
Appeal Decision

Site visit made on 23 January 2017

by Zoe Raygen Dip URP MRTPI

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

Decision date: 1 March 2017

Appeal Ref: APP/J3530/W/16/3160953

OS 7971, Woodbridge Road, Bredfield, Suffolk IP13 6AW

- 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 Millcard Ltd against the decision of Suffolk Coastal District Council.
 - The application Ref DC/16/2347/FUL, dated 6 June 2016, was refused by notice dated 16 September 2016.
 - The development proposed is development of 9 dwellings and associated vehicular access.
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Decision

1. The appeal is dismissed.

Main Issues

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

Reasons

Policy

3. Since the submission of the appeal the Site Allocations and Area Specific Policies Development Plan Document Modifications Document 2016 (the DPD) has been adopted and therefore forms part of the development plan and can be given full weight.

Character and appearance

4. Bredfield is a small village with two centres of built development separated and surrounded by open countryside. Between the centres are a small number of residential properties alongside the north western side of Woodbridge Road.
 5. The appeal site is adjacent to the northern part of the developed area of the village. With its hedgerows on most boundaries it forms part of the attractive panoramic countryside landscape within which the small village of Bredfield is located. As a result the lack of buildings on the site makes it unobtrusive in the rural landscape. Nevertheless, it contributes significantly to the openness and rural character of the area.
 6. There is a very clear demarcation of the built domestic environment from the surrounding open countryside formed by the high hedge and public footpath
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adjacent to Oaklands, Woodbridge Road. The area immediately opposite the appeal site is undeveloped as is the south eastern side of Woodbridge Road down to the southern part of Bredfield providing a pleasant transition between the rural open countryside and the built up area of the northern part of the village.

7. The provision of six houses across the frontage of the site adjacent to the highway would introduce a more continuous and intensive built frontage. Together with three houses to the rear this would encroach into the rural area reducing the openness and the physical distance between the northern and southern grouping of houses in Bredfield. This would be reinforced through the introduction of residential paraphernalia such as washing lines, car parking and refuse bins and be accompanied by further traffic generation and more intensive domestic activity in and around the houses all of which would detract from the rural character of the area. Consequently, the introduction of nine houses on the appeal site, would have a significant visual impact in the countryside location.
8. Travelling north along Woodbridge Road, instead of the glimpses of the roofs of the built environment of Bredfield, through the tree cover, being seen as the outskirts of the village, the harsh edge of built development would dominate views. The buildings on plots 2/3/4, 5 and 6 would be particularly close with little room for planting in between them to soften them. I appreciate that there is an existing hedge along the southern boundary of the site. However this is not evergreen nor would it be high enough to sufficiently screen the view of development.
9. In addition, although for only a short way, the view from the public footpath would be considerably altered. As a result, the countryside experience of walkers together with their views over the agricultural landscape would be lost to the detriment of their enjoyment of walking in the countryside.
10. The appellants suggest that it is necessary to locate the development in the open countryside as there are insufficient sites within the physical limits boundary of Bredfield to accommodate new development. They refer to the Bredfield Parish Plan 2006 (BPP) which they consider confirms this position. However I also note that the majority of the respondents to the BPP wished to see small scale development within the settlement limits. Furthermore two actions were to ensure that the development plan restricts new housing to within the settlement boundary and to developments of less than five houses. Moreover the Council indicate that they consider that other sites are available. I therefore give this suggestion limited weight.
11. For the reasons above therefore I conclude that the proposal would be significantly harmful to the character and appearance of the area contrary to Policies SP1, SP29, DM3 and DM21 of the Suffolk Coastal District Local Plan Core Strategy and Development Management Policies Development Plan Document 2013 (CS) and the requirements of the National Planning Policy Framework (the Framework). These seek amongst other things to protect and safeguard the countryside from development which does not by necessity need to be located there and should protect and enhance the natural environment. Furthermore, development should not detract from the character of its surroundings.

12. The Council also refer to Policy DM4 of the CS. However this Policy relates to proposals within new clusters of housing in the countryside. As the appeal site does not meet the definition of a cluster the Policy has not been determinative.

