

Appeal Decision

Site visit made on 18 June 2019

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2019

Appeal Ref: APP/W3520/W/19/3223075

Eversley, Harleston Road, Weybread IP21 5TU

- 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 John Wall against the decision of Mid Suffolk District Council.
 - The application Ref DC/18/04559, dated 9 October 2018, was refused by notice dated 17 January 2019.
 - The development proposed is erection of single storey dwelling within garden amenity land currently serving Eversley, King Street, Weybread IP21 5TU.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is for outline planning permission with only access to be considered at this stage. The other matters – layout, appearance, landscaping and scale - are reserved for subsequent approval. Drawing No 3 Revision 1, shows the layout of the proposed dwelling on the site, although this is illustrative rather than definitive as layout is a reserved matter. The Council refers to this plan in its report on the application and, therefore, I have also had regard to it for the purposes of this appeal.

Main Issue

3. The main issue is the suitability of the location for the proposed development, with particular regard to the effect on the character and appearance of the appeal site and surrounding area; and whether occupants of the proposed dwelling would have adequate access to services and facilities without undue reliance on private vehicle use.

Reasons

4. Eversley is a two storey semi-detached cottage in a rural village setting of mixed property types. The appeal site is an area of largely open land positioned mainly behind the gardens of Eversley's neighbours, Model Cottage and East Acre. Access to the main Harleston Road serving these properties is via a driveway that runs between Model Cottage and East Acre.

5. The Council's first reason for refusal concerns the location of the proposed dwelling adjacent to but outside the defined settlement boundary of Weybread, which, for the purposes of the development plan, is in the countryside. As such, it is considered an unsustainable form of development for which no essential justification has been provided in accordance with Policies CS1 and CS2 of the Mid Suffolk Core Strategy 2008 and Policy H10 of the Mid Suffolk Local Plan 1998.
6. The policies in the National Planning Policy Framework (the Framework) are material considerations and due weight should be given to development plan policies according to their degree of consistency with the Framework¹. As the Framework does not place the same restrictions on residential development outside defined settlement boundaries as Policies CS1 and CS2, I give them little weight for the purposes of determining this appeal. Therefore, rather than considering the principle of development in this location, I have considered the proposed development with regard to its effects on character and appearance, and accessibility in accordance with the main issue.

Character and Appearance

7. Dwellings on the west side of Harleston Road, including Eversley, are positioned on a generally consistent building line. This includes the run of properties from The Lodge, south of the appeal site, to The Old Shop where the road bends to the east. Dwellings are relatively close to the road frontage with rear gardens of various depths. Land beyond this, including the appeal site, is largely open, although domestic outbuildings of various sizes are visible to the rear.
8. The gaps between the dwellings enable views to the rear of properties where this largely open aspect is readily apparent, reflecting the rural, open character and appearance of the surrounding area. The driveway to gain access to the appeal site and that of East Acre are parallel and adjoining. East Acre has a particularly generous gap between it and Model Cottage. With the appeal site's driveway included, this provides a particularly open aspect in the street scene, enabling views to the appeal site behind these properties.
9. I accept that the appeal site is large enough to accommodate a dwelling of the type proposed without it appearing cramped or a form of overdevelopment in its setting. However, despite any existing vegetation or additional planting that might be provided, the introduction of a dwelling and related domestic paraphernalia would harmfully undermine the characteristic openness of the area behind the established dwellings. While there are outbuildings of various sizes in gardens and on the appeal site, these are not comparable to the effects of a dwelling, despite it being single storey. Therefore, by adding substantive new development in an area where no residential development currently exists, the proposal would materially change the appeal site and wider area's existing character and appearance.
10. Accordingly, for the above reasons, I conclude that the proposed development of a dwelling in this location would have an unacceptably harmful effect on the character and appearance of the appeal site and surrounding area.

¹ Paragraphs 212 and 213.

Consequently, it is contrary to Policy H15 of the Mid Suffolk Local Plan, which requires development to reflect local characteristics, including the requirement that new housing should be consistent with the pattern and form of development in the neighbouring area and the character of its setting; and to Local Plan Policy H16, which includes the requirement to protect the existing amenity and character of residential areas from development that erodes the character of the surrounding area. These policies are consistent with the Framework, particularly section twelve concerning well-designed places, and therefore I find that the proposal is in conflict with the Framework also. Local Plan Policies GP1 and H13, which concern design and layout, are less relevant given that this case involves an outline application.

