
Appeal Decision

Site visit made on 9 March 2021

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th March 2021

Appeal Ref: APP/F2605/W/20/3252139

Land at Bow Street, Great Ellingham, Norfolk NR17 1JA

- 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 George Wilson against the decision of Breckland District Council.
 - The application Ref 3PL/2019/1473/O, dated 1 November 2019, was refused by notice dated 21 January 2020.
 - The development is outline proposal for the construction of 1 no self-build/custom built dwelling and access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application initially sought outline planning permission for two detached dwellings. However, during the course of the application process, the proposal was reduced to a single dwelling. All detailed matters remain reserved for later consideration, other than means of access. I have dealt with the appeal accordingly.

Main Issues

3. Whether the proposal would be appropriate with regard to local and national planning policy over the location of new residential development and in respect of any implications towards legally protected species, in this case great crested newts.

Reasons

Whether proposal is appropriate with regard to local and national planning policy

4. Bow Street is a rural lane that runs off the main Watton Road at a point before this enters the main built-up part of Great Ellingham. The appeal relates to an undeveloped plot of land that was previously part of a paddock. It lies within a stretch of rather loosely arranged frontage housing set in countryside some distance away from this main village. The intermittent housing comprises both older and more recent properties that run mainly along one side of the road, with predominantly open farmland opposite.

5. The appellant has drawn my attention to two sites, just beyond that of this appeal, where the Council has recently granted residential permissions¹. On 28 November 2019, very soon after the date of the most recent of these two consents, the Council formally adopted its current Local Plan² (LP). The evidence suggests that, since the adoption of the LP, the Council has had a basis upon which to demonstrate a five-year housing land supply (5YHLS). Prior to this, decisions on residential proposals had been made in the context of a lack of a 5YHLS, with weight necessarily given to the tilted balance required by the National Planning Policy Framework (the Framework).
6. The LP focuses new development in amounts relative to the settlement hierarchy established in LP Policy GEN 03. The minimum housing growth targets for these various settlements are set out in LP Policy HOU 02. The majority of new growth is steered towards the key settlements with successively lesser amounts to the market towns, local service centres and villages with boundaries. Within this hierarchy Great Ellingham is defined a local service centre. Its services include a post office/village shop, public house, village hall and primary school.
7. The appellant argues that the appeal site is located within a local service centre which, in the first instance, should be considered as a suitable location for new development. However, the housing in Bow Street is located quite some distance outside the settlement boundary defined in the LP for Great Ellingham. This boundary encompasses the residential consents granted in and around this village but does not incorporate the more separated sites in the countryside, such as in Bow Street. The appellant makes the case that the Council ought to have included the permissions in Bow Street within the Great Ellingham settlement boundary. However, the fact of the matter is that the appeal site falls some significant distance outside the settlement boundary eventually defined in the adopted LP.
8. Policy GEN 05 of the LP states that outside defined settlement boundaries, development is restricted to recognise the intrinsic character and beauty of the countryside. Development outside of these will only be acceptable where compliant with all relevant LP policies. In this regard, LP Policy GEN 03 points specifically to Policy HOU 03 as being most relevant to a case such as this, where the proposed dwelling lies outside a local service centre boundary.
9. Policy HOU 03 resists further development outside the defined boundaries of local service centres where the specified housing targets have been provided for. The appellant disputes the Council's position that the LP Policy HOU 02 housing target for Great Ellingham has already been significantly exceeded.
10. Assuming the appellant is correct in finding that some 123 further dwellings would need to be brought forward in order to meet the target set for Great Ellingham in LP Policy HOU 02, the second part of Policy HOU 03 provides an element of flexibility in delivering this, so as to help support and sustain services and facilities. However, this would depend upon meeting further criteria, of which this scheme would fail that in respect of it not being located immediately adjacent to the settlement boundary for the village.

¹ 3PL/2019/0699/F – erection of a dwelling approved October 2019 3PL/2017/0556/F demolish workshop and erect two storey dwelling approved July 2017, both land at Bow Street.

² Breckland Local Plan November 2019

11. Although situated between housing, the proposal would consolidate development in a location where the prevailing sporadic arrangement helps define the essentially rural character of the area. The scheme would therefore result in some degree of harm from a further erosion of this character, in conflict additionally with LP policies GEN 02 and 05.
12. There are no services and facilities where this dwelling is proposed and those closest in the village would require a moderate walk along the quite busy Watton Road, which lacks both a footway and street lighting. I do not consider that these village services are safely or conveniently accessible from the appeal site by means other than private car journeys. The LP policies with which conflict is found are consistent with the main thrust of the Framework to secure sustainable development by focussing new homes to places where a good range of regularly required services and facilities are available nearby, so as to reduce the overall need for travel, particularly by private car, whilst recognising the intrinsic character and beauty of the countryside.
13. As required by Policy INF 03, the Council is to undertake an immediate partial review of the LP with regard to matters including housing need and the subsequent strategy for meeting this. However, this review is clearly at far too early a stage to have any bearing upon this appeal decision.
14. The appellant seeks the support of an appeal decision³ made recently in a neighbouring Council's area. A single dwelling had been permitted outside of the settlement boundary but within a cluster of dwellings similar to this, where the Inspector had found there to be no harm caused as a consequence. I have had regard to this decision but nonetheless consider that harm would arise in this case. This would be through a further dwelling in this location undermining the spatial strategy of the recently adopted LP to focus development mainly within larger centres so as to restrict this spreading out more haphazardly into the countryside, as has previously occurred in this location.
15. In the light of the above, I find that this proposal would not be appropriate with regard to local and national policy over the location of new residential development.

Implications towards legally protected species - great crested newts

16. Following the appeal, further survey work with regard to the presence of great crested newts was carried out in March/April 2020. On the basis of this, I am satisfied that any impacts upon this protected species could be satisfactorily mitigated and managed such that this issue no longer comprises a determinative factor in this appeal.

Planning balance and conclusion

17. As far as I am aware the Council can currently demonstrate a 5YHLS. However, I am unaware that this has been the subject of the detailed independent examination not feasible through this written representations appeal. Were there to be a lack of a 5YHLS, then weight would need to be given to the tilted balance as set out in paragraph 11 d) ii of the Framework.

³ Appeal Reference: APP/L2630/W/19/3229614 for a single dwelling allowed in Morley St Botolph, South Norfolk on 9 December 2019.

18. In respect of making this hypothetical balance, I acknowledge that the proposal would provide small and readily deliverable social benefits towards the Framework aim to boost housing supply and might also address any shortfall in meeting a demand for a self-build/custom built dwelling. The construction and future servicing of the new home would offer some small benefits to the local economy.
19. However, the adverse impacts found from this proposal would significantly and demonstrably outweigh these small social and economic benefits. The proposal would therefore not gain the presumption in favour of sustainable development provided by paragraph 11 of the Framework. As a material consideration, this would thus not indicate the appeal be decided other than in accordance with the LP, with which I find there to be conflict when considered as a whole. Therefore, for the reasons set out above and having considered all further matters raised, I conclude that the appeal should be dismissed.

Jonathan Price

Inspector