



Appeal Decision

Site visit made on 21 October 2024

by S Pearce BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th November 2024

Appeal Ref: APP/F2605/W/24/3336843

Land North of Bell Road, Rocklands, Norfolk NR17 1UQ

Easting: 598796 and Northing: 297546

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Jamie and Lisa Tubby against the decision of Breckland Council.
 - The application Ref is 3PL/2023/0702/F.
 - The development proposed is described as "proposed equestrian stables, paddocks, dwelling and cartlodge".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council have since adopted the Breckland Design Guide April 2024 and undertaken a partial update of the Breckland Local Plan 2019. While the Local Plan policies relevant to the determination of this appeal remain relevant and unchanged, I have referred to the policies of the Breckland Local Plan 2023 (LP) in the decision. Both main parties have had the opportunity to comment on these documents during the appeal process and I have had regard to any comments made.
3. Only the Easting and Northing co-ordinates of the appeal site were used for the address on the planning application form. The appellants have described the appeal site in documents submitted with the appeal. I have therefore used the address on the appeal form and the Council's decision notice in the banner heading above. I have included Easting and Northing co-ordinates for clarity.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area, and
 - whether the appeal site is a suitable location for the development proposed, having regard to the development plan.

Reasons

Character and appearance

5. Land to the north of Bell Road, including the appeal site, lies within the countryside and is sparsely populated. It comprises relatively open fields,

which are largely laid to grass and bounded by hedgerows and trees. The appeal site therefore contributes to the open, rural and verdant character of the area. On the opposite side of the highway to the appeal site are several properties, located within the defined settlement boundary of Rocklands. Properties within this settlement are relatively modest two storey, traditional cottages and chalet bungalows, arranged in a broadly tight-knit linear form, set back from the highway behind modest front gardens.

6. The appeal scheme seeks to erect a detached, two storey dwelling with a substantial footprint. While the proposed property would be set back from the highway, with its frontage facing onto Bell Road and stables to its rear, to broadly reflect the layout of nearby farm buildings, it would be physically separated from the settlement as a result of Bell Road. Moreover, while Bowers Farm is also located on the north side of Bell Road, it is some distance from the appeal site and largely screened by trees and vegetation. Therefore, appeal dwelling would largely be viewed in the context of open countryside.
7. The introduction of a substantial dwelling on a largely open site, would result in a visually intrusive form of development, that would erode and urbanise the open, rural character of the appeal site. Moreover, while the appellants assert that the roof height of the proposed dwelling would not exceed the adjacent dwellings in the street, there is limited substantive evidence demonstrating this. As such, the proposed footprint and height would result in a dwelling with an incongruously excessive scale and massing, which would dominate and distract from the nearby modest built form.
8. In conclusion, the proposed development would result in harm to the character and appearance of the area, contrary to LP Policies COM01, GEN02, GEN05 and ENV05. Collectively, these seek, among other things, to ensure development proposals are designed to the highest possible standards, respect and are sensitive to the character of the surrounding area and recognise the intrinsic character and beauty of the countryside.

Whether a suitable location

9. LP Policy GEN03 sets out the settlement hierarchy within the district and identifies Rocklands as a village with boundaries. In this regard, LP Policy HOU04 sets out that appropriate development will be allowed immediately adjacent to the settlement boundary and where four listed criteria are all satisfied. The second criterion listed seeks to ensure that development proposals do not lead to the number of dwellings in the settlement increasing by significantly more than 5% from the date of adoption of the Plan.
10. While the Council indicate that the growth of the village exceeds that stipulated in the second criterion, the appeal site is physically separated from the settlement boundary by Bell Road. Therefore, it does not immediately adjoin the settlement boundary and conflicts with LP Policy HOU04.
11. Moreover, the appeal site lies outside of the defined settlement boundary of Rocklands, as outlined by LP Policy GEN05, in the open countryside. Within such a location, 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. Given the findings in respect of the character and appearance of the area, the appeal

scheme fails to recognise the intrinsic character and beauty of the countryside and, as such, is contrary to LP Policy GEN05.

12. The evidence indicates that there is an equestrian need associated with the appeal scheme, although it is noted that the equestrian element is for personal use only. The appellants confirm they have no more than 4 horses, which are currently kept on rented land, and would accept conditions in respect of this use. The appellants advise that, as equestrian houses need space, the proposed dwelling has been sited to provide room for the horses to be located in paddocks of approximately 1 acre.
13. The appellants have sought to demonstrate that the sequential test of the site could be passed. While limited substantive evidence has been submitted in this regard, they assert that there are very few, if any, equestrian properties in the locality, and no space within the development boundary of any town or village with the correct space for the type of dwelling proposed.
14. Consequently, having regard to these matters and noting that the appellants state that the development plan does not have a specific policy for equestrian dwellings, there is limited substantive evidence to demonstrate a need for the appellants to live on site and, as such, there is no countryside justification for the proposed dwelling.
15. For these reasons, the appeal site is not a suitable location for the development proposed, having regard to the development plan. The appeal scheme is therefore contrary to LP Policy GEN01, which seeks to secure sustainable development in Breckland, and LP Policies GEN03, GEN05 and HOU04, as set out above.