Other matters

13. The appellant considers that the proposal would constitute a windfall site as supported by Policy SP2 of the CS. However the Policy goes on to define windfall as small scale infill, conversions or redevelopment of sites at a higher density or by means of other small scale rural community led schemes. This is further defined in the DPD as developments of less than 5 units usually located within physical limits boundaries or in accordance with Policies DM3 and DM4 of the CS. It goes on to state that opportunities for the delivery of more than 5 units may occur but the example given is conversion of a building.
14. Although the Parish Council stated that they were generally supportive of the proposals at the application stage they also raised specific concerns particularly regarding the drainage of the site. Comments from the Parish Council with respect to the appeal clarify their concerns, particularly in relation to the amount of proposals for housing in and around Bredfield that are now being proposed in advance of the preparation of the Neighbourhood Plan. Furthermore I am mindful that there were a number of letters of objection raised at the application stage and only one letter of support. Moreover there was overwhelming support in the BPP for development to be retained within the physical limits boundaries. I therefore am of the opinion that this does not demonstrate local support for the appeal proposals.
15. I have already found that the proposal does not comply with Policy DM3 of the CS and Policy DM4 has not been determinative. Furthermore the proposal does not fall within any other definition of a windfall site, or due to the lack of local support can it be seen as a rural community led scheme. I do not consider therefore that the proposal could be considered as a windfall site.
16. The appellant considers that the lack of specific site allocation within Bredfield within the DPD means that it is silent on this matter and paragraph 14 of the Framework is therefore engaged. However, the matter of the site allocation is to be left to the Neighbourhood Plan which is currently being prepared by the Parish Council, although is still at a very early stage. Furthermore, I am of the opinion that the Policies within the CS are in accordance with the requirements of the Framework in terms of the location of housing within the countryside and the need to recognise the intrinsic character and beauty of the countryside. They are therefore up to date Policies which direct the development of housing in the countryside. In any case I have carried out an assessment under paragraph 14 of the Framework within my conclusion due to other reasons.
17. The scheme includes 3 affordable units and 2 market bungalows in response to the BPP. I note that the Inspector in appeal ref APP/J3530/A/13/2209549 considered that a condition would be sufficient to ensure that affordable housing would be delivered. Nonetheless Paragraph 21a-010-20140306 of the PPG advises that only in exceptional circumstances can a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence be appropriate such as in the case of more complex and strategically important development where there is clear evidence that the delivery of the development would otherwise be at serious risk.

18. As the proposal is for only nine dwellings I do not consider it to be either complex or strategically important. As I have no method of ensuring that the affordable housing before me then I can only give limited weight to this social benefit. This together with the limited local support and the inconclusive evidence regarding the availability of sites to be developed within Bredfield means that the proposal would not meet the requirements of Policies DM2 or SP27 of the CS.
19. The appellant refers to planning application DC/16/2895 which was approved by the Council for outline planning permission for one dwelling outside the settlement boundary of Trimley St Martin. However, the house would be within the side garden of an existing residential property. As a result it would have dwellings either side of it and therefore would be viewed within the context of an existing row of dwellings. I consider therefore that there are sufficient differences between the two proposals to enable me to reach a different conclusion on the current appeal. In any case I have determined the appeal based on its own merits.
20. Whilst I have some sympathy for the Appellant regarding alleged pre-application advice provided by the Council for the proposal, I have no evidence of this in writing. Furthermore, I have seen nothing to suggest the alleged advice was anything other than informal advice that would not, in any case, have prejudiced the Council's decision on a subsequent planning application. In any event, it falls to me to assess the merits of the proposed dwellings.

Planning Balance and Conclusion

21. The appellant questions whether the Council can demonstrate a five year supply of deliverable housing land as required by paragraph 47 of the Framework. However, apart from referring to the figure for the Objectively Assessed Need referred to in the CS which is significantly higher than the figure used by the Council to calculate their five year housing land supply, the appellant does not quantify the claimed shortfall. The Council have submitted their latest housing supply position¹ and I have seen no substantive evidence to dispute this position.
22. There is little dispute between the parties that the site is within an accessible location. Bredfield is described as a Local Service Centre within the CS which subject to the requirements of Policy SP27 of the CS can accommodate new housing. The DPD allocates 10 dwellings within Bredfield. The fact that the settlement can accommodate new houses means that it is considered to be an accessible location.
23. I saw for myself that the appeal site is located adjacent to the settlement boundary of the northern part of Bredfield and is within walking distance of shops and facilities within the village via a footway located between the appeal site and both the northern and southern parts of Bredfield. Therefore while the proposal would not meet any of the criteria within Policy DM3 of the CS it would be located so as to enhance and maintain the vitality of Bredfield.

¹ Suffolk Coastal District Council - Statement of 5 Year Housing Land Supply dated 3 October 2016

24. The proposal would make a modest contribution to the supply of new housing in an accessible location within the District and, therefore, to the social dimension of sustainability. In accordance with paragraph 47 of the Framework therefore, it merits modest weight in support of the proposal irrespective of the housing land supply position.
25. In addition, the construction of the dwellings would derive some economic benefits but this would be for a limited time. The contribution to the local economy from the spending power of future occupants is likely to be modest given the provision of nine units in an accessible location.
26. With regard to the environmental role of sustainability I have found that the proposal would be significantly harmful to the character and appearance of the area. There is no dispute that the proposal would meet the requirements of Policies 22 and 23 of the CS regarding the functional requirements of the development and the effect of the proposal on the living conditions of residents. However these are not benefits of the scheme justifying the development, but are a pre requisite of good design and therefore make a neutral contribution.
27. Therefore, even if I were to conclude there is a shortfall in the supply of housing land and that relevant policies for the supply of housing should not be considered up-to-date, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the proposal. The proposal would conflict with the Framework and Development Plan when taken as a whole and consequently the proposal would not be sustainable development for which the Framework carries a presumption in favour. For this reason, and having regard to all other matters raised I conclude that the appeal should be dismissed.

Zoe Raygen

INSPECTOR