



Appeal Decision

Site visit made on 29 January 2021

by Julie Dale Clark BA (Hons) DipTP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th March 2021

Appeal Ref: APP/F2605/W/20/3256786

Land at Church Farm, Church Road, Ovington IP25 6SD

- 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 Robert, Marie-Ana, Blitzy, James, Claire and Laura Cave against the decision of Breckland Council.
 - The application Ref 3PL/2020/0086/O, dated 25 January 2020, was refused by notice dated 22 May 2020.
 - The development proposed is erection of 6 no. self-build residential dwellings, with access and associated development.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. This is an outline application with access and layout applied for. Appearance, landscaping and scale are reserved for later determination. The site layout was amended prior to the determination of the application from having three access points with two dwellings off each access to one single access with an internal access drive serving all six dwellings. It is on this basis that I have assessed the appeal.

Main Issues

3. I consider that the main issues are:-
 - the effect of the proposal on the character and appearance of the area;
 - the effect on highway safety; and
 - whether the proposal would be sustainable.

Reasons

Character and Appearance

4. The appeal site lies to the east of Church Road which is rural in character comprising farmland and the group of farm buildings, Church Farm. On the western side of Church Road there is a row of detached houses set back from the road at the northern end of which there is a church and Ovington Village Hall. Beyond that there are allotments and then is open agricultural land. The

rest of the village lies to the south and comprises mainly of residential properties.

5. Local Plan¹ Policy COM 01 indicates that development should be designed to the highest possible standards that contributes to the distinctive character and amenity of the local area. Amongst other things, this requires a high degree of compatibility with the surrounding area in terms of layout. Policy GEN 02 also promotes high quality design. Policy GEN 05 relates to settlement boundaries and Policy HOU 05 relates to small villages and hamlets outside settlement boundaries and sets out criteria for acceptable development which includes sensitive infilling and rounding off of a cluster of dwellings.
6. The character of the houses on the western side of the road are substantial, well-spaced detached properties although the development within the rest of the village is varied in terms of spacing, size, design and proximity to the road. The appeal site is a relatively narrow strip of land opposite the existing houses on Church Road to the west and north of the houses on Carbrooke Road and The Street. The proposal would not be in a location that could reasonably be described as sensitive infilling or rounding off as advised by Policy HOU 05. I note that the proposal is described as being for self-building dwellings and HOU 05 indicates that the Council will be supportive of opportunities for self-build but provided that the criteria in the policy are satisfied. I consider that the criteria I have referred to, i.e. infilling or rounding off, would not be met. I shall return to the matter of self-build later.
7. Whilst this is an outline application and there are matters reserved for later determination, layout has been applied for and in any case would be limited by the length and width of the site, I do not consider that the site's constraints would enable the standard of quality expected by policies COM 01 and GEN 02 to be met. In particular, the layout submitted indicates six dwellings each of which would be located on fairly restrictive plots. The linear development running close to the eastern boundary of Church Road would be poor in design and at odds with the overall character of dwellings in the area. I therefore consider that the proposal would have a harmful effect on the character and appearance of the area contrary to policies COM 01, GEN 02, GEN 05 and HOU 05.

Highway Safety

8. Local Plan Policy TR 01 relates to sustainable transport and Policy 5 of the Norfolk Transport Plan² sets out the principles for growth in Norfolk with an aim to reduce the need to travel and reliance on the private car. Local Plan Policy TR 02 sets out transport requirements generally for new development and, amongst other things, requires safe, suitable and convenient access for all users and avoids inappropriate traffic generation that does not compromise highway safety.
9. Church Road is a narrow road with no pavements and only the driveways to the houses on the western side of the road to serve as passing spaces. A ditch runs along the eastern side of the road together with a hedge adjacent to the ditch and extending for much of the length of the appeal site. The road is a fairly straight one with a 30mph speed limit into the village from about the Village

¹ Breckland Local Plan, November 2019.

² Connecting Norfolk Norfolk's Transport Plan for 2026, published April 2011.

