
Appeal Decisions

Site visit made on 4 July 2017

by Zoe Raygen Dip URP MRTPI

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

Decision date: 14 August 2017

Appeal Ref: APP/D3505/W/17/3168591

Land East of The Street, Assington CO10 5LH

- 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 The Hill Farm Assington Partnership against the decision of Babergh District Council.
 - The application Ref B/16/01167/OUT, dated 18 August 2016, was refused by notice dated 11 November 2016.
 - The development proposed is the construction of 10 dwellings comprising 2 x two bed houses, 2 x three bed houses, 2 x four bed houses and 4 x three bed bungalows.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of 10 dwellings comprising 2 x two bed houses, 2 x three bed houses, 2 x four bed houses and 4 x three bed bungalows at land east of The Street, Assington CO10 5LH in accordance with the terms of the application, B/16/01167/OUT, dated 18 August 2016 subject to the conditions set out in the schedule to this decision notice.

Procedural matter

2. The application was made in outline form with all matters reserved for future consideration. I have considered the appeal on the same basis. A layout plan has been submitted which I shall treat as indicative only.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. Assington is a small village set within the open countryside. It is mainly formed from development fronting The Street but with a greater depth of development in the centre of the village. There are a variety of house types and styles. At the northern end of The Street housing is sporadic mainly set in large plots with space between each building compared to the more close knit development within the centre of the village. Gardens are generally well stocked which together with front hedges gives a verdant, open, rural character to the northern end of The Street where the appeal site is located. There are also some brick/stone boundary walls.

5. The appeal site lies between the area of sporadic development and the more built up area of the centre of the village. It forms an open field with a hedge boundary and therefore contributes positively to the character and appearance of the area.
6. The proposal is for the erection of ten houses on the appeal site. Although in outline form, the application form specifies that there would be 2 x two bed houses, 2 x three bed houses, 2 x four bed houses and 4 x three bed bungalows. I appreciate that the submitted layout is illustrative only. However, it provides an example of a way of developing the site to provide the proposed mix and number of dwellings.
7. Due to the size of the site and the number of dwellings proposed, development would extend some distance back from the road, appearing as an incongruous development beyond the linear character of development in this part of the village. However, it would extend no further than existing development within the Vicary Estate which I saw on site was visible from the appeal site and this would limit the impact of the development.
8. The number of houses proposed means that plot sizes would likely be smaller than those in the immediate vicinity and that there would be limited spaces between the dwellings. As a result the scheme would introduce an incongruous suburban character to the rural approach into the built up area of Assington. Furthermore, the requirement for the provision of adequate visibility splays for the proposed access into the site means that all of the hedge and an existing tree would need to be removed eroding the verdant and rural nature of this part of the village. Nevertheless, the indicative layout suggests that an area of open space could be created within the development adjacent to the road where new trees could be planted.
9. The appellant advises that the density of the proposal would be 16 dwellings per hectare which would be less than other areas of the village. These figures have not been disputed by the Council. However, I note that the schemes referred to by the appellant are in the built up area of the village rather than on the northern approach road where the appeal site is located. Furthermore, the appellants state that the proposal would represent a 7% increase in the scale of the village based on the number of bed spaces proposed. Even if this were to be proportionate to the settlement as a whole, the issue to be considered relates to the character and appearance of the area within which the appeal site is located.
10. I have found that the proposal would erode the rural, verdant character of the area but nevertheless, would not be dissimilar to other developments in the village. Furthermore, I am aware that if the appeal were to be allowed, the layout of the proposal would be reserved for future consideration. However, the indicative layout demonstrates that the impact of the proposal could be limited through the provision of landscaping and open space.
11. For the reasons above therefore, I conclude that the proposal would cause some harm to the character and appearance of the area. It would therefore be contrary to Policy CS11 of the Babergh Local Plan 2011-2031 Core Strategy and Policies 2014. This requires that development in hinterland villages is appropriate in size / scale, layout and character to its setting and to the village.

