
Appeal Decision

Site visit made on 6 June 2017

by Graham Wyatt BA (Hons) MRTPI

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

Decision date: 29th June 2017

Appeal Ref: APP/W3520/W/17/3170524

Land rear of Broadway Cottage, Broad Road, Cotton IP14 4ND

- 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 G Nunn against the decision of Mid Suffolk District Council.
 - The application Ref 3096/16, dated 13 July 2016, was refused by notice dated 14 September 2016.
 - The development proposed is the erection of two detached dwellings and garages.
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of two detached dwellings and garages at Land rear of Broadway Cottage, Broad Road, Cotton IP14 4ND in accordance with the terms of the application, Ref 3096/16, dated 13 July 2016, subject to the conditions on the attached schedule.

Preliminary Matters

2. The application was submitted for outline planning permission with access only for consideration. Matters relating to layout, scale, appearance and landscaping are reserved for future consideration. An indicative layout has been provided detailing how the site could be developed with 2 new dwellings. I have treated these as illustrative drawings for the purposes of the appeal.

Main Issues

3. The main issues are the effect of the development:
 - On the character and appearance of the area.
 - On highway safety.

Reasons

Character and Appearance

4. The site forms a parcel of overgrown land to the rear of Broadway Cottage and Chrisways and contains a mobile home and outbuildings. Vehicular access would be via an existing single track which is sited between both properties. Chrisways is sited close to Broad Road with an area for parking and a garden to the front and rear. Broadway Cottage however, is set back further from the road and closer to the appeal site, with the majority of its garden to the front.

5. Broad Road itself is an established residential area comprising mainly detached dwellings that are a variety of designs, with some closer to the road than others. The area has a relatively rural quality that is to an extent reinforced by the spaciousness about and between the dwellings. Although a variety of ages and design of dwellings exist, there is a degree of uniformity created by the linear pattern of development along Broad Road. On the whole, the gardens to the rear of dwellings are undeveloped which gives the area a reasonably open character.
6. The Council refer to a previous decision¹ whereby the Inspector dismissed an appeal for a single dwelling at the site. The Council maintain that there have been no changes to the built environment since that decision. However, the Council have since approved a residential development for 47 new dwellings² opposite the site and a further 4 dwellings on the junction of Broad Road and Blacksmiths Road³ very close to the site. Consequently, the built environment has and continues to change. Moreover, the decision by the previous Inspector was made some years before the publication of the National Planning Policy Framework (the Framework) which provides quite a different policy position when dealing with the provision of housing.
7. The proposed dwellings would be sited to the rear of Broadway Cottage and Chrisways, creating a backland form of development. This would be at odds with the prevailing linear, frontage development along Broad Road and would result in some material harm to the character and appearance of the area. Although the proposed dwellings are unlikely to be seen as one passes the site along Broad Road, properties adjacent to the site would have a clear view of the development, particularly Chrisways, Broadway Cottage and Paddock Lodge.
8. On the first main issue I therefore conclude that the proposal would result in material harm to the character and appearance of the area. The development would therefore conflict with Policy CS5 of the Mid Suffolk Core Strategy 2008, Policies GP1, SB2, H3, H13 and H15 of the Mid Suffolk Local Plan 1998 and Policies FC1 and FC1.1 of the Mid Suffolk Core Strategy Focused Review 2012 which seek, among other things, positive improvements in the quality of the built and natural environment.

Highway Safety

9. Suffolk County Council (SCC) as local highway authority initially objected to the proposal on highway safety grounds as a result of the access failing to provide adequate visibility splays. However, following the removal of a fence to the front of the adjoining property that was erected on highway land, SCC has since removed its objection to the development. I also viewed the access as part of my site visit and I consider the access to have acceptable visibility splays. In addition, no record of accidents at the access has been put forward.
10. On the second main issue I conclude that the development is served by a safe access. The proposal is therefore in compliance with Policy T10 of the Mid Suffolk Local Plan 1998 which seeks to ensure, among other things, that developments are provided with safe access and egress to the site.

¹ APP/W3520/A/03/1127664

² Application reference 0764/15

³ Application reference 1214/12

Other Matters

11. The Council make reference to a further decision⁴ which dismissed an appeal for a retirement dwelling. I do not find this decision directly comparable to the appeal before me as the Inspector concluded that the development would result in material harm to the character and appearance of the area and the living conditions of neighbouring and future occupiers. Moreover, the decision referred to was made before the Supreme Court judgment⁵ which clarified that if there is a shortfall in housing land supply, it does not matter if this is because of the policies which specifically deal with housing provision. It is the shortfall itself that that is the trigger for bullet point 4 to paragraph 14 of the Framework and all relevant policies in the circumstances of the individual case must be considered.
12. I acknowledge that the development would likely give rise to additional car movements as a result of the lack of a footpath linking the site to Bacton. However, the additional movements from 2 dwellings would be minimal. With regard to the effect of the development on the living conditions of adjoining occupiers, appearance, scale and layout are reserved matters and these issues will be considered as part of that submission. My attention has also been drawn to potential drainage issues at the site. However, there is no detailed evidence from the relevant bodies for me to consider this matter to be a determining issue.
13. With regard to bats and other protected species, the Council state that there are no records of protected species using the site. I have no substantive evidence to the contrary. The mobile home on the site has had no influence over the decision I have arrived at.

Planning Balance

14. The Council acknowledges that it cannot demonstrate a 5 year housing land supply and as a result, paragraph 49 of the Framework comes into play. This states that relevant policies for the supply of housing should not be considered up-to-date. Consequently, the approach set out at paragraph 14 of the Framework should be taken into account. This advises that where relevant policies are out-of-date, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The Framework also emphasises the need to boost significantly the supply of housing.
15. I have found that the proposal would conflict with a number of local plan policies. However, the harm to the character and appearance of the area would be limited to the immediate site and surrounding properties and the space about and between dwellings would remain. The appearance of the dwellings is a reserved matter and could reflect the local vernacular. I acknowledge that the provision of two dwellings would only be a modest addition to the Council's housing shortfall, it would nonetheless boost the Council's housing provision, to which I give significant weight. I also recognise that the proposal would have a small beneficial effect in terms of the social and economic strands of sustainability.

⁴ APP/W3520/W/16/3164099

⁵ Suffolk Coastal District Council v Hopkins Homes Ltd and SSCLG; Richborough Estates Partnership LLP and SSCLG v Cheshire East Borough Council [2017] UKSC 37

16. I therefore find that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of the development, which weighs heavily in favour of allowing the appeal.

Conditions

17. 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. I have attached a condition limiting the timing of the planning permission in accordance with the requirements to submit reserved matters. In the interest of highway safety I have attached a condition requiring visibility splays to be provided and maintained at the access. The approved plans should be specified to provide certainty.
18. As appearance is a reserved matter there is no requirement at this stage to include conditions relating to materials. Likewise, conditions securing parking and turning areas and landscaping will also be considered at reserved matters stage and are not justified or necessary.

Conclusion

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

Graham Wyatt

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 3708-03A, 3708-04 and Site Location Plan.
- 5) Prior to the occupation of the hereby approved dwellings clear visibility splays shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point and a distance of 90 metres in each direction along the edge of the metalled carriageway from the centre of the access.
- 6) 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 5.