- Hall. Although the proposal is for a relatively modest development of six dwellings, they would inevitably generate additional traffic along Church Road.
10. The Council's concern regarding highway safety is that Church Road is inadequate to serve the development in particular due to the width of the road and the lack of passing spaces. The revised layout includes two passing spaces and a footpath but the Council are still concerned about the practicalities of achieving these. I too share this concern in particular, in relation to the ditch.
 11. Mixed responses have been received from residents consulted about the application and appeal, many of whom have resided in the village for a long time. Some responses express significant concerns about traffic on Church Road whilst others contend that the existing road works quite well and the proposal would not have a harmful effect.
 12. However, I am mindful that a church and Village Hall are accessed from Church Road and this could involve pedestrians within the village utilising the road. The proposal would significantly increase the number of dwellings with direct access to Church Road and I am inclined to agree with the Council about its unsuitability. On balance I am sufficiently concerned about the access arrangement to find potential harm in this regard which would conflict with Local Plan Policy TR 02.

Sustainability

13. Sustainability is a key component of the National Planning Policy Framework³ and this is reflected in Local Plan Policy GEN 01. As referred to above, Local Plan Policy TR 01 and the Norfolk Transport Plan promote sustainable forms of transport.
14. Ovington is a rural village with limited services in the village although the appellant describes bus services to Watton, Saham Toney and the City of Norwich. Notwithstanding these bus services, I would envisage that there is a fairly high dependence on the motor car although the appellant also refers to accessibility to the National Cycle Network and the locations accessible from it. However, the site is limited in terms of its locational sustainability. Having said this, it is not in anyone's interest to stifle growth and it is reasonable that there would be an expectation of growth within the village. The appellants' have explained their personal connection to the area and it is not unreasonable that the family are looking to the area they have grown up in for their future.
15. Whilst I have not seen a plan delineating the village boundary, Policy HOU 05 refers to settlements where there are no defined boundaries; this seems to be one of them. The policy allows development in these areas but with restrictions, for example where it would be infilling a plot in an otherwise built-up street frontage or rounding off an incomplete group of buildings. This is discussed above and I do not consider that the appeal site falls within either of these definitions. I note the fairly extensive grouping of buildings comprising Church Farm but this does not alter my view.
16. I do not accept that the proposal would be a sustainable one, it is close to the built-up settlement of Ovington but separated from it by Church Road. I can find no justification for allowing a development that I clearly consider as being

³ Ministry of Housing, Communities and Local Government, National Planning Policy Framework, February 2019.

unsustainable and in conflict with the principles of the Framework and the policies referred to.

Other Matters

17. The proposed development is specifically described as being self-build and the appropriate legislation is referred to⁴. I note the comments made by both parties regarding a register of individuals and associations of individuals who want to acquire serviced plots of land and the duty to grant sufficient development to meet the demand. Whilst this is a material consideration, it must be weighed against the harm that I have identified. It is not clear to me from the information submitted that the Council is failing in its supply to meet a clear demand but in any case, I consider that any such requirement would not outweigh the harm I have identified above.
18. With regard to the more general matter of housing land supply, from the information submitted, I am satisfied that the Council has demonstrated that it has an adequate supply. I have also taken into account the 2020 Housing Delivery Test (HDT) Results which cover the beginning of the restrictions implemented by the Government in response to COVID19⁵. I have invited comments from both parties in this regard but have not received any information that alters my assessment of this appeal.
19. I have also considered the appellants family connections with the area and their desire to remain in their own family homes within the area. I have limited information about the availability of housing and its affordability within the village settlement but appreciate that in a small village such as this, availability may be limited. Other matters have also been raised and I have taken these into consideration but none of these alters my conclusion.

Conclusion

20. I have found that the proposal would have a harmful effect on the character and appearance of the area and potentially on highway safety and I consider the proposal to be an unsustainable one. I have considered all matters raised but none alter my conclusion. I conclude that the harm I have identified is not outweighed by the other considerations and the proposal would conflict with the Framework, Local Plan Policies COM 01, HOU 05, TR 01, TR02, GEN 01, GEN 02 and GEN 05 together with the objectives of Policy 5 of the Norfolk Transport Plan. The appeal therefore fails.

J D Clark

INSPECTOR

⁴ The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016).

⁵ 2020 Housing Delivery Test (HDT) Results, published 19 January 2021.