
Appeal Decision

Site visit made on 1 November 2016

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

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

Decision date: 8 November 2016

Appeal Ref: APP/J3530/W/16/3151339

Cranes Garage, The Street, Bawdsey, Suffolk IP12 3AH

- 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 T Crane against the decision of Suffolk Coastal District Council.
 - The application Ref DC/15/4256/FUL, dated 20 October 2015, was refused by notice dated 17 March 2016.
 - The development proposed is the erection of 4 dwellings and conversion of existing buildings into 5 holiday units.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposal on:
 - the character and appearance of the area with regard to the scale and layout of the proposed dwellings and the alterations to one of the retained buildings;
 - the stock of employment sites in the District;
 - highway safety with particular regard to visibility at the vehicular accesses;
 - the living conditions of future occupiers with regard to outlook;
 - the living conditions of the occupiers of The Bungalow with particular regard to outlook, privacy, noise and disturbance,;
 - the supply of affordable housing in the District.

Reasons

Character and Appearance

3. The appeal site is located within the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB) and Heritage Coast and forms part of a loose knit band of development extending north from Bawdsey. The site wraps around a single storey dwelling known as The Bungalow. Whilst the nearby residential properties are arranged in an essentially linear pattern, the appeal site accommodates buildings and hard surfacing both on the road frontage and set back behind The Bungalow. Therefore, the site has a developed character
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across its full depth. The rear of the site is also visually contained by established hedges on its eastern and southern boundaries.

4. The appeal proposal would retain and re-use two of the existing buildings (labelled building A and building B on the application plans) for holiday accommodation. The other buildings would be demolished and four new detached two storey dwellings erected. There is nothing to suggest that the buildings to be demolished are of architectural merit or that the grouping of the buildings to be retained has particular significance.
5. The siting of proposed plot 1 would be consistent with the adjoining linear pattern of development. Plots 2, 3 and 4 would be located towards the rear of the site. Although this would intensify the amount of built development in this part of the site, the layout would respond logically to the shape of the site and form a group around The Bungalow. The new buildings would not extend the existing built up area and would be contained by the existing boundary planting.
6. Plots 2 and 3 would be sited fairly close together in the corner of the site and plot 2 would be close to the eastern boundary. However, both plots would be set back from the access drive with room for planting in front. The planting would also help to soften the appearance of the proposed parking areas. Elsewhere, there would be reasonably generous spaces between plots 1 and 2 and between plot 4 and buildings A and B. As such, I consider that the development would not have a cramped or over-developed appearance. Nor, with an appropriate planting scheme which could be secured by condition, would the layout be unacceptable.
7. The Council advises that building A is a former workshop which is typical of the style of buildings developed by the locally significant Quilter Estate in the late nineteenth and early twentieth centuries. The considerable scale, simple form and quality of materials used in the building's hipped roof give it an attractive and striking appearance. The range of timber and glazed openings, some under tilted roofs, in the south elevation adds to the traditional workshop character of the building. Therefore, Building A contributes positively to local distinctiveness.
8. The proposals for building A include the introduction of four large dormers in the roof and new or altered openings in all four elevations. The new dormers would disrupt the scale and simplicity of the roof form. Insufficient detail has been provided to fully assess the alterations to the openings in the southern elevation. However, the new or altered openings in the other elevations would have an inappropriate domestic appearance. Therefore, the proposed alterations would have a significantly harmful effect on the character and appearance of the building and its village setting within the AONB.
9. The appellant suggests that the dormers could be replaced with rooflights. However this would be a material change to the scheme considered and consulted upon by the Council. My determination is, therefore, based on the submitted proposals.
10. The appellant argues that the proposal would represent a visual improvement over the current condition of the site. Although the site has a somewhat unkempt appearance, the existing buildings seem to be in reasonable condition and their scale and siting is not out of character with the surrounding area.

Therefore, notwithstanding that I have found that the scale and layout of the proposed buildings would be acceptable, I am not persuaded that they would amount to an enhancement of the existing situation. Moreover, the alterations to building A would be significantly detrimental.

11. The proposal would, therefore, conflict with LP Policies SP15, DM13 and DM21. Together, these policies seek to protect and enhance the AONB, as well as the distinctive historic and architectural value of towns and villages and ensure that alterations to converted buildings respect the traditional design of the building. For the reasons set out above, the proposal would not conflict with LP Policy DM7 to the extent that it presumes against infilling which results in a cramped form of development out of character with the area.

