



Appeal Decision

Site visit made on 28 February 2023

by E Brownless BA (Hons) Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 5th April 2023

Appeal Ref: APP/F2605/W/22/3297260

**Land off Long Street, Attleborough,
Easting 602453, Northing 294859**

- 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 & Mrs Reynolds of ENM Services Ltd against the decision of Breckland Council.
 - The application Ref: 3PL/2021/1573/F, dated 5 November 2021, was refused by notice dated 17 March 2022.
 - The development proposed is described as 'Proposed Dwelling for family of land owner'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:-
 - i) the effect of the proposed development on the character and appearance of the area; and
 - ii) whether the appeal site is an appropriate location for the proposed development having regard to the settlement strategy of the development plan.

Reasons

Character and appearance

3. Long Street has an open and attractive rural character comprised from agricultural fields and hedgerows with limited sporadic built form. Dwellings are varied in terms of their size, appearance and style, however, they are predominantly positioned with a frontage to the highway and are set within verdant and generous sized plots. This results in a loose knit ribbon pattern of development and a pleasant, open and spacious rural character.
4. The appeal site comprises a parcel of greenfield land positioned to the side of an existing detached two storey dwelling¹. Unlike the prevailing arrangement of dwellings, this existing property is positioned with a side elevation facing the highway and a frontage onto an access track shared with other commercial and industrial uses. As an area of undeveloped land, the appeal site provides an important break between the existing built form and allows views towards agricultural land and countryside beyond the track.

¹ Planning reference: 3PL/2018/1150/F

5. The appeal scheme would introduce a sizeable two storey property to the side of the existing dwelling. It would have the effect of creating a tandem form of dwellings in relation to the highway and it would not relate well to the low density and loose knit arrangement of existing built form thus resulting in an incongruous effect on the prevailing ribbon pattern of development. Moreover, it would introduce built form where there is presently none and within an area that provides an important break between the countryside and the built environment.
6. As a result of the development together with the likely domestic accoutrements associated with a residential use, it would appear as an encroachment of development into the countryside thus eroding the sense of openness and it would have a significantly urbanising effect on the rural character of the area.
7. Although a scheme of landscaping could be secured by an appropriately worded planning condition, any landscaping would take some time to become established and, in my view, it would not overcome the harm caused to the rural character of the surrounding area.
8. The proposed design of the dwelling would share some similarities with the existing property that would be positioned to its side. However, given the mix of design of dwellings along Long Street this absence of variety would increase its incongruity within the streetscene and serve to draw the eye towards the proposed development. The inclusion of tall timber fencing would worsen the inharmonious effect of the scheme, thus exacerbating the intrusion of built form into the countryside whilst lessening the ability of any landscaping to soften the appearance of the scheme.
9. For the above reasons, I therefore conclude that the appeal scheme would be harmful to the character and appearance of the area. Thus it would conflict with Policy COM01 of the Breckland Local Plan (2019)(LP) insofar as it requires a high quality architectural and landscape design that contributes to the distinctive character of the local area.

Settlement strategy

10. By reason of the appeal site's location outside of any settlement boundary, for the purposes of applying planning policy, the site lies within an area designated as countryside. In such areas, LP Policy GEN 05 sets out that development is restricted to recognise the intrinsic character and beauty of the countryside. Some development will be acceptable where it is compliant with all other relevant development plan policies.
11. Given my findings above, I have concluded that there would be harm to the rural character of the area and thus the appeal scheme fails to recognise the intrinsic character and beauty of the countryside.
12. In addition, whilst there are a number of dwellings located near to the appeal site, there is little information about the availability of services and facilities which would be capable of being utilised to satisfy the daily needs of future occupants of the proposed dwelling. It is the Council's case that services, facilities and public transport within the immediate locality is very limited. The appellant has not disputed this matter. The nearest settlement, Attleborough, is stated to be located approximately 2 miles from the appeal site. Whilst it is stated to comprise a range of services and facilities which would be capable of

meeting the daily needs of future occupiers, it is located at a distance of approximately 2 miles from the appeal site, given the Council's measurements, which have not been disputed by the appellant. Access to Attleborough is via a route where there is no footway and lighting for the majority of the route. To my mind, given the distance and nature of the route, this would be likely to discourage most journeys on foot or by bicycle. As a result, I find that future occupiers of the proposed dwelling would be reliant upon the use of a private motor vehicle to access day to day services and facilities.

