The Planning Inspectorate

Appeal Decision

Site visit made on 19 June 2019

by E Brownless BA (Hons) Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 1 August 2019

Appeal Ref: APP/J3530/W/19/3225597
Land at Cireanin, Woodbridge Road, Bredfield IP13 6AW

- 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 S Steel of Lakeland Building Services against the decision of Suffolk Coastal District Council.
- The application Ref: DC/19/0318/FUL, dated 23 January 2019, was refused by notice dated 19 March 2019.
- The development proposed is the residential development of 2 bungalows and associated garages.

Decision

1. The appeal is dismissed.

Procedural Matters

2. On 1 April 2019 Suffolk Coastal District Council merged with Waveney District Council to become East Suffolk Council. The development plans for the merged local authority remain in place for the former area of the Suffolk Coastal District Council until such a time as they are revoked or replaced. It is therefore necessary for me to determine this appeal with reference to policies set out in the plans produced by the now dissolved Suffolk Coastal District Council.

3. The emerging Suffolk Coastal Local Plan has been submitted for examination. However, as it has yet to be examined and found to be sound, it could still be subject to change. In addition, the Bredfield Neighbourhood Plan is at an early stage. Therefore, I attach limited weight to the emerging Local Plan and the emerging Neighbourhood Plan as material considerations.

4. The Council have advised that subsequent to their decision to refuse planning permission the appellant has made a Recreational Avoidance and Mitigation Strategy (RAMS) payment to mitigate any impacts on Special Protection Areas (SPA) and Special Areas for Conservation (SAC). Consequently, the Council does not seek to contest its second reason for refusal.

Main Issue

5. The main issue is whether the appeal site is in an appropriate location for new dwellings, in particular, having regard to the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

6. Policy SP1 of the Suffolk Coastal District Local Plan Core Strategy & Development Management Policies Development Plan Document (2013)(LP) sets out the principles for sustainable development and seeks to locate new housing to where there are employment services, transport and infrastructure. It confirms that development will be concentrated within specified settlement boundaries as defined by the settlement hierarchy of LP Policy SP19. LP Policy SP29 indicates that outside of those areas, only development that is necessary and satisfies countryside policies will be permitted. Policy SSP2 of the Site Allocations and Area Specific Policies Development Plan Document (2017)(SAASPDPD) has similar aims.

7. LP Policies DM1, DM3 and DM4 are permissive of development within the countryside, subject to, development meeting a local need for affordable housing, being a replacement dwelling or subdivision of an existing larger dwelling, an existing building conversion or minor infilling. However, it is not part of the appellant's case that the proposed development would be consistent with these countryside policies.

8. Whilst Cireanin and its neighbouring dwellings are within the physical limits boundary (the PLB) of Bredfield, the appeal site which forms part of the former rear garden curtilage to Cireanin, lies beyond the PLB as defined in the current development plan. Accordingly, the site lies within the countryside for the purposes of applying development plan planning policy.

9. Given that the proposed development is not consistent with countryside policies, the appeal site is not a location towards which new housing is directed under the plan led approach of providing housing development within the boundaries of identified settlements. As a consequence, the proposed development would not accord in this respect with LP Policies SP1, SP19 and SP29 and SAASPDPD Policy SSP2. In addition, the proposal fails to accord with LP Policies DM1, DM3 and DM4, the requirements of which are set out above.

10. Prior to the junction with Ufford Road, Woodbridge Road has an open and rural character, with fields and paddocks to one side and a variety of dwelling types and styles arranged in a broadly linear pattern to the other side. Dwellings are generally built towards the front of their plots and rear gardens are typically long. The appeal site is an area of relatively flat rear garden land to Cireanin that wraps around the rear of other dwellings.

11. Notwithstanding the limited height of the proposed dwellings as single storey bungalows, the proposed development would introduce two sizeable dwellings beyond the existing linear pattern of development. This would result in an incongruous effect on the prevailing pattern of development. Moreover, it would introduce built form where there is presently non and within an area that provides an important break between the countryside and the built environment.

12. Whilst mature vegetation along the rear and side boundaries would be retained, there would be partial views of the appeal site from the wider countryside, particularly during the winter months when vegetation is less dense. Furthermore, the appeal site would be partially visible from Cireanin, as well as some neighbouring dwellings and their gardens. The proposed access drive opens up the front of the site and even with landscaping in place, the

proposed development would have a significantly urbanising effect on the rural character of the area.

13. For the reasons given above, I conclude that the proposed development would not be in an appropriate location for new dwellings, in particular having regard to the effect of the proposed development on the character and appearance of the surrounding area. Therefore, the proposed development would also conflict with LP Policy SP1 in this regard insofar as this policy requires sustainable development to conserve or enhance the natural and built environment. This is in addition to the conflict with LP Policies SP1, SP19, SP29, DM1, DM3 and DM4 and SAASPDPD Policy SSP2, that I have identified above.