Employment Sites

12. Bawdsey village is defined as a Local Service Centre within the settlement hierarchy identified under Policy SP19 of the *Suffolk Coastal District Local Plan Core Strategy and Development Management Policies 2013* (LP). Local Service Centres are considered to offer a small range of facilities and services and may support some additional development. Policy SP7 of the LP seeks to maximise the economic potential of rural areas, particularly where this would secure local employment.
13. Policy DM10 of the LP supports the change of use or redevelopment of existing sites with an employment use to non-employment use provided that (a) it has been clearly demonstrated that there is no current or long term demand for the retention of the existing use or a mix of employment and other non-residential uses, or (b) the alternative use would bring substantial planning benefit. The policy goes on to state that the form and details of evidence submitted in support of an application should be agreed in advance. It also states that proposals for residential use will only be considered where part (a) has been satisfied.
14. The appeal site is currently vacant. The appellant advises that it was last used as a garage workshop in 2004 and, prior to that, provided employment for only one person. However, no explanation has been offered as to why the site has remained vacant and there is nothing to suggest that it is no longer suitable or viable for employment use. Nor is there evidence to demonstrate that the site has been marketed for any employment or other non-residential use. Consequently, I consider that it is an existing site with an employment use and the proposal falls to be considered under LP Policy DM10. Moreover the appeal submissions do not satisfy part (a) of the policy.
15. I have already concluded that the alterations to Building A would have a detrimental effect on the character and appearance of the area. Whilst the other elements of the proposal would not be harmful, overall it would not result in a substantial visual benefit. I recognise that the proposed tourist accommodation would benefit the local economy. However, this benefit has not been quantified and I am not persuaded that it would outweigh the loss of the employment use of the site. As such, I find that the proposal would not lead to substantial planning benefits necessary to justify the loss of the employment use under part (b) of Policy DM10.
16. The appellant argues that the Council's policies for the retention of employment sites do not wholly reflect the Framework. However, I note that the adoption

of the LP post-dates the publication of the National Planning Policy Framework (the Framework). Paragraph 22 of the Framework advises against the long term protection of employment sites where there is no prospect of their use for that purpose. Policy DM10 is consistent with that aim by virtue of the requirements of part (a). Framework paragraph 51 supports the change of use of commercial buildings to residential use, provided that there are not strong economic reasons why such development would be inappropriate. The appellant argues that there is a low level of unemployment and no shortage of employment land in the District. However, the aims of LP Policies SP7 and DM10 concern the long term growth and resilience of the local economy and maximising the economic potential of rural areas. There is no substantive evidence to demonstrate that these aims do not justify the policy preference to retain rural employment sites and, therefore, accord with paragraph 51.

17. The appellant has also referred to the redevelopment of the Council's offices at Woodbridge. I have not been provided with the circumstances of the planning decision for that scheme and, since each decision must be treated on its merits, I can accord it little weight.
18. Consequently, I find that the proposal would adversely affect the stock of employment sites in the District and would be contrary to LP Policies SP7 and DM10.

Highway Safety

19. The proposal would re-use the two existing accesses onto The Street. This Class B road is fairly straight and level and subject to a 30mph speed limit as it passes the site. Visibility at the accesses should, therefore, be considered having regard to the advice in Manual for Streets 2 (MfS2), rather than the Design Manual for Roads and Bridges, which is aimed at trunk roads and motorways. The advice in MfS2 suggests that the safe stopping distance for roads when the 85th percentile speed is 30mph is around 43m for light vehicles and slightly longer for heavy vehicles. MfS2 also advises that the visibility along the road should be based on these values although, unless there is local evidence to the contrary, a reduction in visibility below recommended levels will not necessarily lead to a significant problem.
20. The Council considers that the proposed use would generate more movements than the existing use. The appellant argues that the accesses have been used safely in the past and there is no reason to suggest that they are not safe to use now or in the future. However, given the low level of activity reported by the appellant when the site was last in use, it seems likely that the appeal proposal would lead to an increase in vehicle movements. Whilst re-use of the site for some other employment purpose may potentially lead to increased vehicle movements, no substantive information has been provided on the vehicle movements likely in that case compared with those generated by the appeal proposal. In such circumstances, my decision is based on the information available.
21. Application plan 3539-02F gives visibility distances for the access points. There is nothing to suggest that they are not representative. They indicate that visibility looking north from the northern access and south from the southern access would not comply with the requirements of MfS2. Whilst the shortfall at the southern access would be less than 10m, visibility at the northern access would be less than half the recommended distance. This is consistent with my

site visit observations and, to my mind, the visibility achievable in this direction falls significantly short of that necessary to allow the safe movement of vehicles from the site.

22. Therefore, having regard to the increase in vehicle movements associated with the appeal proposal, I consider that it would lead to a reduction in highway safety. As such, the proposal would not accord with the advice in Framework paragraphs 32 and 35 which require development to provide safe and suitable site access and create safe and secure layouts.

Living Conditions of Future Occupiers

23. The house on plot 3 would be located fairly close to the tall conifer hedge on the eastern boundary of the site. Whilst none of the appeal submissions give a dimension for the distance between the rear elevation of that house and the hedge, application plan 3539-02F indicates that it would be substantially less than the length of the attached single garage. The rear elevation includes windows at ground and first floor levels serving rooms likely to be used for significant periods of the day. Given the height and proximity of the hedge, I consider that it would have an overbearing effect on the outlook from the rear windows of plot 3.
24. The Council has also expressed concern regarding the effect of the siting of plot 2 on the outlook from the front of this dwelling. However, that outlook would be quite open otherwise and so would not be unduly constrained by the presence of plot 2. Nevertheless, by virtue of the restricted outlook to the rear, plot 3 would not offer satisfactory living conditions for future occupiers. The proposal would, therefore conflict with LP Policy DM23 insofar as it requires new development to have regard to the outlook of future occupiers.
25. Building B is, if anything, closer to the boundary hedge. The proposed conversion to holiday units would create ground floor bedrooms with windows facing the hedge at close range. However, since the units would be occupied for short periods, I consider that the limited outlook from those rooms would not, of itself, justify withholding planning permission.

