



Appeal Decision

Site visit made on 22 August 2017

by Graham Wyatt BA (Hons) MRTPI

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

Decision date: 1st September 2017

Appeal Ref: APP/W3520/W/17/3175002

Barnacre (Land to the Rear of), Worlingworth Road, Horham, Suffolk IP21 5ER

- 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 Richard Bigden against the decision of Mid Suffolk District Council.
 - The application Ref 5023/16, dated 24 January 2017, was refused by notice dated 27 March 2017.
 - The development proposed is outline planning for one two storey dwelling & separate garage.
-

Decision

1. The appeal is allowed and outline planning permission is granted for one two storey dwelling & separate garage at Barnacre (Land to the Rear of), Worlingworth Road, Horham, Suffolk IP21 5ER in accordance with the terms of the application, Ref 5023/16, dated 24 January 2017, subject to the conditions on the attached schedule.

Preliminary Matter

2. The application sought outline planning permission with only access for determination. All other matters are reserved for future consideration.

Main Issue

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

Reasons

4. The site forms a parcel of land to the rear of the dwelling known as Barnacre. The site is mainly laid to grass and is enclosed by mature hedging and trees and contains the footings of a previous permission for a business use at the site granted in 2004¹. The site is within a small cluster of dwellings that are located some 1km south of Horham, which has a general store, post office, community centre, village hall and church. It lies outside of any defined settlement and is therefore within the countryside for the purposes of the development plan. Policy H7 of the Mid Suffolk Local Plan 1998 (the Local Plan) places strict

¹ Applications 0476/04 and 618/04 refer.

control over new housing outside of settlement boundaries to protect the character and appearance of the countryside.

5. Policy CS1 of the Core Strategy 2008 (the Core Strategy) identifies the settlement hierarchy for the district. Horham is identified as a "secondary village" which are unsuitable for growth but capable of taking appropriate residential infill and development for local needs only. 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.
6. Policy FC1 of the Core Strategy Focused Review 2012 (the Focused Review), which post-dates the publication of 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.
7. 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. Policies CS1 and CS2 of the Core Strategy and Policies H7 and H10 of the Local Plan are relevant policies for the supply of housing. Although I must have regard to them, the weight I can afford them is limited.
8. Paragraphs 7 and 8 of the Framework tell us that the three dimensions of sustainable development are economic, social and environmental which should not be considered in isolation. Paragraph 55 of the Framework also tells us that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
9. I acknowledge that the provision of a single dwelling would only result in a very modest contribution towards the Council's housing shortfall. There would also be some short term economic benefits during the construction period and subsequent maintenance of the building. A social benefit would also result through the enhancement and maintenance of local services.
10. Turning to the environmental role, the site is largely enclosed and the proposed dwelling would not be readily visible from Worlingworth Road. Moreover, the dwelling would not appear isolated in that it would be closely related to six other properties. In addition, the proposed development would be located within the site which has permission for a commercial building. Consequently, it would not result in an encroachment into the surrounding countryside. However, the dwelling would be remote from towns and villages where services, employment and facilities are concentrated. Worlingworth Road itself is unlit, does not have a footpath and is 60mph until it meets a 30mph zone at Horham. It is reasonable to conclude that the occupiers of the dwelling are likely to be reliant on the private car to access such services.

11. However, I find that the harm to the character and appearance of the area would be limited and the amount of car trips generated by one dwelling would be minimal. Moreover, 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. 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.
12. Having regard to the above, in the current circumstances, the site is a suitable location for housing and would comply with Policies FC1 and FC1.1 of the Focussed Review where the presumption in favour of sustainable development requires proposals to conserve or enhance the local character of the district. The proposed development would also meet the objectives of paragraph 55 of the Framework as the proposal would not result in an isolated dwelling and it would help to enhance or maintain the vitality of rural communities. In addition, the proposed development would also meet the aims of the Framework in seeking to protect the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.

Other Matters

13. The Council have directed me to two recent decisions² which dismissed appeals on the grounds that the occupiers of the proposed dwellings would be reliant on the private car to access day to day facilities and amenities. In determining the first appeal, the Inspector noted that the settlement of Stowlangtoft did not provide any facilities or services and that the nearest local facilities were some 2.3km away, with other facilities a further 4.5km and 5.5km from the site. Although the appeal site is likely to generate car movements, it is significantly closer to local facilities.
14. In deciding the second appeal, the Inspector concluded that the development at Ashbocking would have resulted in an isolated dwelling with only a café and church available close to the site. The site would also fail to be part of a viable and vibrant rural community and would be isolated from facilities required for day to day living. Again, the appeal site is significantly closer to local facilities than the Ashbocking site. Therefore, I do not consider the appeals to so closely resemble the appeal before me as to represent an irresistible precedent to lead me to alter my findings on the main issue. In any event, I have considered the appeal on its own merits.
15. I also note the objection from the Parish Council and a local resident. Suffolk County Council as local highway authority did not raise any objection to the proposed development on highway safety or parking grounds. I do not consider my overall conclusion would set a precedent for future applications as each proposal must be determined on its own individual merits. In this instance having regard to the specific circumstances of the case at this time, I have found the appeal scheme would represent a sustainable form of development in the terms of the Framework on the basis that the identified adverse impacts of granting planning permission would not significantly and demonstrably outweigh the identified benefits, when assessed against the policies in the Framework taken as a whole.

² APP/W3520/W/16/3158593 and APP/W3520/W/16/3154709

Conditions

16. The Council has suggested a number of conditions if I were 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. The location and site plan should be specified to provide certainty. It is necessary to control manoeuvring and parking details, to include secure cycle parking, in the interest of highway safety and the promotion of the use of alternative forms of transport. Refuse bin storage areas should also be provided to ensure that highway safety is not compromised.

Conclusion

17. For the reasons given above, and having regard to the development plan when read as a whole and the other material considers, particularly the Framework, 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: Site Plan and Site Location Plan.
- 5) Details of manoeuvring and the parking of vehicles, including secure cycle storage, shall be submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved scheme before the dwelling is occupied and permanently retained thereafter.
- 6) Details of a bin storage/refuse collection point located outside the public highway shall be submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved scheme before the dwelling is occupied and permanently retained thereafter.