



Appeal Decision

Site Visit made on 22 June 2021

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13/07/2021

Appeal Ref: APP/F2605/W/20/3264207

Land west of Attleborough Road, north of the property East View, Old Buckenham, Norfolk

- 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 and Ms S and C Burton of CW Hilton and Partners against the decision of Breckland Council.
 - The application Ref 3PL/2020/0578/O, dated 29 May 2020, was refused by notice dated 25 August 2020.
 - The development proposed is described as 'The proposed development is for 5 residential units served by a single vehicular access road from the Attleborough Road, with associated landscaping and footpath connecting the site to the Attleborough Road. The proposed development will also incorporate three parking space for the use of the residents of 1-5 Attleborough Road'.
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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 save for the access. I have assessed the proposal on this basis and treated the drawings in all other respects as simply being an illustration of how the proposal could ultimately be configured.
3. Amended drawings have been deposited with the appeal and these detail visibility splays, vehicle tracking and slight amendments to the access including a drop kerb crossing point and a minor repositioning. I have accepted these drawings because the changes are limited in scope and most parties have had a chance to review them and provide comments. The appellant's submissions also include a Heritage Assessment (HA), a Flood Risk Assessment (FRA) and a Preliminary Ecological Assessment (PEA). This is additional evidence submitted with the appeal that has not altered the scheme considered by the Council. I have therefore accepted it.
4. The PEA was prepared by a qualified ecologist and has concluded that the appeal site is unlikely to be suitable habitat for protected species and that no further surveys are required. The report includes recommendations relating to enhancement measures and site clearance and these could be secured through a planning condition in the event the scheme was otherwise acceptable. The Council has not queried the findings of the PEA and therefore I am content to rely on them. As a result, the effect on biodiversity does not appear to be a matter in dispute between the Council and appellant and is therefore not something I have considered further as a main issue.

Main Issues

5. The main issues in this appeal are:

- Whether the appeal site is a suitable location for the proposal with reference to the spatial strategy in the development plan;
- The effect of the proposal on the character and appearance of the area, including the setting of the Old Buckenham Conservation Area; and
- Whether the proposal would adhere to policies aimed at addressing development in sites at risk of flooding.

Reasons

The spatial strategy in the development plan

6. The Breckland Council Local Plan 2019 (LP) seeks to secure a balanced and planned approach to development that delivers a minimum housing requirement whilst recognising the intrinsic character and beauty of the countryside. It also seeks to ensure that housing is proportionately distributed according to a settlement's size and the facilities and services available there. To achieve this, the LP has established a settlement hierarchy. There are also development boundaries around the higher order settlements as a means of providing the management that is necessary to realise the spatial strategy.
7. Old Buckenham is identified as a Local Service Centre and therefore it is in the third tier of development. It has a minimum housing target and a settlement boundary in order to provide proportionate and planned growth. Policy GEN05 of the LP explains that within defined settlement boundaries proposals for new development are acceptable in principle. This allows the village to incrementally grow. The appeal site however is located outside the settlement boundary.
8. Policy GEN05 only permits development outside a settlement boundary if it is compliant with other relevant development plan policies, such as Policy HOU03 of the LP. Policy HOU03 of the LP is concerned with development outside the boundaries of Local Service Centres. It states that such development will normally be resisted where the housing target is provided for unless supported by other policies in the LP. It is unclear if this refers to other policies relating to the principle of development (e.g. affordable housing exception sites) or whether a proposal can be supported outside a settlement boundary if there is no harm i.e. there is no conflict with other relevant policies aimed at preventing harm. I have therefore considered both scenarios.
9. The LP states that housing in Old Buckenham is to be boosted by a minimum of 10%, which is 73 dwellings over the plan period. The Council state that this minimum housing target has been slightly exceeded through completions, commitments, and an allocation. I have no reason to disagree. The proposal would not significantly exceed the minimum housing target but criteria 1-4 in Policy HOU03, which includes an aim that housing targets should not be significantly exceeded, only becomes relevant when the minimum housing target has not been achieved.
10. There is nothing of substance before me to suggest the proposal gains support from any specific policy concerned with the principle of development. For reasons I go into, the proposal would be at odds with other policies in the

development plan. Accordingly, the appeal scheme would be contrary to Policies HOU03 and GEN05. It therefore follows that the proposal would harmfully undermine the adopted spatial strategy for housing in the development plan and the public interest of a genuinely plan led system.

