

Appeal Decision

Site visit made on 24 January 2017

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

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

Decision date: 6 February 2017

Appeal Ref: APP/W3520/W/16/3160505

Land adjacent to Copper Field, The Street, Bacton

- 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 and Mrs MacAusland against the decision of Mid Suffolk District Council.
 - The application Ref 1606/16, dated 24 March 2016, was refused by notice dated 30 June 2016.
 - The development proposed is described as 'New 5 bedroom family dwelling set within gardens. Change from agricultural (out of use) to residential land use class.'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the appeal site is sustainably located having regard to national and development plan policies and its effect on the character and appearance of the area;
 - the effect of the proposal on bio-diversity with particular regard to great crested newts and water voles.

Reasons

Whether Sustainably Located?

3. The appeal site falls outside of the Housing Settlement Boundary for Bacton as defined in the Council's Core Strategy 2008 (CS) and the Mid Suffolk Local Plan 1998 (LP). However, the Council accepts that it cannot demonstrate a five year supply of housing land. Therefore, in accordance with National Planning Policy Framework (the Framework) paragraph 49, relevant policies for the supply of housing should be considered out of date. In these circumstances Framework paragraph 14 states 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 of the Framework as a whole.
 4. Framework paragraph 55 advises that, in order to promote sustainable development, housing in rural areas should be located where it would enhance
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- or maintain the vitality of rural communities. Further, that isolated new homes in the countryside should be avoided unless there are special circumstances.
5. The appeal site is located in the south west corner of a large agricultural field to the south of the essentially linear development along The Street. Apart from a modestly sized agricultural building on its northern boundary, the site is surrounded by open agricultural land. The hedge and tree planting on the site's western boundary filters views from that direction to a limited extent. Nevertheless, by virtue of the significant area of intervening open land, the proposed dwelling would appear as a distinct built form, separate from and unrelated to, the established built area of Bacton. This would be apparent in views from The Street and the public footpath which runs to the east of the site. The development would not, therefore, represent a natural or logical extension to the existing settlement boundary.
 6. Bacton is classified as a Key Service Centre in the Core Strategy's settlement hierarchy and there is a convenience store/post office, garage and public house within 400m of the site and schools and village hall somewhat further away. Nevertheless, the route to these facilities would be along a fairly long private drive and an unlit road which, for the most part, has no footpaths. The road is fairly busy with free flowing traffic. As such, the route would not be attractive for trips on foot, particularly during times of darkness and inclement weather. Although reference has been made to a bus stop close to the site, I have not been provided with evidence on the destinations, timing or frequency of services. As such, I cannot be assured that the bus service would provide a convenient travel option.
 7. Consequently, future occupiers of the proposed dwelling would be likely to be reliant on the private car for many of their day to day needs. Therefore, the appeal site location would perform poorly in relation to Framework paragraphs 17, 34 and 35 which seek to locate development to give priority to pedestrian, cycle and public transport movements. Nor would the location and reliance on use of the private car encourage future occupiers to support local businesses and facilities or help to maintain the vitality of the community.
 8. The appellant has referred to local authority plans for a housing development near the railway line at the eastern end of the village. However, since I have not been provided with the details of this scheme or its planning status, I can give it limited weight.
 9. Having regard to these considerations, I find that the proposed dwelling would be isolated for the purposes of Framework paragraph 55. The appellant argues that the proposal complies with the special circumstances set out in paragraph 55 insofar as the design of the dwelling would be of exceptional quality.
 10. The appellant has undertaken an analysis of the existing buildings in Bacton and finds that the majority are bland and uninspiring. I recognise that the quality of the architecture in the area is variable. However, given the site's location some distance from the built up area, to a considerable degree, the defining characteristics of the locality would also include the surrounding flat, open agricultural landscape. Moreover, the tests set out in paragraph 55 require the achievement of truly outstanding design and the highest standards of architecture, rather than a direct comparison with local buildings. This is a high test which reflects the special circumstances necessary to justify an isolated dwelling in the countryside.

11. The proposed dwelling would have a generally rectangular ground floor which would offer views on all sides. To this extent the form of the building would respond to the openness of its surroundings. Whilst the appellant describes the architecture of the proposed dwelling as contemporary, it would incorporate other styles. The ground floor would be finished in pale coloured render and its articulation is intended to reflect formal Georgian architecture. The first floor would be designed to hint at a traditional 'long house' and has a steeply pitched roof. However, although the first floor would be narrower than the ground floor, it would still be effectively three rooms deep and the cross roof form, incorporating extensive areas of flat roof, would dilute any reference to traditional architecture. The dark stained timber walls and black metal clad roof would contrast with the ground floor. Whilst this mix of colours would have some resonance with the render and timber weatherboarding found locally, this effect would be undermined by the disparate architectural styles of the two levels. Consequently, I consider that the design lacks the level of cohesion and integrity necessary to be regarded as truly outstanding design and the highest standard of architecture.
12. The ridgeline of the new building would be up to 9.19m high and well in excess of 20 long in its longest span. The flat terrace of the ground floor would extend significantly further in both directions. The dwelling would be surrounded by an extensive and formally laid out terrace incorporating rectilinear areas of paving, lawns and raised planters enclosed by a straight sided canalised rill. Together with the massing and formality of the proposed dwelling, this would give the development an uncompromising scale and angular form. The planting on the western site boundary would have a limited effect in screening a development of this height and scale in views from that direction. Largely uninterrupted views would be available from other directions, including the footpath to the east. The development would, therefore, be prominently located and sit on, rather than fit within, the surrounding landscape. As such, I consider that it would be at odds with its immediate setting and would not be sensitive to the defining characteristics of the local area, insofar as they include the openness of the countryside.
13. Overall therefore, I find that the special circumstances necessary to justify isolated new homes in the countryside under Framework paragraph 55 have not been met. Moreover, the proposal would not be sustainably located and would be harmful to the character and appearance of the area. Consequently, it would not accord with CS Policy CS5 inasmuch as it requires development to conserve the qualities of the landscape and respect local distinctiveness, or with LP Policy GP1 which requires development to maintain or enhance the character and appearance of its surroundings, among other things. Nor would the proposal accord with Policies FC1 or FC1.1 of the Council's Core Strategy Focused Review 2012 (CSFR) which presume in favour of sustainable development.

Bio-diversity

14. The proposal is supported by a Biodiversity Survey¹ which, among other things, found that a pond on the southern boundary of the site (Pond 7) had good potential to support great crest newts (GCN) and that the ditch on the western boundary is a suitable habitat for water voles. The Survey, therefore,

¹ James Blake Associates December 2015

recommended full surveys to establish the presence or otherwise of these protected species². The appellant has not made an assessment of the potential effect of the proposal on these species, but considers that suitable surveys could be secured using an appropriately worded condition. However, paragraph 99 of Circular 06/2005³ advises that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted. Further, that planning conditions should be used to secure such surveys only in exceptional circumstances.

15. The proposal includes a lawned garden area extending up to southern site boundary where Pond 7 is located, as well as to the western boundary ditch. Built development is also proposed in fairly close proximity to the western boundary. Therefore, the proposal has the potential to introduce activity, disturbance and the use of garden pesticides, weedkiller and the like in close proximity to the pond and ditch. As such, I consider that it would be inappropriate to grant planning permission in the absence of full GCN and water vole surveys and an assessment of the effect of the proposal. On the basis of the information available therefore, it has not been satisfactorily established that the proposal would not have a harmful effect on bio-diversity with particular regard to great crested newts and water voles. The proposal would not, therefore, accord with LP Policy CL8 or CS Policy CS5 which require development to maintain and enhance the environment, including protected species. Nor would it comply with Framework paragraph 118 which has similar aims.

Other Matters

16. I have had regard to the other concerns expressed locally, but none has led me to a different overall conclusion.
17. The appellant has expressed concern regarding the approach to the proposal on the part of some of the Council's consultees. However, I have determined the appeal purely on the planning merits of the proposal.

Planning Balance and Conclusion

18. Framework paragraphs 7 and 8 require the economic, social and environmental roles of sustainability to be considered together. The proposal would make a limited and short term contribution to the economic role of sustainability through the construction activity.
19. Framework paragraph 47 seeks to boost the supply of housing and this consideration is given greater weight by the absence of a five year supply of housing in the District. Nevertheless, the creation of one new dwelling would make a very modest contribution to the supply of housing in the area and I have already found that it would not provide significant support for local services and facilities. The proposal would, therefore, make a limited contribution to the social role of sustainability.

² Wildlife and Countryside Act 1981, Wild Mammals (Protection) Act 1996 and the Conservation of Habitats and Species Regulations 2010

³ ODPM Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System

20. With regard to the environmental role, I have found that the proposal would be detrimental to the character and appearance of the area, is not sustainably located and has the potential for harm to bio-diversity.
21. Consequently, I conclude that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the proposal. As such, 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 or CSFR Policy FC1.
22. For the reasons set out above, the appeal should be dismissed.

Simon Warder

INSPECTOR