



Appeal Decision

Site Visit made on 14 October 2021

by M Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th December 2021

Appeal Ref: APP/F2605/W/21/3272258

Land to east of Marlpit Road and south of Mill Road, Thompson

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Blue Oak Developments Limited against the decision of Breckland Council.
 - The application Ref 3PL/2020/1215/PIP, dated 29 October 2020, was refused by notice dated 18 February 2021.
 - The development proposed is erection of up to 4 dwellings.
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Decision

1. The appeal is allowed and permission in principle is granted for development comprising a minimum of 3 and a maximum of 4 dwellings, in accordance with the terms of the application Ref 3PL/2020/1215/PIP, dated 18 February 2021.

Procedural Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is a two-stage process and alternative way of obtaining planning permission for housing. The first stage (or 'permission in principle') establishes whether a site is suitable in principle and the second stage ('technical details consent') is when the detailed development proposals are assessed. This appeal relates to the first stage.
3. The scope of the considerations for permission in principle is limited to location, land use, and the amount of development¹. All other matters would be considered as part of a subsequent technical details consent application should permission in principle be granted. I have determined the appeal accordingly.
4. A site plan showing the layout of four dwellings was submitted with this appeal. However, the plan is marked as illustrative, and I have had regard to it only insofar as it is indicative of a development for four dwellings.
5. The appellant has provided me with a copy of a decision which relates to a dismissed appeal on the appeal site. It comprised a larger overall site area and a proposal for six dwellings² (the previous appeal). I refer to this in my decision.

Main Issue

6. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

² Appeal reference - APP/F2605/W/20/3252830

development, and taking into account the impact on the character and appearance of the area.

Reasons

7. The appeal site lies in the countryside for the purposes of planning policy. It therefore lies outwith the settlement of Thompson, the boundary of which includes land immediately to the north and western boundaries of the site. Be that as it may, the Breckland Local Plan 2019 (the local Plan) does not preclude certain types of development within the countryside. In this regard, Policy HOU04 of the Local Plan is supportive of appropriate development immediately adjacent to settlement boundaries, on the basis that it is limited relative to the size of the village and respects its character and appearance³.
8. The appeal site is a rectangular piece of grassland close to where four roads converge to form a crossroads. It is surrounded on two sides by green fields within an area characterised by properties arranged in a loose knit manner, set in mainly spacious plots. The surrounding streets are shrouded by trees and landscaping which contributes to the area's pleasant, sylvan, rural village setting.
9. Whilst I appreciate the site lies in the countryside, and the openness of the appeal site would be diminished by the development, the visual impact on the wider countryside and rural setting of Thompson would be limited, with the impact being mainly focussed on the site and its immediate surroundings. In this regard, a number of properties form a nucleus around the crossroads close to the site, and housing is also located generally facing the site on the opposite side of Mill Road. Consequently, given the size of the plot and its proximity to housing and the settlement boundary, a development of up to four dwellings in this location would represent a small extension to the village.
10. Moreover, housing could be laid out in a manner consistent with the linear pattern of development locally. The illustrative plan suggests that the sparse pattern and spacious layout of nearby housing could be reflected in any future layout at technical details stage. Whilst the detailed design of the scheme and trees to be retained along with landscaping are not known at this stage, I am satisfied that the character of the site and the immediate surrounding area is such that housing in this location could assimilate successfully into its surroundings, in keeping with the verdant village setting and without unduly harming the character and appearance of the area.
11. I have had regard to the previous appeal decision, but the details of the design and layout of that scheme were known, unlike the appeal proposal which considers only the principle of development. In this case, detailed effects of the proposal in relation to the character and appearance of the area would be assessed under technical details consent, and the Council retains control over those elements as and when they are sought. Allowing this appeal would not grant planning permission, as this is part one of a two-stage process, and planning permission also relies on the granting of a technical details consent.
12. There are several grade II listed buildings in the vicinity of the appeal site. However, like the previous appeal Inspector, I am satisfied that the proposal could be designed so as not to affect the significance of these buildings.

³ Subject to a range of criteria contained with Policy HOU04, and consideration of other policies in the development plan.

13. In terms of the number of dwellings proposed in relation to the size of the village, I have no reason to dispute the Council's assertion that the proposal would not result in the number of dwellings in Thompson increasing by significantly more than 5% from the date the Local Plan was adopted; a stance reinforced by the previous appeal decision, which was for a larger scheme. Therefore, the proposal would align with criterion 2 of Policy HOU04.
14. In conclusion, the proposal would not unacceptably harm the character and appearance of the area. It would comply with Policy HOU4 of the Local Plan which requires, amongst other matters, that development is of an appropriate scale relative to the settlement and would not significantly increase the number of dwellings in the settlement; that it contributes to preserving, and where possible enhancing, the historic nature and connectivity of communities, and avoids coalescence of settlements. Moreover, the development would comply with Policies COM01, GEN02 and ENV05 of the Local Plan and paragraph 127 of the National Planning Policy Framework (the Framework) which requires, in summary, that development integrates with its surroundings and respects and contributes to its rural village character.

Other Matters

15. The site is within 2km of the Breckland Special Protection Area (SPA) and Special Area of Conservation (SAC) and the Norfolk Valley Fens SAC. Due to the presence of housing in between the appeal site and the SPA and SAC, and the scale of the proposed development taking into account the interest features of the designated sites, like the Council I am satisfied that there are no pathways that could lead to effects on European sites either alone or in combination with other plans or projects. Therefore, no Appropriate Assessment is required.
16. I note the comments from third parties in relation to the use of the site by wildlife. The Council's ecologist also recognises previous use of the site by common lizard but is satisfied that ecological matters can be dealt with as part of detailed design through mitigation. This is in line with the approach advocated by PPG, which advises that statutory requirements may apply at technical details stage, such as those relating to protected species⁴.
17. The development could be designed so that future household vehicles could be accommodated within each respective plot, thus mitigating the likelihood of parking on surrounding streets. Whilst I note that the roads within the area are narrow, there is no substantive evidence before me to suggest that the increase in traffic on local roads arising from the proposal could not be safely accommodated, particularly as access details would form part of any subsequent technical details consent application.
18. Concerns have also been raised regarding flood risk and drainage, although I note that the site is in an area at low risk from flooding from rivers and the sea⁵. The potential effects of construction traffic have also been raised. This and drainage matters could be dealt with as necessary as part of future technical details. Furthermore, satisfactory outlook from nearby properties could be retained given the space between existing properties and the site.

⁴ Planning Practice Guidance - Paragraph: 003 Reference ID: 58-003-20190615

⁵ Flood Zone 1 – Low Risk – based on Environment Agency mapping

19. It is put to me by third parties that the settlement of Thompson has no suitable services which future residents could access. However, Policy HOU4 of the Local Plan identifies Thompson as a village, where limited new development may be appropriate within or adjacent to the settlement boundary. Moreover, paragraph 79 of the Framework acknowledges that development in one village may support services in a village nearby.
20. Finally, I have assessed the proposal based on the site area that has been included in the red line boundary. Any future proposal on nearby land would need to be assessed on its own individual merits and does not form part of this appeal.

Conclusion

21. For the reasons set out above I conclude that the appeal should succeed, with the amount of development specified as being a minimum of 3 and a maximum of 4 dwellings. As stated in the PPG, it is not possible for conditions to be attached to a grant of permission in principle.

M Woodward

INSPECTOR