



Appeal Decision

Site visit made on 6 July 2020

by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th July 2020

Appeal Ref: APP/F2605/W/19/3234662
Hallfield Road, Thompson, Norfolk IP24 1PT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal a refusal to grant permission in principle.
 - The appeal is made by Mr & Mrs Stephen Fisher against the decision of Breckland District Council.
 - The application Ref 3PL/2018/1352/PIP, dated 10 September 2018, was refused by notice dated 4 February 2019.
 - The development proposed is described as two affordable three bedroom houses.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. Since the Council's determination of the planning application the subject of this appeal, it has adopted the Breckland Local Plan 2019 (the Local Plan). The Council has supplied copies of the policies it considers to be relevant. The adoption of the Local Plan has resulted in the Council suggesting an additional reason for refusal due to the location of the appeal site outside of the defined settlement boundary of Thompson.
3. The appellant has had the opportunity to comment on the points raised in the Council's statement and the policies from the Local Plan relied on by the Council. I have therefore proceeded on that basis.
4. The appeal application is for permission in principle, as provided for in the Town and Country Planning (Permission in Principle) Order 2017. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle from the technical detail. Planning permission does not exist unless both the permission in principle and the technical details are approved. This appeal relates to the first of these 2 stages.

Main Issues

5. The scope of the considerations in an application for Permission in Principle (PIP) is limited to the location of development, the proposed land use and the amount of development. With reference to this, and to the Council's reasons for refusing the application, the main issues are:
 - the effect of the proposal on the character and appearance of the area;

- whether or not the appeal site would be an appropriate location for housing with particular regard to local and national policy; and
- whether or not the proposal would provide appropriate living conditions for future occupiers.

Reasons

Character and appearance

6. Hallfield Road is a narrow country lane with housing along part of it, set within large plots and back from the road, in a linear form radiating from the village of Thompson. The houses have well stocked front gardens, and this together with the hedging and trees along the lane creates a verdant rural appearance.
7. The appeal site is currently undeveloped land with an existing access track from Hallfield Road running north to south through it. It has strong planting within the site and along the front boundary and therefore contributes positively to the open, green character and appearance of the area.
8. The size of the appeal site together with the position of the access road, means that the proposed two houses would likely need to be constructed fairly close to each other and in tandem to the road as indicated by the appellants on their plan ref 0639 01_01. This would result in two uncharacteristically small plots leading to a mass of built development which would be contrary to, and fail to integrate satisfactorily into, the predominant development pattern of linear built form along the road. Consequently, the spacious character of the area would be harmfully eroded.
9. The houses could be sited to ensure that a satisfactory area of planting to the front of the site adjacent to the road would be retained and therefore the verdant quality of the lane would be somewhat preserved. However, the houses would be visible, both through the existing access and through gaps in the boundary planting, and particularly so in the winter when the trees lose their leaf.
10. The appellants have stated that they would change the proposal to one dwelling only. However, I must determine the appeal on the basis of the plans and evidence before me now.
11. The appellant states that the proposal would be an inherent part of the cidery which would incorporate an orchard on the appeal site and that such rural activities would not naturally have a linear character or be congruent with residential houses. However, even if the appeal site is part of a wider rural activity the proposal before me now is for two dwellings which would not conform to the surrounding development pattern.
12. Although planning permission has been granted for a cidery building to the rear of the appeal site¹, it is not just the fact that the houses would be in tandem, but also the small plot size and resultant likely proximity of the dwellings which would detract from the spacious character and appearance of the area. Even if the design that were to come forward at the second stage were acceptable, or particularly innovative, this would not overcome the siting and proximity of two

¹ 3PL/2016/0502/F

three bedroom houses on the appeal site, given the shape of the appeal site and the presence of the existing access.

13. For the reasons above I conclude that the proposal would be harmful to the character and appearance of the area. It would therefore be contrary to Policies HOU06, GEN02 and COM01 of the Local Plan which require amongst other things that the design and layout will optimise the density of the development to a level which is appropriate and justified for the locality. Furthermore, development should be of high quality design which respects and is sensitive to the character of the surrounding area and integrates to a high degree of compatibility with the surrounding area.

