
Appeal Decision

Site visit made on 28 March 2017

by Amanda Blicq BSc (Hons) MA CMLI

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

Decision date: 12 May 2017

Appeal Ref: APP/D3505/W/16/3164556

Coachmans, Elm Lane, Copdock and Washbrook IP8 3ET

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to outline grant planning permission.
 - The appeal is made by Mr and Mrs P Korwin against the decision of Babergh District Council.
 - The application Ref B/16/01104/OUT, dated 9 August 2016, was refused by notice dated 6 October 2016.
 - The development proposed is erection of a detached 2/3 bedroom dwelling with garage.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a detached 2/3 bedroom dwelling with garage at Coachmans, Elm Lane, Copdock and Washbrook IP8 3ET in accordance with the terms of the application, Ref B/16/01104/OUT, dated 9 August 2016, subject to the conditions listed in the schedule following this decision.

Procedural Matters

2. The evidence before me indicates that this is an outline application with all matters reserved. Whilst illustrative plans have been submitted, I consider these to be indicative only.
3. As the Council did not provide suggested conditions I have drafted conditions during the appeal and have allowed both main parties to comment.

Main Issue

4. The main issue is whether, in the context of relevant local and national policies, the proposals would represent sustainable development with particular reference to location.

Reasons

5. The appeal site comprises land to the immediate east of the dwelling of Coachman's, which is situated in a cluster of dwellings on and near Elm Lane. The site lies some 500 metres from the southern edge of Copdock which is itself a satellite from another small settlement, Washbrook. Copdock and Washbrook are separated from Ipswich by a dual carriageway, London Road. For planning purposes the site is considered to lie in open countryside.
 6. The development would comprise the construction of a 2/3 bedroom dwelling and although I recognise that the drawings of a chalet bungalow submitted
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with the application are indicative, I have taken them to be broadly representative.

7. The Council argues that policies CS2 and CS15 of the Core Strategy¹ (CS) restrict residential development outside settlements. However, as the appellant's statement of case referred to housing need, I requested a statement of housing land supply (HLS) from the Council during the appeal. This indicates that there is an emerging Local Plan, and also that the Council has between 3 and 3.4 years HLS, depending on the buffer figure used.
8. As such, with regard to Paragraph 49 of the National Planning Policy Framework (the Framework), I conclude that the Council's policies for the supply of housing, which include the policies cited in this appeal, are out of date. In such circumstances, Paragraph 14 of the Framework states that where a development plan is absent, silent or relevant policies are out of date, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole.
9. I acknowledge the Council's position in relation to directing growth to centres with day to day amenities and facilities in order to restrict the need for travel by private car, and to facilitate opportunities for sustainable transport. However, the journeys generated by this development would be limited, and although the evidence before me states that Elm Lane cannot accommodate greater traffic flows, on the occasion of my visit there was no other traffic. Whilst I recognise that this is snapshot in time, and perhaps unrepresentative given the enlarged farm access a few hundred metres away, my observations lead me to conclude that the development would not have an adverse effect on the efficient operation or safety of the highway. Furthermore the evidence before me indicates that public bus services stop at the end of Elm Lane, some 150 metres from the appeal site, and that the village hall, pub and local school are within reasonable walking distance.
10. I also acknowledge that the Inspector for a previous appeal of 7 dwellings² on a site on London Road, concluded that the nature, distances and dispersed arrangements of services did not lend strong support to that proposal. However, this development is for one dwelling and the adverse impacts arising from remoteness from shops and other amenities not found within Copdock or Washbrook, would be significantly less in this instance.
11. Paragraph 55 of the Framework sets out the criteria for assessing new development in the countryside. I appreciate that this states that development will only be permitted in exceptional circumstances and no such exceptional circumstances have been advanced to support the appellant's case.
12. Nonetheless, although there is minor conflict with Policies CS2 and CS15, I am mindful that the Council cannot demonstrate sufficient HLS. The development would make a contribution, albeit limited, to local housing provision and would also provide additional economic support for local services. On balance, I conclude that the adverse effects of the development arising from its location would not significantly and demonstrably outweigh the benefits when assessed against policies in this Framework taken as a whole. Furthermore, the

¹ Babergh Local Plan, Core Strategy and Policies, 2011- 2031

² Ref B/15/00453/OUT

appellant's statement notes that the Council considered the application to be borderline, which supports my reasoning that the added weight to be given to the provisions of Paragraphs 14 and 49 of the Framework tilt the planning balance in favour of the development.

Conditions

13. I have suggested conditions against the requirements of the national Planning Practice Guidance and the Framework. In respect of the plans, I have referred to the drawings submitted as part of this appeal, with a condition that reserved matters be submitted for approval from the local planning authority. As two handed drawings were submitted as the evidence I have selected one only for inclusion in the conditions.
14. With regard to ensuring the finished appearance of the building, boundary treatments, hardstanding areas and access I have imposed conditions to ensure the local planning authority can exercise proper control over the development with respect to the materials used, finishes to the building and boundary treatments, to protect the character and appearance of the area.
15. I have also imposed conditions to ensure a parking and turning area is provided prior to the development's occupation, and subsequently retained as a parking area to ensure adequate provision and also in the interests of highway safety. Finally, as the site is elevated above the road I have imposed a condition to ensure that the local planning authority can exercise proper control over the disposal of surface water.
16. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance.

Other matters

17. Interested parties have raised concerns in relation to the Council's policy for infill development, traffic and the overall village development plan. Whilst I appreciate these concerns, each appeal is determined on its merits. Moreover, I have outlined in my reasoning that I am not satisfied that this development would have a significant effect on traffic levels. A concern has also been raised with regard to the ownership of part of the appeal site but that matter is outside the scope of this appeal.

Conclusion

18. For the reasons given above and taking all matters into account, I conclude that the development would not be contrary to the relevant policies of the Council's Local Plan and that therefore the appeal should be allowed.

Amanda Blicq

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following drawings in respect of the scale and nature of the development only:

Land Registry Title plan SK238569; Site Location Plan Scale 1:1250;
Indicative Block Plan Scale 1:500; Copdock and Washbrook Scale 1:2500;
Copdock and Washbrook Scale 1:5000; 5064.3.RH.

- 2) Details of the access, appearance, landscaping and layout, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 3) Application for the approval of the reserved matters shall be made to the local planning authority no later than three years from the date of this permission.
- 4) The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.
- 5) 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.
- 6) No development shall take place until written details or samples of the materials to be used in the construction of the external surfaces of the development hereby permitted, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 7) The landscaping details to be submitted under Condition 2 shall include:
 - a) fencing and other boundary treatments, with details of siting, height and design;
 - b) the extent of areas to be paved or otherwise hard-surfaced, and details of surfacing material.

The boundary treatments approved shall be constructed or implemented prior to first use or occupation of the development.

- 8) No development shall take place until details of surface and foul water drainage for the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.