



Appeal Decision

Site visit made on 7 September 2022

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th December 2022

Appeal Ref: APP/F2605/W/21/3287178

Land North of 3 Bramble Drive, Hockering NR20 3SP

- 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 Hill House Homes against the decision of Breckland Council.
 - The application Ref 3PL/2021/1006/F, dated 6 July 2021, was refused by notice dated 26 August 2021.
 - The development proposed is described as 'Construction of 1 new ground-breaking contemporary designed home for life, Near-zero carbon, Near-zero energy dwelling'.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the appeal site would be a suitable location for the development, having regard to the development plan and national policy including the effect of the proposal on the character and appearance of the area.

Reasons

3. Policy GEN 03 of the Breckland Local Plan (2019) (LP) confirms that most new development needs will be met through a sustainable settlement hierarchy and lists Hockering amongst its 'Local Service Centres'. HOU 02 (Level and Location of Growth) of the LP sets out minimum targets for housing growth across the district. For Hockering it confirms a figure of 98 houses over the plan period. The Council has confirmed that current monitoring figures demonstrate 93 commitments and completions within Hockering. Therefore, the minimum target for Hockering has not yet been exceeded.
4. Policy HOU 03 of the LP confirms amongst other things that where the Local Plan does not identify sufficient sites to achieve the housing target, then further development will be allowed subject to meeting all of four specified criteria under this policy. There is no dispute between the main parties that the appeal site sits away from and is not adjacent to the settlement boundary of Hockering. Therefore, it does not meet all the necessary criteria under this policy. Accordingly, development outside the defined boundary should be resisted unless of course other policies in the LP specifically support it.
5. The cluster of dwellings in the vicinity of Albatross Road, including those on Slow Berry Lane and Bramble Drive, form a recognisable hamlet. In that regard, I agree with the appellant that Policy HOU 05 (Small Villages and Hamlets Outside of Settlement Boundaries) of the LP is applicable. This policy allows for limited development in such locations where 4 specific criteria are all satisfied. Criteria 1 requires that 'the development comprises of sensitive

infilling and rounding off of a cluster of dwellings with access to an existing highway'. The supporting text to this policy includes definitions of 'infill' and 'rounding off' and at paragraph 3.29 of the LP provides further clarity as to the specific matters to be addressed in considering whether a development would be a 'rounding off'. In the absence of any other definitions, this supporting text is pertinent to my considerations.

6. The perimeter of the site is not already built up, and fields are the predominant land use beyond its side boundaries. There is also an intervening strip of land which separates the majority of the southern boundary of the appeal site from the existing garden boundaries serving properties on Bramble Drive. In these respects, the development would evidently form an outward expansion of the settlement in a northerly direction.
7. A mix of close boarded fencing and mature planting already form substantial boundary treatments between the site and Hockering Footpath 5 which sits to the east of the site. The plans also indicate a new high hedgerow and tree planting along this boundary as well as tree planting towards the southern part of the site including to the edge of the proposed driveway.
8. However, the western boundary is currently marked by post and rail fencing. The plans indicate shrubbery to this side of the dwelling. Wild grasses and a flower meadow area are shown to the northern part of the site. Therefore, the strength of the boundary features and low-level planting to these areas would therefore be likely to offer a more open aspect between the development and the wider countryside.
9. The dwelling would be of a comparable height to the nearest dwellings on Bramble Drive but as a result of its larger footprint it would have a greater mass than other dwellings in the immediate vicinity. It would also sit within a comparatively larger plot and would be set further back from its front boundary than the neighbouring dwellings on Bramble Drive. These aspects of the scheme would differentiate the development from the form and layout of the closest dwellings in the settlement.
10. Taking the above matters into account, the proposal does not perform well against the considerations at paragraph 3.29 of the LP. Having regard to these considerations and the definitions in the supporting text to Policy HOU 05, I find that the development would not be 'a sensitive infilling and rounding off of a cluster dwellings' and would conflict with criteria 1 under this policy. Consequently, the development would not accord with Policy HOU 05 which requires that all of criteria 1 to 4 under the policy are met.
11. The above considerations are also integral to my assessment of the effect of the proposal on the character and appearance of the area. The appellant's Landscape and Visual Impact Assessment (LVIA) identifies amongst other things that views of the site are largely localised and that the scenic quality of the site and its setting is low-medium. Whilst I do not disagree with these points, the site mainly comprises of rough grassland and is predominantly open. In those regards it is consistent with the countryside's intrinsic character.
12. In contrast, the dwelling's modern flat roofed aesthetic, the windows and facing materials on its side elevations and the associated permeable resin driveway together with any vehicles and residential paraphernalia placed in gardens would be overtly domestic in character and appearance. In these respects, the