Living Conditions of the Occupiers of The Bungalow

26. I have already found that the proposal would intensify the amount of development at the site. However, none of the proposed dwellings would be located closer to The Bungalow than the existing buildings on the site. The main outlook from The Bungalow appears to be to the south. Plot 1 would be the closest new building in this direction and it would be further away, and present a narrower elevation, than the existing showroom. Consequently, I consider that the proposal would not have a harmful effect on the outlook of occupiers of The Bungalow.
27. The northern side of The Bungalow is very close to one access route and the external space to the south is open to the other. I have already concluded that the proposal would be likely to lead to an increased level of vehicle movement at the site and more intensive occupation over longer periods, including evenings and weekends, than the previous use of the site. That said, I also recognise that re-use of the site for employment purposes may lead to increased noise and disturbance. I have not been made aware of the existence of any planning measures to control the nature and extent of such use. It

could, therefore, lead to comparable effects. Having regard to this consideration, I consider that the concern over noise and disturbance does not justify dismissing the appeal.

28. However, the principle external area serving The Bungalow is also to the south and is enclosed by low fencing. The two storey houses on plots 2 and 3 would have ground and first floor windows facing the external area at a distance which would allow clear views into it. Furthermore, the proposed use of building A for holiday lets and the introduction of windows at first floor level would allow close range views into the courtyard on the north side of The Bungalow. Moreover, as well as offering first floor level views, the proposed dwellings and holiday units would be more likely to be occupied more intensively, and over longer periods of the day and week, than the existing or potential employment uses. Such views would also be more intrusive than those from the public highway.
29. Whilst the first floor windows in building A could be obscured glazed, the proposal makes no provision for screening the views from plots 2 and 3 or the intensification of the use of building A. Therefore, I find that the proposal would be detrimental to the living conditions of the occupiers of The Bungalow by reason of loss of privacy. For this reason it would be contrary to LP Policy DM23 to the extent that this policy requires new development to have regard to the privacy of adjoining occupiers.

Affordable Housing

30. Policy DM2 of the LP requires one in three units to be affordable housing in developments of three or more housing units in Local Service Centres. The appellant has not submitted a Planning Obligation or other mechanism to secure this provision. However, the Written Ministerial Statement of 28 November 2014 and paragraph reference ID: 23b-031-20160519 of the Planning Practice Guidance state that affordable housing should not be sought from developments of 10 ten units or less. This is Government policy to which I attach considerable weight. On the basis of the evidence available, it justifies determining the appeal other than in accordance with Policy DM2. As such, the absence of affordable housing provision does not weigh against the proposal.

Other Matters

31. I have had regard to the other concerns expressed locally, but none has led me to a different overall conclusion.

Planning Balance and Conclusion

32. Framework paragraphs 7 and 8 require the three roles of sustainability to be considered together.
33. The Council and the appellant disagree over whether the Council can demonstrate a five year supply of deliverable housing land as required by Framework paragraph 47 although, following the submission by the Council of a Position Statement¹, the appellant does not quantify the claimed shortfall. The proposal would make a modest contribution to the supply of new housing in the District and, therefore, to the social dimension of sustainability. In accordance with Framework paragraph 47, therefore, it merits a measure of

¹ Suffolk Coastal District Council - Statement of 5 Year Housing Land Supply dated 3 October 2016.

weight in support of the proposal irrespective of the housing land supply position.

34. The proposal would contribute to the economic role of sustainability through short term construction activity and the occupiers of the houses and holiday units could be expected to make a modest contribution to the viability of local businesses and service. However, the proposal would also lead to the loss of an employment site which, in the absence of evidence to the contrary, I have found has the potential to contribute to the rural economy in accordance with the economic strategy of the development plan. Overall therefore, I consider that the proposal would have a slightly negative effect on the economic dimension of sustainability.
35. With regard to the environmental and social roles, I have found that the proposal would be detrimental to the character and appearance of the area, would be detrimental to highway safety and would not provide satisfactory living conditions for the occupiers of The Bungalow or the proposed dwelling on plot 3.
36. Therefore, even if I were to conclude there is a shortfall in the supply of housing land and that relevant policies for the supply of housing should not be considered up-to-date, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the proposal.
37. Consequently, I conclude that the proposal would not amount to sustainable development and so is not supported by the presumption in favour of sustainable development set out in Framework paragraph 14 and sustainable rural tourism in paragraph 28.
38. For the reasons set out above, the appeal should be dismissed.

Simon Warder

INSPECTOR