

Appeal Decision

Site visit made on 30 January 2017

by Jonathan Hockley BA(Hons) DipTP MRTPI

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

Decision date: 17 February 2017

Appeal Ref: APP/T3535/W/16/3161181

Land adjacent Hall Cottage, Church Road, Henstead, Suffolk NR34 7LD

- 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 Carat Developments Limited against the decision of Waveney District Council.
 - The application Ref DC/16/0533/FUL, dated 8 February 2016, was refused by notice dated 14 September 2016.
 - The development proposed is a detached dwelling.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Carat Developments Limited against Waveney District Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue in this case is whether the proposed development would provide a suitable site for housing, having regard to the proximity of services and the character and appearance of the area.

Reasons

4. Henstead is a small dispersed settlement, with sporadic groups of linear development located primarily along the 2 roads of Benacre/Church Road and Toad Row. The settlement lies to the west of the A12 road. The appeal site constitutes part of the former side garden to Hall Cottage, a Grade II listed building. To the east of the site lies a pair of semi-detached dwellings.
 5. There is a public school, including sports facilities, located a short distance to the east and a range of small craft units located at the Henstead Art & Craft workshops along Toad Row. An exotic garden, riding school and tack store, and a church are also located close by. The appellant states that the craft centre has permission for 15 retail units at the site, including a gym, although the gym already appears to be listed in evidence. However, though the list of businesses at the craft centre is fairly extensive, there appears to be no local convenience store, post office, public house or state school nearby. Reference is also made to the proximity of larger villages by cycle. Such journeys are less likely to be undertaken during the winter or periods of poor weather.
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6. The appellant is of the view that the public school is comparatively affordable given the local demography and that a potential buyer for the site has been found who already has a child at the school. However, such a buyer is not guaranteed to purchase the proposal or to stay in the proposal once built. Whilst I have some details on the fees that the school requires I have little information on local demography and can therefore place little weight on this view.
7. In short therefore, whilst there may be some limited employment opportunities available nearby neither the crafts centre nor the local area appears to offer services and facilities such that a local resident may require on a day to day basis. Furthermore, neither Church/Benacre Road or Toad Row have footpaths. Consequently even access to the arts and craft workshop, stated as being some 960m away, is difficult on foot.
8. The appellant states that there is a bus service to Halesworth and Beccles; however this appears to run just once a week. Another bus service cited appears to be a school service and there is dispute between the appellant and the Parish Council over the frequency of a further bus service. However, even based on the appellant's view of this bus service, when combined with the two other routes I do not consider that such services constitute a regular public transport service which links the site to a town or larger village.
9. In their final comments the appellant states that a bus stop with far more regular services is located on the A12 near the junction with Toad Row. I viewed this on my visit and fully accept that this stop offers regular services. However, the stop is located a reasonable distance away, stated by the appellant to be 1 mile, along a road with no footpath. The appellant states that the road is quiet; however this was not my experience on my visit where fairly regular traffic was using the road to access the crafts centre. I consider that such a walk would be unlikely to be attempted in anything other than clement weather in daylight hours. I therefore consider that the site is not practically close to a regular public transport service to a town or larger village.
10. Future residents of the site would be likely therefore to use private transport to access most of their day to day needs and I do not consider that the appeal site lies within a sustainable location; for the same reasons nor would the proposal constitute the active management of patterns of growth to make the fullest possible use of public transport, walking and cycling, as required by the National Planning Policy Framework (the Framework).
11. Policy DM22 of the DPD¹ concerns housing development in the countryside, and states that such development will not be permitted except for a small range of exceptions, including where it would constitute infill development. This is defined in the policy as being the infilling of a small gap in an otherwise built-up frontage by no more than two dwellings, where there is access to local services and facilities or close to a regular public transport service. Supporting text indicates that the definition of a 'built' up frontage constitutes at least six properties.
12. There is disagreement between the appellant, the Council, and the Parish Council over whether the appeal site falls within the definition of a built up

¹ Policies to Help Make Decisions on Planning Applications Development Management Policies Development Plan Document January 2011

frontage. I note that supporting text in the DPD states that this definition is usually a group of at least six dwellings. In this respect I agree with the council that the 'frontage' constitutes 5 dwellings at present –Hall Cottage, the two semis to the east and two further dwellings to the west which all directly adjoin Church Road, but also note that the supporting text uses the word 'usually'. However, given my views over the accessibility and unsustainable location of the site this matter is not critical to my consideration as the proposal would already be contrary to Policy DM22.

