
Appeal Decision

Site visit made on 21 August 2017

by Zoe Raygen Dip URP MRTPI

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

Decision date: 7th September 2017

Appeal Ref: APP/W3520/W/17/3173378

Land at Kiln Lane, Elmswell IP30 9QR

- 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 Mr & Mrs McDougall against the decision of Mid Suffolk District Council.
 - The application Ref 4767/16 dated 27 November 2016, was refused by notice dated 13 February 2017.
 - The development proposed is new two storey dwelling with garage and associated external works.
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Decision

1. The appeal is allowed and planning permission is granted for a new two storey dwelling with garage and associated external works at land at Kiln Lane, Elmswell IP30 9QR in accordance with the terms of the application, Ref 4767/16 dated 27 November 2016 subject to the conditions set out in the schedule to this decision notice.

Main Issues

2. The main issues are:
 - Whether or not the site represents a suitable site for housing with particular regard to its countryside location and accessibility
 - The effect of the proposal on the character and appearance of the area

Reasons

Accessibility

3. The appeal site is located between the villages of Elmswell and Woolpit. Under Policy CS1 of the Mid Suffolk Core Strategy 2008 (the Core Strategy) it is therefore considered to be in the open countryside. Policy CS2 of the Core Strategy restricts development in the countryside to defined categories excluding new market housing, which reflects Policies H7 and H10 of the Mid Suffolk Local Plan 1998 (the Local Plan).
4. It is common ground between the parties that the Council is unable to demonstrate a five year housing land supply. In such circumstances relevant policies for the supply of housing should not be considered up to date in line with paragraph 49 of the National Planning Policy Framework (the Framework).

5. Paragraph 55 of the Framework seeks to promote sustainable development in rural areas by the location of housing where it will enhance or maintain the vitality of rural communities and avoid isolated dwellings in the open countryside.
6. The appeal site is located at the end of a row of houses on Kiln Lane. As a result it would be viewed within the context of built development and would not therefore be physically isolated.
7. The site is located close to Elmswell and Woolpit, both of which are allocated as Key Service Centres within the Local Plan and therefore contain a range of services to meet day to day needs of residents. However, the route from the appeal site to both villages is likely to make use of main roads, or unpaved footpaths, which may discourage pedestrians and cyclists.
8. There is a bus stop close to the appeal site which, the appellant advises, provides daily services to both villages providing an alternative to the use of the car. However, I have not been provided with any details of the regularity of the service and cannot be sure that it would be a convenient service for future occupiers to reach services.
9. It is likely therefore, that there would be some reliance by future occupiers on the car to access services. However, it would only be a relatively short distance, of 0.5 km, by car, to the edge of both villages. In addition there is a railway station in Elmswell which if accessed by car would then allow the remainder of the journey to facilities in Ipswich, Bury St Edmunds, Cambridge and Peterborough to be accessed by means other than the car. Furthermore, the addition of only one house is unlikely to add significantly to traffic movements. Moreover, paragraph 29 of the Framework recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
10. The future occupier's reliance on the motor car undermines the aims of paragraphs 7 and 17 of the National Planning Policy Framework's (the Framework) of locating new dwellings in rural areas close to services and facilities as a means of reducing unnecessary travel by car, with its associated carbon emissions, as one measure to cumulatively limit the effects of climate change. However, the harm would be limited by the proximity of the appeal site to the settlements, railway station and the low level of likely traffic movements.
11. The appeal site is not located within a settlement, nevertheless it is not in a physically isolated countryside location. However, for the reasons above, there would be some harm caused by the location of the site resulting in the reliance of the occupiers on accessing services by the car. Therefore, the proposal would be contrary to Policies CS1 and CS2 of the Core Strategy, saved Policies H7 and H10 of the Local Plan and paragraphs 7, 17 and 55 of the Framework in this respect.

Character and appearance

12. Kiln Lane is characterised by a row of mainly houses, creating a linear development in the open countryside between Elmswell and Woolpit. The houses exhibit a range of architectural styles and some are set close to the road and very visible. Others are set back, with mature landscaping to front

gardens allowing only glimpses of the built form. The houses are mostly set in large plots allowing planting to give a verdant, rural character to the road. To the south west of the properties is the main A14 road, and to the north east open countryside.

