



Appeal Decision

Site visit made on 15 November 2022

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2022

Appeal Ref: APP/F2605/W/22/3290105

Land adjacent to West End, Raynham Road, Whissonsett NR20 5SS

- 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 James Daniels against the decision of Breckland Council.
 - The application Ref 3PL/2021/0981/O, dated 27 June 2021, was refused by notice dated 6 December 2021.
 - The development proposed is three self-build detached dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline, with the application form indicating access and layout are to be considered at this stage, and appearance, landscaping and scale reserved for later consideration. This is contradicted by the plans submitted with the appeal which suggest layout is reserved. The Council has confirmed they considered layout as part of the application, while the agent has set out layout should be considered as indicative. The Council has confirmed the plan used in the determination of the application and as this states the site layout is indicative only, I have considered the appeal on that basis.
3. The application and appeal forms refer to the site address as Rayner Lane, however the Council's decision notice and the design and access statement submitted with the application refer to Raynham Road. The parties have confirmed the correct address is Raynham Road and I have used that address.

Main Issue

4. The main issue is the effect on the character and appearance of the surrounding area.

Reasons

5. The appeal site is an open area adjacent to the junction between Raynham Road and Mill Lane. It is sited between a large detached property in spacious surrounds and a row of eight modest dwellings on Raynham Road all set within generous plots. Further dwellings continue along Mill Lane on the opposite side of the road from the Raynham Road dwellings and together these dwellings form a distinct cluster. Development along Mill Lane between the site and the main body of the settlement of Whissonsett is sporadic.
6. The site is identified as falling within a small village or hamlet outside of settlement boundaries where Breckland Local Plan November 2019 (BLP) Policy

HOU 05 sets out criteria for allowing development in such locations. The supporting text defines infill as being 'on a vacant plot in an otherwise built up street frontage'. Mill Lane has a rural character due to the limited amount of development along its length, and therefore does not constitute an otherwise built up street frontage.

7. The supporting text also identifies that to be considered infill, the site must generally have built development on either side and the development be similar to adjacent properties. There are two clearly distinct development types to either side of the appeal site: a substantial detached property and a row of semi-detached dwellings. The description of development and indicative layout indicate that detached dwellings would be provided. While I acknowledge layout is a reserved matter, it is likely that any development on the site will be substantially different in character to that either side of it. Due to the size of the site, the proposed dwellings would not be set in spacious grounds as the adjacent detached dwelling is. Three dwellings would not be capable of continuing the semi-detached pattern and would be distinctly different to the more traditional, linear plots of the semi-detached dwellings. The appeal proposal would be unlikely to be completely integrated with the existing pattern of development. As such, the appeal proposal would not be sensitive infilling as defined in the BLP.
8. The appeal site also provides a distinctive gap in the street scene before reaching the cluster of housing at Raynham Road/ Mill Lane with views through to the wider rural landscape, which are limited along Mill Lane to this point due to the existing buildings and boundary treatments. This gap would be largely lost were the appeal proposal allowed which would be detrimental to the rural character and distinctiveness of Mill Lane. The appeal site is located away from the main body of the settlement and, while appearance and layout are reserved matters, as such it would not enhance the historic nature or connectivity of the community.
9. Rounding off is also defined within the supporting text. The appeal proposal does not meet this criterion as there is no indication from the pattern of development I observed on site that the existing development is incomplete, nor that the development would complete a local road pattern or define or complete the boundaries of the group of dwellings adjacent to the site.
10. Although an additional three dwellings would be commensurate with the size of Whissonsett, and I note the support for the scheme from a member of the public, these factors would not outweigh the harm to the character and appearance of the area.
11. In relation to this main issue, I therefore conclude that the development would not have an acceptable effect on the character and appearance of the surrounding area. It would not be sensitive to the character of the surrounding area, constitute sensitive infilling or rounding off of a cluster of dwellings, or be completely integrated with the existing pattern of development contrary to BLP Policies GEN 05, HOU 05 COM 01 and GEN 02.

Other Matters

12. Since the application was refused, matters related to nutrient pollution and natural habitat disturbance have been raised. While the appellant had indicated the means by which these issues could be addressed, no specific

scheme has been submitted to me. However, addressing these matters could have at best only led to any potential adverse effects being mitigated, thus making them neutral considerations in the determination of the appeal. As I have found against the appeal for other reasons, I have not examined these matters further.

13. I note the design and access statement submitted with the application cast doubt as to whether the Council could demonstrate a five year supply of deliverable housing land given national circumstances around the effects of Covid-19 on housing delivery and wider planning arguments. However this was not substantiated with any evidence specific to Breckland Council. This argument has not been pursued in the appellant's appeal statement and on this basis it is taken that there is no dispute that the Council can demonstrate a five year supply of deliverable housing land.
14. While the appellant has put forward that self-build plots are in great demand, there is no evidence before me from the self-build and custom house building register as to that level of demand or the supply of permissions. I therefore attach limited weight to this factor.
15. The appellant has submitted details of a site that has subsequently been granted planning permission¹ by the Council in what they content to be similar circumstances. I do not have details of how the Council assessed this application before me in their officer report. However, I note the pre-application advice was satisfied that site constituted appropriate infill. This does not alter my assessment that the appeal site in question here would not be sensitive infilling, distinguishing the two cases.
16. I note the site would have highway access and there is no objection from the local highway authority, however this would constitute a lack of harm and therefore neutral in determining this appeal.
17. I acknowledge there is an inherent benefit from the delivery of additional housing, and there would also be an economic benefit from their construction. However, these benefits would be limited due to the small scale of the appeal proposal therefore I attach limited weight to it.

Conclusion

18. The appeal proposal would conflict with the development plan when read as a whole. There are no material considerations of sufficient weight to suggest the decision should be taken other than in accordance with the development plan. Therefore for the reasons given, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

J Downs

INSPECTOR

¹ 3PL/2021/1422/O granted 20 June 2022