Other matters

12. Concerns have been raised by local residents regarding on their living conditions with particular regard to noise and disturbance and privacy. Layout is a reserved matter but the illustrative layout shows a bungalow adjacent to Celandine. The existing hedge between the properties would be retained. The combination of the boundary treatment, single storey nature of the proposal and the intervening distance to Celandine would ensure that the proposal would not cause material harm to the privacy of the occupants of Celandine.
13. The building at The Hollies closest to the appeal site has its rear elevation facing into the site on its southern boundary. While there would be a house next to the building, its rear elevation would face towards the blank elevation of the building and therefore there would be no material harm caused to the residents of The Hollies.
14. Whilst there would be some increased activity and noise through the provision of the additional dwellings, it would be within an established residential area. As such the additional noise and disturbance from the future occupiers would be within this context, and would be unlikely to materially increase noise and disturbance in the area. Although the access would be opposite the Old School House and L'Ecole, this relationship would not be unusual in a residential setting and can be seen elsewhere in the village.
15. As the application is in outline form only then the layout and appearance of the dwellings may change and would need to be agreed at a future time by the Council. At this time the exact nature of the relationship with nearby residential properties would be assessed.
16. Concerns have been raised regarding the narrowness of the carriageway, the lack of visibility at the proposed junction and the availability of car parking. The indicative layout demonstrates that ten dwellings could be accommodated on the site together with two off street parking spaces per dwelling. The highway authority has not objected to the proposal on this basis. Furthermore following the receipt of revised drawings showing the removal of the front hedge to allow adequate visibility for the proposed access, nor has it raised any objections regarding visibility or highway safety. I did not see anything on site that would lead me to disagree with that view.
17. Policy CS11 requires that development in hinterland villages meets a proven local need, such as affordable housing or targeted market housing identified in an adopted community local plan / neighbourhood plan. The proposal would not provide affordable housing.
18. The appellant refers to the Parish Council's Housing Needs Survey 2016 (HNS) which identified a requirement for seven houses, along with a preference for bungalows and one or two bedroom houses. Also the respondents favoured small scale development. I have not though been supplied with any definition of small scale development.
19. However the Parish Council point to seven houses already under construction with a further two having been granted planning permission. Furthermore, the Council state that Assington Parish Profile (Jan 2016) indicates that Assington has an under provision of 1, 2 and 3 bedroom properties (against the Babergh

average) and an over provision of 4 bedrooms (37.2% compared to Babergh average of 26.2%).

20. The provision of three or four bedroom houses would not therefore meet the identified local within the HNS and in this respect, the Council in its officer report states that the development has not been proven to be for targeted market housing in its entirety. I acknowledge that ten houses would be in excess of the identified local need. Furthermore some houses are already under construction, although I have not been advised of their size and in this respect whether they meet the local need. However, 60% of the scheme in the form of bungalows and two bedroom properties would meet the requirements of the HNS and therefore would be a benefit of the scheme and contribute to the social role of planning.
21. I have been advised that The Hollies is a Grade II listed building. The Council concludes that the proposed development would not have an impact on any designated heritage assets. From my observations on site I saw nothing which would lead me to reach a different conclusion.

Planning Balance and Conclusion

22. I have found that the proposal would cause some harm to the character and appearance of the settlement, but this would be limited by its similarity to existing development in the village and opportunities to reflect the open character of development in the area through an appropriate layout. Nonetheless it would be contrary to the environmental role of planning and local policy. I attach moderate harm to the adverse impact described.
23. The Council do not dispute that this is an accessible location. The village has some services in the form of a public house, village hall, playing fields, a farm shop, restaurant and hairdressers. I also saw that there is a bus stop close to the site. Although there are no footpaths linking the site to the facilities I saw that the appeal site would be no different from most of the properties in the village in this respect.
24. The appeal site is outside the Built Up area Boundary (BUAB) for Assington as allocated in the Local Plan. Therefore it is classed as being in the open countryside and Policy CS2 of the CS states that development will only be permitted in exceptional circumstances subject to a proven justifiable need. However, Policy CS11 allows for some flexibility to allow rural growth beyond the BUABs within hinterland villages. In this respect the appeal site is adjacent to the BUAB and therefore its development would be supported by advice in the Rural Development & Core Strategy Policy CS11 Supplementary Planning Document 2014 which requires that proposals should be well related to the existing settlement and the starting point for that assessment is whether the proposal adjoins the BUAB of the village.
25. Therefore, in terms of the economy, new development would create employment and support growth during the construction period. It is a reasonable assumption, given the sustainable location, that the increase in population, and resulting boost in the spending power of the local economy, would also help support services in Assington and other nearby villages.
26. There is no dispute between the parties that the Council is only able to demonstrate a three year housing land supply. On this basis the relevant

policies for the supply of housing land cannot be considered up-to-date. In these circumstances, and in relation to decision taking, paragraph 14 of the Framework advises that permission should be granted unless 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 specified policies in the Framework indicate that development should be restricted.