13. The appeal site is to the south west of Kiln Lane and contains a large concrete base and a small portable building. Otherwise, the site is uncultivated and is bounded by high close boarded fencing. As a result it contributes little to the rural character and appearance of the area.
14. The proposed house would be located fairly centrally within the plot allowing significant space around it to be maintained reflecting the character of the area. The siting of the property would be similar to others along Kiln Lane and therefore it would continue an existing pattern of development. In addition the proposal would allow the opportunity for planting within the garden to enhance the rural character of the road. Furthermore, given the current use of the site and its limited contribution to the rural character, there would be no significant encroachment of the countryside. As a result, the intrinsic character and beauty of the countryside would be maintained.
15. Given the mix of architectural styles along the road the one and a half storey, unassuming design of the proposed house would not be material harmful. I note in this respect there is no fundamental objection from the Council.
16. For the reasons above, I conclude that the proposal would not be harmful to the character and appearance of the area. As a result there would be no conflict with saved Policy H7 of the Local Plan, Policy FC1.1 of the Core Strategy Focused Review 2012 (CSFR) and paragraph 17 of the Framework which seek, amongst other things, to conserve and enhance local character.

Planning Balance and Conclusion

17. There is no dispute that the Council is unable to demonstrate a five year supply of housing. 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.
18. I therefore give limited weight to Policies CS1 and CS2 of the Core Strategy and Policies H7 and H10 of the Local Plan. Thus, the provision of a house would contribute towards helping address the identified undersupply of housing. In terms of the economy, new development would create employment, and support growth during the construction period albeit for a limited time. It is a reasonable assumption that the increase in population, and resulting boost in the spending power of the local economy, would also help support services in Elmswell and Woolpit. This latter economic benefit, and the social benefit of an additional house described above, 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 modest weight. In addition the proposal would enable the redevelopment of a

previously developed site to which paragraph 17 of the Framework lends support and therefore is a benefit of the scheme.

19. In terms of the environment, the proposal would result in a development that would be mainly reliant on the private car to access services and facilities. However, due to specific site considerations, in this instance, I have also found that the harm caused by that reliance on the car would be limited. The proposal would not be harmful to the character and appearance of the area and in this respect the contribution to the planning balance is neutral.
20. Overall therefore, the limited adverse environmental impacts identified above do not significantly and demonstrably outweigh the modest social and economic benefits. Consequently, the proposal would represent sustainable development as defined in the Framework and Policy FC1 of the CSFR, 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.

Conditions

21. I have had regard to the various planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the advice in the Planning Practice Guidance and have made such amendments as necessary to comply with those documents. In the interest of certainty it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans.
22. A condition regarding the agreement of materials is necessary to protect the character and appearance of the area. In the interests of highway safety, the site access needs to be constructed, properly surfaced and drained. Furthermore, parking and manoeuvring areas need to be provided and maintained at all times.

Zoe Raygen

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: #00163429-CF7405, 200-PL-1; 200-PL-2; 200-PL-3,
3. No development/works shall be commenced above slab level until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction (and samples if requested) have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development and fully applied prior to the first use/occupation.
4. The development hereby approved shall not be occupied until the area within the site shown on Drawing No. 200-PL-1, for the purposes of manoeuvring and parking of vehicles has been provided and made functionally available. Thereafter that area shall be retained and remain free of obstruction except for the purposes of manoeuvring and parking of vehicles.
5. Prior to the new dwelling hereby permitted being first occupied, the proposed means of vehicular access onto the highway shall be properly surfaced with a bound material for a minimum distance of 5 metres from the edge of the metalled carriageway, in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The bound material as may be agreed shall be retained and maintained thereafter as approved.
6. Prior to the new dwelling hereby permitted being first occupied, details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the dwelling is first occupied and shall be retained and maintained thereafter in its approved form.

---END OF CONDITIONS---