
Appeal Decision

Hearing held on 28 June 2017

Site visit made on 28 June 2017

by Joanna Reid BA(Hons) BArch(Hons) RIBA

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

Decision date: 28 July 2017

Appeal Ref: APP/J3530/W/16/3164980

Land on Badingham Road, Framlingham IP13 9HS

- 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 M Goodbrey against the decision of Suffolk Coastal District Council.
 - The application Ref DC/16/2621/FUL, dated 24 June 2016, was refused by notice dated 19 October 2016.
 - The development proposed is conversion of existing barn to residential and erection of 3 new dwellings and associated garages.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The Development Plan includes the *Suffolk Coastal District Local Plan Core Strategy & Development Management Policies* (LP). Since the Council made its decision, the *Suffolk Coastal District Council Site Allocations and Area Specific Policies Development Plan Document* (SA) has been adopted and the *Framlingham Neighbourhood Plan* (NP) has been made. Relevant SA and NP policies were addressed by the parties at the hearing.

Main issues

3. The main issues are:
 - the effect that the proposal would have on the character and appearance of the surrounding area, and
 - whether the proposal would amount to sustainable development.

Reasons

Character and appearance

4. The appeal site, which includes a barn that is sited fairly close to Badingham Road, is outside any settlement boundary defined in the Development Plan, so it is, in policy terms, in the countryside. A few dwellings on the opposite side of the road and the 2 dwellings to one side of the northwest part of the site are within the settlement boundary of Framlingham, which is defined as a town in the settlement hierarchy for the District. The proposal includes the conversion of the barn to a dwelling and 3 new dwellings that would be reached by a drive from a new access from Badingham Road.

5. The roughly rectangular mainly grassed site slopes gently up from its northwest frontage in Badingham Road to its roughly southeast end. It is about as deep as the adjoining mainly open field to the northeast, so it extends much further into the countryside than the plots of the adjoining dwellings. The surrounding countryside to the northeast and southeast is mainly characterised by gently undulating mainly arable fields, hedgerows and occasional trees. A well-screened recreation ground adjoins the southwest boundary beyond the adjoining dwellings. Due to its verdant openness, the vegetation by much of its periphery, and the traditional form of the barn, the site contributes positively to the character and appearance of the countryside.
6. In the approach to the town along Badingham Road, the adjoining dwellings are partly screened by the vegetation by the site's southwest and northeast boundaries. The dwellings on the opposite side of the road have little visual impact due to their largely modest scale, lower level siting and the planting in their shallow gardens with fields beyond. The site can be seen in some views across the mainly open landscape, and it makes a positive contribution to the rural setting of the town in views from Badingham Road.
7. The southeast part of the site would include the long back gardens of 2 of the new dwellings. So, most of the built development, including the converted barn, 3 dwellings, 4 garages, and the long drive by the northeast boundary, and the associated parking and turning areas, would be within the northwest part. Due to their siting behind the barn, the new dwellings would be poorly related to Badingham Road and the neighbourhood. Because of their scale, form and layout, the new buildings and hard-surfaced areas would look unacceptably built-up and squeezed-in. A length of new hedge would be planted, but an ash tree and a modest field maple would be felled to the detriment of the rural character, at least until the suggested replacement trees mature.
8. The traditional barn makes an important contribution to the rural character of the countryside so its conversion could be acceptable in line with LP Policy DM13 and paragraph 55 of the *National Planning Policy Framework* (Framework). However, due to the scale and form of the new dwellings and their garages, their siting on rising ground, domestic paraphernalia and parked cars within the site, and the depth of the development, the proposal would unacceptably erode the open character at the site and harm the rural setting of the barn. The suburban appearance of the scheme would be unacceptably at odds with the rural landscape. Along with the partly tree-screened dwellings next door, this part of the edge of the town would have a densely built-up appearance that would contrast starkly with the low-key dwellings on the opposite side of Badingham Road. Thus, the proposal would harmfully erode the character of the countryside at the edge of the town, and its incongruous appearance would be harmfully damaging in views from Badingham Road.
9. The 4 recently-built dwellings next door were permitted by the Council when they too were outside the settlement boundary, but 3 dwellings had previously been permitted on that preferred Strategic Housing Land Availability Assessment site. Moreover, the adjoining site is shallower and wider, so the form and layout of the dwellings there respects the spacious siting of nearby buildings on the same side of the road, and the loose knit development pattern towards the outskirts of this part of the town.

10. Whilst a condition for some planting could be acceptable, it would not be reasonable to control future occupiers' choice of planting in their back gardens. Those occupiers would also be likely to keep the northeast boundary planting low so that they can enjoy the countryside views, and the suggested condition seeking to retain that planting could not reasonably be relied upon for more than a few years. No exceptional circumstances were put to me, so it would not be reasonable or necessary to withdraw permitted development rights for outbuildings where the gardens of Plots 2 and 3 would align with the recreation ground, and this would not overcome the incongruous effect that domestic paraphernalia, such as washing lines, atypical plants and gazebos, would have on the character and appearance of the rural area. So, the appellant's suggested conditions would not be sufficient to make the proposal acceptable.
11. Therefore, I consider that the proposed development would harm the character and appearance of the surrounding area. It would be contrary to LP policy DM21 which aims to not permit proposals that would seriously detract from the character of their surroundings, the thrust of NP Policy FRAM4 which seeks high quality residential development, and the Framework which aims to recognise the intrinsic character and beauty of the countryside, to take account of the character of different areas, and to always seek to secure high quality design.

