
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: 20th October, 2016

Appeal Ref: APP/W3520/W/16/3151662

Land at Little Haugh Hall, Stanton Street, Norton, Suffolk, IP31 3LJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Stephen Partridge-Hicks against the decision of Mid Suffolk District Council.
 - The application Ref 0630/16, dated 9 February, 2016, was refused by notice dated 12 May, 2016.
 - The development proposed is erection of 2 detached cottages.
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Decision

1. The appeal is allowed and planning permission is granted for erection of 2 detached cottages at land at Little Haugh Hall, Stanton Street, Norton, Suffolk IP31 3LP in accordance with the terms of the application, Ref 0630/16, dated 9 February 2016, and the plans submitted with it, subject to the conditions set out in the schedule to this decision.

Application for costs

2. An application for costs was made by Mr Stephen Partridge-Hicks against Mid Suffolk District Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is whether the proposal for housing in this location would represent a sustainable form of development having regard to its effect on the character and appearance of the area and to the National Planning Policy Framework (the Framework) and the development plan.

Reasons

4. The appeal site consists of two parcels of land on either side of the access drive leading to Little Haugh Hall Farm, close to its boundary with the busy A1088, Ixworth Road. It is currently low lying open land flanked by wooded areas, and set below the level of the road, behind a traditionally constructed flint and brick entrance wall. There are a number of mature trees on site.
 5. The site is located to the north of Norton, outside the settlement boundary. However it sits within a substantial group of houses, and the separation from Norton is small enough for the nearest part of the settlement to be visible along the road, along which runs a made footpath linking the two.
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6. Norton is a village with some services and facilities, including a village hall, pub, petrol station and shop, churches, pre- and primary schools and a bus connection. It is identified in the Mid Suffolk Core Strategy 2008 (CS) as a Primary Village, capable of sustaining small-scale housing growth within the settlement boundary.
7. There is no dispute 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 CS1 and CS2 of the CS relating respectively to development hierarchy and development in the countryside cannot be considered up to date. Policies H7 and H10 of the Mid Suffolk Local Plan 1998 (LP), which seek to restrict development in the countryside, also cannot be considered up to date.
8. 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.
9. The Framework defines the three dimensions to sustainable development, social, economic and environment. It is clear 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.
10. The appeal proposal would contribute to the housing stock of the District by creating two new residential units, 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 economic benefit during the construction phase of any development, albeit limited and temporary, and in the longer term through support to local businesses. There would also be social and economic benefits from providing on-site employee accommodation for the Little Haugh Estate. 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 them moderate weight.
11. 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.
12. The proposed dwellings would sit within a large group of housing lining Ixworth Road and not therefore be isolated from other dwellings. Although outside the settlement boundary, they would be close enough to the range of services and facilities to be likely to make use of them, and would not therefore be functionally isolated from them. They 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 more than moderate weight.

13. 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. One of the dwellings to be provided would accommodate an employee of the Little Haugh Estate, thereby minimising vehicular movement relating to travel to work. There is also a made footpath leading from the vicinity appeal site into the centre of Norton, at a distance of around 1.25 kilometres, although it is on the other side of Ixworth Road.
14. While the distances to the services and facilities of Norton can be cycled or walked, the occupiers of the appeal properties would be likely to access these and other services outside the settlement by private car. However, this would be similar to the situation for other residents of the adjacent part of Norton lying within the housing settlement boundary, who are nonetheless located over 1 kilometre from the village centre. While the number of car movements generated by two dwellings would be small, there would still be some minor harm.
15. The proposed houses would be set back behind a now cleared strip of land separating them from the main road. They sit in an area of varied character, where traditional and more modern buildings are set out along the road in a variety of orientations, but generally within generous garden spaces. Some are set directly on the main road, but the majority are set back from it, with brick walls, hedges or substantial planting on their boundaries to create a distinct separation from the highway frontage. In that respect, the setback of the proposed houses from the road frontage, behind the existing boundary wall, although greater, would not be excessively atypical and would not be sufficiently great to isolate them from the line of development along the road frontage. They would also be clearly visible from the road, not least due to the fact that the appeal site sits below the level of the road, and in that respect would also read as part of the development following the line of the road.
16. The appeal dwellings would be set out on either side of the access drive to Little Haugh, which would draw attention to the existence, although not visible, of the farm and Hall beyond, a characteristic emphasised by their passing resemblance to a pair of estate lodges. They are on a site which is bounded by woodland to north and south and on the east by a wall clearly marking an arrival point from the highway on that side. These factors combine to reduce the sense that the site is dominated by open countryside, and reinforces its relationship with adjoining developed parts of the area.
17. For these reasons, therefore, I conclude that the appeal proposal would not significantly harm the character and appearance of the area.
18. In terms of the balancing exercise required by the Framework, I conclude that the minor harm created by the need for additional private car journeys would not significantly and demonstrably outweigh the moderate benefits of providing two new dwellings in this location and the more than moderate benefits of the contribution it would make to enhancing or maintaining the vitality of Norton and surrounding settlements. It would therefore be consistent with the principles of sustainable development set out in the Framework. 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 accords with the principles of sustainable development.

