



Appeal Decision

Hearing Held on 24 September 2019

Site visit made on 24 September 2019

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th September 2019

Appeal Ref: APP/H3510/W/19/3222167

Land on the South side of Breach Drove, Beck Row, Suffolk IP28 8DF

- 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 James Carpenter against the decision of West Suffolk Council.
 - The application Ref DC/18/0315/FUL, dated 16 February 2018, was refused by notice dated 10 August 2018.
 - The development proposed is described as 'erection of a single dwelling house'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council issued its decision Forest Heath District Council has merged with St Edmundsbury Borough Council to become West Suffolk Council. This has not had any bearing on what constitutes the statutory development plan. My site visit was undertaken on an unaccompanied basis following agreement by the parties present at the hearing that this would be appropriate. The Single Issue Review of Policy CS7 of the Core Strategy (SIR) and the Site Allocations Local Plan (SALP) were adopted by the Council on the 19 September 2019 and now form part of the development plan.

Main Issues

3. The main issues in this appeal are: 1) Whether the proposed development would be in a suitable location, with particular reference to local plan policies concerned with housing in rural areas and the accessibility of services and facilities; and 2) The effect of the proposed development on the character and appearance of the area.

Reasons

Local policies concerned with housing in rural areas

4. In order to support service centres and promote sustainable travel to local facilities, Policy CS1 of the Core Strategy¹ outlines a settlement hierarchy as part of a spatial strategy. The hierarchy aims to direct most development to the district's larger settlements with smaller or nominal levels of growth planned for primary and secondary villages. The smaller settlements and the

¹ Forest Heath Local Development Framework Core Strategy Development Plan Document

- countryside surrounding them are not identified as locations for major development due to the limited array of services. Instead, development in these areas is to be restricted to that which supports the rural economy, meets affordable housing needs or provides renewable energy.
5. Policy CS10 of the CS explains that rural settlement boundaries will be used, in part, to focus development on locations where there are key local services. It confirms that small settlements without defined settlement boundaries are to be regarded as 'countryside' where infilling is only permitted in exceptional circumstances. The appeal site is not located within a defined settlement boundary. It is therefore in the countryside for the purposes of applying the policies in the development plan and thus in a location where housing is not to be ordinarily permitted. The Council and appellant agreed at the hearing that the proposal would conflict with Policies CS1 and CS10.
 6. Policy DM5 of the DMP² was adopted following the introduction of the original National Planning Policy Framework (the 'Framework') and therefore takes a more permissive approach to rural housing than Policies CS1 and CS10. It seeks to facilitate some residential development in smaller settlements by permitting infilling in more than exceptional circumstances. Being more recently adopted, Policy DM5 takes precedent over Policies CS1 and CS10.
 7. Policy DM5 permits small scale residential developments on small undeveloped plots in clusters in accordance with Policy DM27 of the DMP. The implication of this is that if the site is 'developed' then it may not glean support for redevelopment from Policy DM5. Nevertheless, I was advised at the hearing that the appeal site once contained a Farmhouse that was last occupied (by the appellant's parents) in the 1950s. Very little of this now remains. The site is now covered by dense foliage, including trees, and has the appearance of a small thicket which merges with the woodland to the south. It does not have the character or appearance of a domestic garden or a developed site/previously developed land. The remains of any structure have blended into the landscape and henceforth the site should be regarded as undeveloped.
 8. Policy DM27 is part of an overall spatial strategy that seeks to promote sustainable travel, maintain local character and enhance and maintain the vitality of rural communities. Its clear intent is to provide some opportunities for housing in smaller settlements such as Wilde Street, as a means of balancing these aims. Accordingly, there is an important element of control in the policy. This is how it has been written and should be applied. Part b) of the policy applies to both single houses and pairs of semidetached dwellings.
 9. There is a notable gap between the appeal site and the nearest properties to the east, and an absence of development to its west. Thus, regardless of whether the appeal site fronts a highway, it is not located within a continuous frontage or *within* a small cluster of dwellings. As such, the appeal scheme would not glean support from Policy DM27 and thus Policy DM5. The negative corollary being that the proposal conflicts with Policy DM5.
 10. In conclusion, the proposed development would not be in a suitable location when considering the wording and intent of the development plan policies concerned with housing in rural areas. As such, it would harmfully undermine

² Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document February 2015

the adopted spatial strategy and the consistency and relative certainty that should flow from a plan led approach to the location of new development.

