

APPEALS SUMMARY- MAY 2019

3PL/2018/ 0539/F (Greenpiece, Attleborough Road, Great Ellingham, NR17 1LQ) Erection of 3 detached dwelling houses and associated detached garages

DISMISSED

The Inspector considered that the main issues were (i) The principle of the proposed development with regard to its location. (ii) The effect of the proposed development on the character and appearance of the area with specific regard to the setting of the Listed Building. (iii) The effect of the proposed development on ecology and biodiversity and (iv) Whether the proposed development would be at an unacceptable risk of flooding.

In terms of the principle of development. The dwellings would be located between Attleborough and Great Ellingham. Whilst both of the above settlements have sufficient facilities to be able to meet the needs of incumbent residents, they are located some distance from the appeal site and accessed along an unlit main road that does not have segregated footways. The occupiers of the proposed development would rely on the use of a private car to access services as well as employment. This is the least sustainable option.

In terms of impact on the character and appearance of the area and setting of the Listed Building. Whilst not finding harm to the setting of the listed building, this would not be sufficient to reduce that which would be the case to the character and appearance of the area and would conflict with Policies DC1 and Dc16 of the Local Plan.

With regard Ecology and Biodiversity the main issues of concern related to insufficient information available to make a judgement on the likely effects of the proposed development. The Inspector concluded that the appellant had not responded satisfactorily to these concerns, in addition there were concerns regarding the age of the assessments which were undertaken in 2016 and may need updating. The proposed development would therefore be contrary to Policy CP10 and section 15 of the Framework.

In terms of Flood Risk the Framework sets out that development should be steered towards those areas at least risk of flooding. This is through the application of the Sequential Test. Paragraph 158 of the Framework states that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development at a lower risk of flooding. Part of the site falls within Flood Zone 3, land defined as having a high probability of flooding. The Inspector reasoned that as a greenfield out of the settlement site a proposal for 3 dwellings, and taking both the area and potentially the district as a whole, there would more likely than not be sites that could accommodate the proposed development on land at lower risk of flooding. The proposed development would fail the Sequential Test. The Inspector concluded that the proposed development would be at an unacceptable risk of flooding contrary to the Framework and Policy DC13.

The Inspector concluded that the application be dismissed

3PL/2018/0912/F (Land adjacent to the Old Rectory, Longham Dereham) Erection of proposed dwelling.

DISMISSED

The Inspector considered the main issue was the effect on the character and appearance of the rural area. The appeal site comprised part of the garden of the Old Rectory, a large house set in the open countryside. The proposed bungalow would be widely visible in the rural area due to its siting on an open area of land, particularly with views from the west and south. The spread of development into an undeveloped area of land would be intrusive and harmful to the character of the area. The existence of a new bungalow on the land would also harm the setting of the existing property, due to the proximity of the new single storey dwelling situated within the grounds. The Inspector concluded that the proposal would result in harmful impact on the currently undeveloped and open area of land contrary to Policies CP11 and DC16 of the DPD as well as having regard to paragraph 127 of the NPPF also requires development to be sympathetic to the local character and landscape setting. The provision of a new dwelling would not be consistent with these objectives. Due to the appreciable harm to the open countryside and setting of the Old Rectory in the landscape. In addition the location of the dwelling in an area with few facilities. Weighs against the proposed development and Policy CP14 which is generally to avoid development in settlements with few or no facilities. The Inspector accordingly dismissed the appeal.

3PL/2018/1022/O (Land to rear of 51 Windmill Avenue, Dereham) Erection of 3 Bungalows and associated access

ALLOWED

The Inspector considered the main issues were the effect of the proposed development on the character and appearance of the area and on the living conditions of existing residents. In terms of impact on character the Inspector considered that the proposed development would cause moderate harm to the character of the area. This would be contrary to Policies CP11, DC1 and Dc16 of the Core Strategy which seek to ensure that new development preserves or enhances the existing landscape character of the area, and section 12 of the NPPF that requires development to be sympathetic to local character. With regards impact on living conditions the Inspector concluded the proposed development would not be harmful to the living conditions, and so no conflict would occur with Policy DC1 which protects amenity.

In terms of the overall planning balance whilst there would be moderate harm to the landscape character, the provision of housing on the site would be consistent with the Framework's social objective of seeking to ensure a sufficient number and range of homes are provided, and that the built environment has accessible services to which the Inspector attached significant weight to. In conclusion although there would be moderate harm to the landscape character it was the Inspector's conclusion that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. The appeal was allowed.

