



Appeal Decision

Site visit made on 7 November 2024

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th December 2024

Appeal Ref: APP/F2605/W/24/3337017

The Chapel, County School, Bintree, Norfolk NR20 5LE

- 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 Elle Findlay against the decision of Breckland Council.
 - The application Ref is 3PL/2023/0540/F.
 - The development proposed is erection of 1 no. dwelling on land associated with The Chapel.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposed development would be acceptable having regard to:
 - the spatial strategy of the development plan; and
 - the effect on the character and appearance of the area.

Reasons

Spatial strategy

3. The appeal site is located within a cluster of dwellings accessed from County School, a private road. It lies within the residential grounds of a former chapel, now converted into a dwelling. Currently, the site contains two former pig sheds and adjacent areas of hardstanding. While these structures were originally associated with the site's agricultural use, they are now incidental to the residential use of The Chapel.
4. Policy GEN05 of the Breckland Local Plan, September 2023 (the LP) provides that development outside defined settlement boundaries is restricted to recognise the intrinsic character and beauty of the countryside, and will only be acceptable where it is compliant with all relevant policies set out in the development plan.
5. One such policy is LP Policy HOU05, which restricts development in smaller villages and hamlets outside of defined settlement boundaries, apart from where it would comply with other policies within the development plan, and it would satisfy a list of specific criteria. Among these, criterion 1 requires development to comprise of sensitive infilling and rounding off of a cluster of dwellings with access to an existing highway.

6. The evidence indicates general agreement between the parties that the appeal site is not within a defined settlement, but within one of the smaller villages and hamlets covered by Policy HOU05.
7. The supporting text to Policy HOU05 clarifies that 'infill' is defined as building taking place on a vacant plot in an otherwise built-up street frontage. To be considered infill, a development will generally have built development along the road on either side of the site and be similar to adjacent properties in terms of its visual impact, plot size, dwelling size, floor levels and scale.
8. 'Rounding off' is defined as the completion of an incomplete group of buildings on land which is already partially developed and in such a way which will either complete the local road pattern or define and complete the boundaries of the group. Such rounding off should not change or distort the character or tradition of the group or the settlement in any undesirable way.
9. The proposed dwelling would have its own access to County School but via a narrow passage running between the two adjacent properties. From the roadside, the dwelling would be positioned behind these neighbouring homes, lacking any street frontage aside from its access point. Spatially, it would be set significantly farther back than its neighbouring dwellings, disrupting the established pattern of residential development in the area.
10. The appellant cites other properties in the vicinity that are similarly or more deeply set back from the road than the proposed dwelling. However, these examples are not closely related to the appeal site and do not form part of its immediate context.
11. Although the site currently contains buildings and areas of hardstanding, these are understood in the context of the site's historical agricultural use and, more recently, as incidental buildings to the dwelling of The Chapel. Despite the existing built form, the introduction of an independent unit of accommodation in this location would not align with the established pattern or character of development in the area. Instead, it would appear as an anomaly among the existing properties fronting this part of County School.
12. For these reasons, I am not persuaded that the proposal would meet the development plan's definition of either sensitive infilling or rounding off. Accordingly, it would fail to accord with the spatial strategy of the development plan, in conflict with Policies HOU05 and GEN05 of the LP, the aims of which have previously been set out.

Character and appearance

13. The appellant suggests that the existing utilitarian agricultural buildings would be replaced with a development more suited to its location, occupying a smaller footprint and reducing the extent of hardstanding. However, the proposed dwelling would be taller than the existing structures, with a steeper and more prominent roof, as well as several large chimneys projecting above the ridge line.
14. While the appellant highlights that the development would be built into a natural dip in the topography of the land, the drawings and my observations on site suggest this is also true of the existing buildings. Although the proposed dwelling would primarily be visible only from neighbouring private properties and be of comparably modest scale than the neighbouring

dwellings, it would nevertheless stand out more noticeably in its surroundings. Consequently, even with a reduced footprint and less hardstanding, the proposed development would be more visually prominent than the current, low-lying structures.

15. The proposed dwelling's design and materials would be more contemporary than those of neighbouring properties but would include certain characteristics that reflect the existing agricultural buildings. While I find no specific harm in the proposed materials or detailing, these features would not overcome my concerns regarding the scale of the proposal.
16. For the reasons given above, I conclude that, due to its scale, the proposed development would harm the character and appearance of the area. It would therefore conflict with Policies GEN02, COM01 and ENV05 of the LP, which collectively seek to require high quality design in all development, and to contribute to the local environment by recognising the intrinsic character and beauty of the countryside. It would also conflict with the relevant provisions of the National Planning Policy Framework (the Framework), which have similar aims.

Other Matters

17. The appeal site lies within the North Elmham Conservation Area (the CA) a large area that includes the historic village centre of North Elmham, situated further to the south and separate from the appeal site. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the CA.
18. The significance of the CA derives from its historic village centre and the sporadic development in its surrounding countryside, of which the appeal site forms a part. While my conclusions on the main issues have identified harm in relation to the spatial strategy and the scale of the proposal, I do not find this harm would extend to the significance of the CA. This is due to the acceptable detailed design of the proposal and the extensive and varied character of the CA. Accordingly, notwithstanding my findings on the main issues, the proposed development would preserve the character and appearance of the CA.
19. The proposed development would deliver a new accessible single-storey dwelling, including an annexe, intended to accommodate the appellant and elderly relatives. It would provide a good standard of accommodation while making efficient use of the land, offering a modest but meaningful contribution to the local housing stock. This aligns with the government's objective to boost the supply of homes, as set out in the Framework. As such, the proposal would deliver both private benefits and wider benefits through the delivery of new housing, which carry some weight in its favour. However, these benefits do not outweigh the harm previously identified due to conflict with the development plan.
20. The site lies within the Nutrient Neutrality Impact Zone for the River Wensum Special Area of Conservation (SAC), and within the Zone of Influence of one or more of the Habitats Sites falling under the Norfolk Green Infrastructure and Recreational impact Avoidance and Mitigation Strategy (GIRAMS). Although the appellant has submitted a Unilateral Undertaking intended to secure a

financial contribution to mitigate any adverse effects on the integrity of these Habitats Sites, the parties remain in disagreement over this matter. Had I been minded to allow the appeal, it would have been necessary to undertake an appropriate assessment to determine whether adverse effects on the integrity of these sites would be avoided. However, as the appeal is being dismissed for other reasons, this assessment has not been undertaken.

Conclusion

21. For the reasons given above, I conclude that the appeal should be dismissed.

P Storey

INSPECTOR