Other Matters

14. The site is within the zone of influence of the SPAs and SACs along the Suffolk Coast. The proximity of these European sites means that the determination of the application should be undertaken with regard to the requirements of the Habitats Regulations 2017. The appellant has made a Section 111 financial contribution to the Council towards a Suffolk wide management scheme known as RAMS. The Council considers this would mitigate any harm to the SPA/SAC. However, as the appeal fails because of the harm which has been identified in relation to the main issue, the proposed development would not be going ahead and therefore any harm to the SPA/SAC would not occur. Therefore, I do not need to give any further consideration to this matter in this appeal.

Planning Balance

15. It is the appellant's case that LP Policies SP29 and DM3 are out of date because any blanket policy restricting development is inconsistent with the National Planning Policy Framework (the Framework). Whilst LP Policies SP29 and DM3 allow for affordable housing, reuse or replacement of existing dwellings, minor infilling or uses consistent with paragraph 79 of the Framework, they do not reflect the provisions of paragraph 78 which recognises that housing in rural areas should be located where it will enhance or maintain the vitality of rural communities.

16. Insofar as LP Policies SP29 and DM3 seek to safeguard the countryside and direct growth to areas with good access to services and facilities, they have a broad level of consistency with the requirements of the Framework. Nonetheless, the Framework does not impose a blanket restriction on development outside defined settlements or stipulate that the requirement for any 'special circumstances' has to be met by all development in the open countryside.

17. Given this, where LP Policies SP29 and DM3 are used to restrict housing outside of settlement boundaries, this cannot be seen to be consistent with the aims of the Framework. In addition, the site cannot be viewed as 'isolated' for the purposes of paragraph 79 of the Framework, following the Braintree judgment[1]. As such, this policy conflict carries limited weight in my decision due to these policies being out of date.

18. Furthermore, paragraph 11 of the Framework states that where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would

[1] Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610

significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole.

19. As regards the benefits, although the Council states that it can demonstrate a five year supply of housing, this does not mean that additional housing should be resisted and therefore the provision of two additional dwellings that would be capable of meeting the needs of an ageing population, whilst modest in numbers, would be a positive contribution to support the Government's objective of significantly boosting the supply of homes. In addition, the proposed development would support the economic role through additional spending within the economy and contribute to the vitality and viability of Bredfield.

20. Bredfield is identified as a 'local service centre'. Given the existence of some facilities for the use of future occupants of the proposed dwellings which would be capable of being accessed by a footway from the appeal site, I consider the proposed development would therefore be in a location that is accessible to local services.

21. I accept that the proposed development would be capable of being undertaken without any adverse impact on the living conditions of neighbouring occupiers. In addition, there are no identified risks in terms of flooding or highway safety. The same applies as regards the effect on the SPA/SAC. However, the absence of harm is a neutral factor weighing neither for nor against the proposed development.

22. The appellant asserts that LP Policy SP2 is out of date due to a delay in the Local Plan Review. The Council have not provided any comment on this matter. The Council do not cite a conflict with this policy. I therefore attach only negligible weight to this matter. In any event, I have applied the 'tilted balance' under paragraph 11 of the Framework.

23. Furthermore, I do not consider that the policies contained within the SAASPDPD, in particular Policy SSP2, have been misapplied. I am cognisant that this policy would defer to the content of a NP; however, no such NP is in effect for Bredfield at this stage. Accordingly, I attribute full weight to Policy SSP2. I also afford the conflict with LP Policies SP1 and SP19 significant weight given that they accord with the provisions of the Framework.

24. In relation to the adverse impacts, the harm that would arise concerning whether the appeal site is in an appropriate location for new dwellings, in particular having regard to the effect of the proposed development on the character and appearance of the surrounding area would be significant, for the detailed reasons that I have set out. It would be contrary to LP Policies SP1, SP19, SP29, DM1, DM3 and DM4 and SAASPDPD Policy SSP2. Set against this would be the addition of the proposal to the supply of housing, although with the number of additional units that would result the weight to be attached to this benefit would be limited. All other benefits also carry limited weight.

25. Taking these matters together, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. As a result, the application of paragraph 11 of the Framework does not indicate that permission should be granted.

Conclusion

26. Overall, the adverse impacts identified above would significantly and demonstrably outweigh the benefits. Consequently, the proposal would not accord with the presumption of sustainable development, as is set out in the Framework. Therefore, in the circumstances of this appeal, there are no material considerations to justify making a decision other than in accordance with the development plan, as a whole. For these reasons, the appeal should be dismissed.

E Brownless

INSPECTOR