Sustainable development

12. LP Policy SP1 seeks to achieve sustainable development. LP Policy SP1A reflects the presumption in favour of sustainable development in the Framework, which explains that the 3 mutually dependent economic, social and environmental roles of sustainable development should be sought jointly and simultaneously.
13. The dwellings would be about as close to Framlingham town centre as the existing dwellings nearby, and the street-lit footpath on the opposite side of Badingham Road would give access to the town centre. As the future occupiers would have reasonable access to shops and local services by sustainable transport modes including walking and cycling, the proposal would be in a fairly accessible location. Thus, the new dwellings would not be 'isolated', that is, remote from shops and local services, in terms of Framework paragraph 55. The conversion of the barn to a dwelling could be acceptable, but the new dwellings would be for none of the exceptions in LP Policies DM3 and DM4 and no other special circumstances have been put to me. Moreover, there is insufficient evidence to show that the proposal would be necessary to enhance or maintain the vitality of any rural community or Framlingham. So, there would be no need for the new dwellings to be sited within the countryside.
14. Because the site and its barn are important to the character of the rural area they fulfil an environmental role. As part of the countryside and the setting of the historic market town of Framlingham, the site also contributes to the attractiveness of the District for tourism, so it achieves a modest economic role. Even so, as the barn and the land are used for hobbies including mending vehicles, storage and walking dogs, there is little evidence that it presently fulfils any other economic or social role.
15. There was little evidence that the dwellings' energy efficiency would exceed local policy aims, so this does not weigh in favour. The proposal would achieve social gains including the new dwellings and economic gains including construction jobs and the New Homes Bonus. However, the environmental

harm that the proposal would cause to the character and appearance of the locality would significantly and demonstrably outweigh the benefits.

16. Therefore, I consider that the proposal would not amount to sustainable development. It would be contrary to LP Policies SP1 and SP1A; LP Policy SP19 which sets out the District's settlement hierarchy; LP Policy SP29 which recognises that the countryside comprises an important economic, social and environmental asset which it is important to sustain, and which aims to limit new development in the countryside to that which needs to be there; LP Policy DM3 which aims to direct new housing to defined settlements unless it satisfies one of a number of criteria; LP Policy DM4 which aims to limit new dwellings within clusters in the countryside to those that meet specific criteria; SA Policy SSP2 which aims to strictly control new residential development outside physical limits boundaries; NP Policy FRAM1 which aims to not permit development outside the defined physical limits boundary in the NP unless it is for a specified exception; and the Framework.

Other matters

17. LP Policy SP23, which sets out the strategy for Framlingham, was not a concern of the Council in its reasons for refusal. Because the proposal would be outside the settlement boundary of the town, as designated in the NP and in line with SA Policy SSP2, LP Policy SP23 is not directly relevant to the proposal, so I agree. The Council did not object to the principle of new dwellings at the site when it gave pre-application advice on an earlier scheme. However, that advice was given at a time when the Council had an insufficient supply of land for housing, and other sites outside the settlement boundary of the town were permitted by the Council or at appeal at around the same time.
18. The appellant has explained why it considers that the Council cannot demonstrate a 5 year supply of land for housing, the Council says otherwise, and I have taken both parties' evidence into account. Whilst 4 dwellings would be a welcome windfall, they would not have a significant effect on the supply of land for housing, and for the reasons given in the main issues, the proposal would not be in accordance with the presumption in favour of sustainable development. Attention has been drawn to other developments that have been permitted outside settlement boundaries since the Council has considered that it can demonstrate a 5 year supply of land for housing, but they are some distance from the site. They include the Martlesham scheme, which includes affordable housing that exceeds policy requirements, and the Melton scheme, which would include significant woodland benefits, and in both cases the benefits would outweigh any harm. So, they differ from the proposal before me, which I have dealt with on its merits and in accordance with its site specific circumstances and relevant local and national policy and guidance.

Conclusion

19. For the reasons given above and having regard to all other matters raised, the appeal fails.

Joanna Reid

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Stuart Reid	Appellant's planning consultant Hollins Architects, Surveyors & Planning Consultants
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FOR THE LOCAL PLANNING AUTHORITY:

Anita Kittle	Area planning and enforcement officer Suffolk Coastal District Council
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INTERESTED PERSONS:

Paula Kerr	Local resident
Martin Price	Planning consultant for some nearby occupiers East Coast Planning Services Ltd

DOCUMENTS PUT IN AT THE HEARING

- 1 SA extract including SA Policy SSP2 and NP extract including NP Policies FRAM1, FRAM2 and FRAM4
- 2 Appeal decision APP/J3530/W/16/3159464
- 3 Suffolk Coastal District Council Housing Land Supply Assessment 1 April 2017 - 31 March 2022, V.2, published June 2017
- 4 Extract from the Council's planning committee meeting minutes including appeal decisions ref APP/J3530/W/16/3155285 and APP/J3530/W/16/3165669, and APP/J3530/W/16/3165730 with the illustrative masterplan
- 5 NP pages 30 and 78