

Appeal Decision

Site visit made on 24 January 2017

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

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

Decision date: 10th February 2017

Appeal Ref: APP/W3520/W/16/3163211

Maisies Meadow, Worlingworth IP13 7JL

- 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 & Mrs Gardner against the decision of Mid Suffolk District Council.
 - The application Ref 2906/16, dated 2 June 2016, was refused by notice dated 12 October 2016.
 - The development proposed is erection of 1no. detached bungalow and associated works.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area.

Reasons

3. Maisies Meadow is a cul-de-sac of detached and semi-detached two storey properties. A short distance to the south is a more recent cul-de-sac development known as Cordy's Meadow. The appeal site lies between these two cul-de-sacs, and comprises trees and other vegetation. The site is quite wild and overgrown, but is not unpleasant to look at. Regardless of the extent or condition of vegetation, the site provides a valuable area of undeveloped green space and acts as visual break between the houses in the two cul-de-sacs. It also appeared at my site visit to currently provide a space for birds and potentially other wildlife. The fact that it is not currently in use as an area of public open space does not diminish its value. Thus, the appeal site in its undeveloped state makes a positive contribution to the character and appearance of the area.
 4. The proposed development would seek to protect two ash trees at neighbouring properties along the southern boundary of the site. It would also seek to strengthen planting along the southern boundary and include a reasonably sized front and rear garden. However, the site would change from its current undeveloped state into a residential site. A bungalow and garage would occupy a significant proportion of the site area, with the provision of the usual domestic features such as fencing and a driveway.
 5. The proposed development would fundamentally change the character and appearance of the site, and the loss of an undeveloped space would greatly
-

- reduce the visual break between existing properties. The bungalow would be encircled by properties and look out of place as a single storey dwelling.
6. The appellant considers their case is comparable to one allowed at appeal within Breckland District Council's area and has provided a copy of the decision¹. However, while the status of the two appeal sites is broadly similar in terms of being open space in private ownership rather than publicly accessible, the scale and effects of development in each case appear to be quite different. Therefore, the Breckland decision has no bearing on my findings.
 7. The appellant contends that the comments made by the Inspector dealing with earlier appeals² on this site in 2004 in terms of the effect on the area's character and appearance are out of date given the passage of time. I have little information on what the site and its surroundings looked like during the previous appeals, but for the avoidance of doubt, I have assessed this appeal on its own merits based on the evidence before me.
 8. Concluding on this main issue, the proposed development would result in harm to the character and appearance of the area. Therefore, it would not accord with Policies GP1, SB2, H3 and H16 of the Mid Suffolk Local Plan 1998, Policy CS5 of the Mid Suffolk Core Strategy 2008 and Policies FC1 and FC1.1 of the Mid Suffolk Core Strategy Focused Review 2012. Amongst other things, these policies require development to maintain and enhance the character and appearance of their surroundings and avoid the loss of sites and spaces that contribute positively to the local area. The development would also not meet the aims of the National Planning Policy Framework (NPPF) which seeks good design taking into account the character of different areas.

Planning balance

9. The Council accepts that it cannot currently demonstrate a five year supply of deliverable housing sites. Therefore, in line with paragraph 49 of the NPPF, relevant policies for the supply of housing should not be considered up to date and the presumption in favour of sustainable development set out in paragraph 14 applies. Paragraph 14 states that where relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as whole or specific policies in the NPPF indicate development should be restricted.
10. Neither main party has suggested which of the policies cited in the decision notice are relevant policies for the supply of housing, but I consider that Policy H3 seeks to restrict the location and scale of dwellings. Thus, I can only give this policy modest weight. However, the remaining policies do not explicitly create or control the supply of housing and are broadly consistent with the NPPF. Thus, they can be afforded considerable weight.
11. Addressing the adverse impacts of the proposed development, the fundamental change to and loss of a valuable site in terms of the character and appearance of the area is significant. The harm is moderated to some extent by the reduced weight I can give to Policy H3, but the conflict with the other cited

¹ APP/F2605/A/13/2210283

² APP/W3520/A/04/1148908 and APP/W3520/A/04/1157538

policies is important. Thus, significant weight can be afforded to the adverse impact of development on the character and appearance of the area.

12. Turning to the benefits of the development, the provision of an additional dwelling that is evidently deliverable would help in a district where there is currently a lack of a five year housing land supply. There would also be some economic and social benefits from the construction and maintenance of the dwelling and investment into the local economy and services. I also note the proximity of the site to the village primary school. However, the proposal is for a single dwelling and these benefits would be modest. The argument put forward by the appellant that the proposal offers an enhancement opportunity carries very little weight as the site is not an eyesore and nevertheless could be improved through options other than the proposed development.
13. Therefore, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of development. In the circumstances, the presumption in favour of sustainable development does not apply and the proposal would not represent sustainable development, contrary to the NPPF and Policies FC1 and FC1.1 of the Mid Suffolk Core Strategy Focused Review 2012.

Other Matters

14. I have had regard to a number of other matters raised by third parties relating to this appeal. However, they have not led me to any different overall conclusion.

Conclusion

15. For the reasons set out above, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR