



Appeal Decision

Site visit made on 25 July 2019

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 September 2019

Appeal Ref: APP/E3525/W/19/3222171 Common Road, Hopton, IP22 2QU

- 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 Mrs Linda Hawes against the decision of St Edmundsbury Borough Council.
 - The application Ref DC/18/1689/OUT dated 21 August 2018, was refused by notice dated 15 November 2018
 - The development proposed is described on the appeal form as "an outline application for the erection of 4 self-build dwellings on land north of Common Road, Hopton within the Borough of St Edmundsbury. All matters are reserved except for access arrangements."
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Decision

1. The appeal is dismissed.

Procedural matters

2. The proposal seeks outline planning permission, with all matters other than the point of access reserved for future consideration. Although the layout would be addressed at the reserved matters stage, it is evident that its flexibility would be constrained by the size and shape of the site, the proximity of neighbouring dwellings, and the need to ensure that each plot has sufficient freedom to enable a dwelling to be built to the specification of an individual or association of individuals who intend to occupy it¹. In view of this, and because of the clear justification contained in the design and access statement, I have attributed great weight to the submitted masterplan drawing as an illustration of the likely general layout of the scheme.
3. The Council and appellant have confirmed that the decision was based on an updated site plan. I am not aware of whether the Council reconsulted interested parties in respect of this, but am nonetheless satisfied that this would not have been necessary as it did not materially change the scheme. I have therefore proceeded to assess the scheme on the basis that the plans under consideration are Drawing Nos 041-18-01 dated April 2018 and 041-18-03A dated October 2018 and am satisfied that dealing with the appeal on this basis has not prejudiced the interests of any party.
4. Since the application was determined, a revised version of the Framework has been published². I have determined the appeal in light of this, which is a material consideration that should be taken into account.

¹ Section 1(A1)(A2) of the Self-build and Custom Housebuilding Act 2015 (as amended).

² National Planning Policy Framework, Ministry for Housing, Communities and Local Government, February 2019.

Main issues

5. The Council has raised no concerns regarding the impact of the development upon: (a) the living conditions of neighbouring occupiers; (b) the local highway network; (c) trees; (d) ecology and (e) flood risk.
6. Accordingly, within the context of the Council's reasons for refusal and the evidence in this case, the main issues are:
 - whether the development is in an appropriate location;
 - the effect of the development on the character and appearance of the area.

Reasons

Appeal site context

7. The appeal site lies directly adjacent to a small cluster of dwellings situated just outside the main built-up area of the village of Hopton. At the time of my inspection it was laid to rough uncut grass and enclosed by a mixture of hedgerows, shrubs, trees and timber fencing. Its previous use as a builder's yard was just about discernible, with the existence of a detached outbuilding in poor condition, various scattered hardstandings, and a limited number of small mounds and piles of materials.

Whether the development is in an appropriate location

8. The Council and appellant both agree that the site falls outside the settlement boundary for the village of Hopton and within the countryside for planning purposes. Policies CS1 and CS4 of the Core Strategy³ collectively establish, amongst other things, a spatial strategy for sustainable growth in the district and a settlement hierarchy, which defines Hopton as a Local Service Centre.
9. Policy DM5 of the Development Management Policies Document⁴ states that areas designated as countryside will be protected from unsustainable development and restricts new building to a number of exceptions, such as that for agricultural or forestry purposes. Policy DM27 of the Development Management Policies Document permits dwellings in the countryside if they fall within a small cluster of housing or they would result in the infilling of a small undeveloped plot by one dwelling or a pair of semi-detached dwellings.
10. The scheme does not fall within the boundaries of any town or village in the settlement hierarchy where residential development is allowed and neither does it accord with any of the categories of building that are deemed permissible in the countryside. Furthermore, it does not fall within an existing cluster of houses or infill a small undeveloped plot in an otherwise continuous built-up frontage, and also exceeds the quantum of development permitted in the case of the latter. As a consequence, I conclude that the proposal would conflict with Policies CS1 and CS4 of the Core Strategy and Policies DM5 and DM27 of the Development Management Policies Document.

