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## Appeal Decision

Site visit made on 26 February 2019

**by R Norman BA (Hons) MA MRTPI**

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

**Decision date: 25 March 2019**

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**Appeal Ref: APP/F2605/W/18/3212624**

**Land adjacent Poppy Fields, Kenninghall Road, Harling NR16 2QD**

- 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 Mrs H Hetherington against the decision of Breckland District Council.
  - The application Ref 3PL/2018/0111/O, dated 24 January 2018, was refused by notice dated 3 August 2018.
  - The development proposed is described as residential development.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The proposed development is in outline with access arrangements only committed at this stage. All other matters (landscaping, external appearance, scale and layout) are reserved for later consideration. Layout plans have been submitted which I have had regard to but taken as indicative only in all but access details.

### Main Issue

3. The main issue is the effect of the development on the character and appearance of the area and the countryside.

### Reasons

#### *Character and Appearance*

4. 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 site is currently being used for the keeping of pigs. A public right of way runs between the site and the adjacent development, which would be relocated centrally though the appeal site. The proposal is in outline only however it is suggested that around 67 dwellings could be developed on the site.
5. East Harling is identified as a Service Centre Village in Policy SS1 of the Breckland Core Strategy and Development Control Policies (2009) (Core Strategy) and it provides a range of facilities and services including a regular bus service.

6. The appeal site forms a transition between the main part of the village and the wider countryside. The main part of the village terminates to the west with some sporadic dwellings on the opposite side of the road. To the north, east and south east are large areas of open land, occasionally punctuated by landscaping and tree belts. The appeal site allows for long views across the wider countryside from the public right of way and some parts of Kenninghall Road as a result of its overall openness and land levels.
7. The Appellant has carried out a Landscape and Visual Appraisal dated 20<sup>th</sup> June 2018 (LVA) which considers several viewpoints along Kenninghall Road and within the appeal site. The document identifies major adverse impacts to views close to the site frontage and within the site itself and moderate adverse in other positions. In relation to the major adverse impacts identified, through the implementation of mitigation measures the LVA considers these would be reduced to moderate adverse and moderate neutral impacts.
8. When viewed from the east the proposed development would be seen against the backdrop of Poppy Fields. However, from other views, particularly from the public right of way and short and medium viewpoints along Kenninghall Road, the development would be prominent and would extend into the rural landscape. I find that the proposed development would encroach beyond the main built form of Harling and beyond the nearby sporadic developments also. I recognise that the appeal site has been used for agricultural purposes however this has not had the urbanising effect that a large estate development would have, and the site still retains its rural transitional character which contributes positively to the area and provides some longer views.
9. Accordingly, having regard to the LVA and EH3 of the Harling Settlement Fringe Landscape Assessment, I am 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. I find that the new development would have a significant effect on the visual character of the surroundings, even with the retention of the frontage hedge and additional planting.
10. The Appellant has noted that the Council cannot currently demonstrate a 5-year supply of housing land. The Council do not dispute this and confirm that they have a 4.77 year supply, meaning a shortfall of around 0.33 years. Whilst this therefore renders the policies for the supply of housing out of date, I consider Policies DC16 and CP11 referred to in the Council's decision to relate to other considerations, including the character and appearance of the area and accordingly these therefore remain relevant and carry substantial weight.
11. In addition, I have had regard to the level of shortfall which in this instance is relatively minor. The proposed development would provide a substantial number of houses which would contribute to the district's housing supply, however given the minimal shortfall, I find that this does not outweigh the harm to the character and appearance of the area identified above.
12. I have had regard to the level of facilities provided in Harling, the proposed provision of a footpath link from the site, the adjacent Poppy Fields development and the Council's current housing land supply. However, I find that the harm to the character and appearance of the area identified above would not be outweighed by these considerations.

13. Consequently, I find that the proposed development would have a harmful effect on the character and appearance of the countryside and surrounding area for the above reasons. It therefore fails to comply with Policies DC16 and CP11 of the Core Strategy and the provisions of the National Planning Policy Framework (2019). Collectively, these seek to protect and enhance the rural landscapes and preserve or enhance the existing character of an area.

*Other Matters*

14. The Council have identified several planning obligations that they consider necessary to make the development acceptable. These are the provision of affordable housing, provision of local play areas, an off-site contribution to sports provision, education contributions, a library contribution and fire hydrant provision.
15. The Appellant has referred to the provision of affordable housing and that the development would support social infrastructure by providing a contribution towards educational facilities. However, no obligation has been provided which would meet the Council's requirements. The Council and the County Council have provided a substantial justification for the required contributions which are supported by sound evidence and policy backing. Accordingly, I consider that the identified requirements are reasonable and necessary to mitigate the effects of the development on the local infrastructure and needs.
16. In the absence of a completed agreement the proposed development would not provide the infrastructure requirements necessary to make the development acceptable.
17. There is a Grade II Listed Windmill located to the south west of the appeal site. It is visible from the site but set back from Kenninghall Road. The windmill is already set against the backdrop of housing and views of the windmill would not be adversely affected as a result of the proposed development. The development would be sited at a sufficient distance to not alter or harm the setting of this Listed building. Accordingly, the development would preserve the setting of the Listed Building in this instance.

**Conclusion**

18. For the reasons given above, and having had regard to all matters raised including local representations, the request for the site to be included in the Preferred Site Options and Settlement Boundaries and the Council's original recommendation to their Planning Committee, I conclude that the appeal should be dismissed.

*R Norman*

INSPECTOR