



Appeal Decision

Site visit made on 10 November 2020

by C Beeby BA (Hons) MIPROW

an Inspector appointed by the Secretary of State

Decision date: 29 April 2021

Appeal Ref: APP/F2605/W/20/3257379

Land at Cherry Tree Barn, Norwich Road, Besthorpe NR17 2LA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline and full planning permission.
 - The appeal is made by Mr and Mrs Panter against the decision of Breckland Council.
 - The application Ref 3PL/2019/1521/H, dated 4 December 2019, was refused by notice dated 10 February 2020.
 - The development proposed is described as "hybrid application for 1) full detailed application for one self-build dwelling and associated access and 2) outline application for two self-build dwellings including access".
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The proposal seeks partial outline planning permission, with all matters reserved except access. I have considered the appeal where it relates to the outline application on this basis, and have treated any plans in relation to the reserved matters as illustrative.

Main Issues

3. The main issues are:
 - The effect of the appeal proposal on the character and appearance of the area; and
 - Whether the appeal site would be a suitable location for the scheme, having regard to the spatial strategy for the area.

Reasons

Character and appearance

4. The appeal site is open grassed land to the rear of the host dwelling and its associated buildings. It provides a spacious backdrop to development on Norwich Road, which is in keeping with the open land to the rear of neighbouring established properties. This spaciousness contributes positively to the character and appearance of the area, and reflects the rural surroundings of the settlement.
5. Whilst two residential plots are the subject of applications for outline permission only, a substantial two-storey dwelling with a garage is proposed

for the third and therefore the site would hold significant built form on completion of the development. I have been provided with details of recent development proposals to which the surrounding area is subject. However, even taking these into account, buildings would not lie as far back from the street as those proposed for some distance in the area of the appeal site. Therefore the spacious appearance of this area would be maintained even once nearby schemes are completed.

6. The urbanising effect of the proposed level of built form and access provision at the site would inevitably reduce its spacious appearance, with resulting harm to the character and appearance of the area. Whilst the development would be highly visible from neighbouring properties, views of the site from Norwich Road are somewhat interrupted by the presence of built or natural form, which provides an intermittent screening effect.
7. The proposal would consequently have a moderately harmful effect on the character and appearance of the area. As a result, it conflicts with Policy ENV 05 of the Breckland Local Plan 2019 (the BLP), which states that development proposals will be expected to contribute to and where possible enhance the local environment by recognising the intrinsic character and beauty of the countryside. Further conflict exists with Policies GEN 02 and COM 01 of the BLP, which set out that development should respect and contribute to the character of the area. Additional conflict exists with the natural environment provisions of the National Planning Policy Framework (2019) (the Framework).

Location of development

8. The appeal site lies outside defined settlement boundaries and therefore the proposal is subject to Policy HOU 05 of the BLP, which concerns small villages and hamlets. This policy sets out that development in such locations will be limited, apart from where it would comply with other policies within the development plan, and further criteria.
9. The first criterion states that development will be permitted where it would comprise of sensitive infilling and rounding off of a cluster of dwellings. Infill is defined within the supporting text to the policy as "building taking place on a vacant plot in an otherwise builtup street frontage". Rounding off is defined as "the completion of an incomplete group of buildings on land which is already partially developed and in such a way which will either complete the local road pattern or define and complete the boundaries of the group".
10. The appeal site lies to the rear of an established dwelling which has a frontage to Norwich Road. As a result, the site lacks a "street frontage" of the type which would exist where a vacant plot lies adjacent to the street, as envisioned by Policy HOU 05.
11. Furthermore, the appeal site is currently bounded by land containing a garage to one side, however land to the other side comprises linear residential gardens, which lack any significant built form. I have found above that nearby development schemes would not result in built form as far back from the street as those proposed for some distance in the area of the appeal site. Therefore the site's immediate surroundings would not be "built up", even once nearby proposals are constructed.

