



Appeal Decision

Site visit made on 15 December 2020

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 December 2020

Appeal Ref: APP/F2605/W/20/3253622

Yew Tree Bungalow, Primrose Green, Lyng, Norfolk NR9 5LJ

- 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 Mr Stuart Woodcock against the decision of Breckland District Council.
 - The application Ref 3PL/2019/1168/F, dated 15 September 2019, was refused by notice dated 10 March 2020.
 - The development proposed is four self-build bungalows on infill land adjacent Yew Tree Bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. Whether this proposal would be appropriate with regard to development plan policies for the location of new housing, the character and appearance of the area, accessibility to services and facilities and the protection of species and priority habitat.

Reasons

3. The proposal is for a row of detached bungalows, served by a shared access running perpendicularly from the public highway. The site comprises an open field situated between a new house (that has replaced Yew Tree Bungalow) and a small group of converted farm buildings. The surrounding area is otherwise generally open countryside, comprising farmland with only very sporadic development. The site is about 1.4 miles from the village of Lyng, which has a few services, and a significant distance from any other main settlements.
4. This proposal is not supported by LP Policy HOU 4 of the Breckland Local Plan¹ (LP). This allows only for appropriate development that lies immediately adjacent to settlement boundaries of villages like Lyng, that have these defined. Localities such as this, where there are just farmsteads and sporadic small-scale groups of dwellings nearby, are considered part of the countryside. Such an area would not be classed as part of a small village or hamlet, where LP policy HOU 5 might allow limited development. Self-build dwellings must meet the criteria in policies HOU 4 and HOU 5, so those proposed here would be resisted as being within the countryside.

¹ Breckland Local Plan (Adoption Draft) November 2019

5. The proposal therefore conflicts with LP Policy GEN 05 in lying outside of the defined settlement boundaries. To recognise the intrinsic character and beauty of the countryside, this restricts proposals to those, which unlike this, comply with all other development plan policies.
6. The site is referred to as being central to a cluster of houses making up Primrose Green. However, this is a highly dispersed cluster, with large tracts of intervening farmland. As countryside for policy purposes, such a location confers no support for the principle of further housing. The additional dwellings would lie between a house allowed only as a replacement for a long-standing bungalow and homes provided through the conversion of former agricultural buildings. In this context, and with a further gap to one side, this would not be infill, commonly understood as the development of a small gap within an otherwise more continuous built up frontage. Even if considered infill, this proposal would not be appropriate with regard to the development plan policies discussed above, which govern the location of new housing.
7. A layout roughly matching that of the adjacent farm building conversions provides no grounds to support new housing here. The line of standard bungalow types would appear incongruous and out of keeping, detracting from the present nature of the rural surroundings. This proposal would have an adverse impact upon the character and appearance of this area, in conflict with LP policies GEN 02, ENV 05 and COM 01, which seek collectively that development is sensitive to and protective of the rural Breckland landscape.
8. This harm would be exacerbated by the removal of roadside hedgerow to create the site entrance and visibility splays. Considering its age, length and location, this hedging is protected by the 1997 Hedgerow Regulations, and listed as a priority habitat, where any loss would be contrary to LP Policies ENV 02 and ENV 06.
9. The public footpaths from Primrose Green to Lyng and across other areas of countryside near to the appeal site are drawn to my attention. However, these would not provide a convenient means to access the limited services in Lyng, and their use would be particularly impractical in the winter, with longer hours of darkness and wetter conditions. The further households would be highly dependent upon journeys by private car to meet daily needs, as there are virtually no services and facilities within the vicinity, and those nearest would not be safely or conveniently accessible by walking, cycling or public transport.
10. For these reasons, the proposal would be further contrary to LP policies TR 01 and TR 02. These seek to minimise the need to travel, promote opportunities for sustainable modes and provide for safe, suitable and convenient access by a choice of means. This echoes the National Planning Policy Framework (the Framework) which seeks the take up of appropriate opportunities to promote sustainable transport modes in the assessment of the location of developments. This proposal would therefore not be appropriate due to its poor accessibility to services and facilities, other than by means of frequent private car journeys.
11. I have had regard to the Preliminary Ecological Appraisal² (PEA) which identifies the scheme as likely having an impact on a number of protected and notable species, including foraging bats, breeding birds, badgers, reptiles and

² Wild Frontier Ecology August 2019.

hedgehogs. Due to the presence of potential great crested newt breeding ponds within 500 metres of the proposal, and the suitability of this site as a terrestrial habitat, the PEA recommends further survey work to establish the impact upon this European protected species.

12. Paragraph 99 of Circular 06/2005³ states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before approval is granted, otherwise all relevant material considerations may not have been addressed in making the decision. This advises of the need to ensure ecological surveys are carried out should there be a reasonable likelihood of the species being present and affected by the development. Only in exceptional circumstances should this be left to planning conditions.
13. In this case, the PEA has found the potential for the site to provide a habitat for protected species and it would be reasonable to expect the results of further surveys to inform a decision on the proposal. This evidence would be necessary to establish if the principles of paragraph 175 of the Framework could be met. These are that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. At this stage there is not the evidence to show the proposal would not have harmful effects on biodiversity and consequently I find there to be conflict with LP Policy ENV 02.

Balance and Conclusion

14. The proposal would provide modest benefits in helping to boost housing supply, providing for additional self-build plots and supporting shops and services in the area. However, these relatively small benefits would not outweigh the harm found through a conflict with development plan policies over the location of new housing, to the character and appearance of this rural area, from poor accessibility to services and facilities and from potential adverse effects upon protected species and a priority habitat. For these reasons, having taken into account all other matters raised, I conclude that the appeal be dismissed.

Jonathan Price

Inspector

³ Circular 06/2005: Biodiversity and Geological Conservation – statutory obligations and their impact within the planning system