



Appeal Decision

Site visit made on 25 January 2022

by C Beeby BA (Hons) MIPROW

an Inspector appointed by the Secretary of State

Decision date: 27th April 2022

Appeal Ref: APP/F2605/W/21/3280393

Land to the south of Ovington Road, Saham Toney IP25 7HF

- 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 Mrs Valerie and Richard O'Shea against the decision of Breckland Council.
 - The application Ref 3PL/2020/1310/O, dated 30 October 2020, was refused by notice dated 2 March 2021.
 - The development proposed is the erection of two dwellings including means of access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. It was brought to my attention that the Saham Toney Neighbourhood Plan (2021) (the NP) was made following the submission of the appeal. As it consequently now forms part of the development plan for the area it is a consideration that warranted further comment from the parties. They have consequently had the opportunity to comment on any NP policies considered relevant to the appeal proposal.
3. The scheme seeks outline planning permission, with all matters reserved except access. I have considered the appeal on this basis, and have treated any plans in relation to the reserved matters as illustrative.
4. The development proposed was amended during the application process from five dwellings to two and I have consequently determined the appeal on this basis.

Main Issue

5. The main issue is whether the appeal site would be a suitable location for the scheme, having regard to the spatial strategy for the area and to the scheme's effect on the character and appearance of the area.

Reasons

6. The appeal site lies outside but adjacent to the settlement boundary for Saham Toney which is set by Policy GEN 03 of the Breckland Local Plan (the BLP), and consequently it is located in the countryside for planning policy purposes. Policy HOU 04 of the BLP allows for development at such a location where it meets certain criteria.

7. These include that development should be of an appropriate scale and design to the settlement; that it would not lead to the number of dwellings in the settlement increasing by significantly more than 5% from the date of adoption of the plan; and that the design contributes to preserving, and where possible enhancing, the historic nature and connectivity of communities.
8. Policy 2C of the NP states that new residential development at such locations will be restricted to small scale affordable housing which meets specified criteria, or other types of residential development that need to be located in the countryside or are otherwise appropriate in countryside locations.
9. Policy ENV 05 of the BLP states that development proposals should have regard to the findings of the Council's Landscape Character Assessment (LCA) and Settlement Fringe Landscape Assessment (SFLA). The Breckland LCA (2007) identifies key areas of sensitivity including "the historic core of villages" and "surviving field boundary hedgerows and trees". The Breckland SFLA (2007) identifies a "key gateway" into the village to lie near to the site on Ovington Road, at a similar location to the "Key View 9" which is identified in a later document, the Saham Toney Village Landscape Character Assessment (2019) (the STLCA). Key View 9 comprises the view of the mill tower from Ovington Road, near the appeal site. The STLCA seeks to secure the protection of Key View 9.
10. The appeal site is the front section of a pasture field which lies to the east of residential development which includes a former mill tower. Clear views of the tower are available from Ovington Road, next to the appeal site. There is no dispute that the tower is considered to be a non-designated heritage asset (NDHA). The National Planning Policy Framework (2021) (the Framework) states that the effect of a planning application on the significance of a NDHA should be taken into account in determining the application. In weighing applications that directly or indirectly affect NDHAs, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
11. The mill tower has historic interest as a result of its evident former role in rural industry. Furthermore, the building has a distinctiveness in the local street scene which results from its scale and its location at the edge of the village's core. It is described in the STLCA as a local landmark, and is intermittently visible in public views from Ovington Road. Accordingly, it additionally has some landmark quality. The open pastureland of the appeal site provides a spacious and rural setting to the mill which emphasises its position within a small village and which contributes positively to its significance.
12. The pattern of development to the south of Ovington Road and beyond the village is generally characterised by a series of pasture fields. The appearance of this side of the road consequently has an open and rural quality which differs from the denser residential development to the north of the road. This produces an impression of open countryside close to the core of the village. The open pastureland of the appeal site contributes positively to this aspect of the area's appearance.
13. The proposal would erode the rural spaciousness which the site contributes to the village's appearance and to the mill's setting, despite the relatively low density of development proposed, by the introduction of built form within it. This would have an urbanising effect on the attractive shorter-range views of

open countryside within the village (of the type highlighted by the landscape assessments) which the site provides at this key gateway. The scheme would therefore fail to be of an appropriate design to the settlement or to preserve the historic nature of the community. It would consequently cause moderate harm to an important aspect of the area's appearance and would have a negative effect on the mill's significance. The potential for landscaping at the development would not acceptably reduce the harm because of the fundamental change in appearance from rural to developed which the scheme would bring about at the site.

