



Appeal Decision

Site Visit made on 22 June 2021

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 5 July 2021

Appeal Ref: APP/F2605/W/21/3270174

Land to West of 10 The Street, Beachamwell, Breckland

- 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 J Adcock against the decision of Breckland Council.
 - The application Ref 3PL/2020/0778/O, dated 8 July 2020, was refused by notice dated 2 November 2020.
 - The development proposed is proposed construction of 4 dwelling houses.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was submitted in outline with all matters of detail reserved for future consideration. I have assessed the proposal on this basis and treated all of the drawings as simply being an illustration of how the proposal could ultimately be configured.
3. The appellants submitted a completed Agreement under Section 106 of the Town and Country Planning Act 1990 (Section 106 Agreement) which seeks to provide one affordable house. I have therefore taken this document into account in my consideration of the proposal.

Main Issues

4. The main issues are: -
 - The effect of the proposal on the character and appearance of the site and the surrounding area, with particular reference to Beachamwell Conservation Area (the CA), and: -
 - Whether the site is a suitable location for four new dwellings, with particular regard to local policy for the provision of housing and accessibility to everyday local facilities and services.

Reasons

Character and appearance

5. The appeal site is part of an open field, currently grassed and fronts onto The Street. To one side of the site there is a pair of semi-detached bungalows, separated from the site by an unmetalled track, and on the other side and to the rear lies open countryside, with increasingly sporadic development. On the opposite side of the road from the pair of semi-detached bungalows is a detached bungalow. Opposite the site lies Park House, a dwelling set well back

from the road in a substantial landscaped plot. At this point The Street is subject to a 30MPH speed limit and lacks footways or street lighting. The site lies close to, but outside of, the CA. The significance of the CA, in so far as it relates to this appeal, derives from its evidential, historic and aesthetic value found in the authenticity of its rural vernacular architecture and setting. The character and appearance of the CA in this vicinity is of a rural village street, in a verdant, bucolic setting and the open countryside around the village makes a positive contribution to the area.

6. Park House has little presence in the street scene. The pair of semi-detached bungalows and the bungalow opposite visually identify the commencement of the built-up area of Beachamwell.
7. The appeal site sits clearly outside of the village and in the countryside and there is a clear division between the two. Being undeveloped and verdant in appearance the appeal site reads as part of the countryside.
8. The proposal would introduce four dwellings into the site and create a new access or accesses off The Street. Notwithstanding that the proposal is in outline form, the composition of the development would result in an urban form, incorporating accessways, areas for parking and other residential paraphernalia associated with occupancy in addition to the buildings themselves. This would harmfully jar with the rural character of the site and its immediate environs.
9. Overall the proposal would urbanise the character and appearance of the site and this increased urbanisation, together with the reduction in verdancy of the site would significantly harm the rural character and appearance of the site and the surrounding area. This harm would be readily apparent to passers-by on the road and from nearby dwellings in the area as the site is prominent on the entry to the village.
10. Whilst the site sits outside of the CA, it contributes to the rural setting and the proposal would undermine this. In summary, the proposal would harm the area and setting of the CA which I have identified above as making an important contribution to the significance of the CA. Thus the proposal would undermine its significance. I will return to this matter later.
11. The appellant has proposed additional planting on the boundaries within the site to address any effects of visual intrusion. Whilst such planting could be provided by planning condition, I am not satisfied that such measures would, of themselves, be adequate to mitigate the harm identified, as new planting would take time to establish itself and there is no substantive evidence before me that sufficient screening would be achieved to address this issue successfully.
12. I therefore conclude that the proposal would result in harm to the character and appearance of the site and the surrounding area. It would, therefore, be contrary to Policies COM01, GEN02, ENV05 and ENV07 of the Breckland Council Local Plan -2019- (the Local Plan) in as much as these, amongst other things, seek to protect the significance of designated heritage assets and require high quality design in all development that respects and is sensitive to the character of the surrounding area and makes a positive architectural and urban design contribution to its context and location and responds appropriately to, and is

completely integrated with, the existing layout of buildings, surrounding streets and patterns of development.

13. These policies are in close accord with the aims of Paragraphs 127 and 130 of the National Planning Policy Framework (2019) (the Framework), with which the proposal would also be in conflict.

