



Appeal Decision

Site visit made on 15 January 2024

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 12 February 2024

Appeal Ref: APP/F2605/W/23/3325668

3 Mill Hill, Bradenham, Norfolk IP25 7QW

- 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 Shaun Mower of Trell Farms Ltd against the decision of Breckland Council.
 - The application Ref 3PL/2023/0469/F, dated 1 May 2023, was refused by notice dated 21 June 2023.
 - The development proposed is a dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published a revised version of the National Planning Policy Framework (the Framework) on 19 December 2023. Whilst this made certain revisions to aspects of national planning policy, the provisions in respect of the main issues of this case are largely unchanged. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework from the parties, and that no party would be disadvantaged by such a course of action.
3. The Breckland Local Plan (September 2023) (BLP) was adopted by Breckland Council on 21 September 2023 and replaces the previous Breckland Local Plan (November 2019). Whilst this made policy changes, the provisions in respect of the main issues of this case are largely unchanged. I am therefore satisfied that there is no requirement to seek further submissions on the updated BLP and I have taken it into account in coming to my decision.

Main Issues

4. The main issues are the effect of the proposal on:
 - the character and appearance of the area; and
 - the living conditions of the occupiers of No 3 Mill Hill and the future occupiers, with regard to outdoor amenity areas.

Reasons

Character and appearance

5. Bradenham is a rural settlement, with the area surrounding the appeal site predominantly characterised by 2-storey semi-detached and terraced

properties. Each property benefits from a spacious plot with large garden areas, separated by a combination of mature hedges and fencing. Although the appeal site has already been subdivided from No 3 Mill Hill, it contributes to the open character of the garden environment.

6. The subdivision of the existing curtilage of No 3 has resulted in an uncharacteristically small plot. Whilst there are numerous outbuildings within the surrounding gardens, they are subordinate in scale and function to the dwellings. The majority of the appeal site would be dominated by built form and hardstanding. Moreover, the sites development with a detached property and associated features would appear cramped and incongruous when viewed in relation to the surrounding large gardens.
7. Therefore, I conclude that the proposal would harm the character and appearance of the area, in conflict with Policy COM01 of the BLP where it requires development to integrate with the surrounding area including the existing pattern of development, in order to reinforce the positive and distinctive local character. Similarly, the proposal would conflict with the Framework where it seeks to ensure development is visually attractive as a result of good architecture and layout.

Living conditions – outdoor amenity areas

8. The Council does not define a minimum space standard for outdoor amenity areas. However, BLP Policy COM01 requires that housing provides a high standard of accommodation in terms of size, quality, and arrangement of external private amenity space. Further, BLP Policy COM03 requires development to both protect and provide adequate areas of useable and secluded private amenity space, in keeping with the character of the immediate surrounding area.
9. As described above, the curtilage of No 3 has already been subdivided, whilst this has resulted in an uncharacteristically small plot, the proposal would have no greater impact on the outdoor amenity space than the existing situation. Notwithstanding this, the proposed dwelling would have a comparatively small plot when viewed in relation to the surrounding large garden.
10. Whilst I note that smaller plots have been granted permission in the district, the district encompasses a variety of areas, some of which have a more urban character where smaller plots would be acceptable. In this rural setting, where more spacious gardens are expected, the proposal would fail to provide adequate areas of external private amenity space that are in keeping with the character of the immediate area.
11. Consequently, although I am satisfied that the living conditions of the occupiers of No 3 Mill Hill would not be affected, I conclude that the proposal would harm the living conditions of the future occupiers with regard to outdoor amenity areas. The proposal would conflict with Policies COM01 and COM03 of the BLP as outlined above. There would also be conflict with the Framework where it requires that development creates places with a high standard of amenity for existing and future users.

Other Matters

12. Although the application was not controversial, this is a neutral matter which neither weighs in favour of nor against the proposal.

Planning Balance

13. The appellant asserts that the Council does not have a 5-year housing land supply, and as such paragraph 11 d) ii of the Framework should be engaged. However, no substantive evidence has been provided, which would confirm the housing land supply position or the extent of any alleged shortfall.
14. The Framework requires that developments add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and are sympathetic to local character. I have concluded that the proposal would appear cramped and incongruous, harming the character and appearance of the area.
15. Further, the proposal would not provide adequate living conditions for the future occupiers with particular regard to outdoor amenity areas. This would be in conflict with the Framework where it requires development to create places with a high standard of amenity for future users. Therefore, the conflict between the proposal and Policies COM01 and COM03 and the Framework should be given significant weight in this appeal.
16. Nevertheless, the Framework seeks to boost the housing supply and highlights the important contribution small sites can make, whilst supporting development which makes use of previously developed land. The proposal would make use of previously developed land, providing an additional dwelling and contribute towards the districts housing supply. However, an additional house, would make little difference to the overall supply of housing, even if any shortfall in supply were significant.
17. The appellant asserts that the road will be maintained/repaired as part of the proposal. However, I have no mechanism before me which would secure this. Overall, these benefits would be of limited weight.
18. Consequently, even if the Council were unable to demonstrate a 5-year housing land supply, the adverse impacts of the development on the character and appearance of the area and the living conditions of the occupiers of No 3 Mill Hill as well as the future occupiers would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Hence, the presumption in favour of sustainable development does not apply.

Conclusion

19. Overall, for the reasons given above, I conclude that the proposal would conflict with the development plan, as a whole, and there are no material considerations, including the provisions in the Framework and the benefits of the proposal, which indicate that the development should be determined other than in accordance with it. Therefore, the appeal is dismissed.

K Allen

INSPECTOR