



Appeal Decision

Site visit made on 8 September 2020

by S Tudhope LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st October 2020

Appeal Ref: APP/F2605/W/20/3252830

Land to east of Marlpit Road and south of Mill Road, Thompson IP24 1PR

- 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 Blue Oak Developments Ltd against the decision of Breckland District Council.
 - The application Ref 3PL/2019/1189/F, dated 19 September 2019, was refused by notice dated 13 March 2020.
 - The development proposed is erection of 6no. dwellings comprising 1no. 2 bed bungalow (affordable), 2no. 3 bedroom bungalows, 2no. 4 bedroom houses and 1no. 5 bedroom house, with associated access, landscaping and car parking.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. A signed legal agreement by way of Unilateral Undertaking (UU), under Section 106 of the Town and Country Planning Act 1990, has been provided as part of the appeal. It includes obligations relating to affordable housing. I shall return to this later in my decision.

Main Issues

3. The main issues are (i) the effect of the proposed development on the character and appearance of the area; and (ii) whether the proposed development would accord with the Council's development strategy, with regard to the increase in the number of dwellings in the settlement.

Reasons

Character and appearance

4. The appeal site is a roughly square shaped parcel of land situated in a corner position between Marlpit Road and Mill Road. It appears as part of an area of countryside, bordered by mature trees and vegetation on all sides. There is an existing overgrown access into the site from Mill Road. This affords pleasant views into and across the site which has the appearance of an overgrown paddock; green, open and free from built form. This open character of the site is also evident from gaps in the natural borders alongside both roads. The site and its immediate surroundings make a positive contribution to the rural character of the area.

5. The proposal would result in a significant amount of built development, arranged around a cul-de-sac road, that would suburbanise the site and substantially alter its character. The development would appear at odds with the established pattern of development in the vicinity of the site which is linear in form. Despite the retention of the site's natural borders and the addition of supplementary planting, the development would still appear obvious in its surroundings because of the access to the highway and natural gaps in the site's borders. The screening of the site would be less effective in the winter months when foliage would be reduced.
6. My attention has been drawn to two existing cul-de-sac forms of development in the village; one of which is situated east of the site along Mill Road. However, where these are present, the dwellings are served from a central access and set back from the road frontage. They are not situated within a corner plot between roads. The proposed layout of the appeal site would result in the majority of the proposed dwellings turning their backs to the roads, and to existing development opposite the site, resulting in a stand-alone development, disconnected from its surroundings, and at odds with the established and predominant linear pattern of development. This would be to the detriment of the character and appearance of the area.
7. I acknowledge the attention the appellant has given to the design of the proposed dwellings, using traditional forms and materials and reflecting design elements of existing nearby dwellings. However, these details do not override the harm that would be caused by the proposed layout which does not respond appropriately to the existing layout of buildings and patterns of development in the surrounding area.
8. Consequently, the proposed development would unacceptably harm the character and appearance of the area. It would conflict with Policies COM 01, GEN 02 and HOU 04 of the Breckland Local Plan 2019 (LP) and paragraph 127 of the National Planning Policy Framework (the Framework). Together and amongst other matters, these policies seek high quality design and developments that integrate to a high degree of compatibility with the surrounding area.

Development strategy

9. The appeal site is situated outside of, but immediately adjacent to, the settlement boundary of Thompson. In planning policy terms, it is therefore within the countryside. However, Thompson is identified as one of a number of 'villages with boundaries' by LP Policy GEN 03. Policy HOU 04 of the LP seeks to present a sensitive approach to rural housing by supporting proposals for appropriate development located immediately adjacent to the settlement boundary. This is subject to such proposals being supported by other policies in the LP and where the four criteria set out in the policy are satisfied. Criteria 1 and 2 are of particular concern in this case. I will return to criterion 1 later in my decision.
10. Criterion 2 of Policy HOU 04 requires that development proposals do not lead to the number of dwellings in the settlement increasing by significantly more than 5% from the date of adoption of the LP. The parties agree that the baseline number of existing dwellings for calculating the 5% figure of growth increased prior to adoption of the LP from 117 to 131. However, there is some disagreement between the parties what the 5% figure of growth for Thompson

amounts to in actual dwelling numbers. The Council considers it to be 6 but the appellant considers it to be 7. Given that the original calculations of 5% increase, shown in the appendix to the policy, rounded up the figure where the calculation resulted in a decimal point of 0.5 or above, I accept the higher figure of 7 as being the 5% figure of growth.

