
Appeal Decision

Site visit made on 17 January 2017

by Alex Hutson MATP CMLI MArborA

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

Decision date: 9 February 2017

Appeal Ref: APP/D3505/W/16/3159797

Abbey House, Rectory Road, Newton CO10 0QZ

- 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 Jones against the decision of Babergh District Council.
 - The application Ref B/16/00629/FUL/SMC, dated 29 April 2016, was refused by notice dated 25 August 2016.
 - The development proposed is erection of two detached dwellings with garaging.
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Decision

1. The appeal is allowed and planning permission is granted for erection of two detached dwellings with garaging at Abbey House, Rectory Road, Newton CO10 0QZ in accordance with the terms of the application, Ref B/16/00629/FUL/SMC, dated 29 April 2016, subject to the attached schedule of conditions.

Main issue

2. The main issue is the effect of the proposal on the housing needs of the District.

Reasons

3. Abbey House is a large detached dwelling set in grounds of a generous size and is located on the eastern side and set back from the frontage of Rectory Road. The appeal site, which measures approximately 0.3 hectares (ha) in size, comprises part of the garden land associated with this property. The proposal would introduce two detached 5 bedroom dwellings and a garage building onto the appeal site.
 4. Policy CS18- Mix and Types of Dwellings, of the Babergh Local Plan 2011-2031 Core Strategy and Policies 2014 (Core Strategy) requires, amongst other things, the mix, type and size of housing development to reflect established needs in the District. The Council contends that there is a need for three bedroom dwellings in the District and as such, the proposal would not provide for such a need. However, the supporting text of this policy notes that all but very small developments have the potential to deliver a wide choice of homes and contribute towards sustaining mixed communities. Furthermore, that it is not practical to require a particular mix of dwellings on very small sites.
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5. There is no wording of the supporting text to define the terms 'very small developments' or 'very small sites'. In the absence of any such definition of these terms, it seems reasonable for me to conclude that two dwellings would, in the wider scheme of things, represent a modest sized development, given that the only smaller development than this would be for a single dwelling. Moreover, I consider that the appeal site, in the wider scheme of things, could also be said to be modest in size.
6. The Council makes reference to the Babergh and Mid Suffolk District Strategic Housing Market Assessment 2012 (SHMA) setting out that a growing need for affordable housing and that projected growth would require half of all new homes to be three bed properties. Nevertheless, the SHMA, given its age, and in the absence of any recent update to this document, does not necessarily reflect the current need for housing within the District. I have also not been provided with any substantive evidence to demonstrate that any new housing development in the District since this time has failed to provide the desired element of three bedroom dwellings.
7. The Council also mentions the Suffolk Wide Housing Needs Survey 2014 (HNS) which allegedly identifies that two and three bedroom homes, comprising flats, apartments and small terraced properties, are the most sought after properties. Nevertheless, I have not been provided with a copy of the HNS and I understand it is not within the public domain. Nor has it been formally adopted. As such, I afford limited weight to its findings. This is notwithstanding that its approach and findings have been subject to independent verification. In any case, I do not consider that flats, apartments or terraced housing would be wholly appropriate in the context of the appeal site given that the eastern side of Rectory Road is predominantly characterised by large detached dwellings set within generously sized plots.
8. I have had regard to the Newton Housing Population Data Profile 2015. I recognise that of the 209 occupied households identified at the time of the survey, there were 174 households with under occupied bedrooms. However, the Council has not fully substantiated and it is not clear to me, how this profile identifies any particular housing need locally.
9. In the absence of any strong evidence from the Council to fully substantiate the housing needs of the District, I find that the proposal would not result in harm to the housing needs of the District. Moreover, in light of this, I recognise the general benefits that two addition dwellings would make to housing supply in the District. In addition, due to the modest size of the development and the appeal site, in combination with its context, it is not practical to require a particular mix of dwellings in this instance. Nor is there any substantive evidence to suggest that the proposal would not contribute to the overall aims of mixed communities. As such, no conflict would arise with Policy CS18, of the Core Strategy.

Other matters

10. I have had regard to the concern of a number of interested parties in respect of the location of the appeal site outside of the settlement boundary of Newton. I recognise that Policy CS2- Settlement Pattern Policy, of the Core Strategy seeks to permit development in the countryside only in exceptional circumstances and subject to justifiable need. Nevertheless, the Council's reason for refusal does not relate to location, nor does it cite this policy. In

addition, I note from the evidence that Policy CS11- Strategy for Development for Core and Hinterland Villages, of the Core Strategy, allows greater flexibility for development on land which has a close functional relationship to hinterland villages, such as Newton. The Council acknowledges that the appeal site is located within a cluster of housing and is reasonably connected to services and public transport routes within Newton and as such, is not isolated from this settlement. Moreover, the Council accepts that the proposal would assist in sustaining local services. I would concur with the Council on these matters. Consequently, the location of the appeal site does not weigh against the proposal.

11. I have also considered other concerns of interested parties, including in respect of privacy, noise and disturbance, character and appearance, highway safety, land ownership and drainage. However the Council has not raised any concerns with regard to these matters and based on the evidence before me and my own observations, I have no substantive reasons to take a different view.
12. The Council makes reference to a High Court Judgement¹ in respect of 'Land to the South of Gatton House, East Bergholt' which purportedly relates to housing needs of a settlement in the context of Policy CS11 of the Core Strategy. However, the Judgement is not before me and it is unclear whether that case is helpfully comparable to the appeal I am to consider. Moreover, the Council has not cited Policy CS11, of the Core Strategy, within its reasons for refusal. In addition, the Council acknowledges that it does not seek to introduce any further grounds for refusal in this appeal. Furthermore, I note that the Parish Council has not objected to the proposal in this instance. In light of these factors, the Judgement is unlikely to be helpful to me in the determination of this appeal and I do not consider it necessary to go back to the parties for further comments in respect of it.

Conditions

13. I have had regard to the planning conditions that have been suggested by the Council. I have amended some of these for clarity and conciseness. In addition to the statutory time limit condition, a condition specifying the relevant drawings is necessary as this provides certainty. A condition relating to materials is necessary in the interests of character and appearance. I also agree that those conditions relating to access and car parking are necessary for continued highway safety.

Conclusion

14. For the reasons set out above and having regard to all other matters, I conclude that the appeal should be allowed.

Alex Hutson

INSPECTOR

¹ Cited as East Bergholt PC v Babergh District Council CO/2375/2016

SCHEDULE OF CONDITONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; 3467-01A; 3467-02D; 3467-05; 3467-06; and 3467-07.
- 3) No development above slab level shall take place until details of all external facing and roofing materials have been submitted to and approved in writing by the local planning authority. The relevant works shall be carried out in accordance with the approved details.
- 4) Prior to the occupation of the development hereby permitted, the vehicular access as shown on the approved plans shall be laid out and completed in all respects and shall be made available for use. The access shall be retained thereafter in the approved form.
- 5) Prior to the occupation of the development hereby permitted, the area for the manoeuvring and parking of vehicles as shown on the approved plans shall be provided and made functionally available. The area for the manoeuvring and parking of vehicles shall be retained and made available for such purposes thereafter.