

Appeal Decision

Site visit made on 30 May 2017

by Graham Wyatt BA (Hons) MRTPI

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

Decision date: 28th June 2017

Appeal Ref: APP/J3530/W/17/3167309

The Mount, Church Lane, Westerfield, Ipswich IP6 9BE

- 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 Mrs D Banks against the decision of Suffolk Coastal District Council.
 - The application Ref DC/16/2765/FUL, dated 5 July 2016, was refused by notice dated 19 August 2016.
 - The development proposed is the erection of 5 No. dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 5 dwellings at The Mount, Church Lane, Westerfield, Ipswich IP6 9BE in accordance with the terms of the application, Ref DC/16/2765/FUL, dated 5 July 2016 subject to the conditions on the attached schedule.

Main Issues

2. The main issues are:
 - Whether the site is an appropriate location for development.
 - The effect of the development on the character and appearance of the area.
 - Does the development provide an adequate mix of housing.

Reasons

Appropriate Location

3. The site lies outside the physical limits boundary of Westerfield and, for the purposes of planning policy, is within the countryside. The site forms a parcel of land which would be accessed via a single track that currently serves the host property. The track would be extended northwards, behind the host property with the proposed dwellings arranged in a linear manner with private garden areas and garages for each property.
4. The Council confirm that Westerfield is a "Local Service Centre" as defined under policy SP19 of the Suffolk Coastal Core Strategy and Development Management Policies July 2013 (the Core Strategy), and is capable of supporting additional housing growth. Westerfield is located some 2 miles north of Ipswich. The village benefits from a railway station which is on the Ipswich to Lowestoft line and is some 10 minutes walking distance of the appeal site. The village also has several services and facilities such as village hall, church, public houses and a business centre.

5. While the appeal site lies beyond the settlement boundary of Westerfield, it would nonetheless support the functioning and facilities of the village and would be of a scale appropriate to the community. The development would therefore meet the objectives of Policy SP27 of the Core Strategy.
6. On the first main issue, I conclude that the site is within an appropriate location for housing development. The proposal therefore complies with the objectives of Policy SP1, SP1A, SP19, SP27, SP29 and DM3 of the Core Strategy which seek, among other things, to achieve sustainable development.

Character and Appearance

7. The Council consider that it is the proposed backland, or tandem, form of development with the dwellings failing to have a highway frontage which would be harmful to the character and appearance of the village. However, the Council conclude in their own appeal statement that, "Despite the sites elevated position, it is not considered that the development would amount to unacceptable landscape or visual impact due to its location away from Church Lane, set behind the existing dwelling and its distance from any public vantage points to the north of site."
8. St Mary's Way immediately west of the site is a comparable example of where a development has taken place behind a property, yet integrates well into the village street scene and does not cause material harm to its character and appearance. While the development would result in a backland form of development, it would not be readily visible from the wider area and would not result in material harm as to adversely impact on the character and appearance of the area.
9. On the second main issue, I conclude that the proposed development would not materially harm the character and appearance of the area. The development is therefore in compliance with Policy SP1 of the Core Strategy, which seeks, among other things to ensure that development proposals maintain and enhance a sense of place and create sustainable communities in both urban and rural areas.

Housing Mix

10. Plots 3 and 4 have an additional room on the first floor marked as 'snug/playroom'. As a result, the Council state that these dwellings should be considered as 4 bed properties and not 3 bed properties as marked on the submitted plans. Consequently, the proposed development would not comply with Policy SP3 of the Core Strategy which seeks to control the mix of housing on new developments.
11. The supporting text to Policy SP3 states that as a general rule across the district the proportions shown in Table 3 should be sought in terms of house size. The Council maintain that the development should provide only 22% 4+ bed open market dwellings and not the 60% sought.
12. However, the development before me is for 2, 3 and 4 bed dwellings, irrespective of what the playroom/snug could be used for. I have no control over the use of rooms within a dwelling whereby other rooms may change to bedrooms over time, or bedrooms may become a study, office or another use. Consequently, the proposal accords with Policy SP3 of the Core Strategy, which seeks, among other things, to increase the stock of housing to provide for the full range of size, type and tenure of accommodation to meet the needs of existing and future population.

Other Matters

13. The proposed access leading to the site would not have a footpath and is on a slight gradient. However, given that the site only serves 5 dwellings conflict

between pedestrians and vehicles would be limited. I acknowledge that there is an incline to the site from Church lane. However, from my site visit I do not consider the incline too steep as to represent an obstacle to reaching the site. Moreover, the National Planning Policy Framework (the Framework) tells us that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.

