



Appeal Decision

Site visit made on 27 February 2019

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th March 2019

Appeal Ref: APP/W3520/W/18/3214326

Land at Flowton Road, Somersham, Suffolk IP8 4PY

- 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 S Diaper against the decision of Mid Suffolk District Council.
 - The application Ref DC/18/00729, dated 14 February 2018, was refused by notice dated 11 May 2018.
 - The development proposed is the construction of one new dwelling and removal of agricultural building.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The planning application was submitted in outline form with only access for determination. Matters relating to layout, appearance, scale and landscaping were reserved for future consideration. The appellant has provided an indicative layout which I have treated as illustrative for the purposes of this appeal.

Main Issues

3. The main issues are:
 - Whether the location of the development is appropriate having regard to the Development Plan and the National Planning Policy Framework (the Framework);
 - The effect of the development on 1) the character and appearance of the area and 2) on biodiversity.

Reasons

Location

4. The appeal site forms a parcel of land that slopes down from Flowton Road and contains a single, mono-pitch agricultural building. The remainder of the site was mainly grassed with mature trees and hedges on the boundary. The area is rural in character with the central core of the village of Somersham to the north of the appeal site.
5. Policy CS1 of the Mid Suffolk District Council Core Strategy DPD 2008 (the Core Strategy) defines the village of Somersham as a 'Primary Village'. Policy CS1 states that the majority of new development will be directed to the towns and key service centres, although there is scope for the provision for some housing within 'primary villages' to meet local housing needs, particularly affordable housing.

However, the site lies beyond the settlement boundary of Somersham and Policy H7 of the Mid Suffolk Local Plan (the Local Plan) places strict control over new housing outside of settlement boundaries. The site is therefore within the countryside where development is restricted to those types as set out in Policy CS2 of the Core Strategy and Policy H10 of the Local Plan, none of which have been advanced by the appellant.

6. Thus, the development would be in conflict with Policy CS1 and CS2 of the Core Strategy, Policy H7 and H10 of the Local Plan, Policy FC.1 of the Mid Suffolk District Council Core Strategy Focused Review 2012 (the Focused Review) and the Framework which seek, amongst other things, to protect the countryside from unnecessary developments.

Character and Appearance

7. The area is verdant and has a distinct open and rural quality that is reinforced by the presence of mature landscaping within this countryside setting. Although the appeal site is adjacent to the rear gardens of those properties that face onto Springfield Road, it nonetheless better relates to its rural surroundings to which it makes a positive contribution. The development would intrude into the generally undeveloped land and would appear as a sporadic form development that would encroach into the countryside.
8. Whatever its final form, the development would suburbanise the site, eroding the rural qualities of the area and would be clearly visible from Flowton Road. The proposal would reduce the openness of the area and while I accept that additional landscaping on the boundaries could shield the development from external views, it would take some time to mature and could not be relied upon to become permanent. Furthermore, it is also necessary to consider the visual impacts of the residential use such as the vehicle movements and parking associated with the development along with fencing, domestic cultivation and items such as garden furniture and washing lines that would add to the suburbanising effect of the development.
9. Thus, the proposal would have a detrimental impact on the character and appearance of the area. It would be in conflict with Policy FC1.1 of the Focused Review, Policies GP1 and H7 of the Local Plan and the Framework which seek, amongst other things, to ensure that developments protect, maintain and enhance the character and appearance of their surroundings.

Biodiversity

10. The appellant submitted an ecological appraisal¹ in support of the planning application which was a visual inspection and found that badgers were in the area with signs of active workings and a latrine some 5-10m from the east end of the site. A further report² identified the main sett as being some 35m from the eastern edge of the site. No other protected species were identified at the site or within the existing building, although the surrounding trees and hedges would be suitable for bats and birds. The initial ecological appraisal concluded that a post and rail fence at the eastern end of the mown grass area would allow badgers to move about freely. No other enhancements were put forward.
11. Therefore, although part of the existing hedge would be removed to facilitate the access, I have no reason to conclude that the proposal would have an adverse effect on any protected species that might be present on or using the site or on

¹ Framlingham Environmental dated 6 June 2017

² Framlingham Environmental dated 26 February 2019

their habitats. Thus, the development would not be in conflict with Policy CS5 of the Core Strategy and the Framework which seek, amongst other things, to ensure that developments maintain and enhance the environment and protect Mid Suffolk's biodiversity.

Other Matters

12. The site was the subject of pre-application advice which was generally supportive of a residential development. However, pre-application advice is not binding upon a Council and this does not alter my decision.
13. The appellant has referred to an appeal decision³ which allowed a development of 49 dwellings. However, this development provided 17 affordable dwellings which had a substantial social benefit which is quite different to the appeal before me.
14. I accept that the design of the dwelling could be acceptable and that suitable materials could be employed. I also accept that the site is close to other dwellings and, taking its meaning in an ordinary sense, the development would not represent an isolated home in the countryside. The site is also close to services and facilities that are available within Somersham. However, neither this nor any other material consideration that has been advanced outweighs the harm that I have identified above.

The Planning Balance

15. The development seeks to boost the supply of housing which would result in some support for local services and facilities, both during construction and when the buildings are occupied. As such, the proposal would have some social and economic benefits. Nevertheless, given the modest amount of development proposed, the weight I accord these benefits is limited.
16. However, I have found that the proposed development would be contrary to the Development Plan and that it would result in material harm to the character and appearance of the area, to which I afford significant weight. Moreover, although the Council confirm that it is unable to demonstrate a five year housing land supply which renders the policies which are most important for determining the application out-of-date, the harm I have found is serious and, in my view, that significantly and demonstrably outweighs the benefits of the scheme when assessed against the policies in the Framework taken as a whole. As such the presumption in favour of sustainable development as envisaged by the Framework does not apply in this case. There are no other material considerations that indicate a decision other than in accordance with the Development Plan.

Conclusion

17. For the reasons given above, and having regard to the development plan when read as a whole, I conclude that the appeal should be dismissed.

Graham Wyatt

INSPECTOR

³ APP/W3520/W/18/3194926 dated 28 September 2018