Suitable location for dwellings

14. The application site lies within the village of Beachamwell, a small village without a settlement boundary. Policy GEN03 of the Local Plan states that most new development needs will be met through the proposed sustainable settlement hierarchy, listing settlements in order based upon their ability to accommodate development in relation to existing infrastructure and resources, the prioritisation of new infrastructure and allowing jobs, homes and other facilities to provide for choice.
15. Policy TR01 seeks to promote a safe, efficient and convenient sustainable transport system through, amongst other things, locating development so as to ensure wherever possible, it is accessible to sustainable modes of transport and makes provision for improved public transport.
16. Beachamwell has a limited range of services and facilities, including a public house and a village hall. A post office van visits the village four times a week and there is a Council service providing transport to the local junior school at Narborough.
17. As a result of changes brought about in working practices by the Covid-19 pandemic, there may be an increase in home working and I note that the Council recognise the benefits of home working to reduce travel needs. The long-term effects of the pandemic in changing working practices is uncertain and, whilst home working would reduce the need to travel overall, other day-to-day needs of occupiers would need to be satisfied.
18. Other shops and services catering for the day-to-day needs of future occupiers can be found in Swaffham and Kings Lynn and there is a bus service serving the village providing a connection to these. However, they are a significant distance away and, on the basis of the evidence before me, the service is restricted in frequency. The intervening roads are subject to a 60MPH speed limit, unlit and lack footways. The availability of public footpaths is not seen as providing a suitable route as they are unpaved and could be difficult to use during poor weather.
19. The nature of the local roads with their lack of lighting and footways, vehicular speeds and the distances involved, are such that they would deter pedestrians and cyclists, particularly after dark, with children or during inclement weather and so residents of the site would still rely heavily upon the private car for their day-to day needs.
20. The appellant has proposed a planning condition requiring each dwelling to provide secure cycle storage to facilitate the use of cycling as a mode of transport, which is a sustainable mode. However, such provision would not, of itself, overcome the constraints of the highway network and so I do not consider that such a condition would successfully address the lack of access to practical sustainable transport opportunities.

21. Policy GEN05 of the Local Plan seeks to restrict development outside of defined settlement boundaries in order to protect the intrinsic character and beauty of the countryside. Within the bounds of Policy GEN05 development outside the defined settlement boundaries can be acceptable where it is compliant with all relevant policies set out in the development plan. Whilst not providing an exclusive list of all policies with which proposals must comply Policy GEN05 identifies, amongst others, Policy HOU05 of the Local Plan as being relevant to small villages and hamlets outside of development boundaries.
22. Beachamwell is not named within the sustainable development hierarchy as defined in Policy GEN03 and the village therefore falls within the definition of small villages and hamlets outside of settlement boundaries.
23. In addition to a requirement that development complies with other policies within the development plan Policy HOU05 also demands compliance with various criteria. These criteria require that: the development comprises of sensitive infill and rounding off of a cluster of dwellings with access to an existing highway; is of an appropriate scale and design to the settlement; the design contributes to preserving, and where possible, enhancing the historic nature and connectivity of communities; and does not harm or undermine a visually important gap that contributes to the character and distinctiveness of the rural scene.
24. The reasoned justification for the policy defines infilling and rounding off in the context of the Local Plan. Infill is defined as building taking place on a vacant plot in an otherwise built-up street frontage. It further clarifies that, to be considered infill, a development will generally have built development along the road on either side of the site and be similar to adjacent properties in terms of its visual impact, plot size, dwelling size, floor levels and scale. The site does not have development to one side of it and cannot be considered as infilling a gap on a highway frontage.
25. 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. Such rounding off should not change or distort the character or tradition of the group or the settlement in any undesirable way. The reasoned justification further clarifies that to be considered rounding off the design must address: whether the perimeter of the site is already built up; whether development would represent an outward expansion of the settlement; the strength and durability of boundary features to the open countryside; and the relationship with the existing settlement in terms of size, scale and density and its impact on local views.
26. Whilst there is a wall, which fronts Park House, opposite the first part of the site, the set back of Park House has very limited visual presence in the street scene. I have identified above that the bungalows provide clear demarcation between the countryside and the built up area of Beachamwell.
27. The development would extend urbanising features into the countryside. There is little physical presence of development on the opposite frontage and the proposal does not, therefore, "complete" a group of buildings. Further, as will be seen above, I have found that the proposal would result in harm to the character and appearance of the site and the surrounding area, including having an adverse effect on the setting of the CA. It is, therefore not a

“sensitive” infilling or rounding off, notwithstanding that the scale and design of the buildings, and their plot sizes, would not be out-of-keeping with other nearby dwellings.

28. The proposal would not, therefore comply with the requirements of Policy HOU05 of the Local Plan and would not benefit from the exceptions granted under that policy for development within small villages outside of development boundaries.
29. I therefore conclude that the site is not a suitable location for housing, with particular regard to local policy for the provision of housing and accessibility to everyday local facilities and services. The proposal would, therefore, be contrary to Policies GEN03, GEN05, TR01 and HOU05 of the Local Plan.