3PL/2018/0768/F (67 Dereham Road, Watton, Thetford, IP25 6EZ) Erection of new dwelling

ALLOWED

The main issues of the appeal were the effect of the proposed development on the character and appearance of the area and whether the proposed development would provide a satisfactory living conditions for occupants. In terms of impact on the character of appearance. The appeal site comprises part of the side garden of 67 Dereham Road, which is a bungalow fronting the road. The Inspector noted there is a mixture of housing types and sizes in the vicinity of the site and also a variation in the sizes of plots within which those dwellings sit. The plot size that would be created as a result of the proposed development would appear to be at the lower end of this range, the new dwelling would not appear unduly cramped on the plot. The Inspector considered that the new dwelling would therefore fit within the established character of the area and would not appear discordant with the character and appearance and would have appropriate regard to Policy DC16 of the Core Strategy. In terms of living conditions the Inspector considered that the proposed development would provide satisfactory living conditions for future occupants having regard to Policy DC1. In terms of the overall planning balance of the scheme the proposed development was considered to be in accordance with the development plan and the appeal was allowed.

3PN/2018/0041/UC (Woodland Farm, Holt Road, Hoe, Dereham) Change of Use of agricultural Building to Dwelling House (Class Q of the General Permitted Development Order)

DISMISSED

The proposal was made on the basis of class Q of the GPDO. The main issue was whether the proposal would be Permitted Development under the terms of Class Q. The Inspector noted although titled an agricultural barn, on the basis of the evidence there is little to show the building was used solely for agricultural use as part of an established agricultural unit on or before the 20th March 2013. The Inspector concluded that the barn would not be permitted under Class Q as in addition to not being shown to be used solely on or before the 20th March 2013, the submitted plans show the external dimensions of the building extending beyond those existing, necessary to accommodate the side windows and doorway, and fail to define a curtilage immediately beside or around that is no larger than that occupied by the agricultural building. The appeal was accordingly dismissed.

3PL/2018/0203/0 Land adjacent to Thieves Lane, Rockland St Peter, Rocklands, NR17 1UH (Erection of 6 self-build/ custom dwellings)

DISMISSED

The key issues of consideration were: (i) The extent to which future occupiers of the proposed dwellings would have reasonable access to regularly required services and facilities (ii) The effect of the housing on the proposed character of the area. In terms of

access to services. Theives Lane marks one edge to the built-up part of Rockland St Peter. The wider village of Rocklands as a whole contains a quite limited range of services. Most of these are located within the adjacent Rockland All Saints part of the settlement and include a primary school, public house and post office/ general stores/ café. Whilst there is a good range of services in Watton and Attelborough, there is no bus services connecting Rockland St Peter to these towns and so the Inspector considered the proposal to be in a location where future occupiers of dwellings would be dependent to a relatively high degree on private car use to access regularly required needs. Whilst taking into account that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. The Inspector found that the proposal would result in significant harm through the conflict found with the development plan policy that remains consistent with the Framework, over the location of residential development without reasonable access, other than by private car journeys. In terms of character and appearance the Inspector reasoned that the development of this site would fail to mesh satisfactorily with the physical shape of the village and would constitute a very conspicuous and abrupt incursion of suburban ribbon development in open countryside, leap frogging the clearly- defined built up area boundary provided by Theives Lane. The Council's emerging Local Plan is reaching an advanced stage and he also gives its policies weight, albeit moderate prior to adoption. This does not alter the proposal being outside the defined settlement boundary for Rocklands but Policy HOU4 would support development located immediately adjacent to this if certain criteria are met. However, the Inspector reasoned that the proposal would not satisfy this policy or emerging Policy HOU5.

In weighing up the overall planning balance there would be some moderate social benefits in the six dwellings helping to secure the Framework aims to boost housing supply, where paragraph 68 recognises such small sized sites can make an important contribution. In addition the Government is seeking to increase the number of self-build and custom homes completed each year. However, the location of the housing, necessitating the use of green field land and where regular needs would depend on a high reliance on private car use, would be likely significantly offset any environmental benefits. In addition there would be significant environmental harm to the rural character and appearance of the area. The appeal was accordingly dismissed.

**3PL/2017/0904/F (Building adjacent Alston Farm, Dereham Road, Thetford)
Conversion of building to a residential dwelling**

DISMISSED

The Inspector considered the main issue in the determination of the appeal is whether or not the proposed development would represent the conversion of a building of merit and thus whether it would be an appropriate location for a new dwelling. The Inspector concluded that the building was of low aesthetic value, a matter on which Policy DC20 is explicit that their conversion will be resisted. Whilst the building has an element of importance to the function of the agricultural landscape in aesthetic terms, it lacks value to the landscape of the district and therefore does not accord with Policy DC 20. The appeal was accordingly dismissed.

