



Appeal Decision

Site visit made on 7 June 2022

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 June 2022.

Appeal Ref: APP/F2605/W/21/3283028

Beckwood, Stacksford, Old Buckenham, NR17 1PD

- 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 L Shaw against the decision of Breckland Council.
 - The application Ref 3PL/2020/1464/F, dated 18 December 2020, was refused by notice dated 5 August 2021.
 - The development proposed is erection of dwelling and garage with associated works, including creation of vehicular access, road widening and provision of landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is whether the appeal site is an appropriate location for the proposed development with reference to the spatial strategy in the development plan.

Reasons

3. The appeal site is located outside of the settlement boundary for Old Buckenham, a local service centre and is within the smaller hamlet of Stacksford.
4. Policy GEN05 of the Breckland Council Local Plan 2019 (LP) sets out defined settlement boundaries around larger settlements in order to recognise that those areas are those in which growth will be acceptable in principle. Outside of these areas development will be restricted to recognise the intrinsic character and beauty of the countryside. Development outside of the settlement boundaries will be permitted where it gains support from other policies within the LP.
5. Policy HOU3 permits housing outside of the settlement boundaries of Local Service Centres, such as Old Buckenham, under certain circumstances. However, it requires development to be immediately adjacent to the settlement boundary. The appeal site is some 0.8 miles from the village of Old Buckenham, and as such could not be considered immediately adjacent the settlement. Therefore, the proposed development would not accord with or find support from Policy HOU3.

6. The appellant has referred me to Policy HOU5 which permits development in smaller villages and hamlets outside of defined settlement boundaries, recognising the role that these play in supporting the services and facilities within nearby larger settlements. This approach accords with policy 79 of the National Planning Policy Framework (the Framework).
7. However, the Council submit that Policy HOU3 is the only relevant policy as it should be applied to all proposals for residential development in the parish of Old Buckenham (which the appeal site is within). The appellant has referred me to an appeal decision, APP/F2605/W/20/3259390, where this point was considered and the Inspector in that instance concluded that there was no reference to parishes in either HOU2, HOU3 or HOU5 and that therefore Policy HOU5 would be relevant in the appeal scheme if, in that case, the dwelling would be located in a hamlet. From my reading of the policy and the arguments put forward by the parties, my own findings would be consistent with those of the Inspector in that appeal.
8. The Council have referred me to a different appeal decision which was made around the same time, APP/F2605/W/20/3258027. In this decision the Inspector considered that HOU5 was not a relevant policy as the village of Weasenham was identified as a village with boundaries within Policy HOU2. Furthermore, the Inspector considered that both Weasenham All Saints (where the appeal site was located) and Weasenham St Peter together constituted the village of Weasenham and therefore in that case Policy HOU4 was relevant. However, the Inspector also went on to consider the scheme under policy HOU5 and found that it also failed to accord with that policy. Therefore I am satisfied that the circumstances in that appeal are not the same as that before me as the settlement of Stacksford has a greater degree of separation from Old Buckenham and I do not consider them to be part of the same village.
9. Stacksford is not listed under Policy HOU2 as a village for the purposes of HOU5, however given the site's location within an existing cluster of development and the council's own description of Stacksford as a settlement, it would meet the ordinary dictionary definition of a hamlet, which is a small human settlement smaller than a village and without a church. Furthermore, in considering an earlier appeal on this site, APP/F2605/W/17/3185786, the Inspector noted that the appeal site was located within a small hamlet of dwellings. Therefore, I am content that policy HOU5 would be relevant in the consideration of the appeal.
10. Policy HOU5 sets out 4 separate criteria to be met, in order for development to be in accordance with it. This includes that the development comprises sensitive infilling, is of an appropriate scale and design to the settlement. It contributes to enhancing the historic nature and connectivity of communities and does not harm or undermine a visually important gap that contributes to the character and distinctiveness of the rural scene.
11. The parties agree that the dwelling is acceptable in terms of its design and would not have an adverse impact in street scene terms or on the character and appearance of the area, having regard to the varied nature of surrounding development and the pattern of spacious roadside plots. However, given this consideration is in regard to policies relating to general design principles, I cannot conclude that the parties agree that the dwelling would be in accordance with the principles set out within Policy HOU5.