development would erode the more natural and open characteristics of the site which currently form a pleasing transition into the countryside in views up the driveway on Bramble Drive. It is also likely that the development would be discernible in glimpses over the boundary features for users of Hockering Footpath 5. In addition, there is the potential that the development would be perceptible in some longer-distance views, including from the north-east as identified in the appellant's LVIA, albeit I acknowledge that any harm would be more limited in these views.

13. Overall, as views of the development would be largely localised, I find that the proposal would result in some moderate harm to the character and appearance of the countryside and this includes landscape character to which the harm would be moderate adverse.
14. Given its close proximity to other dwellings the appeal site is not isolated. However, the footpath to Hockering is largely unlit and sits alongside the A47 for a substantial part of the route. The settlements mentioned by the appellant, Beetley and Gressenhall, are several miles away. Consequently, accessing the limited service provision within these settlements on foot or by cycle would not be an attractive option particularly during hours of darkness or during periods of inclement weather. In any case, it is likely that there would be a heavy reliance on the private motor vehicle to reach a wider offer of services and facilities. These accessibility constraints further persuade me that the location of the development would not be acceptable.
15. I conclude the site is not a suitable or sustainable location and would also result in moderate harm to the character and appearance of the area including the landscape. The development proposal would undermine the strategic objectives of the development plan and would conflict with the locational and character and appearance requirements of Policies HOU 02 (Level and Location of Growth), HOU 03 (Development Outside of the Boundaries of Local Service Centres), HOU 05 (Small Villages and Hamlets Outside of Settlement Boundaries), GEN 02 (Promoting High Quality Design), GEN 05 (Settlement Boundaries), ENV 05 (Protection and Enhancement of the Landscape) and COM 01 (Design) of the LP.
16. For the same reasons, the development would also conflict with the sustainable objectives of the Framework which amongst other things confirms that the planning system should be genuinely plan-led and that decisions should recognise the intrinsic character and beauty of the countryside.

Other Considerations

17. As I have found that the site is not isolated, Paragraph 80 of the Framework is not applicable to the proposal. However, Paragraph 134 of the Framework states amongst other things that significant weight should be given to outstanding or innovative designs which promote high levels of sustainability. Policy GEN 02 of the LP also confirms that innovative and contemporary design where it enhances sustainability will be encouraged.
18. Although of a good contemporary design quality, the flat roofed forms and elevational treatment, which would include a mix of floor to ceiling height glass windows, black facing bricks, thin slate stone cladding, wood cladding and scraped textured render, would not be particularly ground-breaking. Its internal spaces would consist of a series of conventional rooms.

19. In terms of the sustainability credentials put forward, there is no detailed evidence to demonstrate how the above facing materials would be low carbon embodied in this instance. I acknowledge it is likely that high levels of insulation could be achieved. The primary energy needs would be provided by photovoltaic (PV) panels, small scale wind turbines and air source heat pumps and rainwater harvesting would be incorporated. Whilst commendable, these are all widely used techniques for reducing energy and water consumption. Based on the description of the proposal being 'near zero-energy', this suggests that there would be some reliance on energy from the grid although from what I have seen this has not been quantified.
20. Overall and taking the above factors into account, I find that the design of the dwelling including the sustainability measures incorporated would not be outstanding or innovative. Therefore, when the design of the building is considered in isolation, I only attach modest weight to the quality of its architecture and its sustainability credentials in this instance.
21. The evidence before me predicts that the proposal would result in a Biodiversity Net Gain on the site of 20.62%. This figure has not been disputed by the Council. Even so, in the wider context and noting that the primary objective of the proposal is to provide a dwelling, the biodiversity benefits would not be of a significant magnitude. I nevertheless attach some positive weight to the potential net gains insofar as they would improve biodiversity in and around the development in accordance with Policy ENV 02 (Biodiversity protection and enhancement) of the LP and the Framework.

