

APPEALS SUMMARY- APRIL

3PL/2017/0388/F

Land off Church Road, East Harling (Erection of six detached dwellings with associated access, landscaping and servicing)

DISMISSED

The Inspector was of the view that the proposed development would fail to appropriately reflect the character or appearance of the area, subsequently causing harm to it. The proposal would therefore be contrary to Policy DC16 of the Local Plan which along with section 7 of the Framework seeks to ensure good quality and contextually appropriate design and appearance that preserves or enhances the existing character of an area. Whilst there would be no harm arising out of the proposed development in respect of living conditions of existing occupiers. This is not sufficient however to reduce the harm that there would be to the character and appearance of the area. The appeal was dismissed.

3PN/2017/0047/UC

Agricultural Building, Sandy Lane, Rockland All Saints (Prior approval under Schedule 2, Part 3 Class Q of the General Permitted Development Order 2015) Conversion of agricultural Building to dwelling.

ALLOWED

The Inspector concluded that the building would be capable of conversion with the proposed works being reasonable and necessary to facilitate the conversion. The proposed development therefore meets the requirements of Class Q (a) (i) of Part 3 of Schedule 2 of the GPDO and therefore constitutes permitted development. The Inspector also considered that there was no demonstrable reasons that the siting and location of the building would result in it being undesirable or impractical to be converted to a C3 dwelling house and as such it would comply with the requirements of paragraph Q.2 (1) parts (a) to (f). The appeal was allowed together with an award for costs.

3PL/2016/1510/F

Development of Old School House, Chapel Street, Shipdham Thetford (Part demolition of single storey element and conversion to a two bed flat (unit 7)

DISMISSED

The Inspector concluded that the appeal proposal would be harmful on highway safety in the area. Consequently, it would conflict with Policies CP4 and DC19 of the DPD. These require development proposals to provide safe access and reflect the need for off road parking provision where it would provide safe access and reflect the need for off road parking provision where it would ensure the satisfactory functioning of the highway network. It would also conflict with the Framework insofar as it requires safe and suitable access to sites for all

people. The Inspector considered that the adverse impacts of highway safety identified would significantly and demonstrably outweigh any lack of harm to the Conservation Area, living conditions or shortfall in housing land supply. The proposal would not therefore be sustainable development when assessed against the policies of the Framework as a whole. The Appeal was dismissed.

3PL/2015/0498/O

Land South of Dereham Road, Matishall (Erection of up to 50 dwellings and associated infrastructure)

ALLOWED

The Inspector considered that the main issues were (a) The effect that the proposal would have on the character and appearance of the area and (b) Whether any development plan conflict and harm arising, is outweighed by any other considerations including that the Council cannot currently demonstrate a Framework compliant supply of housing land.

In terms of impact on character and appearance notwithstanding the reduced scale and density (now 50 homes compared to previous 90), the current proposal would continue to lead to a harmful loss of open countryside contrary to the existing character and appearance of the appeal site and its surroundings. It would again introduce built form outside the defined settlement boundary, albeit at the village fringe, which would be mitigated to an extent by the proposed landscaping, the appeal site is still part of a wider pattern of open countryside and contributes to the distinctiveness of the setting accordingly. For these reasons, the appeal development would be harmful to the character and appearance of the area. Consequently, it would conflict in these respects with Policy CP11 of the DPD and Policies ENV2, ENV5 and HOU 1 of the Mattishall Neighbourhood Plan (MNP)

In assessing the Planning balance the Inspector noted although there is conflict with the Mattishall Neighbourhood Plan, it is reasonably discrete in terms of the Policies affected and the associated harm that would arise from the appeal development. Consequently the integrity of the MNP would remain intact if planning permission were to be allowed, particularly in the current housing land supply circumstances. On this basis, any potential negative effect that allowing the appeal would have on confidence in the planning process, including Neighbourhood planning, carries only limited weight

Accordingly, notwithstanding the positive planning undertaken in Mattishall Parish, the contribution to the District's market housing supply offered by the proposal carries significant weight in its favour under the social dimensions of sustainable development as a public benefit. As part of the scheme, up to 20 affordable homes would be delivered on site and this additionally weighs significantly in favour of the appeal proposal. The proposal would also offer a number of other pots would be in a reasonably sustainable location such that residents would have good access to a range of facilities. In terms of the economic role, the development contributes towards the economic growth during the construction phase. The additional population would be likely to assist the local economy and help support the sustainability of facilities in the area. This would also support the social dimension of sustainability.

In summary, applying the Framework para 14 balancing exercise, the appeal scheme would conflict with the development plan including with policies of the recently made MNP, which involved considerable community investment, and would cause harm to the character and appearance of the area. However, in the current circumstances these important considerations along with the other factors identified that have been said to weigh against the development, do not collectively significantly and demonstrably outweigh the matters in favour of the delivery of housing. Overall the appeal proposal would represent sustainable development in terms of the Framework. The appeal was accordingly allowed.

3PL/2017/0708/VAR

Beetly Nurseries, Elmham Road, Beetly (Appeal against condition (2) which was a personal permissions to the applicant)

ALLOWED

The main issue the Inspector considered was whether the personal condition concerned is necessary having regard to the tests set out in the Planning Practice Guidance (PPG). The Inspector concluded that the personal condition was unnecessary as it would fail one of the tests set out in the PPG.