
Appeal Decision

Site visit made on 18 January 2022

by Martin Chandler BSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 March 2022

Appeal Ref: APP/F2605/W/21/3274697

Land off Gateley Road, Gateley Road, Brisley NR20 5LR

- 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 Matt Barwell and Richard Garrod on behalf of Garrod Developments Ltd against the decision of Breckland Council.
 - The application Ref 3PL/2021/0146/F, dated 27 January 2021, was refused by notice dated 26 March 2021.
 - The development proposed is Full planning application for three detached dwellings with access via shared driveway directly from Gateley Road.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) whether the location of the appeal site is suitable for the development proposed, having regard to the requirements of local policy;
 - ii) the effect of the proposal on the character and appearance of the surrounding area; and
 - iii) the effect of the proposal on highway safety.

Reasons

Location

3. The appeal site is located on the edge of Brisley, a small village that does not have a settlement boundary. Policy HOU05 of the Breckland Local Plan (2019) (LP) confirms that in such locations, development will be limited and the policy establishes certain criteria that must be satisfied for development to be supported.
4. The first criterion requires development proposals to comprise of sensitive infilling and rounding off of a cluster of dwellings with access to an existing highway. These terms are substantiated in the Reasoned Justification. Infill is defined as building taking place on a vacant plot in an otherwise built-up street frontage. It goes on to state 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.

5. 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 settlement in any undesirable way.
6. The appeal site is an undeveloped parcel of land with a road frontage and established built form on its western and southern boundaries. In addition, there are houses opposite the site on the other side of the road. Accordingly, the appeal site is situated amongst built form. However, beyond the site to the east is open countryside.
7. When assessed against the definitions identified above, the proposal would not represent infilling as the site does not have built development on either side of it. Although three of its boundaries are adjacent to built form, in my judgement this does not neatly fulfil the definition set out within the local plan. The nature of the site is such that the proposal would have a rounding off effect on the development pattern of the village. However, the site is not partially developed and as a consequence, again, the proposal does not meet the local definition of rounding off.
8. Accordingly, despite the pattern of surrounding development and the perceived rounding off that the proposal would facilitate, this would be in a manner that would fail to accord with local policy, in a location beyond a settlement boundary. Consequently, the proposal would be in direct conflict with the requirements of local policy. I therefore conclude that having regard to the locational requirements of local policy, the appeal site would not be suitable for the development proposed. It would therefore fail to comply with Policies SS2 and HOU05 of the LP, the requirements of which are set out above.

Character and Appearance

9. The appeal site is located within the Brisley Conservation Area (CA). Accordingly, Section 72(1) of the Planning (Conservation Areas and Listed Buildings) Act 1990 requires special regard to be had to preserving or enhancing the character and appearance of the conservation area.
10. As identified above, the appeal site is located at the edge of an existing small settlement. The development pattern surrounding the appeal site is varied. Opposite the site are a series of staggered semi-detached dwellings with space between, and to the right of the appeal site when viewed from the road is a detached dwelling set forward of the Village Hall. To the south of the appeal site is a further cluster of detached dwellings. Accordingly, despite my findings set out above, the appeal site is experienced amongst existing development. Moreover, I do not find that there is an overriding pattern of development. Instead, I find the urban grain to be varied.
11. The proposal would introduce three detached dwellings onto the site. They would be located around a central driveway which would provide access on to Gateley Road. Although the houses opposite the site present a linear form to the road, the cluster of houses proposed would not be at odds with the prevailing development pattern. As identified above, I find this to be varied and the proposal would be sympathetic to this prevailing form. I note the Council's concerns regarding the lack of architectural variety in the development.

However, I find that the spacious nature of the layout and the orientation of the properties compensates for this matter without causing visual harm.

12. The proposal would result in the loss of an undeveloped parcel of land within the CA. However, I have no compelling evidence before me that the space particularly contributes to the character or appearance of the CA. I also note that the Council's conservation adviser raised no objection to the proposal. On this basis, due to the sympathetic nature of the proposed layout, I am satisfied that the proposal would preserve the character and appearance of the CA. In addition, I also agree that the proposal would not harm the setting of the Grade I listed building beyond the appeal site.
13. I therefore conclude that the proposal would not harm the character or appearance of the surrounding area. Accordingly, it would comply with Policies HOU05, GEN02, COM01, and ENV07 of the LP. Taken together, these seek amongst other things, high quality design which conserves or enhances designated heritage assets.