27. I therefore give limited weight to Policies CS2 and CS3 of the CS which set out the spatial strategy for the sustainable development of Babergh, and thus, the provision of 10 houses within an accessible location would contribute towards helping address the identified significant undersupply of housing.
28. The economic benefits I have identified, and the social benefit of additional housing described above, most of which meets a locally identified need, is recognised by paragraph 55 of the Framework, which supports some residential development in rural areas in order to enhance or maintain the vitality of rural communities. In combination, these are noteworthy benefits of the scheme to which I attach significant weight.
29. All in all therefore, I consider that the harm that would be a consequence of the adverse impact I have identified would not significantly and demonstrably outweigh the considerable benefits referred to above when assessed against the policies in the Framework when taken as a whole. Consequently, the proposal would represent sustainable development as defined in the Framework, and material considerations indicate that planning permission should be granted for development that is not in accordance with the development plan. For this reason, and having regard to all other matters raised I conclude that the appeal should be allowed.
30. In reaching this decision the views of local residents and the Parish Council have been taken into account. However, important though they are, they do not lead me to a different view on the planning merits of the proposal.

Conditions

31. Having regard to the tests in the Framework and the advice in the Planning Practice Guidance I consider that conditions regarding materials and boundary treatments are necessary to protect the character and appearance of the area. I have also imposed a condition so that the Council can exercise proper control over the dispersal of surface and foul water.
32. I note the comments from the highway authority regarding suggested conditions, however access is a reserved matter and therefore I have not imposed conditions which duplicate details to be submitted as part of a reserved matters submission. I have also not imposed the suggested condition regarding the provision of a footway, as there are very limited footways in the village and the provision of one here would not link to any existing footway and would therefore be unreasonable and contrary to the character of the area. Those conditions that I have imposed I have done so in the interest of highway safety.
33. As the site lies in an area of archaeological potential recorded on the County's Historic Environment Record then I consider it necessary to impose conditions requiring the proper recording of any heritage assets within the site. The

programme of archaeological work needs to be submitted and agreed prior to work commencing on site in order to protect archaeology from development prior to its recording.

34. I have seen no substantiated evidence to suggest that the land is or may have been contaminated in any way and therefore consider it unreasonable to apply conditions in this respect. Furthermore I have seen no justification in the form of local policy to suggest that conditions would be necessary regarding energy and carbon saving measures.

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) Other than site clearance and preparation works no works shall commence on the construction of the hereby permitted dwellings until a scheme for the treatment of surface and foul water drainage shall have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site prior to any dwelling hereby permitted being first occupied.
- 5) Before any of the works on the external elevations for the buildings hereby permitted are begun, samples of the materials (including colour of any render, paintwork or colourwash) to be used in the construction of the external surfaces shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details
- 6) Before the works to provide any boundary treatments are commenced, a plan indicating the heights, positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site prior to any dwelling hereby permitted being first occupied.
- 7) The scheme to be submitted as part of the reserved matters shall make provision for car parking within the site. Prior to occupation of the development the parking areas shall be constructed in accordance with the approved scheme. The parking area shall thereafter be kept available at all times for the parking of vehicles.
- 8) No development shall take place until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. The site investigation shall be completed prior to the commencement of

development or in such other phased arrangement, as agreed and approved in writing by the local planning authority. The scheme of investigation shall include an assessment of the significance and research questions; and:

- a) The programme and methodology of site investigation and recording
 - b) The programme for post investigation assessment
 - c) Provision to be made for analysis of the site investigation and recording
 - d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - e) Provision to be made for archive deposition of the analysis and records of the site investigation
 - f) Nomination of a competent person or persons/organisation to undertake the works set out in the Written Scheme of Investigation
- 9) No dwelling shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under condition 8 and the provision made for analysis, publication and dissemination of results and archive deposition.