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# Appeal Decision

Site visit made on 13 February 2018

**by R A Exton Dip URP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 29<sup>th</sup> March 2018**

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**Appeal Ref: APP/F2605/W/17/3187613**

**Old Fakenham Road, Foxley, Dereham NR20 4QJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by E Howell and Sons against the decision of Breckland District Council.
  - The application Ref 3PL/2017/0116/O, dated 27 January 2017, was refused by notice dated 3 October 2017.
  - The development proposed is described as 24 residential dwellings with associated gardens, private drives and public open spaces, 15 of these are to be market value properties and 9 will be affordable housing.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The planning application as originally submitted proposed 24 dwellings. During the course of consideration, the proposal was reduced to 18 dwellings with 40% being affordable, and the Council determined the application on this basis. I will therefore assess the appeal proposal on the same basis.
3. The planning application was submitted in outline form with all matters reserved. However, the plans accompanying the application show an indicative layout and access arrangements. I shall treat this as being for illustrative purposes and take account of it accordingly.

## Main Issues

4. The main issues are the effect of the proposal on: i) the character and appearance of the area; and, ii) the provision of affordable housing, public open space and library services in the area.

## Reasons

### *Character and appearance*

5. The appeal site is situated outside, but adjacent to the defined settlement boundary of Foxley, on the western side of the A1067. Trees and vegetation on the appeal sites boundaries provide a degree of separation and screening from the countryside. However, its openness relates it more closely in character to the countryside than the main built up area of Foxley. When passing the site travelling from either the north or the south on the A1067 the

site's open and rural character are particularly evident, especially when trees are out of leaf.

6. The appeal proposal would form a significant addition to the built form of Foxley. Although layout is not a matter for consideration it is clear that for the appeal site to accommodate 18 dwellings a suburban type layout would be required. This would contrast harshly with the layout of Foxley where dwellings are sited in a linear form along roads and around their junctions. As a result, and given its scale relative to the settlement, the appeal proposal would have a significant and detrimental urbanising effect on Foxley.
7. Due to the appeal sites prominent location, and the high degree of visibility from the A1067, the appeal proposal would also have an adverse effect on the wider landscape. Its urbanising effect would adversely affect the small scale historic nature of Foxley which is fundamental to the character of the surrounding landscape.
8. In light of the above I conclude that the appeal proposal would conflict with Policies DC16 and CP11 of the DPD<sup>1</sup>. These require new development to achieve the highest standards of design that reflects local character and protects the landscape character of the district.

*Affordable housing, public open space and library provision*

9. Policies CP4, CP5 and DC4 of the DPD require new development to make specific infrastructure contributions and provision for affordable housing, where appropriate, through planning obligations. Although the appellant indicates a willingness to enter into a suitable planning obligation in line with the Council's expectations, no completed obligation is before me. In light of my conclusion on the above issue I do not need to consider this matter further.

*Other matters*

10. The Council states that it cannot currently demonstrate a 5 year housing land supply. In the absence of a five year housing land supply, paragraph 14 of the Framework is triggered. This requires planning permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole.
11. I note the benefits of the appeal proposal identified by the appellant including the boosting of housing supply within the district, the potential provision of affordable accommodation in line with the suggested planning obligation, job creation through the construction phase and associated supply chain, increased expenditure within the local economy, increase in council tax revenue and improvements to pedestrian crossing facilities in the area. I also note interested parties support for the appeal proposal. However, I consider that the harm to the character and appearance and landscape character of the area would be so great that it would significantly and demonstrably outweigh these benefits.

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<sup>1</sup> The Breckland Council Core Strategy and Development Control Policies Development Plan Document 2001-2026 adopted in 2009.

**Conclusion**

12. For the reasons given above, and taking all other matters raised into account, I conclude that the appeal should be dismissed.

*Richard Exton*

INSPECTOR

Richborough Estates