



Appeal Decision

Site Visit made on 1 February 2021

by Graham Chamberlain BA(Hons) MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15/02/2021

Appeal Ref: APP/F2605/W/20/3259390

Dam Green Farm, Fersfield Road, Kenninghall, Norfolk NR16 2DP

- 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 and Mrs Sharland against the decision of Breckland Council.
 - The application Ref 3PL/2020/0072/F, dated 22 January 2020, was refused by notice dated 18 March 2020.
 - The development proposed is described as demolition of Barn 3 and replacement with a single new dwelling'.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of Barn 3 and its replacement with a single new dwelling at Dam Green Farm, Fersfield Road, Kenninghall, Norwich, NR16 2DP in accordance with the terms of the application, Ref 3PL/2020/0072/F, dated 22 January 2020, and the conditions set out in the attached schedule..

Main Issue

2. The main issue in this appeal is whether the appeal site is a suitable location for the proposed development, with particular reference to the spatial strategy in the development plan.

Reasons

3. Policy GEN05 of the Breckland Council Local Plan 2019 (LP) establishes settlement boundaries around the larger settlements in the district to recognise the intrinsic character and beauty of the countryside and identify those areas where growth will be acceptable in principle. Policy HOU02 of the LP supports this spatial strategy by setting out the level and location of growth in a settlement hierarchy so that it can be distributed sustainably.
4. To this end Policy HOU02 includes a table which distributes housing growth in the district by using tiers. Most housing growth will be directed to 'Key Settlements', which are the largest towns with the most services, with other settlements due to receive a proportionate level of development. Kenninghall is the nearest settlement to the appeal site that is listed in Policy HOU02. It is one of the settlements that has an asterisk against that leads to a footnote that confirms Policy HOU03 of the LP can apply to these villages.
5. Policy HOU03 sets out the circumstances when housing outside the settlement boundary of a Local Service Centre such as Kenninghall will be supported. It states that development must be immediately adjacent to the settlement boundary to be allowed. The appeal site is not, being separated from the settlement boundary of Kenninghall by fields. As such, the appeal scheme

cannot gain support from policy HOU03. Thus, the appellants have instead referred me to Policy HOU05 of the LP as a policy from which the proposal could gain support. It permits development in smaller villages and hamlets outside of defined settlement boundaries subject to criteria.

6. The Council submit that Policy HOU03 should be the only policy applied to residential development in the parish of Kenninghall because the table in Policy HOU02 is parish led. If this is the case, then Policy HOU05 would not be relevant. However, there is nothing within Policies HOU02, HOU03 or HOU05, or their supporting text, that says this. Policy HOU03 refers to the boundaries of Local Service Centres and Policy HOU02 refers to settlements, including market towns and villages. Neither policy refers to parishes. Therefore, based on the evidence before me I find it hard to reconcile the Council's approach that the table in Policy HOU02 is 'clearly parish based' with what I have read. Thus, Policy HOU05 would be relevant to an assessment of the appeal scheme if the proposed dwelling would be located in a hamlet, if it is not then the proposal would not glean support from either Policy HOU03 or HOU05.
7. There does not appear to be a definition in the LP of what a 'small village' or 'hamlet' is for the purposes of applying Policy HOU05. The only clarification on this point is that the 'villages without boundaries' listed in the table in Policy HOU02 are also 'small villages' for the purposes of Policy HOU05. This is because the footnote in the table confirms that Policy HOU05 applies to them.
8. That said, the list of 'villages without boundaries' is not a closed list encompassing all settlements, including hamlets, where development is permitted by Policy HOU05, because this would render the reference to hamlets in Policy HOU05 as superfluous – Policy HOU05 would otherwise simply refer to 'villages without boundaries' instead of small villages and hamlets. Moreover, the supporting text to Policy HOU05 explains that there are areas outside of the settlement hierarchy where there are living and working communities whose social and economic viability must be addressed. This seems to suggest that hamlets are settlements not listed in the hierarchy in Policy HOU02.
9. The appeal site is located on the edge of the farmstead cluster of Dam Green Farm, which is separated from the rest of Dam Green by sections of intervening fields. However, I have no submissions from the Council countering the appellants' view that Dam Green is a hamlet and Dam Green Farm forms part of it. The appellants' proposition on this point is not unreasonable as Dam Green is spatially set out in a linear form along Fersfield Road, albeit with some large gaps between houses due to the presence of large gardens and sections of fields. Moreover, in the absence of any definition of a hamlet it is reasonable of the appellant to turn to the dictionary, and the definition therein that a hamlet is a small human settlement smaller than a village and without a church. It is not unreasonable to conclude that Dam Green meets this definition, because it is a discernible cluster of houses forming a satellite settlement of Kenninghall.
10. The appeal scheme would not be infilling within the hamlet as it adjoins existing development on only one side. The Council have not provided any submissions regarding whether the proposal would amount to a rounding off. Again, the appellant's argument on this point is not unreasonable because the proposal would be a continuation of recent development and would involve the replacement of an existing building.

11. Similarly, the Council makes no allegation that the proposal would be of an inappropriate scale, fail to enhance the historic nature and connectivity of the community or harm a visually important gap. Thus, based on the evidence and submissions before me, I am satisfied that the proposal would be a rounding off of a hamlet consistent with Policy HOU05. The appeal site is therefore a suitable location for the proposed development when applying the spatial strategy in the LP.

Other Matters

12. The appeal scheme would be more visible than the existing barn, which is not a notable detractor in the landscape due to its agricultural appearance, open sides and use of dark materials. Moreover, the appellants have described the design of the proposal as 'bold' and I agree due to the uncompromising form proposed. These factors mean the new dwelling is likely to have more of a presence in the landscape. The recent removal of landscaping along the north western boundary would compound this effect.
13. However, the appeal scheme would be viewed in the setting of the converted buildings next door, which are of a similar size and exposed to views from Heath Road, from where they currently appear very stark due to the cladding used. Thus, in this context it would be difficult to arrive at a finding that the proposal would appear discordantly out of place.

Conditions

14. In the interests of certainty it is necessary to impose a condition that the proposal is built in accordance with the submitted plans. In the interests of safeguarding the character and appearance of the area, in so far as is possible, the materials should be as specified on the submissions, notwithstanding that there is some uncertainty regarding whether the cedar cladding will be left to weather and what colour the render and roof would be.
15. In the interests of biodiversity, it is necessary to secure measures that would deliver a net gain. In the interests of highway safety, it is necessary to secure adequate parking prior to occupation as well as a suitable access over a ditch. The Council have not suggested that a landscaping condition is necessary and therefore I have not imposed a condition in this regard.

Conclusion

16. The appeal scheme would adhere to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should succeed.

Graham Chamberlain
INSPECTOR

Schedule of Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development must be carried out in accordance with the details specified on the application form and those documents listed on the Council's decision notice and the following approved drawings (and any other drawings approved pursuant to a condition hereby imposed): - Drg Nos. 0420/101, 0420/102 and 0420-103
3. The development hereby permitted shall be constructed using the materials specified on the planning application form and / or submitted drawings.
4. Prior to the dwelling hereby approved being occupied, a scheme demonstrating how net gains for biodiversity shall be secured as part of the development, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation of the approved development.
5. Prior to the dwelling hereby approved being occupied, the vehicular access crossing over the ditch shall be constructed in accordance with a detailed scheme to be agreed in writing with the local Planning Authority and thereafter retained at the position shown on the plan.
6. Prior to the dwelling hereby approved being occupied, the proposed access and parking area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plans and retained thereafter available for that specific use.