
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: 09 February 2017

Appeal Ref: APP/J3530/W/16/3161203
306 Main Road, Kesgrave, IP5 2PS

- 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 P Thomas against the decision of Suffolk Coastal District Council.
 - The application Ref DC/16/2212/FUL, dated 26 May 2016, was refused by notice dated 13 July 2016.
 - The development proposed is construction of eleven houses and associated garages, construction of three bay garages with studio over.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The main parties have signed a Statement of Common Ground, dated 7 September 2016, in which the Council's reasons for refusal relating to the adequacy of pedestrian access, and the effect of the proposed development on the living conditions of surrounding properties, which are reasons four and six in the decision notice, are now resolved. As no other party has raised these matters as concerns, I have not considered them further in my decision.
3. A planning obligation dated 7 October 2016 is before me which makes provision for affordable housing made necessary by the proposed development. However, as I am dismissing the appeal on the main issues, it is not necessary for me to consider the adequacy of the obligation.

Main Issues

4. The main issues are:
 - The effect of the proposed development on the character and appearance of the area;
 - The effect of the proposed development on employment;
 - Whether the proposed development would provide an adequate mix of housing; 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 location.
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Reasons

Policy context

5. The development plan for the area is the Suffolk Coastal District Local Plan Core Strategy and Development Management Policies Development Plan Document 2013 (Core Strategy). The main parties agree that the appeal site lies outside of the settlement boundary as defined by the Core Strategy, and thus lies within the countryside.
6. The main parties dispute whether the Council can demonstrate a five year supply of deliverable housing land, and as such the weight to be attached to policies relevant to the supply of housing. The appellant draws my attention to an appeal decision (*Ref: APP/J3530/W/15/3011466 issued on 25 April 2016*) where the Inspector found, following examination of the issue at a local inquiry, that the Council's housing land supply stood at less than 3.7 years.
7. To the contrary, the Council claims that just one month after the issuance of the Inspector's decision, it is able to demonstrate a 6.3 years supply, which remains its position for the appeal before me. However, the Council has not substantiated this assertion or sufficiently explained the circumstances of how the housing supply position has so drastically changed in such a relatively short period of time. While I acknowledge that housing supply can adjust frequently and is something of a moveable feast, I nevertheless find the Council's claim to demonstrate a five year housing supply has not been adequately evidenced. I therefore default to the Inspector's findings on this matter, which I attach considerable weight to.
8. I must conclude on the evidence before me that the Council cannot demonstrate that it has a five year housing supply. Accordingly, paragraph 49 of the Framework is engaged, and dictates that relevant policies for the supply of housing should not be considered up-to-date. In my judgement, Core Strategy policies DM3, DM4, SP1, SP3, SP19 and SP20, all of which are cited by the Council in its objection to the scheme, are such relevant housing policies and are out-of-date. However, because these policies are an expression of sustainable development in the borough, and the approach is supported by one of the core planning principles set out in paragraph 17 of the Framework which requires planning be genuinely plan-led, I have attached moderate weight to them in my decision.

Character and appearance

9. The appeal site is land adjacent to No 306 Main Road, which is currently used in connection with a tree maintenance business. I observed that the site is divided into two sections. The rear portion of the site is open and contains a number of structures positioned on its boundaries and was in active business use. The front portion adjacent to Main Road is predominately grassland with few numbers of trees sporadically placed around the site and on the boundaries. The site is surrounded on three sides by Kesgrave Wood, which is protected woodland and covered by a Tree Preservation Order, although No 308 occupies adjacent land. The appeal site thus appears as a clearing amongst the surrounding woodland; nevertheless its openness complements and assimilates well with its surroundings. The activities of the tree management business and the structures upon the land while not particularly

attractive; are nonetheless not at all prominent or obvious when viewed from Main Road.

10. The removal of the structures on the back part of the site, which are not particularly attractive, would undoubtedly be welcomed and would improve its overall appearance. However, its replacement with the proposed development would have a profound and fundamentally harmful impact on the surrounding environment. The site's largely open character would be replaced by dwellings which would notably appear to punctuate into the countryside and would have a severe urbanising effect on this side of the street. While I note the proposal would be of a relatively low density, and that the appeal site would retain some of the existing trees on the site while proposing new landscaping, I am not satisfied on the evidence before me that it would be capable of successfully integrating the proposed development into its woodland surroundings or prevent what would inevitably be a stark relationship between the two. I therefore find the proposed development would be significantly harmful to the character and appearance and setting of the woodland.
11. The proposed development would conflict with Core Strategy policies SP15 and DM21. These state that the Council will protect and enhance the various landscape character areas within the district, and that proposal that compromise poor visual design and layout or otherwise seriously detract from the character of their surroundings will not be permitted and that proposal should relate well to the scale and character of their surroundings.

