



Appeal Decision

Site visit made on 25 October 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/21/3274893

Tom's Meadow, Fen Lane, Harling, Norfolk NR16 2NG

- 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 Allan Lynn against the decision of Breckland Council.
 - The application Ref 3PL/2020/1201/F, dated 1 October 2020, was refused by notice dated 16 February 2021.
 - The development proposed is erection of 1 no. dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are whether the proposal would be appropriate with regard to:
 - the adopted spatial strategy for the location of new housing,
 - the character and appearance of the area, and
 - the safety and suitability of the means of vehicular access.

Reasons

Adopted spatial strategy

3. The proposal is for a detached three-bedroomed house, with separate three berth car port. The plot is on land adjacent to a quite recently built house at Tom's Meadow. This house forms part of a scattered group of dwellings along Fen Lane and falls outside the Harling settlement boundary defined in the Breckland Local Plan of November 2019 (LP). Fen Lane is an unmade access which coincides with a public right of way (PRoW), Footpath Harling FP1, that runs off the C154 Quidenham Road.
4. The spatial strategy for the location of new housing reflects the settlement hierarchy in LP Policy GEN 03. Based upon the utilisation of existing infrastructure and resources, this concentrates most housing in the defined key settlements, with progressively lesser amounts in the market towns and the local service centres. This reflects LP Policy GEN 01 which seeks to direct growth towards the most sustainable locations, whilst giving recognition to the need for small scale and appropriate development in rural areas to support their communities and services.

5. To recognise the intrinsic character and beauty of the countryside, LP Policy GEN 05 restricts development outside the defined settlement boundaries unless compliant with all relevant development plan policies. As a development outside of a defined local service centre, LP Policy HOU 03 is relevant. This does not support further development outside the settlement boundary given that the total number of dwellings allocated for Harling, made up of completions, commitments and allocations within the neighbourhood plan, exceeds the target of 250 over the LP period. This is proposed to be a self-build dwelling, where Policy HOU 03 is supportive subject only to meeting the criteria set. As the dwelling would not be immediately adjacent to the Harling settlement boundary, the site being some 67m to the north of this, criterion 1 is not satisfied.
6. Therefore, the proposal conflicts with LP policies GEN 01, GEN 03, GEN 05 and HOU 3 insofar as these provide the adopted spatial strategy for the location of new housing in Breckland.

Character and appearance

7. The housing along this section of Fen Lane is quite loosely arranged, with large gaps allowing views of countryside or preserving a verdant, rural character to the surroundings. The house proposed is also quite large and therefore I do not find this scheme to be either a natural infill plot of a modest scale or to be in keeping with the character of the area. The proposal would block views of the countryside and appear over-dominant next to the more modestly scaled, traditional cottage beyond Tom's Meadow. All this would result in the scheme having a harmfully suburbanising impact, detracting significantly from the rural character and appearance of these surroundings, in conflict with LP policies COM 01 and GEN 02.

Vehicular access

8. Fen Lane is an uneven, unmade track which doubles as a footway. It would not provide a suitable access for serving further development, which would also increase the degree of unsafe conflict between vehicles and pedestrians using the PRoW. Moreover, the level of visibility from the Fen Lane junction onto the C154 falls significantly below that recommended in the Government's publication *Manual for Streets*. For the predicted speed and amount of oncoming traffic here, this gives rise to highway safety concerns from development generating further vehicular movements at this junction.
9. None of this is disputed, and the appellant relies on previous development approvals, made contrary to the advice of the local highway authority, and the limited impacts of one further dwelling. However, I am mindful that there are clearly opportunities for more dwellings along Fen Lane, should further proposals be encouraged by this decision, which is not a safe or suitable access for further residential development. Accordingly, I find that this proposal would not be provided a safe or suitable means of vehicular access and be to the detriment of the safety of existing highway users, thus giving rise to conflict with LP policies COM 01(m), TR 01 and TR02.

Balance and conclusion

10. The proposal would bring about modest social benefits through adding to the supply of housing and meeting a need for self-build opportunities. The

construction of the house would benefit the local economy and a new household would help support local shops and services. The proposal would not be the development of an isolated home in the countryside that Framework paragraph 80 seeks decisions avoid unless special circumstances apply, and the further house would help enhance or maintain the vitality of East Harling as a rural community.

11. However, these benefits would be small indeed when set against the weightier issue of a clear conflict with the strategy to focus new housing where facilities and infrastructure can support the most growth and a need for private vehicle trips is minimised. Added to this is the harm the proposal would cause to the character and appearance of this rural location. The conflict with policy here gains significant weight due to a general consistency with the Framework's aims for achieving well designed places and recognising the intrinsic character and beauty of the countryside. The same applies with the policy conflict in respect of the inadequate access, as this is supported by the Framework's aim to prevent development that has an unacceptable impact on highway safety. On the basis of the weight attached to the conflict found with these policies, I consider this proposal would clearly be contrary to the LP as a whole.
12. As reported in October 2021, the Council's current position is a demonstrated 5.6-year housing land supply, as of March 2021. The appellant has questioned this, mainly over a claimed lack of clear evidence of deliverability within five years. However, this is in the form of a commentary over the main sources of supply and there is not the level of detail to enable any firm conclusion over the veracity of the Council's calculations. Even if it could be shown the housing land supply in Breckland fell below a five-year amount, thus engaging the Framework's presumption in favour of sustainable development, I consider that the adverse impacts in respect of development plan policy conflict, character and appearance and vehicular access would significantly and demonstrably outweigh the small social and economic benefits derived from one house. Therefore, the proposal would not benefit from the presumption in favour of sustainable development as set out in the Framework.

13. For the reasons given above, I conclude that the appeal should be dismissed.

Jonathan Price

Inspector