The effect of the proposal on the character and appearance of the area, including the setting of the Old Buckenham Conservation Area

11. The appeal site is on the periphery of the village and encompasses a small part of a much larger arable field. There is a view across the field towards a distant hedgerow, but it is otherwise devoid of any landscape feature of note. Dwellings in the vicinity are generally detached properties set in reasonably leafy plots and behind landscaped front gardens. This gives a sense of the village tapering off into the countryside despite the terrace of properties directly opposite the appeal site.
12. The appeal scheme would urbanise the appeal site and erode views across the field. However, a sensitively designed scheme could appear as a natural extension of the village by following the linear road facing pattern of development. It could also provide a 'rounding off' of the village given the properties to the south and the terrace opposite. This would minimise the sense of the village expanding out into the countryside. High levels of planting could also result in interesting landscape features developing over time, including hedgerows and specimen trees, which could hint at the historic field pattern now lost. As a result, the proposal need not conflict with Policy ENV05 of the LP, which seeks to secure development that protects the landscape.
13. However, I share the Council's scepticism over whether a suitable layout could be achieved. The indicative layout plan shows a very poor scheme dominated by parking forward of the houses, a central engineered access, and an internal access road with turning heads. The setback would also appear quite odd given the position of the houses to the south. That said, a set-back could enable front gardens to be provided and this could allow a sense of tapering into the countryside or a continuation of the common, but the number of homes proposed and the need to provide parking and access to them would harmfully hamper this. Thus, the layout would be a comparatively urban approach and therefore out of place in an edge of village location.
14. Layout is a reserved matter so there may be scope to move the houses forward and establish front gardens. The extent of hard surfacing and number of garages could also be reduced to increase areas of planting. However, it is unclear how access and parking for five homes would be adequately addressed. Moreover, the built form of five houses would span much of the width of the plot if brought further forward than shown on the drawings. This would appear cramped, especially if combined with garages. Thus, I share the view of the Council that a scheme of five homes is likely to be inherently too many given the high probability that such a scheme would not integrate acceptably with the established pattern of development.
15. The indicative elevations show pleasingly balanced period style properties, but they would lack authenticity in some of the detailing. For example, the houses would be devoid of chimneys and would have a wide gable span. However, appearance is a reserved matter so it would have been possible to improve the architectural quality of the scheme had it been otherwise acceptable.

16. The Council have not articulated in detail what it considers the significance of the Old Buckenham Conservation Area (CA) to be or how the appeal site contributes to the way it is experienced. Nevertheless, the appellant's HS is useful in providing this analysis. The CA appears to be focussed on a historic rural village settlement which is arranged around a large green. The CA therefore derives historic, aesthetic, evidential and communal value and significance from the layout of open spaces and buildings as well as the ensemble of period architecture.
17. Old mapping is helpful in identifying the historic settlement pattern and the extent of the village in bygone times. The field pattern around the village has been progressively eroded through the removal of hedges but the long-standing form of the village is still very evident despite a significant late 20th Century layer of development. The 1883 map demonstrates that the appeal site was once part of a small field on the edge of the historic northern part of the village. This part of the village has not expanded significantly beyond that shown in 1883. The appeal site is therefore still on a gateway approach into the historic core of the CA and assists in providing it with a rural context.
18. The development of the appeal site would not harm the rural context of the CA in any meaningful way given its modest size and the presence of development on two sides. In addition, most of the field would be retained, and the edge of the site could be landscaped with hedging to provide a soft rural interface. Moreover, at the reserved matters stage the properties could be designed to respond to the dominant period aesthetic of the CA. For example, the semidetached houses shown on the indicative layout could ultimately replicate the style of those around the village pond at Old Post Office Terraces.
19. That said, the inherent limitations with the layout and number of homes already set out above would harm the approach into the CA and thus its setting. In particular, the proposal would harm the sense of transition from the village into open countryside by providing an overly intense scheme. In this respect, the proposal would not be a positive gateway into the CA. Thus, in conclusion, the appeal scheme would harm the character and appearance of the area contrary to Policies GEN02 and COM01¹. In addition, the harm to the setting of the CA would be contrary to the expectations of Policy ENV07, which seeks to conserve the setting of heritage assets.