12. The site is a grassed area which lies behind the host dwelling and its associated buildings. Together the group of buildings and the appeal site appear as one residence. As a result, it does not form land which holds an incomplete group of buildings.
13. Thus, the site does not form a vacant plot in an otherwise builtup street frontage, and the scheme would not round off a cluster of buildings. The proposal consequently does not fulfil the first criterion of Policy HOU 05 of the BLP.
14. I have found above that the scale of development proposed would harm the spacious appearance of an area of land which forms a backdrop to development along Norwich Road. As a result, the proposal does not fulfil the second criterion of Policy HOU 05 of the BLP, which relates to scale and design.
15. The appearance of the outline application element would be a matter reserved for future consideration. However, the appearance of the remaining dwelling would be relatively traditional, albeit with modern materials. This aspect of the proposal's design would harmonise acceptably with the appearance of other development in the vicinity. As a result, the proposal fulfils the third criterion of Policy HOU 05, which concerns the contribution of design to the historic nature of communities.
16. The site provides separation between roadside development and the A11 dual carriageway. This spaciousness reflects the rural location of the settlement. Thus, the site forms a visually important gap that contributes to the character and distinctiveness of the rural scene, in accordance with criterion 4 of Policy HOU 05.
17. As a result, the appeal site would not provide a suitable location for the scheme, having regard to the spatial strategy for the area. It therefore conflicts with Policy HOU 05 of the BLP, the aims of which are set out above. Further conflict exists with Policies GEN01, GEN03 and GEN05 of the BLP, which concern the location of development and set out a settlement hierarchy.

Other Matters

18. My attention has been drawn to a number of development schemes in the vicinity of the appeal site. A number¹ of the sites concerned have a continuous street frontage or lie significantly closer to the street than the appeal site, which has a "backland" position. As a result of this difference in location, the proposals concerned would have a materially different effect on the character and appearance of the area than the appeal proposal.
19. An Appeal Decision² to allow the construction of three dwellings on nearby land noted that existing built form lay to the south of that site. The Inspector consequently concluded that the scheme would not result in the extension of built form into the countryside. No significant built form lies to the south of the appeal site, so that the two schemes are dissimilar in location. Therefore the other appeal proposal would not have a comparable effect on the character and appearance of the area.

¹ Local Planning Authority application references: 3PL/2015/1233/F, 3PL/2019/0229/F, 3PL/2016/0271/O, 3PL/2017/0130/O and 3PL/2018/0589/D, 3PL/2018/0709/F. Planning Appeal Decision reference: APP/F2605/W/17/3173739.

² APP/F2605/W/19/3225531.

20. Further schemes³ relating to a single mobile home and a change of use of land to parking did not concern types of development which is sufficiently comparable to the three dwellings currently proposed for there to be similarities with the appeal proposal.
21. Furthermore, all the schemes referred to were assessed against a different policy background, as the BLP has been adopted since they were determined. Different considerations would therefore have applied.
22. Moreover, even if the other developments and circumstances were similar, they would not inevitably provide an example that should be followed even if harm results. Accordingly, the other developments do not alter my conclusions concerning the current scheme.
23. The appeal proposes self-build housebuilding. The Council is required to give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in its area. The appellants cite government support for increasing the supply of self-build homes.
24. Whilst I acknowledge the appellants' intention for the dwellings to be self-build, there is no means (such as a section 106 obligation) before me to confirm that the dwellings would be likely to be self-built. In the absence of such a mechanism, there would be nothing to prevent the scheme from evolving into a different type of development. Accordingly, I cannot be certain of the likelihood of this element forming a benefit of the proposal, and I therefore attach minimal weight to it in determining the appeal.
25. The Covid-19 pandemic is likely to have implications for the housebuilding industry, as with other sectors of the economy. Whilst the pandemic is currently ongoing, its full economic effects remain unknown and therefore I attach minimal weight to the submission that the issue lends weight to a grant of permission even where harm has been identified to result.
26. Policies COM 03, HOU 06 and ENV 02 of the BLP concern the protection of amenity, the principle of new housing and the protection and enhancement of biodiversity. Whilst I have not identified that the proposal would result in any significant conflict with these policies, its compliance with each of them is a neutral matter which does not provide support for the appeal.

Planning Balance and Conclusion

27. The appellants dispute the Council's ability to demonstrate a 5 year Housing Land Supply (5Y HLS). The Council contends that it can demonstrate a 5Y HLS. If I were to accept that there is a shortfall in HLS as suggested by the appellants, paragraph 11 of the Framework sets out that it is then necessary to grant permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole.
28. The proposed development would contribute to the supply of homes in a location with some access to services and facilities where development would enhance and maintain the vitality of rural communities.

³ 3PL/2019/0663/CU and APP/F2605/W/18/3209290.

29. Local finance considerations are advanced in support of the proposal. Economic benefits would arise from the construction work and from the occupation of the new houses.
30. The weight attached to the identified benefits is tempered by the small size of the development. Thus, even if I were to conclude that there is a shortfall in 5Y HLS on the scale suggested by the appellants, the adverse impacts of granting permission would significantly and demonstrably outweigh the limited benefits.
31. Thus, for the reasons given above, I conclude that the appeal should be dismissed.

C Beeby

INSPECTOR