



Appeal Decision

Site visit made on 4 August 2020

by I A Dyer BSc (Eng) MIHT

an Inspector appointed by the Secretary of State

Decision date: 9 September 2020

Appeal Ref: APP/F2605/W/20/3253475

Land to the North East of Fakenham Road, Beetley NR20 4BT

- 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 Tony Turner against the decision of Breckland Council.
 - The application Ref 3PL/2019/0855/O, dated 12 July 2019, was refused by notice dated 10 February 2020.
 - The development proposed is outline planning application for the erection of three self-build detached dwellings with garaging including means of access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. During the course of the application the description of development was changed from "Outline application for the erection of four detached dwellings with garaging including means of access" to "Erection of three self-build detached dwellings with garaging including means of access". This was the description of the proposal that was used on the decision notice and the appeal form and so I have used it in my banner heading and determined the appeal on that basis.
3. The application was for outline permission with all matters reserved except access. Drawings showing layout, landscaping and elevations have been submitted with the application. For the purpose of this appeal I have taken the details shown on these drawings as indicative only. I have determined the appeal on this basis.

Main Issue

4. The main issue is whether the site is a suitable location for the proposed development with reference to the spatial strategy in the development plan.

Reasons

5. The appeal site forms part of an open field fronting onto Fakenham Road with woodland to the rear. Opposite the site, across Fakenham Road lies residential development and there is residential development to either side of the field within which the appeal site is situated. Further out along Fakenham Road the land passes through open countryside with only sporadic development. The appeal site is a point of transition between the countryside and the more discernible built up area of the settlement as logically defined by the settlement

- boundary. Being undeveloped and verdant in appearance the appeal site spatially and visually forms part of the countryside.
6. The site is fronted by a mature hedge, through which access would be gained. Between the appeal site and the adjacent dwelling runs a public right of way which provides a buffer between the appeal site and the existing development, whilst the hedge reinforces the rural, verdant character of the site.
 7. Beetley is a village identified in Policy GEN03 of the Breckland Local Plan - 2019- (the Local Plan) as a 'village with boundary'. Policy GEN05 restricts development outside the defined settlement boundaries to recognise the intrinsic character and beauty of the countryside. Under Policy GEN05 development outside the defined settlement boundaries will only be acceptable where it is compliant with all relevant policies set out in the development plan, including, amongst other policies listed, Policy HOU04.
 8. There is no disagreement between the parties that the site lies outside the settlement boundary for Beetley as identified on the Proposals Map accompanying the Local Plan. It is therefore designated as countryside. Together Policies GEN03, and GEN05 establish a spatial strategy that incorporates a settlement hierarchy which seeks to protect countryside and concentrate development growth in more sustainable locations.
 9. Policy HOU04 allows development immediately adjacent to a settlement boundary, provided that all of its criteria are met, including the requirement that the development is immediately adjacent to the settlement boundary and of an appropriate scale and design to the settlement.
 10. The appeal site is separated from the settlement boundary by the intervening Fakenham Road and the public right of way and the proposal would, therefore, not be immediately adjacent to the development boundary and so would be at odds with Policy HOU04.
 11. The site forms part of a plot put forward for residential development as part of the Breckland Local Plan call for sites, was supported for this use by the Parish Council, and was included within the assessment and consultation processes. However, it was subsequently omitted from the identified sites within the plan. The site therefore remains outside of the settlement boundary and is not immediately adjacent to the boundary. Whilst the appellant has brought to my attention a definition of adjacent as 'next to', fuller definitions of the word include 'very near, next to, or touching'. This is an important point because the Council have qualified adjacent with immediately adjacent to bring some control and clarity, as otherwise adjacent could be open to interpretation. I agree that touching is a reasonable interpretation of 'immediately adjacent'.
 12. The development would not utilise the entire field, leaving an incongruous gap between the proposed development and the nearby dwelling to the north-west together with a narrow strip of land behind the development. Notwithstanding that the design and scale of individual buildings are a matter for determination at a later date, these vestigial remnants of field would result in a development that does not inherently relate well either to surrounding countryside or the urban form and is not of an overall appropriate scale and design to the settlement. Therefore, the proposal would be at odds with Policy HOU04 even if I had concluded that the proposal was immediately adjacent to the settlement boundary.

13. The proposal is inherently flawed in its outline and therefore mitigation by design would not address the shortcomings which I have identified.
14. The proposal would not lead to the overall number of dwellings in the settlement increasing by more than 5% from the date of adoption of the Local Plan, nor, as it extends existing residential development out along Fakenham Road, with similar development opposite and beyond it, would it lead to coalescence of settlements.
15. I therefore find that the proposal would not be a suitable location for the proposed development with reference to the spatial strategy in the development plan, contrary to Policies GEN05 and HOU04 of the Local Plan. Developments should ordinarily be plan led and determination made in accordance with the plan unless material consideration indicates otherwise.

