
Appeal Decision

Site visit made on 26 June 2019

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 07 August 2019

Appeal Ref: APP/E3525/W/19/3226510

Hill View Works, Simms Lane, Hundon CO10 8DS

- 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 K Ager against the decision of St Edmundsbury Borough Council.
 - The application Ref DC/18/1017/FUL, dated 25 May 2018, was refused by notice dated 7 February 2019.
 - The development proposed is erection of 5no detached dwellings with detached garages and new vehicular access. Existing industrial buildings to be demolished.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - whether the proposed development would be in a suitable location with regard to the Council's strategy for the location of housing; and
 - whether the proposed development would accord with the Council's policy for the protection of employment land.

Reasons

Character and appearance

3. The site currently comprises the remains of previous buildings and two portacabin office buildings as well as metal containers and areas of concrete ground surface. Parts of the site are also overgrown with vegetation such that overall, the site appears to be in need of some maintenance. The site is surrounded on three sides by open countryside and a detached residential dwelling on a large plot to one side. There are trees and vegetation surrounding the site that partially screen views from the surrounding countryside. While the site appears to be lacking in maintenance, since there are few permanent structures on the site that are mostly single storey and given the trees and vegetation along the boundary, it is in keeping with the pleasant open rural character of the surrounding area.

4. The proposal consists of five dwellings and detached garages with moderate spacing and traditional form with pitched roofs. Four of the dwellings would be two-storey. The proposed site plan indicates that the existing trees and boundary hedge planting would remain. However, given the proposed height of the proposed dwellings, the trees and hedges would not be likely to fully screen views of them from the open countryside. The proposed dwellings would have smaller plot sizes compared with the property adjacent to the site. Given that the site is surrounded by open countryside on three sides, and the proposed dwellings would be mostly two-storey with relatively small plot sizes, the development would detrimentally affect the open rural character of the area.
5. The settlement of Brockley Green lies a short distance away from the site but is separated from it by open countryside and an open recreational area such that the site has a closer relationship with the open countryside than the settlement. While the demolition of the existing buildings and structures and introduction of new dwellings would improve the appearance of the site, given the height and number of dwellings proposed, the proposed development would not be in keeping with the open rural character of the area. While some landscaping is indicated on the proposed site plan, since detailed landscaping plans are not before me, there would be no certainty that a condition requiring details of landscaping would mitigate the adverse effects of the proposal. Therefore, on balance, the proposed development would adversely affect the open rural character and appearance of the area.
6. Consequently, the proposed development would harm the character and appearance of the area and would conflict with Policy DM2 of the Joint Development Management Policies Document February 2015 (DMP) which among other things requires developments to recognise and address the key features, characteristics and landscape character of the area. It would also conflict with the National Planning Policy Framework (Framework) in this regard.

Location

7. The site lies outside settlement development boundaries and is therefore within the countryside in the terms of Policy CS4 of the St Edmundsbury Core Strategy December 2010 (CS). It is adjacent to an existing dwelling and a short distance from the settlement of Brockley Green such that it is not isolated in the terms of the Framework. DMP Policy DM5 allows for small scale residential development of a small undeveloped plot, in accordance with DMP Policy DM27.
8. DMP Policy DM27 sets out criteria that would allow new development in the countryside to be permitted. These include circumstances where the development is within a closely-knit cluster of 10 or more existing dwellings adjacent to or fronting an existing highway. Since the site is separated from the nearby settlement by open countryside and an open recreational area, it has a closer relationship to the open countryside than to the settlement. Consequently, it does not read visually as being closely knit to the dwellings in the settlement and would not be in a cluster of 10 or more existing dwellings.
9. While the appellant considers that DMP Policy DM5 is not wholly in accordance with the Framework, the DMP post-dates the first publication of the Framework and is therefore likely to have been found to be in accordance with it. While the DMP Policies may go further than the Framework in certain aspects, this does

not necessarily mean that the Policies are not in accordance with it. The subsequent editions of the Framework have not changed substantially with respect to the main issues of this case and from the evidence before me the DMP Policies are in accordance with the Framework.

10. I note the comments of the Inspector for the case in Woolpit¹, however, that case was determined under a different development plan in the neighbouring district which was adopted prior to the introduction of the Framework. It is therefore not directly relevant to this case and in any event, each case must be determined on its individual merits.
11. Consequently, the proposed development would not be in a suitable location with regard to the Council's strategy for the location of housing. It would therefore conflict with CS Policies CS1 and CS4 which set out the St Edmundsbury Spatial Strategy and settlement hierarchy and would conflict with DMP Policies DM5 and DM27 which permit new building in the countryside subject to certain criteria.
12. While the proposal includes affordable housing, since the development will negatively impact on the surrounding landscape character, it would conflict with DMP Policy DM29 which relates to rural housing exception sites.

Employment

13. The proposal would result in the loss of existing employment use and DMP Policy DM30 states that any non-employment use proposed on sites and premises used and / or designated on the policies maps for employment purposes, and that is expected to have an adverse effect on employment generation, will only be permitted where one or more of the criteria has been met. One such criterion is, 'an alternative use or mix of uses would provide other sustainability benefits that would outweigh the loss of an employment site'.
14. From the evidence before me, the site has been vacant for a number of months and the structures and porta cabins on the site would require considerable investment to be brought back into employment use. The appellant has provided a report by Birchall Steel Consultant Surveyors dated November 2018 that demonstrate that the redevelopment of the site for continued employment use would be likely to require considerable financial investment that would outweigh the returns. Therefore, I am satisfied that the continued employment use of the site would not be viable.
15. The proposal for five dwellings would not only provide a moderate contribution to the local housing supply but would also bring moderate economic and social benefits to the local area through the contribution of future occupiers to local services and facilities. There would also be moderate economic benefits through the construction phase albeit these would be temporary. Overall, I attribute moderate weight to the benefits of the proposal. Therefore, given that the site is unlikely to be viable for continued employment use, the loss of the employment site would be outweighed by the economic and social benefits of the proposed development in terms of DMP Policy DM30.

¹ Appeal ref: APP/W3520/W/18/3194926

16. Consequently, the proposed development would accord with the Council's policy for the protection of employment land and therefore would not conflict with DMP Policy DM30.

Other Matters

17. I note the evidence relating to the floor area of one of the bedrooms and to the lack of a Section 106 agreement to secure affordable housing. However, since I am dismissing the appeal for other reasons, I have not considered these matters any further.

Conclusion

18. Notwithstanding my conclusions regarding the loss of employment land, this does not outweigh my findings in relation to material harm to the character and appearance of the area. For all the reasons given above, I conclude that the proposed development would be contrary to the development plan as a whole and should be dismissed.

R Sabu

INSPECTOR