³ St Edmundsbury Core Strategy, December 2010, St Edmundsbury Borough Council.

⁴ Joint Development Management Policies Document, February 2015, Forest Heath and St Edmundsbury Local Plan, Forest Heath and St Edmundsbury Councils.

Character and appearance

11. The existing cluster of dwellings is primarily characterised by properties fronting directly onto the highway in a single file, with varying depths of front garden. The proposed development would be heavily at odds with this settlement form as it would be set behind the existing built-frontage in an unsympathetic suburban cul-de-sac-style arrangement and result in a significant amount of additional development on a site that provides an important transition between this small village cluster and the wider countryside beyond. It would also intensify the concentration of development on the northern outskirts of the village where the settlement form currently thins out. As a consequence, the proposed development would be discordant and harmful to the established character of the area.
12. The remains of the structures and surfaces of the previous builder's yard use were still visible at the time of my inspection and had not yet fully blended into the landscape. However, despite this, and its overgrown, unkempt appearance, the site retains a largely inconspicuous presence in the streetscene and I do not consider it harmful to the character and appearance of the area. As a consequence, its current visual appearance does not justify the harm identified with the proposed scheme.
13. In view of the above, whilst I recognise that the appeal site could physically accommodate 4 new dwellings, it is my view that the development would be harmful to the settlement pattern and character of the village. The proposal would therefore conflict with Policy CS4 of the Core Strategy and Policies DM2 and DM22 of the Development Management Policies Document, which collectively seek to ensure, amongst other things, that new development recognises the key characteristics of an area and utilises these to maintain a sense of place and identity.
14. I also find that the development conflicts with Paragraphs 122 and 127 of the Framework which collectively seek to ensure, amongst other things, schemes that; (a) make an efficient use of land taking into account the desirability of maintaining an area's prevailing character; and (b) establish or maintain a strong sense of place using the established pattern of buildings, streets and spaces.
15. Despite the Council having referred to Policy DM13 of the Development Management Policies Document in its reason for refusal, no information has been forthcoming as to how the scheme would have an adverse impact on the landscape, landscape features, wildlife or amenity value. I am as a consequence satisfied that the scheme is not in conflict with this policy.

Other matters

16. Given my conclusion on the main issues that the development is unacceptable, the other matters raised by interested parties have not been central to my decision. Accordingly, there is no need for me to consider them further as it would not alter the outcome of the appeal.

Planning balance

17. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that the determination of applications should be made in accordance with the development plan unless material considerations indicate otherwise.

18. Although the Development Management Policies Document and Core Strategy are nearly 5 and 10 years old respectively, Paragraph 213 of the Framework states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework and that due weight should be given to them according to their degree of consistency with the Framework.
19. In this respect, I am satisfied that Policies CS1 and CS4 of the Core Strategy are broadly consistent with the principles of sustainable development as set out in the Framework insofar as they require new development to be concentrated in the larger urban areas and villages where there are a wider range of services and facilities. I also note that Policies DM5 and DM27 of the Development Management Policies Document do not impose a blanket restriction on development, but allow for a range of appropriate proposals in the countryside subject to a wide range of flexible criteria. As a consequence, I consider them to be generally consistent with the Framework, as is also the case with Policies DM2 and DM22.
20. My attention has been drawn by the appellant to Paragraph 78 of the Framework which states that housing should be located where it will enhance or maintain the vitality of rural communities to promote sustainable development. However, whilst I recognise that the development would be in close proximity to other dwellings and not be physically isolated, and that the village has a good range of services and facilities that would be accessible by means of transport other than the private motor car, this does not alter my view that the development as a whole would be harmful for the reasons I have given.
21. Although the appellant states that great weight should be given to the development as a small and medium sized windfall site in accordance with Paragraph 68 of the Framework, it does not actually fall within an existing settlement as referred to by this policy. However, I recognise that it lies adjacent to an existing built-up part of the village and have therefore given this factor modest weight. For the same reason, I have given the scheme's use of a brownfield site modest weight, rather than the substantial weight referred to in Paragraph 118 of the Framework.
22. The appellant states that the development plan is silent on the matter of self-build housing and that the Framework's presumption in favour of sustainable development applies. Whilst I recognise that the Self-Build and Custom Housebuilding Act 2015 does not explicitly require the Council to draft a policy in its development plan, Section 2A sets out the need to give suitable development planning permission on enough serviced plots of land to meet the demand shown on the register required under Section 1. Furthermore, Section 2 states that the relevant authority must have regard to the register when carrying out its planning function (which includes plan-making) and Section 3(2) states that an authority must have regard to any guidance issued by the Secretary of State when exercising the duty imposed by Section 2.
23. Set against this context, Paragraph 61 of the Framework states that when determining the number of homes needed, the size, type and tenure requirements for different groups should be assessed and reflected in planning policies, including people who wish to build their own homes. Although the appellant has drawn my attention to a reference promoting initiatives for self-