Access to Services and Facilities

11. With regard to housing in rural areas, the Framework states that policies and decisions should avoid the development of isolated homes in the countryside, unless particular circumstances apply, which is not the case here². While the Framework stresses the importance of provision of sustainable transport modes and travel choice, it also recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making³.
12. The appeal site is some 2.3 miles from Fressingfield, a primary village, and conditions between the two locations are not conducive for walking or cycling. Furthermore, there is only limited access to public transport with a bus service from Diss to Norwich that runs on Saturdays only. However, Harleston, a main town outside Suffolk, is some 1.5 miles from the appeal site. Moreover, the site is close to National Cycle Route (NCR) No 40, which provides access to the settlements of Harleston, Needham and Mendham.
13. Given the existing dwellings and other uses near the appeal site and its distance from Harleston and, to a lesser extent, Fressingfield it cannot reasonably be said to be an isolated location in the terms of the Framework. It is to be expected, as the Framework indicates, that some travel by private vehicle is likely in rural areas such as this and Harleston is not so distant that long car journeys would occur to gain access to services necessary for day-to-day living. Moreover, there is also the opportunity to cycle, given the proximity to the NCR. In addition, due to the existing dwellings in this location, the addition of a single dwelling would not significantly add to the journeys that already occur.
14. Therefore, taking these findings as a whole, I conclude that the location would not be unsuitable for the proposed development with regard to whether occupants of the proposed dwelling would have adequate access to services and facilities without undue reliance on private vehicle use. Consequently, there is no conflict with Policies FC1 or FC1.1 of the Council's Core Strategy Focussed Review, concerning sustainable development, which are broadly-based policies that largely repeat elements of the Framework; or with relevant guidance in the Framework, as described above.

² Paragraph 79.

³ Paragraph 103.

Other Matters

15. Interested parties raise a number of additional matters, which I have had regard to. The width and condition of the access drive would not preclude its use for the proposed development and visibility across the low boundaries either side would be satisfactory with the splays required by condition. Given the number of other access points along this stretch of road, use of the access in association with a small dwelling would not be harmful and the limited use of the short driveway would not harm neighbours' living conditions. I have no basis to conclude that refuse bin storage and collection could not be adequately provided for. Any possible effects on neighbouring residents' living conditions with regard to layout and design of the dwelling would properly be considered through the reserved matters.
16. The appellant contends that a number the Council's policies which are relevant to the appeal proposal are out-of-date. The Framework requires consideration of whether policies which are most important for determining the application are out-of-date⁴. I have found that Core Strategy Policies CS1 and CS2, which the Council relied on to support its reasons for refusal and which are therefore important, are not consistent with the Framework and so, consequently, are out-of-date.
17. In reaching this view, I agree with the findings of an Inspector who determined an earlier appeal to which the appellant draws attention⁵ that these particular policies and a number of other policies concerning the supply and distribution of housing are out-of-date.
18. For these reasons, while I have found that other development plan policies which are important in this case are consistent with the Framework, I have nonetheless considered the proposed development against the provisions of paragraph 11d) ii. of the Framework. This requires that 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 as a whole. Given this finding, I have not also considered whether the Council can demonstrate a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing, as required by the Framework⁶. If I agreed with the appellant's contention that this is not the case, by virtue of Footnote 7 the outcome would be the same with regard to the requirement to consider the proposed development against the provisions of paragraph 11d).
19. Although the proposal would provide an additional dwelling which would contribute to the housing mix, would provide some economic benefits from its construction and would support local services, it would also have an unacceptably harmful effect on the character and appearance of the appeal site and surrounding area. It is thus contrary to Policies H15 and H16 of the Local Plan and section 12 of the Framework. I consider that such an adverse impact would significantly and demonstrably outweigh the benefits of this scheme, as assessed against the Framework as a whole. Hence the presumption in favour

⁴ Paragraph 11d).

⁵ APP/W3520/W/18/3194929 dated 28 September 2018.

⁶ Paragraph 73.

of sustainable development, as advocated at paragraph 11 of the Framework, does not apply.

Conclusion

20. I have found in the appellant's favour with regard to one element of the main issue, concerning accessibility. However, this is not sufficient to outweigh the unacceptable harm that has been found with regard to the effect on character and appearance, and the conflict with the development plan and the Framework. The presumption in favour of sustainable development does not apply and there are no other material considerations that outweigh the conflict with the development plan. Accordingly, it is concluded that the appeal should be dismissed.

J Bell-Williamson

INSPECTOR