19. I also conclude that the proposal would not cause harm to the character and appearance of the area, and would not therefore conflict with Policy H13 of the LP which relates to the design and layout of new housing, and in particular its requirement that new housing be consistent with the pattern and form of development in the locality.
20. My attention has been drawn to a number of planning and appeal decisions relating to development on sites elsewhere outside defined settlement boundaries. While I do not have full details of the background to these proposals or the decisions made, from the information available to me it appears that the circumstances of these cases are not directly comparable to the appeal proposal. These examples do not, therefore, lead me to alter my findings in respect of the appeal.

Other Matters

21. The Council pointed out in its officer's report that the Community Infrastructure Levy has recently been adopted, and is applicable to the appeal application, although this was not a reason for refusing the scheme. However, since then, following a Court of Appeal Judgement¹, the Written Ministerial Statement of 28 November, 2014 (the WMS) and subsequent alterations to the Planning Practice Guidance (the PPG) should once again be considered national planning policy on planning obligations and tariff-style contributions for affordable housing and social infrastructure contributions. These state that such contributions should not be sought from development of 10 units or less and which have a maximum combined gross floor space of no more than 1000m². This applies to the appeal scheme.
22. As the most up-to-date expression of national policy on this issue, I must give great weight to the WMS and PPG, and I have been presented with no evidence which would cause me to do otherwise. I conclude therefore that the lack of a contribution to the Community Infrastructure Levy would not constitute a reason for refusing the appeal application.
23. Neighbouring occupiers have drawn attention to the boggy nature of the land and possible location of a watercourse, although based on the information before me the effects of these would not be reasons to dismiss the appeal. The gardens of adjoining properties are sufficiently separated to minimise any potential for overlooking from the proposed buildings. The protection and retention of mature trees while development takes place is a matter which can be controlled by condition.

Conclusion

24. For the reasons given above, therefore, and taking into account matters raised, I conclude that this appeal should succeed, and planning permission be granted.

Conditions

25. I have had regard to the conditions put forward by the Council and to the requirements of the Framework. In the interests of clarity I have added a condition requiring implementation of the proposal in accordance with the

¹ Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council C1/2015/2559; [2016] EWCA Civ 441.

approved plans. A condition requiring the setting out of parking and vehicle manoeuvring spaces is added to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles in the interest of highway safety.

26. A condition requiring the approval of details of facing materials is added in the interests of protecting the character and appearance of the area. Details of landscaping and boundary treatments are also reserved in the interests of protecting the character and appearance of the area. This condition is to be agreed prior to the commencement of any development to ensure matters of tree and hedgerow protection are secured early in order to avoid damage or loss due to development works on site. A condition relating to the implementation of landscaping works is added to ensure that the approved landscaping scheme has sufficient time to establish, in the interests of protecting the character and appearance of the area.
27. A condition is added requiring the implementation of measures to control surface water drainage to minimise the risk of flooding, in the interests of protecting the living conditions of occupiers of the approved dwellings.
28. 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 reasonable or necessary.

S J Buckingham

INSPECTOR

SCHEDULE

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan scale 1:2500, 11A, 12, 13A, 14B, 15A and 16.
- 3) No dwelling shall be occupied until spaces have been laid out within the site for cars to be parked and for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear and those spaces shall thereafter be kept available at all times for those purposes.
- 4) No development shall commence until details or samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details or samples.
- 5) 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) earthworks showing existing and proposed finished levels or contours;
 - ii) boundary treatments;
 - iii) hard surfacing materials;
 - iv) spread, girth and species of all existing trees, shrubs and hedgerows on the site, indicating any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837:2012 Trees in relation to design, demolition and construction
 - v) an implementation programme.

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

- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 7) No development shall commence above slab level until full details of surface water drainage have been submitted to and approved, in writing, by the Local Planning Authority. No part of the development shall be first occupied or brought into use until the agreed method of surface water drainage has been fully installed and is functionally available for use. The surface water drainage scheme shall be thereafter maintained as approved.