
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/17/3167014

Land opposite Burwash, America Hill, Witnesham, Ipswich IP6 9EL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs A Havard against the decision of Suffolk Coastal District Council.
 - The application Ref DC/16/3128/OUT, dated 27 July 2016, was refused by notice dated 21 September 2016.
 - The development proposed is the erection of 5 dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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 National Planning Policy Framework (the Framework).
3. 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."
4. 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.
5. The application was submitted for outline planning permission with access and layout for consideration. Matters relating to scale, appearance and landscaping are reserved for future consideration.

Main Issues

6. The main issues are:
 - Whether the proposal development would be in an accessible location.
 - The effect of the development on the character and appearance of the area.

¹ APP/J3530/W/16/3165730

- The effect of flooding at the site.

Reasons

Accessible Location

7. Witnesham is a village that is split into two, with the main built up areas north and south of the appeal site. A footpath connects both parts of Witnesham to the appeal site. However, as a result of the hill and distance to either part of the village, walking is unlikely to be an attractive alternative to other modes of transport. I noted the bus stop opposite the site and the appellant has provided timetables of the buses that serve Ipswich which is some 20 minutes away.
8. Notwithstanding the location of the bus stop, buses only run during the day (and not at all on Sunday's and bank holidays) and do not allow access to the night time economy such as bars, cinemas and restaurants. It is highly probable that given the location of the site away from services and facilities that the occupiers of the proposed dwellings would rely on the private car. Notwithstanding that the Framework identifies that opportunities to maximise sustainable transport solutions will vary from urban to rural areas, allowing the development would result in unsustainable journeys, contrary to a core planning principle of the Framework which seeks to actively manage patterns of growth to make fullest possible use of public transport, walking and cycling.
9. On the first main issue I conclude that the development would not be in an accessible location. The proposal is therefore contrary to Policy SP1 and SP1A of the Suffolk Coastal District Local Plan July 2013 (SCDLP) which seek, amongst other things, to reduce the overall need to travel.

Character and Appearance

10. Both parties agree that the appeal site lies outside of the Witnesham physical limits boundary. For policy purposes, therefore, the site lies within the countryside. The appeal site is part of a large agricultural field bounded to the front by a mature hedge and trees. To the south of the site are dwellings that form a ribbon development along America Hill. To the north is a single storey telephone exchange building and then a further dwelling. Opposite the site is a small development of 12 houses at Burwash. However, the site retains a largely open and rural character and despite the presence of the hedge to the front, a large vehicular entrance to the north provides views across the site.
11. From the layout plan, the development proposes 3 detached 4 bedroom dwellings and a semi-detached 2 and 3 bed dwelling. Part of the hedge to the front would be removed to create a single access to serve the site. While the dwellings would be arranged in a linear manner, continuing the line of existing development, it would nevertheless introduce a built form that would dominate the largely open and rural character of the site which would erode its spacious qualities to the detriment of the character and appearance of the area. While the hedge would lessen the impact, it would not overcome the harm as a result of the dominant form of development at the site.
12. On the second main issue, I conclude that the development would have an unacceptable impact on the character and appearance of the area. The proposal is therefore contrary to Policy SP1 and SP27 of the SCDLP which seek,

amongst other things, to ensure that development proposals maintain and enhance a sense of place and are appropriate in scale and size to their location.

Flooding

13. The Environment Agency (EA) has confirmed that part of the site lies within Flood Zone 2 and 3. Consequently, the erection of 5 dwellings is considered 'more vulnerable' development², and in line with the Framework, the proposal should be the subject of a Sequential Test to determine whether there are other sites available for the dwellings that are at a lower probability of flooding.
14. The appellant has not undertaken a Sequential Test and in the absence of any evidence on the matter, I am unable to conclude that the requirements of the Sequential Test have been met. Moreover, the EA advise that had the Sequential Test been met, a site specific Flood Risk Assessment (FRA) would have been required to demonstrate that the development would be safe from flooding and not increase flooding elsewhere. Again, the appellant has not supplied an FRA and as a result, I am unable to determine whether the development would be safe from the risks of flooding.
15. In arriving at this conclusion I have taken note of the appellant's contentions that the flood maps and levels may be incorrect and that no actual dwellings would be within the flood zone. These are however matters that should be addressed within a specific FRA if the sequential test had been passed.

Planning Balance

16. I have found that the Council cannot demonstrate a 5 year supply of housing land. Paragraph 49 of the Framework tells us that in such circumstances relevant policies for the supply of housing should not be considered up-to-date. Paragraph 14 of the Framework makes clear that for decision-taking this means 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.
17. I have found that the proposed development would be in an unsustainable location. It would also have a harmful impact on the character and appearance of the area and potentially be subject to flooding. Against this I recognise that the proposal would contribute to the overall provision of dwellings in the district, and would therefore have a small beneficial effect in terms of the social and economic strands of sustainability. However, on balance and in my view the adverse effects I have identified above significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As such, the proposal would not amount to sustainable development in the terms of the Framework.

Other Matters

18. The appellant has drawn my attention to an email from the Council dated 11 February 2015 requesting that the site area be increased so that it could be considered as part of their Strategic Housing Land Availability Assessment (SHLAA). However, the email concludes that the request is only so that the site can be given further consideration and "It is not meant as anything further

² Planning Practice Guidance Paragraph:066 Reference ID: 7-066-20140306

than that as this stage.” There is no evidence before me that the site has progressed any further as part of the Council’s SHLAA.

Conclusion

19. For the reasons given above, and taking all other matters into consideration, the appeal is dismissed.

Graham Wyatt

INSPECTOR