13. The appeal site has been kept reasonably narrow so as to avoid harm to the setting of Hall Cottage. This 17th century Grade II listed building is a pink colourwashed brick property with a thatched roof. The house has 4 distinctive windows of 3 light casements with pointed heads to the lights, and a matching central arched doorway. The significance of the building, at least externally, derives from its architectural quality and materials, its distinctive features and its setting off the road.
14. Whilst the site inevitably lies within the setting of the listed building, due to its separation from the building and surrounding development to both the east and west, the proposal would not necessarily harm this setting. The appeal site is reasonably narrow, with its depth being greater than its width. This has led to a proposal set in a upside down 'T' shape plan form, with the front door set on the side elevation. To the road the proposal would present a 1½ storey dwelling, with windows to match the distinctive ones found in Hall Cottage.
15. Whilst the site is fairly restricted, sufficient space is available to allow the building to follow the line of the properties to the east, whilst also having a reasonable back garden for future occupants. The property would not appear out of place within the surrounding area, which is characterised by a range of plot sizes, dwelling types and orientations, particularly to the west of Hall Cottage. I do not consider therefore that the proposal would cause harm to the character and appearance of the area and would comply with Policy DM02 of the DPD which states that development proposals will be expected to produce schemes in keeping with the overall scale, character, layout, site coverage, height and massing of existing buildings.
16. I therefore conclude that whilst the proposal would not cause harm to the character and appearance of the area, the proposed development would not provide a suitable site for housing, having regard to the proximity of services. The proposal would be contrary to Policy DM22 of the DPD and to paragraph 17 of the Framework. In relation to paragraph 55 of the Framework and Planning Practice Guidance, whilst I do not consider the site to be isolated in terms of lack of other surrounding development, it is isolated in terms of its access to facilities and services and it has not been shown that the proposed single dwelling would enhance or maintain the vitality of the rural community.

Other matters

17. The appellant is of the view that the site constitutes previously developed land, being a private residential garden within the curtilage of a permanent structure that is not within a built up area. They also state that a house may have previously stood on the site given the quirks of local house numbering. Putting aside the matter of whether or not the site now falls within the curtilage of Hall Cottage given the plans provided and that there appeared to be no evidence of a former building on the site, I do not consider that the development of the

land would overcome the wider sustainability issues relating to the proximity of day to day services to the site.

18. Limited economic and social benefits would arise through the construction of the proposal and the contribution that future residents would make to the local area. I also note that the proposal would be self-built. However, in sustainability terms these factors do not outweigh the inappropriate location of the proposal.
19. My attention is drawn to a consent granted for development at the Rosary to the west of the site at Hulver Street. Each case must be dealt with on its own merits; furthermore, based on the Council evidence this site appears to have been granted consent when wider public transport services were available. The appeal decision cited lies in a separate Council area where the Council were unable to demonstrate a five year supply of deliverable housing land, and as such, in line with the Framework, the Council's housing supply policies were considered out of date. This is not the case in this instance.
20. The appellant also notes that an officer's report for an adjacent application for the change of use to mixed use of residential and exotic garden led to approval for that scheme. However, I note that that application was for a different type of development to that proposed in this instance, and also that the quoted section of report states that "Henstead is not the most sustainable location in its own right".
21. The appellant makes various complaints over the conduct of both the District and the Parish Council during the consideration of the application. Complaints about the conduct of the Council's administration or consideration of the appeal should be made in the first instance to the relevant Councils. I have dealt with the appeal on its own merits.

Conclusion

22. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jon Hockley

INSPECTOR