
Appeal Decision

Site visit made on 24 January 2017

by R W Allen B.Sc PGDip MRTPI

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

Decision date: 08 February 2017

Appeal Ref: APP/W3520/W/16/3162070

Briar Cottage, Gedding Road, Drinkstone IP30 9TF

- 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 Mrs Sheila Blackmore against the decision of Mid Suffolk District Council.
 - The application Ref 3247/16, dated 27 July 2016, was refused by notice dated 5 October 2016.
 - The development proposed is erection of detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal proposal is in outline form, with all matters reserved for subsequent approval with the exception of access. Any other details shown which would be a reserved matter, such as the layout, I shall treat as being indicative only.

Main Issues

3. The main issues are:
 - Whether the proposed parking arrangements are satisfactory having specific regard to the effect on the living conditions of occupiers of surrounding properties and the local highway network; and
 - Whether the proposal would amount to sustainable development for the purposes of the National Planning Policy Framework (the Framework) taken as a whole, having specific regard to the site's rural location and access to local services and facilities.

Reasons

Policy context

4. The development plan for the area comprises the Mid Suffolk Core Strategy 2008 (Core Strategy); the Mid Suffolk Core Strategy Focused Review 2012 (Focused Review); and the Mid Suffolk Local Plan 1998 (Local Plan). The main parties agree that the appeal site lies outside of a settlement boundary and that Drinkstone is designated in the Core Strategy as a 'countryside village'.
 5. The Council states that it cannot demonstrate a five-year supply of deliverable housing land. Accordingly, paragraph 49 of the Framework is engaged, and
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dictates that relevant policies for the supply of housing should not be considered up-to-date. Core Strategy policies CS1 and CS2, and Local Plan policy HS7, all of which are cited by the Council in its objection to the scheme, are I find relevant to the supply of housing and as such are out-of-date. However, because these policies have a degree of consistency with the Framework's approach to promote sustainable development, I have attached moderate weight to them in my decision.

6. Local Plan policies GP1, SB2, H13, H15 and T10, and Core Strategy policy CS 5 are also relevant policies for the supply of housing, but as they are primarily concerned with conformity with surroundings and do not inhibit housing provision, I find such policies can carry greater weight in my decision.

Whether parking arrangements are satisfactory

7. The appeal site is the rearmost part of the residential garden for the host property. The site is largely surrounded by residential dwellings including a relatively recent estate immediately to the rear.
8. Matters relating to the layout of the proposed development are reserved for future consideration. Nevertheless, the indicative layout shows that the off-site parking for the proposed property to be located on land adjacent to the flank wall of Briar Cottage. However, the submitted redline drawing indicates that on site vehicle manoeuvring could not be achieved without having to access the adjoining land, shown as being within the ownership Briar Cottage. I acknowledge that currently the appeal site and Briar Cottage are in the same ownership, but this may not always be the case and there is no evidence before me which suggests that the two properties are intended to be tied together in perpetuity.
9. In my judgement, the need to manoeuvre on to the neighbouring front garden area would not be a satisfactory arrangement and would likely result in vehicle to vehicle conflict with the neighbour, particularly if they were not to park considerately or block this arrangement from occurring, which in turn I find would lead to a high likelihood of vehicle reversing on to the local highway, notwithstanding the County Council's comments on this matter. The reliance on the use of the front area for Briar Cottage would I find cause a nuisance to the neighbouring occupiers and would significantly harm their living conditions.
10. Another possibility would be that facilities for parking and turning could be provided further into the site and closer to the indicative position for the proposed property. While this would overcome the above conflict, it would in my judgement cause a considerable level of noise and general disturbance to both the occupiers of Briar Cottage and No 16 Gedding Road, causing a significant worsening of their living conditions particularly to the rear garden areas where those occupiers could be reasonably expected to enjoy peace and quiet.
11. In the absence of evidence of any obvious alternatives, I find for the reasons given above it has not been adequately demonstrated that the proposed parking arrangements for the proposed property would be satisfactory. The proposed development would not accord with Local Plan policies GP1, SB2, H13, H15 and T10. These state that poor design and layout will normally be refused and that proposal should make proper provision for parking and turning of motor vehicles; that development will normally be permitted unless they are

considered to adversely affect the privacy and amenity of neighbouring properties; that housing development will be expected to achieve a high standard of design and layout relationship to its surroundings; and that development should provide safe access to and egress from the site and adequate space for the parking and turning of cars within the curtilage of the site.