- build housing and a requirement for a mix of housing types in the Rural Vision 2031 document⁵, I am not aware of any development plan policies specifically setting out how the Council will meet identified demand within the relevant base period.
24. Furthermore, in accordance with the Planning Practice Guidance⁶, I am not aware of the Council: (a) making its own land available for self-build housing; (b) engaging with landowners who own suitable sites to encourage self-build; or (c) working with custom build developers to maximise opportunities for this. In the absence of the Council utilising these alternative methods to secure self-build housing, it is my view that it would need to demonstrate that it is attempting to support it through existing development plan policy or developing new policies in an emerging plan. However, there is no such evidence before me to this effect and I have therefore concluded that there are no relevant development plan policies on the matter. As a consequence, I consider that such proposals should be assessed against the Framework's presumption in favour of sustainable development as set out in Paragraph 11.
25. The Council states that it has an up-to-date 5 year housing land supply, but although the appellant asserts that this is untested, neither have they provided evidence which proves that it does not. In any event, even if the Council does not have an up to date housing land supply, I have considered the scheme against the Framework's presumption in favour of sustainable development (below) for the reasons stated above relating to self-build proposals.
26. The scheme would result in a range of economic and social benefits, namely; (a) the provision of an additional 4 self-build dwellings on the edge of a sustainable small settlement with good access to local services and facilities; (b) a quickly-deliverable contribution towards the Council's housing land supply and any identified demand for self-build plots; (c) future occupiers contributing to local shops, services, facilities and community organisations; (d) the remediation of a contaminated site; and (e) local employment during construction. However, it is my view that when considered collectively, these economic and social benefits would be of modest value, and when taken cumulatively would not significantly and demonstrably outweigh the environmental harm to the settlement pattern and character of the village I have identified. I also conclude that I would have reached the same decision if the Council had not met the demand for self-build plots shown on the register and/or did not have a 5-year housing land supply.
27. The appellant and Council have referred to other planning application and appeal decisions in support of their position. However, I do not have the full background and details to these cases, and in any event, I must consider the appeal scheme on its own merits against current planning policy. The existence of these other decisions would not therefore set a precedent in this case.
28. Despite its inconspicuous appearance, I recognise that the site is not in good condition given its contamination and that it may deteriorate further without development and/or pose a risk to human health. However, whilst there may be scope on the site for a different quantum, layout and form of residential development that reflects the rural character of this edge-of settlement village location, I cannot be certain of this on the basis of the indicative masterplan

⁵ Rural Vision 2031, September 2014, St Edmundsbury Borough Council.

⁶ Paragraph: 025 Reference ID: 57-025-201760728, Revision date: 28 07 2017

and my assessment on the ground. Furthermore, in the absence of it being demonstrated that a high quality design and layout is possible in this location, I am unable to conclude whether such a development would give rise to other material considerations that would outweigh the policy conflict I have identified.

29. In view of the above, I conclude that the proposal does not accord with the development plan and that the relevant policies referred to are not out of date or inconsistent with the Framework. I also find that other material considerations do not indicate that the development should be approved.

Conclusion

30. All representations have been taken into account, but no matters, including the benefits of the development and the scope of possible planning conditions, have been found to outweigh the identified harm and policy conflict. For the reasons above, the appeal should be dismissed.

Robert Fallon

INSPECTOR