The accessibility of services and facilities

11. Wilde Street is a small settlement that encompasses a loose collection of residential properties centred on a modest green. It has a very limited array of facilities and therefore residents would need to travel to other settlements in order to access everyday services. The nearest settlement with a collection of facilities is Beck Row, defined as a Primary Village in the CS. It would be possible to walk to Beck Row from the appeal site and future residents may do this on occasion. The walking environment is not unattractive with Breach Drove being lightly trafficked and Wilde Street subject to a 30mph speed limit. There is no street lighting, but this is not unusual in a rural area.
12. Nevertheless, the distance to facilities, particularly when considering a return trip, would result in future residents being predisposed to use private motorised transport to access most everyday services and facilities. This would be harmful as it would result in cumulative carbon emissions over the lifetime of the development. However, as only a single dwelling is proposed the harm in this respect would be modest. In addition, cycling would be an option as a viable alternative to travel by car as the distance by this mode would not be excessive and the route is reasonably flat and safe. That said, future occupants of the appeal scheme may not have the fitness, proficiency or confidence to cycle regularly. There is a bus stop in Beck Row from which a bus service can be accessed. The bus stop is, however, a long walk away which suppresses the accessibility of this mode of transport as a regular alternative to car travel.
13. Thus, even when taking account of the appeal site's rural situation, where opportunities for sustainable transport will be inherently more limited, the appeal site is not particularly well placed to access services and facilities other than by private car and therefore Wilde Street's position in the settlement hierarchy outlined in Policy CS1 is justified. Nevertheless, the harmful impacts arising from a predisposition to use a car would be reduced by the limited scale of the development and the ability to walk and cycle into Beck Row on occasion, which provides some relative accessibility to services. As such, the harm would be moderate. Nevertheless, a conflict with Policies CS1 and DM5, and their aims to promote sustainable transport, would still occur.
14. The Council has referred to Policy DM2(K) of the DMP in its second reason for refusal. This sets out requirements to produce designs that achieve access for all and the provision of pedestrian and cycle links. These are detailed design matters rather than locational requirements and therefore this policy is not relevant in the context of this main issue.

The effect on the character and appearance of the area

15. The appeal site encompasses a parcel of land dominated by soft landscaping. It has the appearance of a small thicket, and thus a continuation of the woodland to the south, which is an important landscape feature. The appeal site is perceived in a rural context due to the open fields and hedgerows to the north and west and the verdant character of Breach Grove, which becomes particularly 'leafy' beyond the metal barrier that marks the extent of the public right of way and has no dwellings fronting onto it. Accordingly, the appeal site is viewed as being part of the countryside beyond Wilde Street.

16. The appeal site is set beyond, but abuts, the very large gardens of neighbouring properties. However, it is visually detached from the dwelling houses within these gardens due to the distance and extensive intervening landscaping. The erection of a dwelling in the appeal site would result in some inherent urbanisation and an expansion of the settlement to the detriment of the rural character of the appeal site and its immediate environs. The retention of some landscaping within the site, which could be supplemented, would not mitigate this impact because the change in the character of the site could not be hidden behind planting - it would still be possible to perceive the access, garden, dwelling house and the domestic activity.
17. The plot size would be commensurate with those to the east, but the proposed house would not follow the linear pattern of development in Breach Drove and therefore appear as a natural continuation of development. Instead, it would be viewed as a remote outlier with little physical affinity to existing dwellings. It would therefore appear as a discordant intrusion into the countryside.
18. The dwelling would have little presence in views from the public right of way along Breach Drove as it would be largely screened by buildings and thick belts of deciduous landscaping. However, both the Council and appellant agreed that the section of Breach Drove outside the appeal site is used as a footpath. Thus, walkers would clearly see the building from this vantage point. Therefore, in conclusion, the proposal would harm the character and appearance of the area and a conflict with Policy DM2 of the DMP, which seeks to secure developments that maintain and respect local character, would occur.

Other Considerations

19. *Five-year housing land supply* - Paragraph 73 of the Framework states, as a material consideration, that when a local planning authority's strategic policies are more than five years old it should identify annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their local housing need. The methodology for identifying the local housing need is set out in the Planning Practice Guide (PPG).
20. Both the Council and appellant agree that the annual housing need for West Suffolk is 823 dwellings amounting to approximately 4115 homes over five years. However, the appellant is of the view that the undersupply against planned housing requirements should be added. This would be a further between 3149 and 3200 homes. The Council did not dispute these figures or the proposition that, going forward, a housing target predicated on the local housing need would fail to address the accumulated shortfall from 2001.
21. However, the standard methodology for calculating the local housing need factors in past under-delivery as part of the affordability ratio. Therefore, the PPG states that there is no requirement to specifically address under-delivery when establishing the minimum annual housing need figure³. Accordingly, the local housing need figure for West Suffolk is that set out by the Council, which, with a 5% buffer, gives a housing requirement of 4321⁴.
22. During the hearing the Council were unable to provide clear evidence regarding the deliverability of some of the sites in its housing trajectory, particularly those where planning permission had been pending for several years. There

³ Paragraph 031 Reference ID 68-031-20190722

⁴ West Suffolk Council - Assessment of a five-year supply of housing land taking a baseline date of 31 March 2018

