

Appeal Decision

Site visit made on 17 October 2016

by David Spencer BA(Hons) DipTP MRTPI

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

Decision date: 24 October 2016

Appeal Ref: APP/W3520/W/16/3156246

The Old Stables, Barton Road, Thurston Suffolk IP31 3PQ

- 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 & Mrs Oliver Drury against the decision of Mid-Suffolk District Council.
 - The application Ref 0878/16/FUL, dated 5 February 2016, was refused by notice dated 18 May 2016.
 - The development proposed is erection of a new ecological dwelling and garages including new drive.
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Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issue

2. The Local Planning Authority's (LPA) decision notice referred to two reasons for refusal. It is now agreed that the second reason relating to potential harm from overlooking is no longer before me. Consequently, the main issue in this appeal is whether the development proposed would be consistent with the principles of sustainable development having regard to the National Planning Policy Framework (NPPF) and the development plan.

Reasons

3. The appeal site comprises garden land within the curtilage of The Old Stables, a two storey house situated in a small and scattered group of dwellings located in the gently undulating countryside to the north of the village of Thurston. The appeal location is separated from the village by a patchwork of fields, occasional agricultural buildings and some further scattered development off Mill Lane. However, due the appreciable intervening distance to the edge of the village the appeal site is clearly in the countryside.
 4. The appeal site is accessed by a single track tarmac road serving a handful of dwellings before terminating at the Grange Hotel, adjacent to the appeal site. The appeal site forms part of a very small group of buildings with the hotel and 'The Gambols' to the south. However, there is limited relationship to the very few other dwellings in the locality, such that I do not consider the appeal site forms part of a notable or cohesive group of buildings or dwellings.
 5. The appeal proposal would also be distant from the good range of services and facilities available in Thurston. Both parties have submitted various distances and in my view, a number of key facilities would be beyond a reasonable everyday walking distance. I also find the quality of the connection into the
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village would not be amenable for pedestrians or cyclists. In coming to this view, I find the alignment on Barton Road (including an undulating curve), the national speed limit, the lack of footway and lighting beyond Mill Lane, the very narrow verges and the very limited natural surveillance along the route in the countryside would all combine to deter regular walking or cycling into the village. Accordingly, it is realistic and reasonable to find that occupants of the proposed dwelling would be reliant on the private car to access day-to-day services and facilities including public transport services available from Thurston. Taking all of the above into account I find the appeal proposal would constitute an isolated dwelling in the countryside.

6. Paragraph 55 of the NPPF requires that isolated new homes in the countryside should be avoided, unless special circumstances exist. This is reflected in Policies H7 and H10 of the Mid Suffolk Local Plan 1998 (the MSLP) which seek to restrict new housing in the countryside (H7), except where there is a proven essential need (H10). There is no dispute that the LPA cannot presently demonstrate a five year supply of deliverable housing land. Accordingly, paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date. I consider the restrictive approach in Policy H7 makes it a relevant policy for the supply of housing. As such the weight I can attach to it is limited. However, the overriding objective of the planning system, as explained in the NPPF, is to secure sustainable development, including in rural areas.
7. In this context, paragraph 55 of the NPPF identifies those special circumstances where a new isolated dwelling in the countryside could be considered sustainable development. I find the design of the dwelling would be interesting and the use of render and timber board for the external finishes would be appropriate for its rural setting. I also accept that elements of the detailing and materials would result in a good quality building. However, in many respects the design and materials would be representative of a recognisable contemporary style, rather than exemplifying a creative and advanced design that would illustrate the highest standards in architecture.
8. I accept that due to surrounding tree belts, hedgerows and trees on the appeal site, the appeal proposal would not be intrusive in the wider landscape. However, I am not persuaded that the appeal proposal would significantly enhance what is at present a largely verdant garden setting despite the presence of some small-scale ancillary sheds. Furthermore, I am not persuaded that the design of the appeal proposal as a manufactured eco-friendly building product would be a specific response to the site context.
9. The appellant has sought to emphasise the environmental performance of the building in terms of its use of timber, its thermal operation and longevity of the building. On its own, ecological credentials are not one of the special circumstances identified in the NPPF. I have considered the appellant's evidence on this matter carefully and I am not persuaded that the appeal building would be at the vanguard of design to extend or inspire advances in the environmental performance of dwellings in this country. Additionally, I am cautious as to how the scale of the carbon gains resulting from the positive performance of the building would be offset by carbon emissions, over time, from modes of travel from the isolated location. In bringing all of this together I find that the appeal building, against the requisite tests, is neither truly

outstanding nor innovative in terms of its design, including environmental performance, to justify a new isolated home in the countryside.

Planning Balance

10. The NPPF at paragraphs 6-9 sets out how sustainable development will be achieved and explains it comprises three dimensions (economic, social, environmental) which should be secured jointly and simultaneously through the planning system. As set out above, I find that the appeal proposal, notwithstanding the environmental performance of the proposed "Baufritz" timber construction, would result in significant and demonstrable environmental harm arising from a reliance on the private car in such an isolated location. Whilst I give limited weight to the societal benefit of one additional house to the overall housing supply I am concerned that the appeal proposal is detached from the wider community at Thurston such that its occupiers would not have the social and cultural well-being of living within a community. On balance I consider there would be modest conflict with the social dimension of sustainability from future occupants living at this isolated location.
11. I therefore conclude that the appeal proposal would comprise an unsustainable development in the open countryside. Due to the demonstrable and significant environmental harm and moderate social harm it would not constitute the sustainable development for which there is a presumption in favour of at paragraphs 49 and 14 of the NPPF and replicated at Policies FC1 and FC1.1 of the Mid Suffolk Core Strategy Focused Review 2012. Whilst I have given it limited weight, the proposal would also conflict with Policy H7 of the MSLP. It would also not meet any of the circumstances to justify a new isolated home in the countryside notably at paragraph 55 of the NPPF and at Policy H10 of the MSLP. As such it would fail to accord with the objective of the NPPF to promote sustainable development in rural areas.

Other Matters

12. I note the appellant's concerns regarding consistency and quality of advice from the LPA. Whilst I understand the appellant's frustrations, it should be borne in mind that pre-application advice is not binding on the formal decision of the LPA. I also note that the LPA recognised the need to change its position on the second reason for refusal in a timely way which has not prejudiced the appellant in this appeal. Additionally, I find the LPA has presented a cogent appeal statement to support its decision in relation to the primary reason for refusal regarding sustainable location.

Conclusion

13. For the reasons above, and having regard to all other matters raised including the lack of local objection and the support of the Parish Council for the appeal proposal, I conclude that the appeal should be dismissed.

David Spencer

INSPECTOR.