Other Matters

16. The evidence indicates that the relevant protected habitat sites include Breckland Special Protection Area (SPA) & Breckland Special Area of Conservation (SAC), The Broads SAC & Broads SPA, Breydon Water SPA, Winterton-Horsey Dunes SAC, Great Yarmouth and North Denes SPA, North Norfolk Coast SAC, North Norfolk Coast SPA, The Wash and North Norfolk Coast SAC, Roydon Common and Dersingham Bog SAC, Roydon Common Ramsar, Dersingham Bog Ramsar, Norfolk Valley Fens SAC, The Wash SPA, The Wash Ramsar, River Wensum SAC and the Broads SAC and Ramsar site.
17. As the appeal scheme proposes additional residential development, the Council have highlighted its potential to result in recreational pressure on a number of these sites. The Council have advised that a financial contribution, in accordance with the one-off tariff, set out in the Norfolk Wide Green Infrastructure and Recreational Avoidance Mitigation Strategy, secured by a Unilateral Undertaking (UU), is required. The evidence indicates that a UU and the required contribution have been received by the Council.
18. While noting this and that the Council are satisfied that the proposal is unlikely to lead to a significant effect with regard to nutrient neutrality, the Conservation of Species and Habitats Regulations 2017 (the Regulations) require the Competent Authority to consider whether the proposal could adversely affect the integrity of protected sites. I shall return to this, if necessary, once I have considered all other matters in the planning balance.

19. The appellants have raised a number of concerns with the Committee meeting, including that the local Member was unable to attend. However, in determining the appeal, I am required to have regard to the planning merits of the proposal. These are therefore matters between the appellants and the Council.
20. The appeal scheme also proposes a number of other elements, including stables, paddocks and a menage. The Council have raised no concerns in respect to these elements and, having regard to their proposed use, location, scale and design, I see no reason to disagree.

Planning Balance

21. Paragraph 11 d) of the Framework states that, where the policies which are most important for determining an application are out-of-date, which includes situations where the local planning authority cannot demonstrate a Framework compliant supply of deliverable housing sites, permission should be granted unless any adverse impacts of doing so significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
22. The appellants have alleged the Council do not have a 5 year housing land supply, however, this is disputed by the Council, who state they have a supply of 6.6 years. Even if I were to conclude that the Council do not have a Framework compliant supply of deliverable housing sites, and paragraph 11 d) was therefore engaged, the appeal scheme would result in harm to the character and appearance of the area and would not be in a suitable location for housing. As such, the appeal scheme would not accord with the development plan as a whole. The weight to be given to this conflict is significant, as the policies in respect of these matters broadly reflect the provisions of the Framework.
23. The Government's objective is to significantly boost the supply of homes and the provision of a single dwelling would make a small but meaningful contribution towards housing supply within the area. The proposal would also lead to some social and economic benefits through the construction of the residential unit and the activities of the future residents of the scheme.
24. The appellants assert that the appeal scheme would comprise a high quality home, built to the highest standards, utilising local materials and Mr Tubby's skillset of flint and stone walling. It would incorporate a generous and permeable driveway, with parking for at least 4 cars, and soft landscaping suited to blend into the existing surroundings and habitats. An existing field entrance would be utilised to access the proposed development, which the appellants assert can achieve the required visibility splays.
25. It has been highlighted that the appellants live in a surrounding village, are part of the local football club, and this proposal would allow a growing family to live in and create their future within the village community of Rocklands. Moreover, the appellants advise that the appeal site is not in an area of flood risk, with surface water drainage likely to be via Suds and foul water via the extended mains sewer. Cumulatively, these benefits weigh in favour of the proposal.
26. An absence of objections from statutory consultees carries neutral weight in the planning balance. It is noted that the appellants sought advice from the

Parish Council Chairman, prior to the purchase of the land and commencement of the planning application. Moreover, it has been highlighted that the appellants attended a parish meeting and made provision to visit the occupiers of properties opposite the appeal site. Although there is support for the appeal scheme, including from various Council Members and locals, this does not overcome the harms identified.

27. While there is support for new housing, the benefits in respect of the appeal scheme would be limited, given the scale of development proposed. Therefore, the harm identified in respect of the main issues would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.
28. On this basis and having regard to the requirements of the Regulations, given that I am dismissing this appeal on other grounds, it is not necessary for me to consider the integrity of protected sites any further, nor undertake an appropriate assessment.
29. I have considered all other matters raised by interested parties. However, as I have found the development to be unacceptable for the reasons given, it is not necessary for me to reach a conclusion on these matters.

Conclusion

30. For the above reasons, the proposed development would conflict with the development plan as a whole, and there are no material considerations of sufficient weight, including the Framework, which indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

S Pearce

INSPECTOR