustainable development as well as paragraphs 77 and 78 of the Framework. I also acknowledge that where there are groups of smaller settlements, development in one village may support services in a village nearby and that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. I have also had regard to the National Planning Policy Guidance (NPPG).

26. However, given the negative environmental effects that would result from the location of the development and harm to the character and appearance of the area that would result from the proposal as well as the conflict with the development plan as a whole, even if the provisions of paragraph 11d) of the Framework were applied, the adverse effects would significantly and demonstrably outweigh the benefits.
27. While I note the comments of the Country Land Association, these do not form part of planning policy and have not altered my overall decision.

Conclusion

28. For the reasons given above the appeal should be dismissed.

R Sabu

INSPECTOR