14. Plots 1 and 2 which are the closest to adjoining neighbours are single storey dwellings and given the separation distances from surrounding properties, unacceptable levels of overlooking are unlikely to occur. No evidence of flooding at the site has been put forward. Concerns are raised that only part of Church Lane has a pavement. However, this part of Church Lane is restricted to 30 mph and no details of accidents have been put forward. I also note that the Local Highway Authority did not object to the scheme.
15. I have also taken into account the relatively new development at Fieldfare Way opposite the site which also allowed a development outside of the settlement boundary. While this development does not set a precedent, and is quite different in design and is on lower ground, the Council confirm that it was also approved as it could not demonstrate a 5 year housing land supply at the time of determination.
16. The Council also raise the issue of noise and disturbance as a result of vehicles passing the host dwelling. However, there is an area of landscaping between the access and The Mount and in my view the limited number of vehicle movements would be insufficient to result in unacceptable levels of noise and disturbance. I also noted that the development at Fieldfare Way has its access very close to the dwellings which are also sited adjacent to Church Lane and has considerably more traffic than the appeal site would generate.

The Planning Balance

17. A recent appeal decision¹ concluded that the Council are currently only able to demonstrate 3.1 years supply of housing land, which is far below the 5 year supply required by the Framework. This decision was the subject of a Public Inquiry which included advocacy and cross examination of the evidence presented by the Council and appellant.
18. The Council state at paragraph 3.2 of their appeal statement that, "At the time of writing this statement, the Council has yet to take a corporate position on this issue and, therefore, I must refer back to the Council's published position of a 5.8 year housing land supply (5% buffer). As such, I shall address the development in the context that the housing supply policies are relevant and up-to-date, as the case officer did at the time of determination."
19. Notwithstanding the Council's corporate position and in light of the recent appeal decision, I have considered this appeal on the basis that the Council cannot demonstrate a 5 year supply of housing land. Paragraph 49 of the Framework tells us that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
20. In those circumstances, the decision-taker is directed to paragraph 14 of the Framework which also tells us that, at the heart of the Framework is the presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out

¹ APP/J3530/W/16/3165730

of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the Framework taken as a whole. Paragraph 7 of the Framework tells us that there are three dimensions to sustainable development: economic, social and environmental.

21. I have found that the site is within an appropriate location for housing, would provide a modest contribution to the housing supply and the proposed scheme would not materially harm the character and appearance of the area. The proposal would also create employment and make a limited contribution to the local economy during construction. Consequently, the proposal would fulfil the economic, social and environmental dimensions of sustainable development.
22. I acknowledge that the Council has allocated 2 sites (SSP17 and SSP18) for 40 dwellings in the Site Allocations and Area Specific Policies, January 2017. However, these have yet to come forward and notwithstanding these allocations the Council still has only 3.1 years supply of housing land as revealed in the appeal decision mentioned earlier.
23. In undertaking the planning balance, I conclude that the conflict with the Council's settlement policies would not significantly and demonstrably outweigh the benefits of allowing the development of 5 houses, when assessed against the policies within the Framework taken as a whole.

Conditions

24. The Council has suggested a number of conditions if I am minded to allow the appeal. I have reworded them where necessary in the interests of concision and enforceability. Taking account of the nature of the site and its residential surroundings it is necessary to restrict the hours of construction and to secure a construction management plan. Other conditions essential to the development are also required such as parking provision, means of access, visibility splays, surface water drainage, and the protection of retained landscaping. The response from the County Council's archaeological officer has identified that the site has potential archaeological interest. Consequently, a condition is necessary to secure a programme of archaeological work. The approved plans should be specified to provide certainty.

Conclusion

25. For the reasons given above, and taking all other material considerations into account, the appeal is allowed.

Graham Wyatt

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PW725_PL01 Rev D, PW725_PL02 Rev D, PW725_PL03, PW725_PL04, PW725_PL05 and PW725_PL06
- 3) No development shall take place until details of the areas to be provided for storage and presentation of Refuse/Recycling bins have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before the development is occupied and retained thereafter in the approved form.
- 4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 5) No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and,
 - iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by

any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

- 6) No building hereby permitted shall be occupied until the existing vehicular access has been improved, laid out and completed in accordance with plan PW725_PL01 Rev D, with an entrance width of 4.5 metres and visibility splays of 2.4 metres by 90 metres and permanently retained thereafter.
- 7) No shrubs, trees or other vegetation shall be allowed to grow above 0.6 metres in height within the sight lines referred to in condition 7.
- 8) No dwelling shall be occupied until space has been laid out within the site in accordance with plan PW725_PL01 Rev D for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for the parking of vehicles.
- 9) All the trees and hedges shown on plan PW725_PL01 Rev D and PW725_PL02 Rev D as "to be retained" shall not be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. If any retained tree or hedge is removed, uprooted or destroyed or dies, another tree or hedge shall be planted at the same place and that tree or hedge shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
- 10) Demolition or construction works shall take place only between 0800 to 1800 on Mondays to Fridays, and between 0800 and 1330 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 11) No demolition/development shall take place at the site until a Written Scheme of Investigation shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions - and
 - i) the programme and methodology of site investigation and recording;
 - ii) the programme for post investigation assessment;
 - iii) the provision to be made for analysis of the site investigation and recording;
 - iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v) the provision to be made for archive deposition of the analysis and records of the site investigation;
 - vi) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.