
Appeal Decision

Site visit made on 11 June 2019

by Matthew Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th July 2019

Appeal Ref: APP/D3505/W/19/3225842

Land at Castlings Heath, Groton, CO10 5EU

- 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 J Burdall against the decision of Babergh District Council.
 - The application Ref DC/18/05421, dated 19 November 2018, was refused by notice dated 8 February 2019.
 - The development proposed is the erection of detached dwelling and garage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application form indicates that the scheme was submitted in outline form, apart from access, which is to be considered at this stage. The drawing submitted with the application shows the layout of the proposed dwelling and garage and is described as indicative and I have determined the appeal on this basis.

Main Issues

3. The main issues are:
 - a) the effect of the development on the character and appearance of the area;
 - b) whether or not the appeal site is an appropriate location for a new dwelling having regard to the accessibility of services and facilities.

Reasons

Character and appearance

4. The appeal site comprises a roughly triangular plot of grass land located generally to the rear and east of the gardens associated with a row of dwellings. The site is bounded to the north by a road from which the site is largely screened by trees and vegetation. The panorama of open countryside generally to the south east of the appeal site is interrupted by vegetation and trees located along field boundaries. There is no dispute between the parties that whilst the site does lie close to existing dwellings, it lies outside any settlement boundary prescribed by the Local Plan and thus for the purposes of planning policy it is in the countryside.

5. The proposed dwelling and garage would be set within a relatively large plot which would be outwith the existing row of dwellings. As such, the scheme would appear out of kilter with the prevailing linear pattern of development in the area, which includes a recent appeal decision for the erection of a new dwelling which would lie amidst this row of dwellings¹. Even though visibility of the appeal site is well screened from surrounding roads and from other obtainable public vantage points, and the layout, appearance and scale of the dwelling and garage would be subject to consideration at reserved matters stage, a new dwelling and its relatively large garden area would represent a significant permanent encroachment into the countryside, reducing the openness of the area, and diminishing the contribution the site makes to its verdant surroundings, thus undermining its intrinsic character.
6. In conclusion, the development would harm the character and appearance of the area and would be in conflict with Policies CN1 and CS15 of the Babergh Local Plan 2011 – 2031 Core Strategy and Policies (2014) (the Core Strategy) which requires, amongst other matters, that development makes a positive contribution to the local character, shape and scale of the area and pays particular attention to the nature of adjacent development and the environment surrounding the site. The development would also fail to recognise the intrinsic character and beauty of the countryside, contrary to paragraph 170 of the National Planning Policy Framework (the Framework).

Location of development

7. I have been made aware that Policy CS2 of the Core Strategy requires an additional 'exceptional circumstances' test for proposals in the countryside. This requirement goes above and beyond those set out in the Framework, which only requires a similar 'exceptional circumstances' test in the event that the appeal site is found to be an isolated home in the countryside². I agree with the main parties that the location of the appeal site, which includes its proximity to existing housing, means that it does not constitute an isolated home in the countryside.
8. There is no evidence of any bus stops close to the appeal site. Furthermore, given the distance of the nearest serviced villages and settlements, and the narrowness and lack of lighting on many of the roads that lead to them, future occupiers of the proposed dwelling would likely be heavily reliant on the private car to access services and facilities to meet their day-to-day needs. Nevertheless, I am aware that the relatively recent appeal decision to allow a new dwelling within the existing row of properties, known as Castlings Heath, was made having regard to proximity of it to services and facilities¹. Given the closeness of it to the appeal site and the similar scale of both proposals, the appeal is a relevant material consideration and I have determined this appeal in a like manner on this issue.
9. Even though there would be some conflict with Policy CS2 of the Core Strategy insofar as the dwelling would lie outside settlements which are higher up the settlement hierarchy and closer to services and facilities, like the appeal Inspector¹, I find that the provision of a new dwelling would contribute to the services in nearby villages thus maintaining the vitality of rural communities in line with paragraph 78 of the Framework.

¹ Planning appeal reference APP/D3505/W/18/3201905

² Paragraph 79 of the National Planning Policy Framework

10. I therefore find the development would be in compliance with Policies CS1 and CS15 of the Core Strategy as a new dwelling in this location would contribute to local services and facilities. The scale and location of development would be appropriate in this location having regard to the functions of settlements nearby, in compliance with the aspirations outlined in Policy CS2 of the Core Strategy and in line with paragraphs 78 and 79 of the Framework.

Other matters

11. Notwithstanding the appeal case I have already identified, there are a number of other appeal cases and planning permissions granted by the Council for new dwellings on sites that have some similarities with the one before me. On the basis of the information I have received from the appellant regarding these cases, I am not satisfied that the circumstances of each case are sufficiently similar to the appeal scheme such that it would warrant me reaching a different conclusion on the main issues. I have determined the appeal case on its own merits, whilst having regard to the evidence submitted.

Planning Balance and Conclusion

12. My attention has been drawn to a proof of evidence for a recent appeal elsewhere in the district where the housing land supply was stated as being 4.92 years. The Council consider that the undersupply is 'modest' but nevertheless there is no contention that the Council are unable to demonstrate a five-year housing land supply as required by paragraph 73 of the Framework. Paragraph 11 of the Framework is therefore applicable and states at '(d) where there are no relevant development plan policies, or the policies most important for determining the application are out-of-date (including housing, where the LPA cannot demonstrate a five year supply of deliverable housing sites), 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.'
13. The development would be a harmful encroachment into the countryside, detrimental to the character and appearance of the area, and would be in conflict with the relevant development plan policies and the Framework for the reasons I have outlined.
14. Set against the harm identified there would be limited social and economic benefits associated with the proposal. The development would provide a single additional house which would generate employment opportunities during construction and would contribute to services and facilities in nearby villages as well as supporting the local community. However, an additional unit would make little difference to the overall supply of housing and the support one extra household would provide to the local economy would also be limited.
15. The environmental benefits put forward include the retention of existing hedgerows and the potential for biodiversity enhancements and the incorporation of a range of renewable energy features and energy efficiency measures to support a low-carbon dwelling. However, to some extent these environmental benefits are tempered by the reliance the scheme would place on the private car due to its rural location. The absence of harm in relation to heritage assets, flood risk and land contamination are neutral factors which neither weigh in favour or against the appeal.

16. I acknowledge that the proximity of the dwelling to the appellant's existing farm enterprise would allow him to support the family business on a part-time basis, whilst allowing other family members to take over the running of the farm. It would indirectly support the farming enterprise.
17. However, in conclusion, the adverse impacts on the character and appearance of the area would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.
18. The proposal would conflict with the development plan as a whole and there are no other material considerations which outweigh this finding. Therefore, for the reasons given, I conclude that the appeal should be dismissed

Matthew Woodward

INSPECTOR