11. The parties disagree regarding the number of dwellings granted permission since the adoption of the LP. The Council considers that it has already allowed 6 dwellings. On this basis, the appeal scheme would represent a 100% increase above the 5% figure, which would amount to 'significantly more' dwellings and therefore would be contrary to criterion 2 of Policy HOU 04. However, from the evidence provided, I do not consider that the 5% increase in dwellings has already taken place.
12. The Council has only specifically identified one planning permission granted for 4 dwellings. This permission is on a site that has previous permission for 3 dwellings, and this was extant at the time of adoption of the LP. The 4 dwellings being instead of the 3, rather than in addition to them. It is reasonable to assume that the 3 dwellings would, therefore, have been included in the baseline number of 131 dwellings. In the absence of any substantive evidence from the Council to demonstrate any additional planning permissions have been granted, I accept that the permission for approval of 4 dwellings, to which both parties refer, represents an increase of 1 dwelling against the baseline and consequently against the 5% figure of 7 dwellings. In this context the appeal proposal would increase the total number of dwellings in the settlement from the date of adoption of the LP, to 7 dwellings. Thereby representing a 5% overall increase.
13. The appeal proposal would not therefore conflict with criterion 2 of Policy HOU 04. Even if I were to accept the 5% growth figure of 6 dwellings preferred by the Council, the appeal proposal for 6 dwellings, when added to the single dwelling increase already accounted for, would result in one dwelling above the 5%. This would not be 'significantly more' than the 5% figure.
14. Policy HOU 04 does not require the supported level of growth to be met gradually throughout the plan period. Therefore, concerns relating to the level of growth being exhausted within the first 12 months since adoption of the LP do not alter my conclusion in respect of the number of dwellings proposed. Further the appeal proposal could provide for affordable housing in accordance with LP Policy HOU 07. This would be a benefit which would not be achieved by development coming forward incrementally on smaller sites. In addition, development allowed under Policy HOU 04 does not prevent further appropriate growth within the settlement boundary.
15. I therefore conclude that the proposed development would accord with the Council's development strategy, with regard to the increase in the number of dwellings in the settlement. In this respect the proposal would not conflict with Policy HOU 04.
16. Nevertheless, I have already found that the proposal would cause unacceptable harm to the character and appearance of the area. Consequently, the proposed development would be contrary to Policy HOU 04 by virtue of its conflict with criterion 1, which requires development proposals to be of an appropriate scale and design to the settlement. The proposal would also conflict with LP Policies

GEN 01 and GEN 05 which require, amongst other matters, that development proposals protect and enhance the natural and built environment.

17. The Council's reasons for refusal also reference LP Policies GEN 03 and HOU 02. However, I do not consider that the proposed development would conflict with these policies. Policy GEN 03 sets out the settlement hierarchy, identifying Thompson as one of a number of 'Villages with Boundaries', and points to Policy HOU 04 as an appropriate policy for consideration of development outside of the 'development hierarchy'. Policy HOU 02 sets out the distribution of housing growth across the District and indicates that the targets for growth are minimums.

Other Considerations

18. The site is located within 8km of the Breckland Special Protection Area and the Norfolk Valley Fens Special Area of Conservation. I note that the appellant provided a Habitats Regulation Assessment (HRA). This concluded that there would be no adverse effects on the integrity of the designated features of the European sites from the proposed development, either alone or in combination with other plans or projects. Natural England were consulted at planning application stage and advised that it concurred with the conclusions of the HRA. However, as I have found the proposal to be harmful for other substantive reasons, I do not need to consider this matter any further as part of this appeal.
19. There are three grade II listed buildings in the vicinity of the appeal site; 4 Pockthorpe Lane, The Thatched House and 1-2 High Houses. The Thatched House is the closest of the three to the appeal site, being situated at the corner of Mill Road and Watton Road, opposite the junction between Mill Road and Marlpit Road. Given the separation distances, intervening features and additional proposed landscaping between the listed buildings and the appeal site, I consider that the appeal scheme would have a neutral material impact on the settings of the listed buildings. The settings would therefore be preserved.
20. The submitted UU seeks to ensure the provision of one and a half affordable houses. This being by way of one built on-site and a financial contribution in respect of the required half a house equivalent. However, whilst I have some concerns regarding its effectiveness, such as whether any successor in title would be bound by the obligations, should ownership of the land change prior to the obligations having taken effect, I am nevertheless satisfied that there is a development plan policy basis for seeking the provision of affordable housing. The level of affordable housing set out in the UU would meet the requirements of LP Policy HOU 07.
21. Notwithstanding the concerns I have outlined regarding the effectiveness of the UU, the potential delivery of affordable housing would be a benefit of the proposal which I return to in the planning balance. I have not sought further comments from the appellant, in this instance, on my concerns regarding the effectiveness of the UU given my final conclusions in my determination of the appeal.

Planning Balance

22. The parties are in dispute over whether the Council can demonstrate a five-year supply of deliverable housing sites. The appellant has made an assessment taking into consideration the potential implications of the current Covid-19 pandemic on the Council's position. It is suggested that the impact would result in a 4.63 year supply. This represents a small shortfall in supply and whilst the pandemic is ongoing, its full economic effects remain uncertain. However, if I were to agree with the appellant's assessment then paragraph 11 d) of the Framework would be engaged and consideration must be had as to whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
23. The proposal would make a modest contribution to the supply of housing by the delivery of 6 dwellings, including the provision of a single affordable dwelling on-site and a financial contribution for half an affordable dwelling off-site (subject to my concerns regarding the UU as submitted). These benefits would be modest commensurate with the scale of development proposed. The proposal would have economic benefits resulting from investment in the local economy during and after construction. I attribute modest weight to these benefits because of the scale of development proposed.
24. Other issues where no material harm has been identified, would be neutral in the planning balance. However, I have found the proposal would give rise to unacceptable harm to the character and appearance of the area contrary to a number of LP policies. As a result, the proposal would not accord with the environmental objective of the Framework. This is a matter I give significant weight.
25. Therefore, even if the Council is unable to demonstrate a deliverable five year housing land supply as suggested by the appellant, the adverse impacts of granting permission would significantly and demonstrably outweigh the modest benefits when assessed against the policies in the Framework when taken as a whole. 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.

Conclusion

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

S Tudhope
Inspector