13. Whilst I note that the National Planning Policy Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, I do not consider that sustainable transport options are readily available nor that they will be encouraged in this instance.
14. Accordingly, I conclude that the appeal site is not a suitable location for a new dwelling having regard to the availability of services and facilities and the character and beauty of the countryside. Thus, the appeal scheme would be contrary to LP Policies GEN01, GEN03, GEN05 and HOU06. Among other things, these policies require high quality development that protects the natural environment, has regard to local character and wider sustainability issues including the need to ensure good access to existing community facilities and services.

Other Matters

15. No adverse harm has been identified in respect of the living conditions of neighbouring occupiers, highway safety and flood risk. However, the absence of harm is a neutral matter that weighs neither for nor against a proposal.
16. My attention has been drawn to the manner in which the Council carried out their decision-making. However, this type of issue is not a matter for me to resolve as part of this appeal.
17. It has been put to me that the Council are unable to adequately demonstrate a five year supply of housing land due to likely delays in bringing forward housing schemes as a result of the updated nutrient neutrality advice of Natural England (NE). Whilst NE's guidance may have an impact on the timing and deliverability of some sites, there is little evidence before me to show the extent of any impact nor to demonstrate that the Council's supply has been altered to such an extent that it can no longer evidence an acceptable supply of land for housing. In the absence of any compelling evidence, I do not find that the tilted balance is engaged for this reason.
18. The appellants are indicated to be an active members of the community that have provided help and assistance during emergencies and fundraising. I note the desire to live close to other family members and their business in order to reduce living and travelling expenses. However, personal circumstances can seldom outweigh general planning considerations and do not outweigh the harm I have identified above.
19. The appellants have stated an intention to run an agricultural business from this location and would need to provide a timely response to emergencies as they arise. It has been put to me that the appellant would accept the imposition of a planning condition restricting use of the proposed dwelling by those involved in agriculture. However, there is limited information before me

concerning the nature of the appellant's business and the extent and effect of emergencies that would arise. As such, in the absence of any compelling evidence I am not satisfied that there is an essential need for a rural worker to live permanently at or near to their place of work in the countryside.

20. Reference has been made to a number of similar schemes within the locality that have been granted planning permission. I have had regard to the appellant's submitted plan and I was able to observe a number of these sites at the time of my site visit. However, there is little information regarding the circumstances that led to these schemes being granted planning permission, including the property which is positioned adjacent to the appeal site. It is therefore not clear to me whether the circumstances are directly comparable to the appeal scheme and I have determined the proposal before me on its individual planning merits.
21. The appeal scheme would make a negligible contribution to the supply of housing through one additional dwelling. Economic benefits would be generated during the construction phase, albeit these would be modest and temporary.
22. Since the application was determined by the Council, Natural England has provided updated advice in relation to nutrient level pollution within a number of existing and new river basin catchments. This identifies that long-term nutrient pollution has led to adverse impacts upon Habitats Sites to the extent that some sites are no longer considered to be in favourable conservation status. This includes the River Wensum Special Area of Conservation and the Broads Special Area of Conservation and Ramsar site. Development within the catchment of these habitats sites which comprises overnight accommodation has the potential to cause adverse impacts with regard to nutrient pollution. There appears to be some dispute between the parties as to whether the appeal site is located within the catchment of these habitats site. However, as the scheme is not going ahead due to the main issues above and no harm will therefore be caused to these habitats sites, it has not been necessary to give further consideration to this matter nor undertake an appropriate assessment in respect of any mitigation proposed.
23. Similarly, it has not be necessary to undertake an assessment of the likely additional recreational disturbance on the zone of influence of the Natura 2000 Habitat Sites as the scheme is not proceeding.

Conclusion

24. I have concluded that the appeal site is not a suitable location for a new dwelling having regard to the availability of services and facilities and the character and beauty of the countryside. The appeal scheme would conflict with the development plan and the material considerations weighing in favour of the scheme, either individually or cumulatively, do not justify a decision otherwise than in accordance with the development plan. For the reasons given above, I conclude that the appeal is dismissed.

E Brownless

INSPECTOR