12. There is no dispute between the parties regarding the scale and design of the dwelling and I have nothing before me to indicate that the site is considered to be a visually important gap, albeit its openness adds to the rural character of the hamlet. The development of the site would provide support via continued connections with the nearby settlements of Attleborough and Old Buckenham. Therefore I have found no conflict with those parts of the policy.
13. However, Paragraph 3.26 of the reasoned justification for Policy HOU5 sets out that infill is defined as building taking place on a vacant plot in an otherwise built up street frontage. I consider that the development would not have to occupy the entire space between the buildings to constitute infilling, neither is the consideration related to the quantity of development proposed. I have taken account of the pattern and form of development which exists within the locality in coming to a judgement as to whether the development would represent sensitive infilling.
14. The appeal site is located between Beckwood and Stacksford House, adjacent to linear development on one side, however even if developed, there would be a considerable gap between the proposed dwelling and the next nearest dwelling. The existing gap between the built development and the degree of setback of Beckwood within the site and the positioning of the proposed dwelling, does not contribute to a continuous built frontage.
15. Therefore, the wider built context of the site with the level of spacing between the existing dwellings, all lead me to conclude that the development would not constitute the sensitive infilling as set out within paragraph 3.26 of the reasoned justification for Policy HOU5 and would therefore not be considered acceptable development in a hamlet.
16. I have had regard to the previous appeal decision on the site, as referenced above, and I note that at that time the Council and appellant agreed that the site would represent a form of infilling within an existing group of dwellings. However, this decision predates the adoption of the LP and therefore I can not be certain that the definition of infilling, if one was present, was the same as that which forms part of the most recent adopted policy. Therefore, I am satisfied that I can come to my own conclusions as to whether the site meets the type of infilling that policy HOU5 deems to be acceptable.
17. In conclusion, the appeal site would not be an appropriate location for the proposed development, being contrary to policies GEN01, GEN03, GEN 05 and HOU05 of the LP which together form the spatial strategy for Breckland.

Other Matters

18. The Council considers that the appeal site is located where it could have an impact on the Wensum and Broads Special Area of Conservation, due to the impacts of nutrients arising from the proposed development. However, the consideration of any measures to avoid or reduce the harmful effects upon the Wensum and Broads Special Area of Conservation and achieve nutrient neutrality can only be taken into account at the Appropriate Assessment stage of Habitats Regulation Assessment.

19. Furthermore, it would appear that the appeal site falls within an area where recreational impact mitigation measures for The Brecks, North Norfolk Coast and The Broads as described in the Norfolk Recreation Impact Avoidance Mitigation Strategy are required. Natural England has provided revised advice regarding the need to ensure that new residential development and any associated recreational disturbance impacts on designated sites are compliant with the Habitats Regulations.
20. As the competent decision-making authority, if I had been minded to allow the appeal it would have been necessary for me to complete Appropriate Assessments for this scheme. Therefore, whilst the appellant has submitted further information in relation to both of these matters, as I am dismissing the appeal for other reasons, I have not taken the matter further.
21. The development would give rise to some economic benefits during the construction phase and provide limited support to local services. There would be modest social benefits arising from the contribution to the Council's housing supply, noting the Framework highlights the contribution small and medium sized sites can make to meeting the housing requirement in the area. However, these benefits are not of sufficient magnitude to outweigh the harm I have identified and the significant weight I afford to the conflict with the development plan in this instance.

Conclusion

22. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. For the reasons given above, I conclude that the appeal should be dismissed.

G Pannell

INSPECTOR