
Appeal Decision

Site visit made on 1 June 2020

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 June 2020

Appeal Ref: APP/F2605/W/20/3244511

Land off Ploughboy Lane, Saham Toney IP25 7JN

- 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 & Mrs Skipper against the decision of Breckland District Council.
 - The application Ref 3PL/2019/1110/O, dated 4 September 2019, was refused by notice dated 6 November 2019.
 - The development proposed is erection of 4 dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the determination of the planning application that is now the subject of this appeal, the Breckland Local Plan (November 2019) (the Local Plan) has been adopted by the Council and can now be afforded full weight in decision making. Both main parties to this appeal have had the opportunity to make comments upon the implications of this and I shall consider the appeal accordingly.
3. It is my understanding that the emerging Saham Toney Neighbourhood Plan is at an early stage and can currently be afforded only limited weight. I have considered the appeal on this basis.

Main Issue

4. The main issue is whether or not the site represents an appropriate location for housing, having particular regard to access to facilities and services.

Reasons

5. A key purpose of the Local Plan is to set out the intended strategic distribution of development. The appeal site occupies a rural location outside of the settlement hierarchy defined under Policy GEN03 of the Local Plan. Policy HOU4 of the Local Plan confirms that, subject to various stated criteria being satisfied, appropriate development at settlements with defined village boundaries will be allowed immediately adjacent to the settlement boundary. The site, being located approximately 275m outside of Saham Toney's defined boundary, does not satisfy this requirement.
6. As set out within its supporting text, Policy HOU4 seeks to capture the need to direct growth to the most sustainable locations, support local services and

balance residential needs and employment opportunities. It also seeks to present a sensitive approach to rural housing that is responsive to local circumstances. These objectives are broadly consistent with the National Planning Policy Framework (February 2019) (the Framework) in so far as it requires that housing should be located where it will enhance or maintain the vitality of rural communities and that planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.

7. The appeal site is situated in proximity to existing development such that it does not occupy an isolated location in a purely physical sense. Even so, existing facilities and services tend to be situated considerable distances away. Indeed, whilst Saham Toney contains some facilities (including a village hall, public house and primary school) these tend to be located towards the southern end of the village and would thus not be convenient or straightforward to access from the site on foot. This is particularly when noting the limited footway and streetlighting provisions that are in place.
8. Whilst facilities and services in Saham Toney could potentially be accessed via cycling, the not insignificant distances involved and lack of specific facilities for cyclists (such as defined cycle lanes) would mean that this mode of travel would be unlikely to suit or appear attractive to all future occupiers of the development. This is particularly when noting the relatively narrow range of facilities that are on offer within the village.
9. A wide array of facilities and services that could cater for the full day-to-day needs of future occupiers of the development are available locally at the town of Watton. There are also further facilities and services available at the nearby villages of Shipdham and Ashill. However, the distances involved do not lend these settlements to being considered walkable and raise significant doubts as regards their realistic suitability for being cycled to and from on a regular basis.
10. The appellants have indicated that bus services to various destinations are available from Hills Road just a short walk from the site. However, the positions of bus stops have not been pinpointed and I was unable to identify any such stops during my inspection. Nevertheless, even should regular local bus services be accessible from Hills Road (contrary to my own observations), there is significant doubt that future occupiers of the development would be both prepared and conveniently able to depend on such services in order to serve their day-to-day needs. This is particularly when noting the absence of a footpath connection between the site and Hills Road.
11. The Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and that this should be taken into account in decision-making. Nevertheless, when considering the particular site circumstances outlined above, the proposal would be expected to increase travel by private modes of transportation, which sits uncomfortably alongside the Government's objectives of delivering sustainable development in a planned and coordinated manner. This is even though Watton could be reached via a relatively short car journey from the site.
12. Reference has been made to planning permission¹ that was granted in September 2018 for residential development on Ploughboy Lane near to the

¹ 3PL/2017/1422/O

site. That case was determined before the Local Plan was adopted and at a point in time when the Council was unable to demonstrate a 5-year supply of housing. It is also apparent that the appeal site, in comparison, is situated further from the village's defined boundary. The September 2018 permission is thus of limited relevance to my considerations here.

13. Several appeal decisions relating to sites elsewhere have been provided in the evidence before me, which I have given due regard to. Nevertheless, the cases at Tharston and Newman's Green² are located outside of the Breckland District and different development plans would have applied. They are thus of limited relevance. The decisions at Besthorpe and Bradenham³ relate to sites situated within the District. However, both cases, each relating to the provision of a single dwelling, were determined before the Local Plan was adopted and in the context of the presumption in favour of sustainable development. Circumstances have now changed, and I attach limited pertinence to each of the Besthorpe and Bradenham decisions.
14. Policy HOU05 of the Local Plan refers to development in small villages and hamlets that exist outside of settlement boundaries. The policy's text confirms that sporadic groups of dwellings are not classed as small villages and hamlets. For the avoidance of doubt, the site is not located at a small village or hamlet and Policy HOU05 is not engaged. Policy HOU04 is instead the most important policy for determining this appeal. Indeed, new development inside designated village boundaries (which would include infilling) is encouraged through the Local Plan's settlement hierarchy and, unlike Policy HOU5, Policy HOU4 promotes the outward expansion of settlements in specified circumstances. I thus do not accept the appellants' assertion that the Council's settlement hierarchy is inconsistent.
15. The proposal would cause harm by virtue of the site not representing an appropriate location for housing, having particular regard to access to surrounding facilities and services. The proposal conflicts with Policy HOU4 (Villages with Boundaries) of the Local Plan. Whilst not specifically identified by the Council as a relevant policy, the proposal also conflicts with Policy TR01 of the Local Plan in so far as it requires that development should seek to minimise the need to travel and promote opportunities for sustainable transport modes.

Other Matters

16. I have noted objections/concerns raised by interested parties with respect to matters including drainage, highway safety and the effects upon landscape character and biodiversity. However, as I have found the proposal to be unacceptable for other reasons, it is not necessary for me to explore these matters further here.

Planning Balance

17. For the avoidance of doubt, I have not applied the presumption in favour of sustainable development as set out under paragraph 11 of the Framework. The Council has a recently adopted Local Plan and it is my understanding that a 5-year supply of deliverable housing sites can currently be demonstrated in the District. Indeed, the appellants have not asserted otherwise at appeal stage.

² APP/L2630/W/18/3197272 & APP/D3505/W/18/3196882

³ APP/F2605/W/18/3198911 & APP/F2605/W/19/3233489

18. The proposal would deliver four additional housing units that would potentially be able to be delivered quickly, and the Framework reaffirms the Government's objectives of significantly boosting the supply of homes and promoting an effective use of land. However, four additional dwellings would not make a clear and noticeable difference to the overall housing land supply position in the District and I afford this benefit of the scheme moderate weight. The scheme would also provide jobs during the construction phase and support for the local economy and local community facilities once occupied. However, given the scale of development under consideration, I afford these benefits limited weight.
19. Whilst the proposal would deliver growth in the interests of enhancing the vitality of rural communities, it would do so in conflict with the Council's spatial strategy for development in a location that would cause considerable harm by virtue of the site's lack of accessibility to local facilities and services. The scheme's benefits would not outweigh the harm and policy conflict that I have identified.
20. The proposal conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conclusion

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

Andrew Smith

INSPECTOR