
Appeal Decision

Site visit made on 8 July 2019

by Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2019

Appeal Ref: APP/T3535/W/19/3226154

The Lodge, Church Avenue, Camps Heath, Oulton, Lowestoft, NR32 5DP

- 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 Mrs S Corbin against the decision of Waveney District Council.
 - The application Ref DC/18/4883/FUL, dated 23 November 2018, was refused by notice dated 29 January 2019.
 - The development proposed is replacement building to form dwelling.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The application form gave the address as The Lodge, Church Avenue, Lowestoft, NR32 5DP, but the Council added *Camps Heath, Oulton*, Lowestoft. The fuller address provides a more accurate description of the location, and I have used it in the heading of this decision.

Main Issue

3. The main issue is whether the appeal site is an appropriate location for a new dwelling having regard to the provisions of the development plan and the National Planning Policy Framework (the Framework).

Reasons

4. At the time that the appeal application was refused and the appeal entered, the development plan for the then Waveney District was Waveney Core Strategy (adopted January 2009 and the Waveney Development Management Policies (adopted 2011). However, on 20 March 2019, the new East Suffolk Council adopted the Waveney Local Plan 2019 (WLP). This is therefore the current development plan document, which is the starting point for judging development proposals.
5. In many respect the policies of the WLP have the similar aims and intentions as those that were referred to in the decision notice. However, because the 2009 and 2011 documents were more than 5 years old, they had to be considered out of date. WLP carries full force as an up-to-date plan, that must be considered to be fully in accord with the governments polices as set out in the Framework.

6. The appeal site is outside physical settlement limits as set under the previous policies and now in the current plan, which means that it is policies relating to proposed development in the countryside that are relevant. Therefore the relevant policy of the WLP is WLP8.7 – 'Small Scale Residential Development in the Countryside'. This states that small scale residential development in the Countryside of up to three dwellings will be permitted where: the site constitutes a clearly identifiable gap within a built up area of a settlement within the Countryside; there are existing residential properties on two sides of the site; and the development does not extend further into the undeveloped Countryside than the existing extent of the built up area surrounding the site.
7. In the context of Policy WLP8.7, whilst the appeal proposal comes within the initial criterion of 'up to three dwellings', it is not an identifiable gap within a built up area of a settlement, there are not existing residential properties on two sides, and the appeal dwelling would extend further into the undeveloped countryside as Camps Heath cannot be reasonably defined as a built up area. Thus the appeal proposal would serve to further urbanise this area, conflicting with Policy WLP8.7, contrary to the clear intentions of the development plan. I appreciate that the Woods Meadow development is nearby which would provide a level of connectivity with the main built up area, but this does not override the clear policy conflict that I have identified.

Other matters

8. I have taken account of all other matters raised, including the pre-application advice given by officers of the Council and the appeal decision (APP/T3535/W/16/3162392) for land to the rear of 7 Cyprus Cottages on Wood Lane and the planning permission (DC/17/5037/FUL) for The Stables. I note that these decisions were made before the adoption of the WLP, but in any event it is clear from the information supplied that the circumstances in the 2 cases were materially different to the appeal proposal, and all applications must be decided on their individual circumstances. As to the officer advice, again this was given before the adoption of the current local plan and was clearly caveated.
9. I do not consider that the existing poor quality buildings on the site provide any justification for replacement development. With reference to the claimed lack of a 5 year housing land supply, the Council indicates a contrary situation. There is no evidence for me to make a judgement on the matter, one way or the other, but in any event a written representations appeal is not a suitable vehicle to test such evidence. None of these matters overcomes the considerations that have led to my decision.

Conclusions

10. The appeal proposal is clearly contrary to Policy WLP8.7 of the very recently adopted Local Plan, which carries significant weight, and there are no considerations of weight that indicate that planning permission should be given. I therefore dismiss the appeal.

Terrence Kemmann-Lane

INSPECTOR