3PL/2018/0111/O (Land adjacent Poppy Fields, Kenninghall Road, Harling) Residential development

DISMISSED

The Inspector considered the main issue the effect of the development on the character and appearance of the countryside. The appeal site is located adjacent to the existing built form of the village, alongside a site which is currently under construction for a new housing estate Poppy fields. The appeal site forms a transition between the main part of the village and wider countryside. The appellant had carried out a landscape and Visual Appraisal dated 20th June 2018 (LVA) which considers several viewpoints along Kenninghall Road and within the appeal site. The Inspector considered that the proposed development would encroach beyond the main built form of Harling and beyond the nearby sporadic developments also. Having regard to the LVA and EH3 of the Harling Settlement Fringe Landscape Assessment, The Inspector was not persuaded that the visual impacts could be satisfactorily mitigated. The development would be prominent within the landscape and would be likely to fundamentally alter the rural character of the surroundings and result in the loss of views. The Inspector found that the development would have a harmful effect on the character and appearance of the countryside and surrounding area and fails to comply with Policies Dc16 and CP11 of the Core Strategy and provisions of the Framework (2019). The appeal was accordingly dismissed.

3PL/2018/0381/ F (Barn to rear of Wood View, East Church Street, Kenninghall, NR16 2EP. (Conversion of barn to two dwellings)

ALLOWED

The main issue is whether the proposed development is consistent with the development Plan policy relating to the conversion of buildings in the countryside. Policy DC20 of the adopted Breckland Core Strategy permits the re-use of existing buildings in the countryside for residential purposes provided four criteria are satisfied. The building is relatively modern and built of concrete block walls with asbestos cement sheet roof cladding, and small windows. There is no aesthetic value to the building and so it fails to satisfy part d of the Policy. Policy HOU 12 of the Emerging submission Breckland District Local Plan 2036 similarly sets out the circumstances in which the conversion of buildings in the countryside. The Inspector reasoned that on the main issue, the building is modern and of no aesthetic value and the proposed development would not be consistent with the development policy relating to the conversion of buildings in the countryside. In terms of the overall planning balance the main parties agree that the Council cannot demonstrate a 5 year supply of deliverable. Whilst the Inspector found that the proposed development conflicts with the development plan solely due to the building not being of aesthetic value. The adverse impact is limited to this matter, though and the Inspector attached moderate weight to this conflict with the development plan. The location of the appeal site would mean that two dwellings are provided in an existing building capable of conversion that are close to a village with a choice of shops and services and would help to support those services. The Inspector attached significant weight to the benefits arising from the provision of two dwellings through the reuse of a building in this location. Although there would be conflict with planning policies relating to the re-use of existing buildings, the Inspector concluded that the adverse impact

of granting planning permission would not significantly and demonstrably outweigh the was accordingly allowed.

3PL/2018/0278/F (Pennymeadow Nursery, Podmore Lane Scarning) Two detached bungalows

ALLOWED

The Inspector considered the main issues were: (i) Whether the proposed development would be in an appropriate location for new housing having regard to the provisions of the framework (ii) Whether sufficient information has been provided to demonstrate that the proposed development would be acceptable in terms of the character and appearance of the area and living conditions (iii) The effect on protected species and (iv) the effect on highway safety. (i) In terms of being an appropriate location for new development the Inspector noted that whilst the appeal site is located outside the main settlement of Scarning, it is set within, and well related to, a small cluster of properties and businesses and was an appropriate location. (ii) In terms impact on character and appearance of area and living conditions, the Inspector considered that the development would not harm the prevailing spaciousness and pattern of development and that sufficient information has been provided which demonstrates that the proposed development would provide suitable living conditions for future occupiers and would not harm the character and appearance of the area (iii) In terms of impact on protected species the Inspector concluded that there would be no undue harm to biodiversity subject to suitable assessments being undertaken. The proposal therefore complies with Policies DC12, CP10 and CP11 Core Strategy. (iv) With regards highway safety taking into account the proposed improvements and the distance to Dereham Road, as well as the level of traffic using Podmore Lane and that likely to be generated as a result of the development the proposal would not cause undue harm in terms of highway safety and complies with CP4 and DC19 of the Core Strategy. The Inspector accordingly allowed the Appeal.

3PL/2018/0005/F 1 Beck Cottages, Road from Foul登 to Dilington IP25 5AG (Proposed dwelling)

DISMISSED

The Inspector considered the key issues were (i) Whether the development would be in an appropriate location for new housing and (ii) The effect on the development on the character and appearance of the countryside. In terms of whether an appropriate location for new development the appeal site is a detached from the main settlement of Foul登, which lies to the North West, and therefore forms part of the open countryside and outside the settlement boundary. Foul登 has very limited facilities and would not provide a good level of services to meet the day to day needs of future occupiers of the proposed development. The Inspector reasoned that the proposed development would not be in an appropriate location for new housing. With regards character and appearance, whilst the appeal site is outside of the settlement boundaries and is therefore classed being in the countryside, the site forms existing garden lan. The proposed dwelling would not encroach further into the countryside than the buildings to the rear of the site and would be within the existing residential confines. The Inspector found the proposed development would not adversely affect the character and

appearance of the country side. However, this would not outweigh the harm identified in respect of the location of the site for new housing. The appeal was dismissed.

