

Appeal Decision

Site visit made on 13 September 2016

by **S. J. Buckingham, BA (Hons) DipTP MSc MRTPI FSA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5TH October, 2016

Appeal Ref: APP/W3520/W/16/3151859
The Barn, Grove Lane, Elmswell, IP30 9HN

- 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 Ms Fiona McCaulay against the decision of Mid Suffolk District Council.
 - The application Ref 1162/16, dated 16 March 2016, was refused by notice dated 26 May 2016.
 - The development proposed is erection of a detached dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a detached dwelling at The Barn, Grove Lane, Elmswell, IP20 9HB in accordance with the terms of the application, Ref 1162/16, dated 16 March 2016, and the plans submitted with it, subject to the condition set out in the schedule to this decision.

Preliminary Matter

2. The application was made in outline with all matters reserved for later determination. I have determined the appeal on that basis, treating the submitted plans as illustrative only.

Main Issue

3. The main issue in this case is whether the proposal represents sustainable development having regard to the National Planning Policy Framework (the Framework) and the development plan.

Reasons

4. The Barn is a low, single storey dwelling set in a generous garden to side and rear. The appeal site is the area of garden to the side of the house, running back from the frontage to the rear boundary. The site is located some distance from the defined settlement boundary of Elmswell, but sits on the edge of a large group of houses that mark the edge of the settlement before it gives way to open countryside.
 5. The site is near the junction of Grove Lane and Ashfield Road. Grove Lane itself appears rural at this point, with the appeal site facing an open field to the south, but carries on to playing fields and an industrial area beyond that. Ashfield Road, as it leads into Elmswell, is lined with groups of houses and a number of
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farmsteads including dwellings and outbuildings, which creates a loosely developed strip connecting the more densely populated centre of the settlement and this outlying area.

6. Elmswell itself is a large village, with a range of services and facilities, including a railway, bus services a variety of shops and a primary school. It is identified in the Mid Suffolk Core Strategy 2008 (CS) as a Key Settlement, capable of sustaining new development within the settlement boundary. Policies H7 and H10 of the Mid Suffolk Local Plan 1998 (LP) seek to restrict development in the countryside.
7. There is no dispute that the appeal site is outside the defined settlement boundary of Elmswell as defined in Policy CS2 of the CS. There is no dispute either that the Council is not able to demonstrate a five year housing land supply, and that paragraphs 14 and 49 of the Framework therefore apply. As a result policies little weight can be given to CS policies CS1 and CS2 or LP policies H7 and H10, as they relate to the supply of housing and cannot be considered up to date. Paragraph 14 states that where relevant policies are out of date, the presumption in favour of sustainable development means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
8. The Framework defines the three dimensions to sustainable development, social, economic and environment. It states that sustainability should not be interpreted narrowly and that the dimensions of sustainable development are mutually dependent and should be sought jointly and simultaneously through the planning system.
9. In social terms, the appeal proposal would contribute to the housing stock of the District, which is an important consideration in the absence of an identified five year housing land supply, although the contribution would be a small one. There would be some short term economic benefit during the construction phase of any development, and in the longer term through support to local businesses. Given that the Framework generally encourages the supply of new housing, and as these benefits contribute towards the aim of achieving sustainable development, I give therefore accord them moderate weight.
10. The Framework also, in paragraph 55, in seeking to promote sustainable development in rural areas, states that housing should be located where it will enhance or maintain the vitality of rural communities, and that except under special circumstances, local planning authorities should avoid new isolated homes in the countryside.
11. The proposed dwelling would sit at the edge of a group of houses and not therefore be isolated from other dwellings. Although outside the defined settlement boundary, the run of houses and farmsteads along Ashfield Road link it to the heart of the settlement. The proposed house would also be close enough to the range of services and facilities available in Elmswell to be likely to make use of them, and would not therefore be functionally isolated from the settlement or these services. It would thereby also be able to contribute to enhancing or maintaining the vitality of this and the surrounding rural communities through supporting these services and facilities. Accordingly, the development of this site for residential purposes would meet the aims of paragraph 55 of the Framework, to which I must give significant weight.

12. In environmental terms, Paragraph 17 of the Framework states that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and paragraph 30 seeks patterns of development which, where reasonable to do so, facilitate the use of sustainable modes of transport.
13. There is no footpath on Grove Lane itself, and crossing Ashfield Street a combination of grass verges and crossovers provide a makeshift pathway separated from the highway until a made footpath is reached at some distance from the appeal site. Although, therefore, the facilities and services of Elmswell are accessible by walking or cycling, the distances involved and nature of the route means that occupiers of the appeal property would be more likely to access them by private car. While the number of car movements generated by a single dwelling would be small, there would still be some minor harm.
14. In this case I conclude, therefore, that the minor harm created by the need for additional private car journeys would not significantly and demonstrably outweigh the moderate benefits of providing a new dwelling in this location and the more than moderate benefits of the contribution it would make to enhancing or maintaining the vitality of Elmswell. The development proposed would as a result be consistent with the principles of sustainable development. In that respect it would also not conflict with Policies FC1 and FC1.1 of the Mid Suffolk Core Strategy Focused Review 2012 which seek development which accord with the principles of sustainable development.
15. The appeal decisions put before me relating to development on sites elsewhere outside defined settlement boundaries are not directly comparable to the appeal proposal and do not, therefore, lead me to alter my findings in respect of the appeal.

Conclusion

16. For the reasons given above, therefore, and taking into consideration matters raised, I conclude that the appeal should be allowed.

Conditions

17. I have had regard to the conditions suggested by the Council. I have attached conditions limiting the life of the planning permission and setting out requirements for the reserved matters in accordance with the requirements of the Act. Details of the materials to be used in external faces of the building fall within the scope of the reserved matters, and I have not included a condition reserving these. Most details of landscaping and boundary treatments also fall within the scope of the reserved matters, but it is reasonable and necessary to add a condition regarding site levels and the protection of existing trees and hedges, in the interests of the character and appearance of the area. Securing the implementation and retention of the vehicle access is necessary to achieve its proper design and construction in the interests of highways safety. Planning conditions should not be used to restrict permitted development rights unless there is a clear justification for doing so. No justification has been provided, and I do not consider such a condition necessary.

S J Buckingham

INSPECTOR

SCHEDULE

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) existing and proposed finished levels or contours;
 - ii) the location, spread, girth and species of trees, shrubs and hedgerows on site, indicating any to be retained and the measures for their protection.

The landscaping works shall be carried out in accordance with the approved details before the approved dwelling is first occupied in accordance with the agreed implementation programme.

- 5) No part of the development shall commence until the existing vehicular access has been improved, laid out and completed in accordance with details which have first been submitted to and approved in writing by the local planning authority. It shall be retained in the specified form thereafter.