14. The STLCA forms part of the evidence base of the NP. It includes a fringe sensitivity assessment, with the appeal site lying within Fringe Area 8 – Mill Corner south. The STLCA assesses the sensitivity to development of different character areas. Fringe Area 8 is assessed to have high landscape sensitivity, which partly arises from its "network of pasture", and moderate visual sensitivity. The assessment states that the area has seen considerable expansion since 2011, yet the dwellings have been well integrated, are not prominent and had little influence on the character of Mill Corner.
15. The appeal proposal would not form a similar type of development to this due to its close proximity to the mill and to its effect on a pasture field which forms an integral part of the area's character and high landscape sensitivity.
16. "Structural landscape blocks" are identified within the SFLA to lie around the village. Nevertheless, the suggestion that these form a barrier between the village and open countryside does not explain the presence of significant areas of undeveloped fields between the "blocks" and the built form of the village. As identified above, I consider that the countryside extends to the edge of existing built form within the village. Thus, the reference in the SFLA to landscape blocks around the village does not automatically provide support for development within.
17. The proposal's effect on Key View 9 is central to the Council's concerns. There is minimal substantive evidence on the matter. However, given the level of surrounding vegetation, the location of the proposed dwellings adjacent to the road (and hence generally north of the view to the mill), their proposed single storey scale and the potential for a suitable layout to be agreed at the reserved matters stage, I consider that the proposal would be capable of acceptably preserving the line of sight between Ovington Road and the mill tower which is identified within the STLCA as Key View 9. Thus, the proposal complies with Policy 7B of the NP, which concerns the preservation of key views.
18. Turning to the remaining criterion (No.2) of Policy HOU 04 on which the Council relies, it is unchallenged that the allocations within the NP will provide an increase in dwelling numbers in the settlement of significantly more than 5%. The appellants submit in response that the appeal site is closer to services within the village than some of the housing allocations within the NP. Nevertheless, even if I were to concur with that submission, the appeal proposal would further increase the number of additional dwellings in the settlement above the 5% figure. It would therefore result in limited harm in achieving the planned distribution of development across the area and consequently conflicts with criterion No. 2 of Policy HOU 04 of the BLP.
19. As a result of the above issues, the appeal site would not be a suitable location for the scheme, having regard to the spatial strategy for the area and to the

scheme's effect on the character and appearance of the area. Thus, it conflicts with Criteria 1) - 3) of Policy HOU 04 of the BLP, which are set out above. Further conflict exists with Policies COM 01, ENV 05 and GEN 02 of the BLP, which seek to secure high quality design and the contribution of development to the local environment by recognising the intrinsic character and beauty of the countryside. Additional conflict exists with Policy 2C of the NP, as the appeal does not demonstrate that the proposal forms one of the types of development set out within the policy. Further conflict exists with Policies 3A and 7A of the NP, which state that proposals should contribute to the village's distinctive character. Additional conflict exists with the historic environment provisions of the Framework.

Other Matters

20. The appeal site lies in an area where the type of development proposed could affect the integrity of a European site. The Council considers that Policy 8 of the NP would require the submission of additional information on the matter of surface water management. These are matters on which I would have sought additional information in the event of a grant of permission. Nevertheless, I have not pursued them further due to the outcome of the appeal.
21. The Council considers the proposal to conflict with Policy 2D of the NP. This policy concerns criteria for the provision of affordable housing. Only minimal reasoning is provided on the reasons for the submitted conflict, and I have no evidential basis on which to concur. Thus, I do not identify conflict with Policy 2D of the NP.
22. I have had regard to other matters raised, including concerns about the proposal's effect on highway safety and biodiversity. However, as I am dismissing the appeal on the main issue for the reasons given above, I have not pursued these matters further.

Planning Balance and Conclusion

23. The Government's objective is to significantly boost the supply of housing and the proposal would provide two modern homes in a location with some access to services and facilities, as noted by the Inspector for a previous appeal decision¹ at the site. Whilst the proposal is in outline, with scale and layout reserved for future determination, the scheme would be capable of providing single storey properties which would respond to a local housing need as identified within Policy 2E of the NP and its supporting text. The scheme would also lead to a small and time-limited economic benefit during the construction phase, which may give rise to extra local employment. Occupiers of the development would be likely to support local services. Local finance considerations are advanced in support of the proposal. Given the small scale of the scheme and the supply of deliverable sites in the area, these benefits attract modest weight.
24. Whilst the site could provide reasonable levels of outdoor space at the dwellings proposed, this is not so significant that it forms a benefit of the scheme.
25. Conversely, the proposal would cause moderate harm to the character and appearance of the area, would result in limited harm in achieving the planned

¹ APP/F2605/W/16/3163385

distribution of development across the area and would have a negative effect on the mill's significance. These matters attract significant weight and outweigh the benefits associated with the proposed development.

26. The proposal consequently conflicts with the development plan and there are no other considerations, including the Framework, that outweigh this conflict.

27. Thus, for the reasons given above, I conclude that the appeal should be dismissed.

C Beeby

INSPECTOR