Effect on employment

12. Core Strategy policy DM10 states that permission for the change of use or redevelopment of existing employment sites will be granted if the applicant has clearly demonstrated there is no current or long term demand for the retention of all or part of the site for employment use; or there would be a substantial planning benefit in permitting alternative uses.
13. Neither Core Strategy policy DM10 nor the Council specifically defines what it considers to be an employment use for the purposes of the policy. The appellant states that the tree management use falls under a sui generis use as defined by the Use Classes Order, and is such exempt from the policy. While I have no reason to doubt the appellant in this regard, this does not necessarily exempt it from being an employment site, and I see no reason why policy DM10 should not apply here.
14. Having said that, insufficient evidence is before me as to the site's importance for employment provision in the borough given its current use and size, and whether its loss would cause significant harm. Given the site's size and access limitations and, what the main parties identify, is an existing tie between the appeal site and No 306 Main Road, I do not find that the loss of the site for employment would amount to any significant harm to the borough employment land provision. In any event, I am not persuaded that an alternative employment use would necessarily be welcomed by the Council given this site's rural location and its concerns on preserving the character and appearance of the area. I therefore find that the proposed development would accord with Core Strategy policy DM10, details of which I have set out above.

Housing mix

15. Core strategy policy SP3 states that the Core Strategy will increase the stock of housing to provide for a full range of size, type and tenure of accommodation to meet the needs of the existing and future population. Table 3.6, which is attached to the policy, sets out the sought after distribution of dwellings per number of bedrooms and tenure type. The appeal scheme would provide 4no one bed; 2no two beds; 4no three beds and 1no four bed units. Of the one bed units, 3no would be affordable.
16. The Council states that the proposed development would neither meet nor get anywhere near close to the requirements of Core Strategy policy SP3, but fails to substantiate this assertion or explain where the shortfall harmfully lies. I find, to the contrary, that the proposed development would provide a broad mix of housing to help meet the overall needs in the Borough. I also note this is a relatively small scale site and it is inevitable that other sites will come forward with a proportion that would provide a greater number of larger or smaller accommodations to meet the Council's overall requirements. The Council has not identified any development plan policy which requires a specific housing mix to be provided on each individual development site. I am therefore satisfied the proposed development would accord with Core Strategy policy SP3, details of which I have set out above.

Whether sustainable development

17. The main parties agree that the appeal site is not isolated in terms of its location and access to local services and facilities, and I have no reason to disagree. Because of the presence of dwellings on the opposite side of Main Road, I do not find the proposed dwellings would be visually isolated. I therefore find no conflict with paragraph 55 or with Core Strategy policy SP29 which states that development in the countryside will be limited to that which of necessity requires to be located there, and accords with other policies in the Core Strategy or with paragraph 55 of the Framework. The appeal site is well served by public transport and the future occupiers would not necessarily be reliant on the use of the private motor car to navigate the area. I find no conflict with one of the aims of paragraph 17 of the Framework which seeks to actively manage patterns of growth and make the fullest use of public transport, walking and cycling.
18. Paragraph 47 of the Framework requires local planning authorities to boost significantly the supply of houses. Because I have found on the evidence before me that the Council cannot demonstrate 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.
19. The proposed development would have social and economic benefits in providing new market and affordable dwellings for future generations and would contribute to the Council's housing supply figures, and would have the potential to create local construction jobs. I acknowledge that the proposal is only for 11 dwellings, and as such these benefits are only likely to be moderate. Nevertheless, in the absence of demonstration of a five year

housing supply and having regard to the Framework's requirement to significantly boost housing supply, I find that even these moderate benefits must have considerable weight attached to them.

20. I note the removal of the current buildings on site would improve its overall appearance. However for the reasons given above, the proposed development would cause substantial environmental harm to the character and appearance of the area. In applying the tilted balance required by paragraph 4(1) of paragraph 14 of the Framework, I find this harm is capable of significantly and demonstrably outweighing the benefits of housing provision I have identified. I find that the proposed development would therefore not amount to sustainable development when applying the Framework as a whole, that it would conflict with Core Strategy policy SP1A which broadly aligns with the wording of paragraph 14 of the Framework, and as such the balance lies against the scheme.
21. The proposed development would also not accord with Core Strategy policies SP1, SP19, SP20, DM3 and DM4. These state that central to the Core Strategy's approach is the achievement of sustainable development based on a settlement hierarchy; that new housing will primarily directed towards inside development boundaries; that development clusters will be allowed in the countryside where it would infill a continuous built up frontage; and development in countryside areas requires the preservation and enhancement of environmentally sensitive locations within the Plan Area and its surroundings.

Other Matters

22. Concerns have been raised in respect to the effect of the proposed development on the local highway network. However, insufficient evidence has been advanced as to the harm that would occur to the surrounding roads. While the proposed development would undoubtedly generate additional traffic movements, I am satisfied that it would amount to a significantly high level and would not cause any considerable harm to the operation of the highway. The Council did not raise this as an issue.

Conclusion

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

R Allen

INSPECTOR