



Appeal Decision

Site visit made on 2 November 2021

by Jonathan Price BA(Hons) DipTP MRTPI DMS

an Inspector appointed by the Secretary of State

Decision date: 11 November 2021

Appeal Ref: APP/F2605/W/21/3270123

Church Road, East Bilney, Dereham, Norfolk NR20 4HN

- 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 Roger Prunden against the decision of Breckland Council.
 - The application Ref 3PL/2020/0646/F, dated 23 June 2020, was refused by notice dated 18 September 2020.
 - The development proposed is 1 x one and a half storey detached house with garage and 1 x bungalow with garage.
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Decision

1. The appeal is dismissed.

Main Issue

2. Whether the proposal would be appropriate with regard to the settlement hierarchy and distribution of growth set out in the development plan.

Reasons

3. The proposal lies in the small village of East Bilney, on the edge of a small enclave of housing grouped along either side of Church Road, near to the main B1146 junction. This site falls within the parish of Beetley, although it is some distance from its main village. That, and its near neighbour Gressenhall, are both substantially larger settlements and contain a modest range of services, which East Bilney lacks.
4. The two dwellings would occupy part of a grassed meadow, increasing the extent of the frontage housing within this enclave on one side of Church Road. The remainder of this meadow continues up to a small river, on the far edge of which is a cottage, Boat House, which is set somewhat apart from the other dwellings. Church Road then continues into the open countryside.
5. The current Breckland Local Plan of 2019 (LP) applies the principles of sustainable development (Policy GEN 01), directing development growth to within settlement boundaries in amounts reflective of a settlement hierarchy (Policy GEN 03), and restricting this beyond these to recognise the intrinsic character and beauty of the countryside (Policy GEN 05).
6. Policy HOU 02 sets minimum housing targets for growth within the various categories of settlement. The criteria for supporting further housing are provided in policies HOU 03 (for local service centres), HOU 04 (for villages with boundaries) and HOU 05 (for small villages and hamlets outside of settlement boundaries).

7. Beetley is listed in the 'villages with boundaries' tier of the hierarchy set out in Policy HOU 02, which confirms that Policy HOU 4 applies. Because this particular site in East Bilney is not immediately adjacent to the Beetley settlement boundary, the proposal is not supported by LP Policy HOU 4, even if its further criteria were met and other development plan policies weighed in its favour.
8. The failure to gain the support of LP Policy HOU 4 is of weight in this decision because the proposal would introduce two dwellings in a location far removed from any village services and with limited access to public transport. Restricting housing where not immediately adjacent to settlement boundaries is consistent with the National Planning Policy Framework (the Framework) over promoting sustainable transport. This is by focusing significant development on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can then help to reduce congestion and emissions and improve air quality and public health.
9. Regardless of the increasing prevalence of home working, occupiers of further housing in this location would be highly dependent upon regular journeys by private car to meet essential daily needs, such as shopping and schooling, in conflict with these policy objectives.
10. A willingness to accept a condition requiring the provision of electric vehicle charging points would not avoid the harm from a regular need for private car travel and a relative lack of practical alternatives. Whilst opportunities to maximise sustainable transport solutions will tend to be lower in rural areas, which the Framework requires to be recognised, this factor provides little support for further housing where these are poorly provided for.
11. The appellant refers to a recent appeal decision¹ in this District where the Inspector was not persuaded that LP Policy HOU 02 was parish-based, nor that its 'villages without boundaries' was a closed list and might not cover other small villages and hamlets. However, I am satisfied with the Council's subsequent clarification over this. In summary, the explanation is that all the places referred to under Policy HOU 02 are parishes and a list of all settlements and hamlets would have been much longer.
12. It is reasonable to consider this part of East Bilney as meeting a dictionary definition of either a small village or hamlet. Assuming LP Policy HOU 05 were to be applicable to this proposal, its criterion over whether the proposal was the sensitive infilling and rounding off of a cluster of dwellings with access to an existing highway would need to be satisfied.
13. The supporting text following Policy HOU 05 defines infill as building taking place on a vacant plot in an otherwise built-up street frontage. There is not reference to the size of plot, but to my mind the appeal site is rather wide to be considered as infill. The built-up frontage does not continue beyond the site, where there is a further gap, then the river and then Boat House. As I have observed, Boat House is rather detached from the rest of the housing in this enclave, and has a rather individual position set back from the road, so as not to read visually as part of a coherent built-up street frontage. The two dwellings proposed would be similar to other adjacent properties, in terms of

¹ APP/F2605/W/20/3259390 demolition of Barn 3 and replacement with a single new dwelling at Dam Green Farm, Ferfield Road, Kenninghall, Norfolk NR16 2DP

visual impact, plot size, dwelling size, floor levels and scale, but would extend beyond where development exists along the other side of the road. Based on the LP definitions and my own assessment, this scheme would not comprise sensitive infill.

14. Other than the last dwelling on this side of the street, the perimeter of the appeal site is not built up and, in my view, the proposal would clearly represent an outward expansion of the settlement into the countryside. The scheme would not meet the LP definition of rounding off 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.
15. Even if LP Policy HOU 05 was relevant, which I consider not to be the case, it would not provide support to this proposal as either an example of infill or rounding off.
16. I conclude that the proposal would be inappropriate with regard to the settlement hierarchy and distribution of growth set out in the development plan. As such it conflicts with LP policies GEN 01, GEN 03, GEN 05, HOU 2 and HOU 4, insofar as these apply the spatial strategy for meeting the housing need identified in this District. These policies sit squarely with the Framework's central aim of achieving sustainable development, including by aligning patterns of growth with sustainable transport options. Therefore, the harm found from a conflict with development plan policy in this regard is a matter to which I attach significant weight.

Planning balance and conclusion

17. The Council's decision does not relate to the effects on the character and appearance of the area. However, this is indicative of an absence of harm rather than weighing positively in favour of this proposal, along with the fact the site is not situated where special protection to landscape or heritage assets become factors. The same applies to the lack of any objections in principle to the scheme on the grounds of flood risk.
18. Based on the definition established by the Court of Appeal in the Braintree case², the scheme would not be the development of isolated homes in the countryside, which paragraph 80 of the Framework seeks decisions avoid. The preceding paragraph 79 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 where there are groups of smaller settlements, development in one village may support services in a village nearby. Whilst the two dwellings would generate household expenditure that might help support the existing services in the main villages of Beetley and Gressenhall, these social and economic benefits would be relatively small and, counteracting these, likely to depend mainly on private car journeys.
19. The two additional homes would provide relatively small social benefits in furthering the Framework's objectives for boosting housing supply. The application does not indicate the proposal being for two self or custom-build dwellings, although both are referred to as such in the design and access

² Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610

statement. If conditioned to be provided as self-build plots, the scheme would provide a further modest benefit in meeting a need for these.

20. The appellant has provided some rough calculations as to the possible effect of the Covid pandemic on housing supply. However, this evidence is inconclusive over the Council's ability to demonstrate the five-year supply of deliverable housing sites required under paragraph 74 of the Framework. Were there to be a shortfall in a five-year housing land supply, engaging the Framework's presumption in favour of sustainable development, the adverse impacts of allowing the appeal would significantly and demonstrably outweigh the rather modest benefits provided. Therefore, for the reasons given above, I conclude that the appeal be dismissed.

Jonathan Price

Inspector