The Planning Inspectorate

# 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: 30th June 2017**

**Appeal Ref: APP/W3520/W/17/3171559**
**Plot adjacent to El Olivar, The Green, Ashbocking, Ipswich IP6 9JY**

- 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 Stephen and Dianne Barker against the decision of Mid Suffolk District Council.
- The application Ref 1597/16, dated 30 March 2016, was refused by notice dated 27 September 2016.
- The development proposed is the erection of two storey residential dwelling.

## Decision

1. The appeal is allowed and outline planning permission is granted for the erection of a two storey residential dwelling at Plot adjacent to El Olivar, The Green, Ashbocking, Ipswich IP6 9JY in accordance with the terms of the application, Ref 1597/16, dated 30 March 2016, subject to the conditions on the attached schedule:

## Preliminary Matter

2. The application was submitted for outline planning permission with all matters reserved for future consideration.

## Policy Background

3. The development plan comprises the Mid Suffolk Local Plan (the Local Plan), the Core Strategy 2008 (the Core Strategy) and the Core Strategy Focused Review 2012 (the Focused Review). Local Plan Policy H7 places strict control over new housing outside of settlement boundaries to protect the character and appearance of the countryside.

4. The Focused Review Policy FC1, which post-dates the publication of the National Planning Policy Framework (the Framework), applies the presumption in favour of sustainable development set out in the Framework, and Focused Review Policy FC1.1 sets out the broad approach to delivering sustainable development in Mid Suffolk. It states that the Council will grant permission unless material considerations indicate otherwise, taking into account whether: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or where specific policies in that Framework indicate that development should be restricted.

## Main Issue

5. The main issue is whether the site is an appropriate location for new housing having regard to the provisions of the Development Plan, the National Planning Policy Framework and the Council's housing land supply position.

## Reasons

6. The Council acknowledges that it cannot demonstrate a 5 year housing land supply and as a result, paragraph 49 of the Framework 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.

7. Policy CS1 of the Core Strategy identifies the settlement hierarchy for the district. Ashbocking is identified as a "countryside village". Settlement boundaries for countryside villages were removed by the Core Strategy specifically to prevent infill development so that development will only be allowed in exceptional circumstances.

8. Policy CS2 of the Core Strategy seeks to concentrate development within settlements and to restrict development outside settlements other than in specific circumstances, none of which apply here. However, the dwelling would not be isolated in that there would be other dwellings nearby. Nevertheless, it would be remote from towns and villages where services, employment and facilities are concentrated. Consequently, the occupiers of the dwelling are likely to be reliant on the private car to access such services. As a result, the development would be in conflict with Policies CS1, CS2 of the Core Strategy and Policy FC1 of the Focused Review, which seek, amongst other things, to ensure proposals achieve the aims of sustainable development.

9. I have taken into account the history of the site which previously had permission for a dwelling. Although I give this no weight, it does lead me to find that a dwelling on the site would not be particularly out of place, which is reinforced by the presence of residential development in the vicinity of the site. Moreover, the appeal site forms a natural end to the built development along this part of The Green with a wooded area forming the boundary to the north. Nonetheless, the proposal would introduce a built development on land classified as countryside which would conflict with Policy FC1.1 of the Focused Review and Policy H7 of the Local Plan which seek, amongst other things, to protect the character and appearance of the countryside.

10. I have found that the proposal would conflict with local plan policies seeking to restrict residential development in the countryside and that occupiers of the dwelling would rely on the private car to access services and facilities. However, the Council has a short fall in its housing land supply and the Framework emphasises the need to boost significantly the supply of housing to deliver a wide choice of high quality homes.

11. I acknowledge that the provision of one dwelling would only be a modest addition to the Council's housing shortfall. However, the harm to the character and appearance of the area would be moderate and the amount of car trips generated by one dwelling would be minimal. Therefore, having regard to paragraph 14 of the Framework, I find that the adverse impacts of granting

planning permission would not significantly and demonstrably outweigh the benefits of the development, which weighs in favour of allowing the appeal.

**Conditions**

12. The Council have suggested a number of conditions should I be minded to allow the appeal. I have attached a condition limiting the timing of the planning permission in accordance with the requirements to submit reserved matters. It is not necessary to ensure compliance with the submitted plans as full details and plans will be submitted at a later date as part of the reserved matters submission. In the interest of highway safety details of the proposed access, parking and turning areas should be provided. In order to achieve a satisfactory appearance of the development, details of boundary treatments and cycle storage should also be provided.

**Conclusion**

13. For the above reasons, and having regard to all other matters raised, the appeal is allowed.

*Graham Wyatt*

**INSPECTOR**

## Schedule of Conditions

1) Details of the access, 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) Prior to the commencement of the development hereby approved details of the access between the site and the highway shall have been submitted to and approved in writing by the local planning authority. The development shall not be occupied until that access has been constructed in accordance with the approved details and thereafter be retained.

5) Prior to the commencement of the development hereby approved, full details of parking and turning areas on the site shall be submitted to and approved by the local planning authority. The development shall not be occupied until the parking and turning areas have been constructed in accordance with the approved details and thereafter are retained.

6) Prior to the commencement of the development hereby approved there shall have been submitted to and approved in writing by the local planning authority a scheme of boundary treatments. The approved boundary treatments shall be erected prior to the occupation of the dwelling and thereafter retained.

7) Prior to the commencement of the development hereby approved there shall have been submitted to and approved in writing by the local planning authority details of secured cycle storage. The approved cycle storage shall be erected prior to the occupation of the dwelling and thereafter retained.