Other Matters

16. . The proposal lies just outside a settlement identified as a sustainable location for development which has a primary school, a public house/restaurant, village hall and hairdressers, and a museum. The settlement of Gressenhall lies about one mile away, and has a post office, village hall, social club, public house, a playing field, allotments and a bowling green. A bus service, running 5/6 services a day in each direction, passes the site, providing links to settlements further afield with a wider range of facilities and services and a network of public footpaths serves the area. It is therefore likely that the proposal will contribute positively to the rural community and rural services.
17. I note that the proposal is intended to provide 'self-build' housing, and this is supported by central government through the Self Build and Custom Housing Act 2015. As there is conflict with Policy HOU04 that policy does not support the provision of self-build housing in this instance. Further, there is little evidence before me to suggest how the self-build units will be secured and retained thereafter.
18. I note that the appellant was in communication with the Council and sought to address the concerns of the Council raised regarding a previous application¹ and the appeal proposal in a positive way during the application process. However, such actions, whilst laudable, are not a guarantee of success.
19. The appellant cites the effect of the current Covid-19 pandemic on current housing delivery rates, particularly the lack of progress on sites during the lockdown period. However, there is little substantive evidence before me to demonstrate the longer term effects of Covid-19 upon housing delivery rates or that these developments are now no longer deliverable over the five-year period, rather than delayed.
20. A five year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, as defined by Footnote 39 of the National Planning Policy Framework-2019- (the Framework). As the Local Plan was adopted in November 2019 it can be considered to be "recently adopted" until 31 October 2020.
21. The Council is under an obligation to review their Local Plan by November 2022 which will provide an opportunity to adjust housing delivery targets. I therefore

¹ Council Ref 3PL/2016/1554/O

- conclude that there are measures in place to safeguard the deliverability of the Local Plan, and I give this significant weight.
22. However, a five year supply of housing land does not necessarily mean other housing sites not identified within the Local Plan should not be considered, and windfall sites can provide a contribution to housing supply. In this case the appeal site is located outside development limits for the village and does not meet the exceptions of Policies GEN05 and HOU04 of the Local Plan and would undermine its spatial strategy.
23. A proposal should be determined in accordance with the development plan unless material considerations indicate otherwise, and based on the evidence before me, I am of the view that the Council is currently able to identify a 5 year housing land supply. Therefore, based on the evidence before me, I do not find that the presumption in favour of in favour of development set out in paragraph 11(d) of the Framework applies in this instance.
24. The proposal would provide benefits in terms of delivering an additional three homes, in a location where occupiers would have access to a variety of modes of transport and would not be solely reliant upon the use of the private car to satisfy their day-to-day needs. Such provision would boost housing supply albeit that, irrespective of any shortfall in supply, three homes would only have a modest benefit. The appeal site is owned by the appellant and family members and is available now. Whilst small developments are generally built out relatively quickly, there is no guarantee of this and no means of securing a precise development timeframe.
25. There would be minor benefits to the local economy in terms of short term employment in the construction industry and longer term support to local services. Together, even taking into account the effects of the Coronavirus pandemic, these benefits carry moderate weight.
26. The proposal would, however, be contrary to policies in the recently adopted Local Plan whose aim is to protect the intrinsic value of the countryside from inappropriate development. These policies are fully compliant with the aims of the National Planning Policy Framework -2019- (the Framework) and I have afforded these policies significant weight and lack of compliance with these is a significant factor weighing against the scheme. Therefore I do not consider that the benefits of the proposal would provide justification for making a determination other than in accordance with the development plan.
27. My attention has been drawn to Appeal Decisions APP/F2605/W/16/3150789 and APP/F2605/W/18/3212848 in regard to proposals for residential development outside a development boundary within Breckland and their accessibility to services and facilities within the settlements. However, the development plan of that time has been superseded and is no longer in force.
28. I have also been referred to decisions of the Council² where accessibility of sites to services and facilities was a consideration. However, these decisions were made with regard to superseded local planning policy and, again, the altered circumstances significantly reduce their relevance.
29. I must determine this appeal in regard to the current development plan and, taking into account the changes in circumstances in regard to local planning

² 3PL/2015/0826/O, 3PL/2016/1226/F and 3PL/2015/1316/F

policy, I do not consider that the cases are directly comparable. I have, in any case, determined this appeal on its own merits

Conclusion

30. For the reasons given above the appeal is dismissed.

I Dyer

INSPECTOR