
Appeal Decision

Site visit made on 6 November 2023

by T Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2023

Appeal Ref: APP/F2605/W/22/3305562

New Farm, Fransham Road, Beeston PE32 2LZ

- 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 Malcolm Webster against the decision of Breckland District Council.
 - The application Ref 3PL/2022/0228/F, dated 22 February 2022, was refused by notice dated 26 April 2022.
 - The development proposed is construction of rural workers dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the proposal has altered from the application form to the decision notice. The application form omits the double car port which is part of the proposals and therefore the Council description is fuller and more accurate. This has been adopted on the appeal form and I have considered the appeal on the basis of the description of 'construction of rural workers dwelling with double cart port'.
3. The new Breckland Local Plan was adopted in September 2023 during the course of the appeal. My decision must be made on the basis of the most up to date development plan. I am however advised that the policies within the local plan that are relevant to this proposal are up to date and as previously detailed within the evidence.

Main Issues

4. The first main issue is whether the size of the rural workers dwelling is justified. The second is the effect of the proposal on the character and appearance of the area. The third is whether sufficient information has been supplied in order to understand the ecological implications of the development.

Reasons

Size of dwelling

5. The dwelling proposed is large. At ground floor level it would host a large kitchen/dining room, separate sitting room along with a double height entrance hall, also labelled for dining to accommodate a small table and chairs.

6. Upstairs, three spacious bedrooms would all be en-suite with a separate office and a further bathroom provided. The central first floor section of the dwelling would be cantilevered resulting in the first floor extending out above the ground floor to the front and rear within the middle section of the dwelling.
7. The evidence indicates that the proposed dwelling would accommodate a wildlife warden to support a four person family. That would appear to justify the provision of three bedrooms. However, the dwelling does appear to exhibit a sense of grandeur beyond a functional requirement that appears to be accepted by the Council (with regard to a previous outline permission 3PL/2020/1462/O).
8. The size of the dwelling, which on the basis of the evidence appears larger than what may be necessary would result in increase build costs above a more modest sized dwelling as would the cantilevered design. The appellant states that they are not reliant on the income of the business to fund the build.
9. However, Policy HOU 13 of the Breckland Local Plan (2023) (BLP) in catering for rural workers dwellings requires that the proposed dwelling should be no larger than that required to meet the functional needs of the enterprise, nor should it be unusually expensive to construct in relation to the income that the enterprise could sustain.
10. The dwelling before me on the basis of the evidence would appear larger than that required to accommodate a warden and their family. This would be partly as a result of its size and partly as a result of its design.
11. There is little before me in relation to the income of the enterprise. On the basis of the limited information before me, the dwelling appears unusually expensive to construct to serve a warden.
12. The harm arising would be that the dwelling could be too expensive to be sustained by the business, resulting in pressure to sever the property from the business to the open market, and thus circumnavigating the reasonable exceptions that are made within the development plan for such a dwelling. The proposal therefore conflicts with Policy HOU 13 of the BLP with regard to its requirements for rural workers dwellings.

Character and appearance of the area

13. There is no strong or established format for the appearance of dwellings within the area, with dwellings of a traditional rural appearance evident within Great Fransham to the south and more regular modern bungalows to the north further along Fransham Road.
14. The site of the proposed dwelling is set back significantly from Fransham Road and is largely screened from public visibility through robust roadside hedging and trees as well as a thick and structured planting belt establishing itself within the field to the west of the road.
15. Although I appreciate that the cantilevered design may not necessarily be common or traditional to the area, within this particular location, in isolation, it would be inoffensive, would not form a prominent feature from public viewpoints and would therefore cause no harm to the character and appearance of the area.

16. There would therefore be no conflict with policies GEN 02, COM 01 and ENV 05 of the BLP which amongst other things require high quality design that respects and is sensitive to the character of the surrounding area whilst recognising the intrinsic character and beauty of the countryside.

Ecology

17. The appeal is accompanied by an Ecology Report¹. The presence of a protected species is a material consideration when a development proposal is being considered which would be likely to result in harm to the species or its habitat. The survey confirms the presence of Great Crested Newts in ponds near to the site, including Pond A which is closely adjacent to the access to the site.
18. The report is unclear in advising as to whether further surveys are required to understand the effect of the proposal on Great Crested Newts (GCN) or whether those further surveys relate to mitigation measures to be employed to reduce any impacts of the proposal on Great Crested Newts.
19. However, taking account of the apparent position of the Council with regard to the matter they appear to adopt a position that any impacts on GCN could be managed through mitigation/enhancement measures secured via condition. There is nothing clear within the evidence to lead me to an alternative conclusion.
20. There would not therefore need to be conflict with Policy ENV 02 of the BLP which amongst other things states that wherever a proposed development may have a detrimental impact upon a protected species, appropriate conditions will be used to ensure that the appropriate mitigation measures incorporated within the proposal are fully implemented and monitored where required.

Other Matters

21. The impact of the proposal on the River Wensum Special Area of Conservation (SAC) was identified by the Council at the time of its decision with regard to nutrient neutrality. However, the Council has since confirmed that the site does not fall within the catchment of that SAC. Therefore, likely significant effects on that protected habitat site can be ruled out.
22. A planning obligation relating to a financial contribution towards the Norfolk Green Infrastructure and Recreational Impact Avoidance Mitigation Strategy has been supplied. However, as I am dismissing the appeal for other reasons, I have not considered this matter in detail.

Planning Balance and Conclusion

23. There is nothing to indicate that the decision should be made otherwise than in accordance with the development plan and I therefore conclude that the appeal should be dismissed.

T Burnham

INSPECTOR

¹ Preliminary Ecological Assessment Report, Proposed New Wardens House, New Farm, Beeston – Small Ecology Limited – August 2022.