



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: 7th July 2021

Appeal Ref: APP/F2605/W/21/3270517

Land behind 3 Bungalow, Old Hall Lane, Beachamwell PE37 8BA

- 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 & Mrs Green against the decision of Breckland Council.
 - The application Ref 3PL/2020/0818/F, dated 27 July 2020, was refused by notice dated 18 September 2020.
 - The development proposed is 2 No. 3-bed detached bungalows.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. No site address was provided on the application form and so I have used the address provided on the decision notice, together with the postcode provided for the host property by the appellants, as this provides certainty in identifying the site. I have determined the appeal on that basis.
3. I have omitted the words "existing class use is residential garden" from the description of development as it appears on the Application Form, as this does not describe development.

Main Issues

4. The main issues are: -
 - The effect of the proposal on the character and appearance of the site and the surrounding area, and: -
 - Whether the site is a suitable location for housing, with particular regard to local policy for the provision of housing.

Reasons

Character and appearance

5. The appeal site is a roughly square parcel of land lying to the rear of 2-4 Bungalows Old Hall Lane with access to Old Hall Lane running alongside 4 Bungalow Old Hall Lane. To the south of the appeal site lies the rear garden of "Iona", a bungalow.
6. The site is currently laid out for use in the exercising of horses and other equestrian activities. There is a modest timber building within the site, which provides stabling and a barn. To the rear of the site lie open fields. The site is enclosed on its boundary to 1 Bungalows Old Hall Lane and to the rear by

mature hedges. The boundary to Iona is mostly hedge, with a fence alongside the access.

7. On the eastern side of Old Hall Lane development is of mixed scale but is mainly of dwellings set behind gardens and facing onto the street. Beyond Iona, however the pattern of layout changes, and is dominated by dwellings clustered around side roads, for example All Saints Way, but again set back behind gardens and facing towards the road. Thus, whilst there is a mix in scale and design of buildings within each of those two areas, they share a degree of commonality in layout, with buildings facing onto the street, set back behind front gardens.
8. The proposal would introduce two bungalows, with their associated residential paraphernalia and activity, into a site with no active frontage onto Old Hall Lane. Notwithstanding the limited height of the development, the presence of these buildings, and their nature, would be apparent from the road between the buildings fronting Old Hall Lane. The change in character of the area resultant from the increase in residential activity, would also be apparent from neighbouring properties.
9. Although there has been some development to the rear of properties fronting Old Hall Lane backland dwellings, and my attention has been drawn in particular to "Pheonix House", are not a typical feature of the local area. Whilst Pheonix House is set back off the road, it nevertheless presents an active façade to the road, albeit that land is interposed. These proposed bungalows would be an incongruous feature to passers-by and neighbours. Further the proposal would remove the trees to the rear of the site, increasing the visibility into the site from the wider countryside. This incongruity would, in this case, amount to material harm.
10. In addition to All Saints Walk, my attention has been drawn to nearby developments at Malthouse Croft and Church Walk, which the appellants consider have similarities to the proposal before me. However these again face towards the road, with no significant interposing structures and I do not consider that they bear sufficient comparability to the case before me as to provide a precedent. I have, in any case, determined this appeal on its own merits.
11. The appellants have also drawn my attention to the extension of the terrace of dwellings, 36-40 Old Hall Lane. The new dwelling in that case, however, faces on to Old Mill Lane, behind its own front garden. Whilst there are structures to the rear, these are garages, rather than dwellings and the development is not, therefore, comparable to that which is before me.
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 of the Breckland Council Local Plan -2019- (the Local Plan) in as much as these 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. For similar reasons the proposal would not comply with the aims of Paragraph 127 of the Framework in so far as this seeks to ensure that developments are sympathetic to local character, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

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 GEN05 of the Local Plan seeks to restrict development outside of defined settlement boundaries in order to recognise 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 development boundaries.
16. 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.
17. In addition to requiring that development complies with other policies within the development plan Policy HOU05 also requires 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.
18. 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.
19. The appeal site does not have a highway frontage and cannot be considered as infilling a gap on a highway frontage. Whilst the appellants have brought my attention to the inclusion of the word "generally" in regard to the presence of development on either side, the presence of nearby development, as in the case here, would not overcome the need for infilling development to be on a street frontage.
20. 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. It 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.

21. To the rear of that side of Old Hall Lane, the residential plots form a roughly consistent boundary. There is a well-defined edge to the settlement and a clear definition between the settlement and the countryside. The site lies within the area that forms a part of the built up area and reads as part of the settlement.
22. The development would fit entirely within this boundary and would not extend any urbanising features into the countryside. However, by adding a second row of dwellings behind those fronting the road and facing the same way, the layout does not compliment or "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. 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.
23. 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.
24. I therefore conclude that the site is not a suitable location for housing, with particular regard to local policy for the provision of housing. This is because it does not satisfy the requirements of Policy HOU05 of the Local Plan.

Other Matters

25. 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.
26. The Framework recognises that rural housing development in smaller settlements can enhance or maintain the vitality of rural communities. The appeal site lies within a settlement identified as being suitable for limited housing growth. There are few services within the village, nonetheless the proposal would contribute to the vitality of the village.
27. 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.

28. The policies in the development plan that are most important in this case (Policies COM01, GEN02, ENV05 and HOU05 of the Local Plan) are closely consistent with the aims and policies set out in Sections 2, 5, 12 and 15 of the Framework and, therefore, are not out-of-date.
29. The development would provide benefits in terms of delivering an additional two homes to boost housing supply, densifying the use of a previously developed site. The Council's identified housing need figure is not a maximum and the number of homes would provide a modest benefit, given the Government's aim of significantly increasing the delivery of housing. There would be minor benefits to the local economy in terms of short term employment in the construction industry and longer term support to local shops and businesses.
30. It is intended that the proposals would conform to Part L of the Building regulations and comply with current building construction standards with added sustainability measures. However many of the sustainability measures are by no means exceptional in current building practice or household management. Taken together, given the scale of development these benefits carry limited weight.
31. I have found that the proposal would result in harm, both from undermining of the aims of the Council's spatial strategy, and to the character and appearance of the site and surrounding area. The visual harm resultant from the development would by virtue of the limited views available from the public realm, be moderate. However, these would, together, be significant factors weighing against the scheme.
32. In conclusion the limited benefits provided by the proposal would be outweighed by the identified harm when considered against development plan policies and the Framework when read as a whole.

Conclusion

33. 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