Other Matters

22. Since the Council issued its decision, Natural England (NE) has issued its overarching advice in respect of 'Nutrient Neutrality'. The Council has confirmed that it has been working with other Authorities across Norfolk to understand the wider catchments of the River Wensum Special Area of Conservation (SAC) and the Broads SAC and Ramsar site with respect to other tributaries, surface water, waste water treatment works and foul water networks that potential feed into the respective catchments from new developments (including those outside the designated catchment areas) but that at this present time it is not able to define the total area affected.
23. Having regard to the above, there is the potential that new development including new homes within the catchment of the protected habitats of the River Wensum Special Area of Conservation and the Broads Special Area of Conservation and Ramsar site have the potential to lead to significant environmental effects with regards to nutrient pollution.
24. The Conservation of Species and Habitats Regulations 2017 (the Habitats Regulations) require the Competent Authority to consider whether or not the proposal could adversely affect the integrity of the protected sites, either alone or in combination with other plans and projects. This responsibility falls to me in the context of this appeal.
25. Had I been minded to allow the appeal, it would have been necessary to establish whether the proposal on its own or in combination with other projects would be likely have significant environmental effects on the integrity of the European sites including whether mitigation to achieve nutrient neutrality would be necessary and could be achieved. A Habitats Regulations Assessment

would usually be required and this would need to be informed by the Nutrient Neutrality Methodology within NE's overarching advice.

26. Furthermore, the Council has advised that the Norfolk Green Infrastructure and Recreational Impact Avoidance Mitigation Strategy (GIRAMs) sets out a requirement for a tariff to mitigate the recreational effects of development affecting all Natura 2000 Designated Protected Wildlife Sites in Norfolk. This equates to £185.93 per dwelling. The appellant has included provision for such a payment to be made within a Unilateral Undertaking (UU) which has been provided as part of this appeal. However, the UU does not refer to the relevant planning application reference. In that regard it would not suitably secure the payment.
27. In any case, it has not been necessary for me to pursue these matters any further as a finding that the proposal would not have an adverse effect on the integrity of the European sites, with or without any mitigation, would be a neutral matter in the planning balance. Furthermore, I am dismissing the appeal for other reasons and so this is another reason why it has not been necessary for me to consider this matter any further.

Planning Balance and Conclusion

28. The Breckland Council Statement of Five-Year Housing Supply (August 2022) indicates that as of 31 March 2022 the local planning authority can demonstrate a 5.5 year supply of deliverable housing land. The appellant has confirmed that they agree with this calculation. However, they suggest that the nutrient neutrality situation means that residential development in the catchment area is undeliverable until satisfactory mitigation can be demonstrated. In that regard the appellant contends that the 5.5 year supply was already marginal and that, once the nutrient neutrality situation is factored in, the Council cannot currently demonstrate an adequate 5 year housing supply.
29. Given the current uncertainty in respect of the impact of nutrient neutrality on housing delivery, I have therefore assumed a very worst-case scenario in housing land supply terms for the purposes of this appeal. Even in this context, and while I recognise the Government's objective to significantly boost the delivery of housing, the contribution of a single dwelling would not be very significant. Any associated economic and social benefits through the construction of the site and its future occupation would be modest. The locational harm, including the harm to the character and appearance of the area, are matters to which I afford substantial weight in the planning balance.
30. Taking the above matters into consideration, the harm that would result from the development would significantly and demonstrably outweigh the modest benefits of the proposal when assessed against the policies of the Framework as a whole. In addition, there would be specific conflict with the identified policies of the development plan which further weighs against the proposal.
31. Therefore, I conclude that the appeal should be dismissed.

M Russell

INSPECTOR