



Appeal Decision

Site visit made on 19 December 2016

by Graham Chamberlain BA (Hons) MSc MRTPI

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

Decision date: 23rd December 2016

Appeal Ref: APP/T3535/W/16/3157668

The Rosary, Hulver Street, Henstead, Suffolk NR34 7UE

- 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 Mr Lee Ebdon against the decision of Waveney District Council.
 - The application Ref DC/16/0678/OUT, dated 2 February 2016, was refused by notice dated 31 March 2016.
 - The development proposed is a new dwelling.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr Lee Ebdon against Waveney District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The application form indicates that the planning application was submitted in outline with all matters of detail reserved. The drawings submitted do not contradict this intention. I have considered the appeal accordingly. The description of development does not refer to the erection of a new dwelling but it is clear from the appellant's submissions that the appeal scheme would involve the demolition of the existing structures within the appeal site and the erection of a detached dwelling. It is on this basis that I have considered the appeal scheme.

Main Issue

4. The main issue in this appeal is whether the proposed development would constitute a suitable site for housing having regard to local and national rural housing policy.

Reasons

5. It is common ground between the appellant and the Council that the appeal site is located in the countryside being outside the physical limits of a town or village defined within the development plan. Policies CS01 and CS11 of the Council's Core Strategy (CS) ¹ seek to limit development in the countryside to a number of exceptions, which includes infill housing. Policies DM01 and DM22 of the Council's DMP² adds an additional layer of detail to the CS Policies by establishing physical

¹ The Approach to Future Development in Waveney to 2021 – Core Strategy Development Plan Document 2009

² Policies to Help Make Decisions on Planning Applications – Development Management Policies DPD 2011

limits and explaining the type of development that is intended to constitute infill development. Policy DM22 of the DMP explains that infill development is residential development of a small gap in an otherwise built up frontage by no more than two dwellings where there is access to local services and facilities or close to a regular public transport service to a town or larger village.

6. There is nothing before me to suggest the Council are unable to demonstrate a five year housing land supply, as required by the National Planning Policy Framework (the Framework), which could otherwise render the relevant policies for the supply of housing as out of date. The approach set out in the development plan pre dates the Framework. It is nevertheless broadly consistent with Paragraph 55 of the Framework, which specifically addresses the provision of housing in rural areas. It states that housing should be located where it will enhance and maintain the vitality of rural communities by avoiding isolated homes unless there are special circumstances.
7. The Framework does not define the meaning of 'isolated'. Having regard to the aims of the Framework, I consider there are two main aspects to be assessed when considering 'isolation', these being the site's physical and spatial relationship with a discernable settlement and its functional connectivity to services. In this respect, whilst the development plan pre dates the Framework, it nevertheless sets out what can be considered a local interpretation of development that is unlikely to be considered isolated. These beings small scale residential schemes that are in a built up frontage with access to services or regular public transport.
8. The appeal site is currently occupied by a collection of single storey domestic outbuildings. To the north of these buildings is The Rosary, which has a side elevation onto Sotterley Road. To the south of the appeal site is an access track leading to High Bungalow and beyond this a dwelling know as Poppies with further houses beyond. As such, the appeal site is part of a continuous row of properties that commences on the B1127 and then continues along Sotterley Road. This continuous built frontage is discernible from both the B1127 and Sotterley Road. In this respect, the proposed development would be viewed as an infill even though the built frontage it would be located within addresses two roads.
9. Notwithstanding this, there are dwellings located on the western side of Sotterley Road and the appeal site is viewed as part of the cluster of housing around the B1127 and Sotterley Road junction, which forms part of the discernable settlement of Hulver Street. Consequently, the appeal site is not physically isolated. As such, any dwelling erected within it would not appear as a discordant intrusion into the countryside. Subject to an appropriate design, the appeal scheme would preserve the intrinsic beauty and character of the countryside.
10. The Council suggest that the appeal scheme would not constitute infilling within the context of Policy DM22 because it would not be located in a continuous frontage of at least six properties. The Council refers to the supporting text to Policy DM22 to justify its approach. Supporting text is not planning policy. However, it does assist in interpreting a policy's objectives and meaning. Notwithstanding this, the supporting text does not precisely define what constitutes a built up frontage. Moreover, there is no reference to post codes or principal elevations. The reference to six properties in the supporting text is prefaced by the term 'usually', which infers flexibility in the consideration of this matter within the context of individual sites. As such, the Council have been

overly literal in its approach, especially when considering the appeal site sits within a discernable grouping of houses and within an identifiable built frontage.