3PL/2018/1027/F Stable Croft, Roundham Road, Roudham, Norfolk, NR16 2RN (Proposed Barn conversion)

DISMISSED

The main issue was whether the proposed development is consistent with the development plan policy relating to the conversion of buildings in the countryside. The appeal barn lies within the countryside, Policy DC20 of the adopted Core Strategy permits the re-use of existing buildings in the countryside for residential purposes provided four criteria are satisfied. The building in question is a relatively modern building of no aesthetic value, being concrete-framed with asbestos sheets to the roof and to the upper walls, with blockwork below. The building therefore fails to satisfy Criterion d of the Policy. Policy HOU12 of the emerging submission Breckland District Local Plan 2011-2036 (DLP) similarly sets out the circumstances in which the conversion of buildings in the countryside will be permitted. And is broadly consistent with the DPD namely that the Policy states that “the building proposed to be converted should be substantially intact and capable of conversion without significant extension or re- building and of value to the landscape of the District. The residential re-use of modern agricultural buildings or industrial buildings considered to be of no aesthetic value, regardless of their location, will not be considered appropriate. The Inspector reasoned that the proposed development conflicts with the adopted and emerging development plan relating to the conversion of buildings in the countryside, and there would be conflict with the Framework. The Inspector accordingly dismissed the appeal.

3PL/2017/1150/0- Chapel Farm, Dereham Road, Dereham Road (Proposed residential development)

ALLOWED

The Inspector considered the main issue of the appeal was whether occupants of the proposed services would have adequate access to shops and services. The appeal site is around 1.4Km to the south of Yaxham village. The larger town of Dereham that provides a full range of services is around 4-5 km to the North West. The National Planning Policy Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, The Inspector reasoned that the location of the appeal site would enable a choice for future occupants to access local shops and services by transport means other than private car. The Inspector concluded that the proposed development would be consistent with the limited development in rural settlements envisaged in the spatial strategy of the DPD and DLP and with the Framework as the site would enable suitable adequate access to shops and services. The appeal was accordingly allowed.

3PL/2017/1542/F Oaklands, Norwich Road, Besthorpe (Extension of gardens for plots 1 & 3 (Change of use from agriculture) and retention of mobile home as office for business

ALLOWED

The main issue of consideration is whether the office use would be appropriate in this location and the effect on the countryside. The Inspector reasoned that the scale of the business would be such that it would not be harmful to have the office located outside the main employment areas. In addition, there are advantages to the Appellant having his office in proximity to his home in sustainability terms. Accordingly, whilst the development does not comply wholly with the requirements of Policies Dc7 and CP14 he concluded that the retention of the mobile home for the applicants business would not be harmful to the character of the area or be unacceptable in terms of provision of employment uses outside of the allocated areas. In terms of effect on the countryside the Inspector concluded that whilst the building is positioned to the rear of dwellings, its size, height, materials, colouring and positioning does not result in an unacceptable intrusion into the countryside and does not therefore harm the rural character and appearance of the surroundings and complies with DC1, DC16 and C11 of the Core Strategy. The appeal was accordingly allowed.

3PL/2018/1387/Hou 5 Moorgate Cottages, Southend, Dereham, Norfolk- First floor extension to existing garage to form study

DISMISSED

The Inspector the main issues were the effect on the character and appearance of the area, and the effect on living conditions. The Inspector noted that the existing double garage was larger than most other domestic outbuildings in the surrounding rear gardens and the proposed extension would result in a building that would appear unduly prominent, incongruous and at odds with the its surroundings, due to its increased height and bulk. .The Inspector concluded that the proposal would be harmful to the character and appearance of the area and would conflict with Policy DC16 of the Core Strategy. The appeal was accordingly dismissed.

3PL/2018/1251/O, New dwelling, 22 Sandy Lane, East Dereham

DISMISSED

The main issues of consideration were (i) The effect of the proposed development on the character and appearance of the area, and (ii) The effect of the proposed development on highway safety. The Inspector considered that the proposal would result in material harm to the character and appearance of the area, contrary to Policies DC1 and DC16 of the Core Strategy. In addition additional conflict would exist with the design aims of the National Planning Policy Framework. In terms of impact on highway safety the Inspector found the scheme acceptable. The Inspector accordingly dismissed the appeal.