

Appeal Decision

Site visit made on 14 March 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: 5th April 2017

Appeal Ref: APP/H3510/W/16/3165062
Shepherds Close, Exning, Suffolk CB8 7PB

- 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 Murfet Group against the decision of Forest Heath District Council.
 - The application Ref DC/16/1579/FUL, dated 18 July 2016, was refused by notice dated 5 October 2016.
 - The development proposed is a detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of development on (a) the character and appearance of the area and (b) the living conditions of occupiers of 2 Shepherd Close.

Reasons

Character and appearance

3. Shepherd Close, including the appeal site, lies in the countryside outside of the current settlement boundary for Exning based on the 1995 Local Plan. Policies DM5 and DM27 of the Joint Development Management Policies Document 2015 (JDMPD) restricts housing in the countryside to small scale infill development within a closely knit cluster of dwellings or continuous built up frontage where adverse effects are avoided.
 4. Shepherd Close is a cul-de-sac set back from Windmill Hill on the edge of Exning. It predominantly consists of large detached dwellings on wide spacious plots typical of residential development on this side of Exning. Windmill Hill is lined by trees either side of the junction to Shepherd Close and has a clear rural quality at this point. Travelling into Exning, there is only a limited glimpse of the existing Shepherd Close development helping to reinforce the rural character of Windmill Hill. While the appeal site is unremarkable as an area of recently laid grass and does not appear to be in any particular use by the residents of Shepherd Close, it nevertheless makes a positive contribution as open space adjacent to Windmill Hill.
 5. The appeal site occupies a small, awkwardly shaped plot, and the proposed development would have a small footprint with limited room for private external space. The design approach of a small gatehouse has its merits, but it
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would be significantly smaller than other detached properties on Shepherd Close. Situated out on a limb behind the building line of Nos 2-12, it would also erode the space adjacent to Windmill Hill and diminish the rural character along this road.

6. Planning permission has been granted for a number of dwellings on this side of Exning, including one allowed at appeal in 2016 at 2 The Highlands, with further proposals being considered including six affordable houses to the south of the existing Shepherd Close development. However, the predominant character of large detached dwellings on spacious plots remains, which the proposed development would not reflect.
7. The recently granted planning permission for a two storey side extension at 2 Shepherd Close would result in a much wider detached dwelling compared to the others in the cul-de-sac. However, the extension would be contained within the spacious plot of the existing property and would not intrude into the space adjacent to Windmill Hill. Thus, it does not set a precedent for this appeal scheme.
8. Concluding on this main issue, the proposed development would harm the character and appearance of the area. Therefore, it would not accord with Policies DM2 or DM22 of the JDMPD which, amongst other things, seek development that addresses local character and urban form, including open spaces. It would not accord with the criteria contained within Policies DM5 and DM27 of the JDMPD relating to housing in the countryside. It would also conflict with the aims of the National Planning Policy Framework (NPPF) which seeks good design.

Living conditions

9. The rear garden of 2 Shepherd Close is large and lengthy. Current views from the rear elevation and garden of 2 Shepherd Close are towards the trees and vegetation along Windmill Hill. The proposed development would alter these views, but would be a reasonable distance from the rear elevation of No 2, even with its consented side extension. There would also be an oblique angle between any windows at No 2 and the windows on the proposed development. Thus, the effect on living conditions for occupiers of No 2 in terms of their outlook and privacy would not be adverse.
10. Concluding on this main issue, the proposed development would have an acceptable effect on the living conditions of occupiers of 2 Shepherd Close with regard to outlook and privacy. Therefore, it would accord with Policy DM2 of the JDMPD which, amongst other things, seeks development that does not adversely affect the amenities of adjacent areas. It would also meet with the aims of the NPPF in terms of securing a good standard of amenity for all existing and future occupants of land and buildings.

Planning balance

11. The Council considers that because the 1995 Local Plan settlement boundaries and the policies underpinning them pre-date the NPPF, they are to be afforded less weight. The advanced age of a policy does not automatically render it out of date and I have not been made aware of any lack of consistency between relevant policies and the NPPF. Nevertheless, the Council considers that paragraph 14 of the NPPF and Policy DM1 of the JDMPD are engaged. These

state 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.

12. Looking at the adverse effects first, the proposal would constitute development in the countryside beyond current settlement boundaries, contrary to Policies DM5 and DM27 of the JDMPD. The weight to be afforded to this adverse effect and policy conflict is limited given the Council's position regarding current settlement boundaries. I am also mindful that the Council intends to include Shepherd Close and the appeal site within a revised settlement boundary for Exning as part of the emerging Site Allocations Local Plan. This plan has yet to be subject to formal examination and so cannot be given much significance. Nevertheless, it underlines the limited weight to be afforded to adverse effects arising from the site's location in terms of settlement boundaries.
13. Conversely, the siting and scale of the proposed development in relation to existing dwellings and the erosion of space adjacent to Windmill Hill would be harmful to the character and appearance of the area. There would be conflict with Policies DM2 and DM22 which are general design policies consistent with the NPPF. Thus, the weight that can be given to the adverse effect on character and appearance is significant.
14. Turning to the benefits of the development, an additional house in a location with reasonable access to services and facilities, and which would boost local housing supply and provide local economic investment, weigh in favour of the proposal. However, as a single dwelling, these benefits are modest compared to the adverse effects I have identified.
15. Therefore, the adverse effects of development would significantly and demonstrably outweigh the benefits. In the circumstances, the proposal would not represent sustainable development contrary to the NPPF and Policy DM1 of the JDMPD.

Conclusion

16. The proposed development would have an acceptable effect on living conditions of occupiers of 2 Shepherd Close and would provide modest benefits. However, there would be harm to the character and appearance of the area and the proposal would not represent sustainable development. For these reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR