



Appeal Decision

Site visit made on 31 August 2022

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2022

Appeal Ref: APP/F2605/W/22/3295635

**Land adjoining Field Cottage, Bush Green, Great Ellingham, Norfolk
NR17 1AG**

- 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 Paul Bell-Tye against the decision of Breckland Council.
 - The application Ref 3PL/2021/1113/F, dated 13 July 2021, was refused by notice dated 8 October 2021.
 - The development proposed is new residential dwelling & cart-lodge/workshop.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I note that the Council's decision notice and the appeal form refer to a car lodge, however I have used the description of development from the application form which refers to a cart lodge.

Main Issue

3. The main issue is whether the proposal is sustainably located in terms of access to facilities and its relationship to existing built development, having regard to the locational strategy of the development plan.

Reasons

4. The appeal site is land immediately adjoining Field Cottage and sits within the wider landholding. However, the proposal would extend the existing group of buildings associated with Field Cottage into an area which is currently open and free from built development. As such, I consider that the proposal is not supported by the National Planning Policy Framework's (the Framework) preference for the use of previously developed land.
5. The surrounding area is rural in character and appearance. There are some dispersed dwellings along the access identified on the submitted location plan as Tanyard Lane and in the wider surrounding area.
6. Breckland Local Plan November 2019 (BLP) Policy GEN 01 sets out how sustainable development is defined in Breckland and is consistent with the aims of the Framework in seeking to balance economic, social and environmental considerations. It seeks to direct development to locations where there is ready access to services and facilities alongside sustaining local services and allowing proportionate growth in rural communities. BLP Policy GEN 03 establishes the sustainable settlement hierarchy for the Council's area. Although the site is

within the parish of Great Ellingham, it does not lie within its defined settlement boundary. Great Ellingham is identified as a Local Service Centre (LSC). Although below Key Settlements and Market Towns in the hierarchy, LSCs have public transport services, community facilities, employment opportunities, a shop and/or post office, and a school. The policy confirms the applicable policies for areas outwith the hierarchy.

7. Although the appellant's statement refers to BLP GEN 05, the criteria are taken from BLP HOU 05. BLP HOU 05 advises that 'Farmsteads and sporadic small scale groups of dwellings are considered as lying in the open countryside and are not classed as small villages and hamlets. These, and isolated locations in the countryside, are unlikely to be considered acceptable'. Given the dispersed nature of the properties in the vicinity of the site and that there are not three or more of the identified criteria in the immediate surrounds, I consider the appeal proposal is not supported by BLP Policy HOU 05. Notwithstanding it is a criteria in this policy, I consider that the proposed development would not constitute infilling or rounding off of the existing development due to the dispersed nature.
8. The Council has put forward that the proposal should be assessed against BLP Policy HOU 03 which sets out the circumstances in which development outside the boundaries of LSCs, including self-build proposals such as this, will be allowed and this seems to me to be the correct policy to apply given the location of the site. The policy is clear that development will be resisted unless there are not sufficient identified sites within the settlement to meet the housing target, or support is provided through another policy in the development plan. There is no evidence before me that sufficient sites have not been identified, nor have any other policies which would justify a dwelling in this location been brought to my attention.
9. Even if this were not the case, the site is not immediately adjacent to the settlement boundary for Great Ellingham and is separated from it by a number of agricultural fields. The site is further from Attleborough, a key settlement in the hierarchy. While the appellant has highlighted the proximity of a footpath which leads directly to Great Ellingham, I note this is an isolated, unlit route which is unlikely to be attractive in the evenings or in poor weather. I acknowledge there are no highways objections to the appeal proposal and that there would be access to the wider highway network. However, I consider it is likely there would be a high degree of reliance on the use of the private car. The footpath therefore does not connect the site to Great Ellingham in such a way that could be considered to maintain an environmentally sustainable community. Nor would the proposal support the aims of the Framework as set out in paragraph 104 with respect to promoting other modes of transport, even accounting for the rural location.
10. The dwelling and cart lodge/workshop would each have considerable floorspaces. However they would be single storey and finished in materials which are characteristic of the surrounding area. The design would therefore be appropriate in this location. Nevertheless, due to its location away from any defined settlement, the design would have a neutral effect on the aim of Policy HOU 03 to conserve the historic nature and connectivity of communities.
11. There is no evidence before me as to the supply and/or delivery of housing in Great Ellingham. While the development would avoid coalescence of

settlements, BLP Policy HOU 03 requires compliance with all four of the identified criteria and the appeal proposal would not achieve this.

12. There would be a social and economic benefit from the provision of an additional dwelling. The appellant has identified this could be a self-build dwelling which is supported by BLP Policy HOU 03, but only where the criteria set out in the policy are achieved. The Planning Practice Guidance also identifies additional benefits from self-build house building in diversifying the housing market and increasing consumer choice. However, this benefit would be limited given the proposal is for one dwelling and I note there is no mechanism before me to ensure the development would be self-build.
13. In relation to this main issue, I therefore conclude that the site is not a suitable or sustainable location for a dwelling due to its location away from any defined settlement boundary and lack of transport options other than by the private car. It would therefore conflict with BLP Policies GEN 01, GEN 03 and HOU 03 which seek to direct development to locations in Breckland where it would assist in the maintenance of sustainable communities.

Other Matters

14. I recognise, and have had regard to, the appellant's personal circumstances and the intention that they would occupy the dwelling while other family members occupied the host property. I also note the third party support the proposal has received highlighting this. However, I am mindful of the advice contained in the Planning Practice Guidance (PPG)¹ that in general planning is concerned with land use in the public interest. It is probable that the appeal proposal would remain long after the appellants' personal circumstances cease to be material. Future occupation of the proposed dwelling would not necessarily entail a similar situation and there is no mechanism before me to ensure the existing and proposed dwellings would be occupied in such a way as to provide nearby mutual support into the future or that this could not be achieved in other less harmful ways. I therefore attach limited weight to the personal circumstances of the appellant in the context of this appeal.
15. I acknowledge the appeal has been accompanied by ecological reports, that biodiversity enhancements could be secured by condition and the intention to build the proposed dwelling to the highest ecological standards. However these factors would amount to a lack of harm and therefore would be a neutral factor in the determination of this appeal.
16. I note the comments of the appellant with regard to how the Council dealt with the application. However, addressing these concerns does not fall within the remit of this appeal, so I have given them no weight in its determination.
17. Since the Council issued its decision, contributions towards the Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy are now being sought to mitigate the effect of development on habitats sites. While the site does not fall within the identified catchment areas for The Broads or River Wensum Special Areas of Conservation, the Council also considers it would be necessary to demonstrate that foul water would not drain into either of these catchments. As I have found this appeal to be unacceptable on

¹ Paragraph: 008 Reference ID: 21b-008-20140306 – 'What is a material planning consideration?'. Revision date 06/03/2014.

grounds which would not be affected by these issues, I have not considered them further.

18. I have found the proposed dwelling would not be in a suitable location for housing and I attach significant weight to this conflict with the development plan. While I attach limited weight to the appellant's personal circumstances, and there are other, limited benefits arising from the proposal, these would not be sufficient to outweigh the conflict with the development plan. It is proportionate and necessary to dismiss the appeal.

Conclusion

19. For the reasons given above, the appeal proposal would conflict with the development plan as a whole. There are insufficient material considerations to indicate that a decision should be taken other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

J Downs

INSPECTOR