Whether the proposal would adhere to policies aimed at addressing development in sites at risk of flooding

20. After consulting the Environment Agency's Surface Water Flooding Map and the Strategic Flood Risk Assessment, the author of the appellant's FRA concludes that the appeal site is at low-medium risk of surface water flooding from a nearby drainage ditch as it is in a flow path. The hazard to people has been categorised in the FRA as 'very low'.
21. Paragraphs 157-158 of the National Planning Policy Framework (the 'Framework') state that development should be steered to areas with the lowest flood risk and flood risk to people and property should be avoided. This advice relates to sites at risk from all forms of flooding and applies to the entire development site and not just the area where the houses would be located.

¹ The Council have referred to Policy HOU03 in its second reason for refusal but it is unclear why as criteria 1-4 therein are not relevant in this instance because the housing target has been achieved

This is because the gardens could include 'property'. As a result, the sequential approach to development in areas at risk of flooding is relevant.

22. The appellants have not provided a sequential assessment because they are of the view that raising the floor levels of the houses 300mm above the flood level and providing a void, which would require maintenance, would prevent the risk of flooding elsewhere. A water exclusion strategy would also be prepared. However, from the information before me, the strategy outlined in the appellant's FRA is not justification for not undertaking the sequential assessment. Accordingly, the appellant has not established that there are not sequentially preferable sites that are reasonably available. The sequential test has not been passed. Therefore, in conclusion, the proposal would be contrary to Policy ENV09 of the LP, which seeks to secure development is located to minimise the risk of flooding.

Other Matters

23. The harm that would occur to the setting of the CA would not be severe and therefore it would be 'less than substantial' within the meaning of the Framework. Paragraph 196 of the Framework requires such harm to be weighed against the public benefits of the proposal. The appeal scheme would deliver five homes, and this would boost housing supply. However, the Council is able to demonstrate a five-year housing land supply and is therefore in the process of significantly boosting the supply of housing. That said, the Council's housing requirement in the LP may need to increase to due to the standard housing method. The Inspector that examined the LP recommended an immediate review of Policy HOU01 of the LP for this reason. This review has apparently stalled pending the outcome of the Government's planning reforms. In this context, housing delivery is a matter of moderate rather than limited weight as a public benefit in this instance.
24. The proposal would also provide limited support to the local economy and could result in biodiversity enhancements. It would also help to maintain the vitality of the local community, although the practical effects of this are unclear in this case. It would also provide three parking spaces for the resident's opposite. Weighed against the public benefits of the proposal would be a modest level of less than substantial harm. However, this is a matter that requires great weight. Overall, I find that the benefits would not outweigh the harm. As such, the harm to the CA would not have clear and convincing justification, and this would be contrary to Paragraph 194 of the Framework. As the benefits of the proposal would not outweigh the harm to the setting of the CA in isolation, it follows that they would not outweigh the totality of harm either.
25. Various concerns have been raised by interested parties in respect of highway safety and living conditions, which I have noted. However, given my findings above it has not been necessary for me to address these matters further.

Conclusion

26. The appeal scheme would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal has failed.

Graham Chamberlain,
INSPECTOR