Location

14. Paragraph 78 of the Framework seeks to promote sustainable development in rural areas by locating housing where it would enhance or maintain the vitality of rural communities. The recently adopted Local Plan seeks to deliver the most sustainable approach to development outside the two strategic urban extensions of Attleborough and Thetford for distributing growth across the sustainable settlements in the District and achieving a more balanced approach in housing development between rural and urban areas in line with the Strategic Vision, local and market demands.
15. Within the settlement hierarchy therefore growth is directed to Local Service Centres in the rural areas, with the rest of the housing target directed to the larger market towns of Thetford, Attleborough, Dereham, Swaffham and Watton. A small amount of development is targeted at villages within and immediately adjacent to settlement boundaries in order to provide development in the most sustainable locations, support local services, balance residential needs and employment opportunities and seek to enhance the rural economy, thereby helping to maintain the vitality of rural communities.
16. The appeal site lies outside of the settlement boundary for the village of Thompson. Policy HOU04 states that appropriate development will be allowed immediately adjacent to the settlement boundary, subject to being supported by other policies within the local plan and where certain criteria are satisfied. I understand that the proposal is not immediately adjacent to the settlement boundary and therefore it is in conflict with the policy. Even if it had been closer to the settlement boundary, one of the criteria requires that the development is of an appropriate scale and design for the settlement, which I have already found would not be achieved by the proposal.
17. While the appeal site is closer to the local school than other residential properties on Hallfield Road, it is further away from other facilities in the village. Hallfield Road itself is narrow with no footway and therefore it is likely that future occupiers would be reliant on the car to access everyday services and facilities which would be contrary to paragraph 8 of the Framework to provide development with accessible services to help move towards a low carbon economy.
18. Paragraph 103 of the Framework states decision making should take into account that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. I acknowledge that the siting of houses in this location would lead to a reduction in car movements by the appellants and

their daughter in not having to drive to work. However, it would likely increase their movements in reaching local services and facilities in the local rural area.

19. The proposed houses would be seen within the context of existing development on Hallfield Road and would not therefore be isolated for the purposes of paragraph 79 of the Framework. However, I am not persuaded that the appeal site is well connected to the majority of the services and facilities in the local area.
20. The appellants state that the houses are required to provide security for the business on the site following thefts from the existing sheds on the appeal site. However, even if I were to accept that a house on the appeal site was the only way of providing appropriate security for the business, this would not justify the provision of two dwellings on site, that would otherwise be contrary to policy. The imposition of a condition linking the dwellings to the business on the site, effectively creating a mixed use on the wider site, would not therefore make an otherwise unacceptable development acceptable.
21. For the reasons, above I conclude that the appeal site would not be an appropriate location for housing with particular regard to local and national policy. It would therefore be in conflict with Policy HOU04 of the Local Plan.

Living conditions

22. The Council allege within its reason for refusal that the proposal would result in poor residential amenity for future occupants. This is not expanded upon further in its statement of case.
23. Living conditions is not one of the three considerations to be examined at this stage of the process. All matters relating to the size and design of the houses would be for the Council to consider under a future application for technical details consent. I have seen no substantive evidence to suggest that two houses could not be provided without being designed to provide appropriate living conditions for future occupiers, including the provision of external space which may be provided through gardens or balconies. In my view therefore they could only be addressed in detail through a full assessment of technical matters.
24. For the reasons above, I conclude that it has not been demonstrated that the proposal would not be capable of providing appropriate living conditions for future residents. I therefore identify no conflict with Policy COM03 of the Local Plan which requires that development provides adequate levels of amenity for future occupants.

Other matters

25. I understand that the appellants have felt frustrated by the Council's handling of the planning application. However, my remit is focused on the planning merits of the appeal on which I have, as required, made my determination.

Planning Balance and Conclusion

26. The appellant suggests that the Council is unable to demonstrate a five year housing land supply. Paragraph 74 of the Framework states that a five year supply of deliverable housing sites can be demonstrated where it has been established in a recently adopted plan. Paragraph 73b of the Framework

requires that if this is being relied upon by the Council it should include a 10% buffer. While the Council has a recently adopted plan, I am unaware of the level of buffer included in its five year housing land supply figures.

27. The provision of two houses would be a modest contribution to the Council's housing land supply and help with the Government's aim of significantly boosting the supply of housing. Furthermore, there would be some employment generated during the construction of the building and future occupiers would contribute to the local economy.
28. Although the description of development states that the houses are to be affordable, during the course of the planning application the appellants confirmed that they were for family members in association with the business on the site. Paragraph 84 of the Framework states that sites to meet local businesses need in rural areas may have to be found adjacent to or beyond existing settlements in locations not well served by public transport. However, the limited evidence submitted by the appellants in this respect, does not persuade me that there is an essential need for the proposed houses and therefore I give very little weight to this suggestion.
29. I have found that the appeal site would not accord with the strategic policies of the development plan. Furthermore, there would be a significant harm in terms of impact on the character and appearance of the area. As a result, the proposal would not accord with the social and environmental roles of planning and I give this considerable weight in my decision.
30. Therefore, even if the Council is unable to demonstrate a five year housing land supply, the considerable adverse impacts would significantly and demonstrably outweigh the modest benefits when assessed against the Framework taken as a whole.
31. The proposal would be contrary to the development plan and this conflict is not outweighed by other material considerations, including the provisions of the Framework and paragraph 11 in particular. Therefore, the appeal should be dismissed.

Zoe Raygen

INSPECTOR