Whether sustainable development

12. Paragraph 55 the Framework states that in promoting sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. I observed none, and the appellant identifies few local services and facilities in the village which would directly benefit from the proposed development, although I acknowledge that some services and facilities in the nearby villages of Rattlesden and Woolpit may benefit.
13. Paragraph 55 of the Framework also states that isolated new homes in the countryside should be avoided unless special circumstances arise. The main parties agree that the proposed dwelling would not be visually isolated and I have no reason to disagree. The main parties also agree that Rattlesden and Woolpit are the closest locations to the appeal that have any meaningful services and facilities. While undeniably detached from those settlement areas, the distance to them is not significant, particularly to Rattlesden, and I do not find that the location of the proposed property would be isolated. I therefore find conflict no with paragraph 55 of the Framework.
14. I note that a bus service operates nearby, and it would not necessarily be an insurmountable for the future occupiers of the proposed property to commute, walk or cycle the distance to access local services and facilities particularly to Rattlesden. However, I find that the road conditions, which I observed are rural in character and largely unlit along much of its length, are such that it is highly unlikely that anything other than use of the private motor car would be the desirable means of transport, particularly having regard to the those persons carrying shopping or taking and collecting children from the school, who would experience considerably longer commuting times, or particularly at time of inclement weather or dark conditions. In my judgement, the future occupiers would be highly reliant on the use of the private motor car to access local services and facilities, albeit that the drive would be a relatively short one.
15. Reliance on the private motor car would not accord with one of the key planning principles set out in paragraph 17 of the Framework, additionally discussed in paragraph 35 of the Framework, which requires development to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling. However, having regard to the scale of the proposed development and the relatively little traffic that would be generated by it, I find this level of harm would not be significant.
16. Paragraph 47 of the Framework requires local planning authorities to boost significantly the supply of houses. Because the Council does not have a five year housing land supply, paragraph 14 of the Framework is engaged, which states that a presumption in favour of sustainable development exists and where relevant policies for the supply of housing are out-of-date, planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

17. The proposed development would have social and economic benefits in providing a new dwelling to meet the needs of the appellant but also for future generations and would contribute to the Council's housing supply figures, and potential construction jobs may also arise. I acknowledge that the proposal is only for one dwelling, and as such these benefits are only likely to be small. Nevertheless, in the absence of a five year housing supply and having regard to the Framework's requirement to significantly boost housing supply, I find that even these small benefits must have considerable weight attached to them.
18. Neither main party cites any environmental harm would occur to the character and appearance of the area. From my observations at my site visit I have no reason to disagree, and the proposal would accord with Core Strategy policy CS 5 which states that all new development will retain the local distinctiveness of the area. It would not however accord with Core Strategy policies CS1 and CS2 and Local Plan policy HS7. These state that Drinkstone as a countryside village will be restricted to particular types of development to support the rural economy for agriculture or forestry needs, or where a rural exception exists such as agricultural workers dwellings is needed; and that there will be strict controls of new housing in the countryside normally fall part of existing settlements. As stated above, I attach only moderate weight to these policies.
19. Combined, I find that the harm I have identified caused from conflict with the development plan, reliance on the private motor car, and on the effect on living conditions of surrounding occupiers and highway safety are capable of significantly and demonstrably outweighing the benefits of the provision of a dwelling which I have identified above. I find that the proposed development would therefore not amount to sustainable development when applying the Framework as a whole, and as such the balance lies against the scheme.
20. The proposed development would not accord with Focused Review policies FC 1 and FC 1.1. These state that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the Framework, and that proposals will be required to demonstrate the principles of sustainable development and will be assessed against that presumption which must conserve and enhance the local character of the different parts of the district. Local Plan policy H10, also cited by the Council in its objection to the scheme, is not particularly relevant as it concerns dwellings for agricultural workers specifically.

Other Matters

21. Concerns have been raised by surrounding occupiers in respect to the effect of the proposed development on privacy. Although matters relating to scale and appearance are reserved for future consideration, I am satisfied that a suitable scheme would come forward to ensure that significantly harmful levels of overlooking would not occur. The Council did not raise this as an issue. The Council has also states that the loss of trees and hedgerows are not of any significant value and I have no reason to disagree.
22. The appellant has drawn my attention to a number of appeal decisions relating to development on other sites outside defined settlement boundaries. However, neither is directly comparable to the appeal proposal before me and do not, therefore, lead me to alter my findings in respect of the appeal. In any event, I have made my decision on the evidence before me.

Conclusion

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

R Allen

INSPECTOR