



Appeal Decision

Site visit made on 15 May 2020

by Joanna Gilbert MA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th May 2020

Appeal Ref: APP/F2605/W/19/3242362

The Vines, The Street, Great Cressingham IP25 6NL.

- 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 Trell Developments Ltd against the decision of Breckland District Council.
 - The application Ref 3PL/2019/0812/F, dated 2 July 2019, was refused by notice dated 10 October 2019.
 - The development proposed is new dwelling, garaging and access.
-

Decision

1. The appeal is allowed and planning permission is granted for new dwelling, garaging and access at The Vines, The Street, Great Cressingham IP25 6NL in accordance with the terms of the application, Ref 3PL/2019/0812/F, dated 2 July 2019, subject to the attached schedule of 9 conditions.

Preliminary Matters

2. The site has been the subject of two previous appeals¹ for a new dwelling and garage. I have had regard to the previous Inspectors' findings.
3. Since the application was determined, the Breckland Local Plan (BLP) was adopted on 28 November 2019. The Council has advised that policies DC2 and CP14 of the Breckland Core Strategy (BCS) have been replaced. The appellant has been afforded the opportunity to comment on the BLP policies now extant.

Main Issue

4. The main issue is whether the appeal site is in an appropriate location for new housing having regard to the provisions of the development plan and the National Planning Policy Framework (the Framework).

Reasons

5. At the point that the application was refused, BCS policies DC2 and CP14 were in place. These policies have now been superseded. The purpose of BCS Policy DC2 was to focus development within settlements and to restrict development outside settlements, other than in specific circumstances detailed in BCS Policy CP14, none of which applied on this site.
6. The district's overall settlement hierarchy for new development is now set out in BLP Policy GEN 03, with BLP Policy HOU 05 providing further detail on the

¹ APP/F2605/A/12/2182143 dated 22 January 2013 and APP/F2605/W/18/3193964 dated 25 April 2018.

- provision of housing in small villages and hamlets outside settlement boundaries, provided certain criteria are satisfied and if proposals would comply with other policies within the development plan with the exception of BLP Policy GEN 05 on settlement boundaries. The site is located within the village of Great Cressingham, which does not have any settlement boundaries.
7. The criteria within BLP Policy HOU 05 address the need for sensitive infilling and rounding off of a cluster of dwellings with access to an existing highway; appropriate scale and design to the settlement; enhancement of the historic nature and connectivity of communities; and the need to ensure that there is not harm to a visually important gap that contributes to the character and distinctiveness of the rural scene.
 8. The site is an overgrown parcel of land that is sited between two existing residential properties within a predominantly residential village. The proposed development would comprise a two-storey detached house and garage. In this instance, the proposed development would comply with the requirements of BLP Policy HOU 05 in that it would comprise an infill scheme on a vacant plot in an otherwise built up street frontage. With regard to the other criteria of BLP Policy HOU 05, the Council has not objected to the proposed development in respect of its effect on character and appearance generally or indeed in relation to the more detailed policy criteria. As such, I have no reason to disagree with the Council's view that the proposed development would be appropriate when viewed in the context of existing and surrounding development.
 9. Account needs to be taken regarding the setting of the Grade II listed building at The Vines. The Inspectors who dealt with the two earlier appeals commented that there is no issue between the parties in this respect. Despite the altered policy circumstances, the Council's position remains substantially unchanged in this regard. I find therefore that the setting of the listed building would not be harmed by the proposed development.
 10. Paragraph 8 of the Framework addresses sustainable development and sets out the three overarching economic, social and environmental objectives of the planning system, while paragraph 102 of the Framework requires consideration of transport issues, including the impact of development on transport networks and the opportunities to promote walking, cycling and public transport use.
 11. I acknowledge that there are limited services and facilities available within Great Cressingham and that the proposed development would give rise to dependence on the private car. Notwithstanding this and the aforementioned paragraphs of the Framework, the proposed development would comply with the requirements of the BLP, and I have not been made aware of any development plan policies which indicate otherwise.
 12. The site is located within the Stone-curlew buffer zone and the Woodlark and Nightjar 400 metre buffer zone within the Breckland Special Protection Area. Natural England has been consulted on this case and has not objected, and the Council is satisfied that the proposal will not have a likely significant effect and that an Appropriate Assessment is not necessary in this instance.
 13. In conclusion, the proposed development would be in an appropriate location for new housing having regard to the provisions of the development plan and the Framework, and it would accord with BLP Policy HOU 05.

Conditions

14. I have reworded some of the Council's proposed conditions in the interests of clarity and consistency and merged some conditions for brevity and effectiveness. It is necessary to specify conditions confirming the time limit for development and approved plans to ensure clarity and certainty. The appellant has agreed to the pre-commencement condition on tree protection, which is necessary to ensure that trees are safeguarded during construction.
15. Approval of materials and boundary treatments is required in the interests of visual amenity and given the proximity of a listed building. The vehicular access, parking and turning area and visibility splay need to be conditioned in the interests of highway safety. Bearing in mind the importance of biodiversity, I have also required adherence with the requirements of the Preliminary Ecological Appraisal (Parker Planning Services; September 2019) and provision of bat boxes, house martin nest boxes and swift boxes.
16. In the absence of a specific rationale for the imposition of a condition restricting permitted development rights on gates for the access, I do not consider there to be sufficient reason or necessity to warrant applying this condition. However, the condition restricting insertion of further windows or other openings to the side elevations is necessary in the interests of neighbouring living conditions.

Conclusion

17. For the above reasons, and having had regard to all other matters raised, the appeal is allowed.

Joanna Gilbert

INSPECTOR

Schedule of 9 Conditions:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans 3658 SL01 Existing Location Plan and Proposed Site Layout June 2019; 3658 PL01 Floor Plans & Elevations June 2019; 3658 PL02 Garage/Carport Type Proposed Plan & Elevations June 2019; Preliminary Ecological Appraisal by Parker Planning Services dated September 2019.
- 3) Prior to the commencement of work on site, a tree protection plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4) No development beyond slab level shall take place until details, including samples where required, of materials to be used in the construction of the walls and roofs of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 5) Prior to the first occupation of the development hereby permitted a plan indicating the positions, design, materials and type of boundary

treatment/screening to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment/screening shall be implemented prior to first occupation and retained thereafter.

- 6) Prior to the first occupation of the development hereby permitted the proposed vehicular access, parking and turning area shall be provided and thereafter retained at the position shown on the approved plan 3658 SL01 Existing Location Plan and Proposed Site Layout June 2019; and in accordance with the highway specification TRAD 1. Arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway.
- 7) Prior to the first occupation of the development hereby permitted a 2.4 metre wide parallel visibility splay (as measured back from the near edge of the adjacent highway carriageway) shall be provided across the whole of the site's roadside frontage. The parallel visibility splay shall thereafter be maintained at all times free from any obstruction exceeding 1.05 metres above the level of the adjacent highway.
- 8) The development shall accord with the provisions of section 4.3 of the Preliminary Ecological Appraisal (Parker Planning Services; September 2019). Prior to the first occupation of the development hereby permitted, details of the enhancement measures outlined in section 4.4 of the Preliminary Ecological Appraisal shall be submitted to and approved in writing by the Local Planning Authority. These measures shall include at least two bat boxes, two house martin nest boxes and two swift boxes in suitable locations on the new dwelling and garage. The approved measures shall be implemented prior to first occupation and retained thereafter.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment)(No 2)(England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) there shall be no additional window or other opening (or enlargement or alteration of existing or permitted openings) constructed at first floor level or above in the side elevations of the development hereby approved without the prior written permission of the Local Planning Authority.