11. Policy DM22 requires infill development to have access to local services or to be close to a regular public transport service to a town or village. I have not been directed to any detailed definition of the term 'access to local services'. I have therefore considered the site's accessibility to services with reference to the Framework's aim of avoiding isolated housing in the countryside.
12. Apart from the village hall, the appeal site is located a significant walking distance from local facilities. For example the nearest primary school and post office are identified by the appellant as being 1.9 miles away. In addition, the nearest GP surgery and shop are in Beccles and the nearest public house is two miles away. Not only are these facilities a significant distance from the appeal site but to access them on foot would require future residents of the appeal scheme to walk along country lanes, which in places are devoid of pavements and lighting. Walking in this environment would be particularly uninviting for vulnerable pedestrians such as children, parents with push chairs and those with restricted mobility. Cycling could be an option for some future residents, but not all, depending on mobility and proficiency. Thus reducing the reliance that can be placed on this mode of transport as an alternative to a private car.
13. The appellant has suggested that there is a regular public transport service near to the appeal site (the 561 bus) but I have not been presented with a timetable to demonstrate this. Alternatively, the Council have stated that the bus services referred to by the appellant is restricted to a single return trip a day with no weekend service. The Parish Council goes further and suggests the 561 service is no longer in operation, having been replaced by a dial-a-ride service on a limited number of days. I have no reason to disagree. The infrequency of the bus service is such that it would be unlikely to provide a regular alternative to private car use.
14. As such, the site is not accessible to local services or close to a regular public transport service. Consequently, it would not constitute infill development within the meaning of Policy DM22 of DMP. Instead, the inaccessibility of everyday services and public transport means it is highly likely that future residents of the appeal scheme would be predisposed to rely upon private motorised transport to access everyday services and facilities. In this respect, the proposed development would be isolated. Substantive evidence has not been presented to suggest special circumstances, such as those listed in Paragraph 55 of the Framework, exist that could otherwise justify the isolated location of the proposed dwelling.
15. The isolated location would result in significant harm when considering the social and environmental dimensions of sustainable development. It would leave future occupants of the proposed dwelling largely reliant on a private vehicle with limited travel choices. It would also undermine the Framework's aims of locating new dwellings in rural areas close to local services and facilities as a means of supporting the vitality of rural communities. Moreover, the proposal would conflict with the Framework's aim of reducing unnecessary travel by car, with its associated carbon emissions, as a measure to cumulatively limit the effects of climate change.
16. The Framework recognises that opportunities to maximise sustainable transport will vary from urban to rural locations. However, when read as a whole, I do not consider the Framework is advocating car dependency in rural areas, even if the journeys would be short. Some facilities should be reasonably accessible by other

means to meet the Framework's objectives. This would not be the case with the appeal scheme. Paragraph 34 of the Framework considers the siting of developments that generate significant movements and is thus of limited relevance to my assessment.

17. I therefore conclude that the proposal would not constitute a suitable site for housing as it would be contrary to both local and national rural housing policy. In particular it would be contrary to Policies CS1 and CS11 of the CS and Policy DM22 of the DMP, which together seek to deliver housing in locations where services or public transport are accessible. Moreover, and for the same reason, the proposal would conflict with the aims of national policy in the Framework (Paragraph 55).

Other Matters

18. The appellant has referred to a number of appeal decisions but the precise details have not been provided. The decisions all fall within the remit of other planning authorities where different development plan policies apply. The specific circumstances of the appeal site, alongside the requirements of the development plan, dictates that the appeal scheme falls to be considered on its own merits in this instance. Accordingly, the appeal decisions referred to do not alter my conclusion on the main issue.
19. My attention has been drawn to a planning approval for a dwelling at a site to the north east of the appeal property. The precise details behind this approval are not before me so I am unable to ascertain whether the appeal scheme is a like application that should be considered in a like manner. Notwithstanding this, the Parish Council have confirmed that the local bus service has been curtailed between applications. I have no reason to disagree. This is a material change that has adversely affected the appeal sites accessibility to services and facilities. As such, the extant approval does not alter my findings on the main issue.
20. The construction of the proposed dwelling would derive some economic benefits but these would be modest in scale and for a limited time. Given the small scale of the development the contribution to the local economy from the spending power of future occupants is unlikely to be significant. In any event, such a contribution could be made by a dwelling constructed closer to local facilities or public transport. Thus, the economic benefits of the proposal are not determinative.
21. The appellant suggest the appeal site is previously developed land but the Council disagrees. Policy DM01 gives preference to the development of previously developed land. However this is in the context of development in market towns and villages. Even if I were to share the view of the appellant, this would not alter my findings on the main issue as the site would still be isolated with the significant and inherent harm this would accrue. The harm would not be outweighed by the modest benefits that could arise from reusing the appeal site for a new house. I note the concerns of interested parties in respect of highway safety and 'over development', but in this instance these would have been issues more appropriately dealt with when considering the reserved matters had the scheme been otherwise acceptable.

Conclusion

22. For the reasons given above I conclude the appeal should be dismissed.

Graham Chamberlain, INSPECTOR