Other Matters

30. The Framework does not impose a blanket restriction on development outside defined settlements, nor does it explicitly prevent the use of such boundaries. The appeal site is located in close proximity to existing dwellings and is not isolated and so the countryside location does not conflict with paragraph 79 of the Framework. Paragraph 78 of the Framework states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and that planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.
31. The Framework recognises that sustainable transport solutions will vary between urban and rural areas and that rural housing development in smaller settlements can enhance or maintain the vitality of rural communities. The appeal site lies adjacent to a settlement with some basic services, identified as being suitable for limited housing growth. Thus the proposal would contribute to the vitality of the village.
32. However, the Framework also recognises, in Paragraphs 127 and 170, the importance of being sympathetic to local character, including landscape setting, and of recognising the intrinsic character and beauty of the countryside. The Framework seeks to balance these aims with housing growth.
33. The policies in the development plan that are most important in this case (Policies COM01, GEN02, GEN03, ENV05, ENV07, TR01 and HOU05 of the Local Plan) are consistent with the aims and policies set out in Sections 2, 5, 9, 12, 15 and 16 of the Framework and, therefore, are not out-of-date.
34. As a consequence of its location the appeal scheme would have a harmful impact on the setting of the CA. The proposal would not lead to the loss of any buildings that make a positive contribution to the character or appearance of the CA. As such, whilst material, I find that the harm would be less than substantial. Paragraph 196 of the Framework directs that where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal.
35. The appellant has brought my attention to a recent decision at Memorial Hall, Brundall¹ for a residential development, in which the appellant identifies that the benefits of the proposal outweighed the harm. However, I note that this

¹ Planning Inspectorate Ref: APP/K2610/W/19/3239986

proposal included, amongst its identified benefits, a much larger quantum of housing and for the provision of a Country Park which delivered many aspects of an identified infrastructure project plan known as Witton Run GI Project. I do not, therefore consider the cases to be comparable to such a degree as to set a precedent. The balance and its outcome are specific to each case and I have, in any case, considered the proposal before me on its own merits.

36. The development would provide benefits in terms of delivering an additional four homes to boost local housing supply. Whilst the Council is able to demonstrate in excess of a five year supply of housing land, this is not a maximum figure and there is no evidence to suggest that a small development of four dwellings would result in a significant oversupply of housing in the area.
37. Further the proposal makes provision, through a planning agreement, for one of the homes to be affordable. This provision would be in excess of any requirement within the development plan or the Framework. However, there is no evidence before me to demonstrate a local need for an affordable dwelling in this location.
38. There would be minor benefits to the local economy in terms of short term employment in the construction industry and longer term support to shops and businesses.
39. The appellant refers in his statement to enhancements to biodiversity and habitat and the provision of green energy and electric charging points as benefits to the proposal. However, there is no evidence before me to demonstrate what these benefits are or their magnitude and so I allocated a neutral effect on eth balance to these matters.
40. Given the scale of the development, the benefits of the proposal would be of limited weight overall. The proposal would result in a high level of harm to the significance of a designated heritage asset. However, the harm must be considered in the context of the special attention I must pay to the desirability of preserving the significance of a designated heritage asset. I afford this considerable importance and weight. Whilst this does not amount to a direction to refuse proposals that harm the significance of designated heritage assets, it provides a strong presumption in favour of preservation.
41. Thus, I find that the material harm that would arise to the heritage asset from the proposal would not be outweighed by its public benefits. Accordingly, there would be a conflict with Paragraph 194 of the Framework as harm to designated heritage assets would not have clear and convincing justification and the Framework states that great weight should be given to a designated heritage asset's conservation.
42. I note from the Officer's Report that the Council considered that, as no Ecology Report had been provided the ecological impact of the proposal would be contrary to Policies ENV02 and ENV06 of the Local Plan. However, as I am dismissing the appeal for other reasons, this cannot change the outcome of my decision and I have not considered this matter further.
43. I have found that the proposal would result in harm to the character and appearance of the area, and associated harm to the CA which would not be outweighed by the schemes public benefits. Further the proposal and would undermine the spatial strategy set out within the development plan. These are

significant factors weighing against the scheme and overall they are matters that outweigh the benefits in this instance.

44. A local councillor has expressed support. However, this does not outweigh the harm that I have identified above.

Conclusion

45. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal fails.

I Dyer

INSPECTOR