Highway Safety

14. Based on the evidence before me, the proposed access would be of a suitable width and would provide sufficient visibility to be safe. However, concern has been raised regarding the width of Gateley Road and the ability for vehicles to pass each other close to the appeal site.
15. To rectify this matter, the parties appear to have reached common ground regarding the widening of the highway outside of the Village Hall. However, this does not form part of the planning application and no mechanism has been suggested regarding the implementation of this work which would be outside of the appellant's land ownership.
16. Despite this, the evidence before me regarding the benefits that would be derived by such a road widening is very limited. The Highways Authority have raised no specific objection to the proposal, and they acknowledge that only a limited number of dwellings are proposed. In addition, there are no accident records near the appeal site. Accordingly, the justification for the road widening appears to stem from a desire rather than a necessity.
17. Should the highway works be secured by way of condition or legal agreement, the National Planning Policy Framework (the Framework) is quite clear in the tests that must be met. However, on the basis of the evidence before me, the necessity of the road widening has not been proven. Moreover, without the widening of the highway, the evidence is far from compelling that this would have a harmful effect on highway safety.
18. Consequently, I conclude that the proposal would not have a harmful effect on highway safety. It would therefore comply with Policies TR01 and TR02 of the LP, which taken together, seek amongst other things, the provision of safe, suitable and convenient access for all.

Other Matters

19. To support their appeal, the appellant has provided detailed evidence regarding the Council's housing land supply position. Specifically, they raise concerns regarding whether sites that are included within the Council's housing land

- supply are deliverable, as well as in relation to the allowance for windfall sites, and allocated sites without planning permission.
20. Regarding deliverability, it is the appellant's contention that without specific evidence, major sites should not be included within the housing land supply figure. Taking such an approach would remove 1123 houses from the overall figure, having factored in the Council's 25% reduction. The appellant is also of the view that a lack of evidence supports the Council's position regarding allocated sites without planning permission.
21. On this point, the Framework definition of deliverable does not make specific reference to major development, other than for outline planning permission. However, it is accepted by the parties that the Framework definition is not exhaustive. The Framework does however, make specific reference to the requirement for evidence in relation to deliverability, and I agree with the parties that matters relating to housing supply often come down to the evidence and planning judgement. This is a matter to which I will return.
22. In relation to the allowance for windfall sites, I do not agree with the appellant's assertion that this is too great. Evidence presented to me suggests that a lower allowance has been deemed to be conservative and the housing delivery test results point to a robust delivery over the last three years. Consequently, I see no reason to question the Council's figures on this point.
23. The evidence before me demonstrates that the Council's most recent housing land supply position has been revised down, from 6.07 years to 5.63 years. On the basis of their own assessment however, the appellant has arrived at a figure of 4.58 years. Accordingly, the appellant considers that the presumption in favour of sustainable development, as outlined within Paragraph 11 of the Framework, should be engaged.
24. Despite this, I find that the evidence presented by the appellant to drive down the overall supply figure is not entirely compelling. Although limited evidence may have been provided to support some of the allocated and major sites, entirely eliminating such sites seems overly pessimistic. This is understandable due to the desire to engage the presumption in favour of sustainable development. However, due to the number of significant assumptions that have been made, in my judgement, the figure presented represents an overly favourable conclusion for the appellant. Moreover, despite the appellant's assertions, the Housing Delivery Test does not point to a persistent under-delivery. Accordingly, based on the evidence before me, my planning judgement is such that the true figure is likely to lie somewhere in the middle of the range presented by the Council and the appellant.
25. On this basis, I am satisfied that the Council can demonstrate a suitably robust approach to housing supply with an appropriate buffer and that therefore, the presumption in favour of sustainable development, as identified within Paragraph 11 of the Framework should not be engaged.

Conclusion

26. I have found that the proposal would not harm the character and appearance of the area, and that it would not harm highway safety. However, these matters are not benefits of the proposal and therefore weigh neutrally in my

assessment of the appeal. Accordingly, they do not alter or outweigh my findings in relation to the locational shortcomings of the proposal.

27. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. On the basis of the evidence before me, I am satisfied that the material considerations do not indicate a decision contrary to the development plan.
28. Consequently, for the reasons identified above, the appeal should be dismissed.

Martin Chandler

INSPECTOR