- was also a failure to provide evidence in accordance with the PPG⁵ on the deliverability of major outline and allocated sites. Thus, on the evidence before me, the supply is likely to be closer to the appellant's calculations, of around 4333 homes⁶, than the Council's figure of 5448. That said, even on the appellant's housing supply calculations, the Council can demonstrate 5.01 years against a housing requirement of 4321 homes.
23. The above chimes with the findings of the Inspector that examined the SIR, that, upon adoption of the SIR and SALP, the Council are likely to be able to demonstrate a five-year housing land supply. Thus, the tilted balance in Paragraph 11 of the Framework is not engaged on account of the Council's housing land supply position.
24. *Whether the most important policies are out of date* - I share the view of the Council and the appellant that Policies CS1, CS10, DM5 and DM27 are the most important policies for determining whether the appeal site is a suitable location for the proposed development. Policy DM2 is important when considering the impact on character and appearance.
25. Policies CS1 and CS10 of the CS set out a more restrictive approach to rural housing than Paragraph 78 of the Framework. The Council acknowledges this as Policy DM5 of the DMP has been worded to be more permissive. By seeking to manage housing outside defined settlement boundaries, the approach in Policy DM5 recognises the intrinsic character and beauty of the countryside, the need to avoid isolated homes and for development to be sympathetic to local character. Thus, Policy DM5 is consistent with the Framework as a whole. Policies CS1, CS10 and DM5 collectively seek to encourage sustainable transport and this is an aim that is consistent with Paragraphs 102, 103, 108 and 110 of the Framework.
26. The Framework seeks to prevent isolated homes in the countryside, but it does not state that a dwelling must be isolated for it to be prevented there. Paragraph 79 of the Framework should not be read alone as the document has other policy objectives which need to be considered. For example, Policy DM5 seeks to balance the benefits of encouraging sustainable transport with the need for some housing in rural areas in order to support rural communities. Accordingly, there may be other reasons, such as a Council's holistic spatial strategy, which would suggest non-isolated housing should be resisted in the countryside in certain circumstances.
27. Wilde Street does not adhere to the definition of a village in the Collins dictionary as it has few services and no church. Accordingly, there is no implication in Paragraph 78 of the Framework that planning policies should identify opportunities for Wilde Street to grow and thrive. The Framework makes no reference to settlement boundaries and hierarchies, but nor does it say they cannot be used as planning tools to deliver sustainable development.
28. Aspects of Policies CS1 and CS10 are inconsistent with the Framework but these have been updated by Policies DM5 and DM27. When these policies are considered as a collective 'basket' they are not out of date. Similarly, Policy DM2 is consistent with Paragraph 127 of the Framework. The wording in Policy DM2 is not identical to the Framework but there are no logical contradictions,

⁵ Paragraph 007 Reference ID 68-007-20190722

⁶ The appellant increased the figure from 4308 following updates provided by the Council at the hearing

with both seeking to ensure development is sympathetic to local character. Thus, the tilted balance in Paragraph 11 of the Framework is not engaged on account of the Council's most important policies being out of date.

29. *The relevance of other appeal decisions* - There have been several appeal decisions in the vicinity of Wilde Street in recent years and some have resulted in housing being approved. However, appeal decisions at White Cottage⁷, Land at Breach Drove⁸ and Land off Larks Place⁹ were taken at a point in time when the Council were unable to demonstrate a five-year housing land supply and thus in the context of the tilted balance in the Framework. This is not the case in respect of this appeal and therefore these decisions are of limited relevance.
30. *The benefits of the appeal scheme* - The proposal would support housing supply and help to address historic under provision. However, one new family home would be of a limited scale in this respect and the Council has very recently adopted the SIR and the SALP, which together set out a strategy for delivering the Council's housing requirement, including the identification of specific housing sites. Housing delivery is therefore a limited benefit.
31. The proposal would result in benefits to the construction industry and future residents may spend locally and generally support the local community. However, the contribution to the construction industry would be short lived and I have seen nothing to suggest the 'spend' from one additional household would have a notable effect on the viability of local facilities or the additional residents to the vitality of the community. Evidence has not been provided to suggest local facilities are suffering for lack of patronage or there is inadequate community capital. As such, the limited collective benefits of the appeal scheme would not carry determinative weight.

Other Matters and Conclusion

32. Although not a reason for refusal, the Council has suggested that the appeal scheme should make an unspecified financial contribution towards the provision of affordable housing through a planning obligation. The appellant has not provided such an undertaking. However, given my findings above, a decision on this point would not alter my overall conclusion so it is unnecessary to consider this further. Similarly, I have not directly addressed some of the concerns of interested parties, including matters relating to biodiversity.
33. In conclusion, the proposed development would be contrary to the development plan. There are no other considerations which suggest the appeal should be determined other than in accordance with the development plan. Accordingly, for the reasons given, the appeal should not succeed.

Graham Chamberlain
INSPECTOR

⁷ APP/H3510/A/13/2193875

⁸ APP/H3510/W/15/3139292

⁹ APP/H3510/W/18/3193518

APPEARANCES

FOR THE APPELLANT

James Carpenter
Matthew Green
Matthew Bennion

Appellant
Green Planning Studio
Green Planning Studio

FOR THE LOCAL PLANNING AUTHORITY

Julie Barrow
Adam Ford
Boyd Nicholas
Britta Heidecke

Principal Planning Officer
Senior Planning Officer
Principal Planning Officer
Senior Planning Officer

DOCUMENTS SUBMITTED AT THE HEARING

1. Completed and signed copy of the Statement of Common Ground
2. Appeal decision APP/H3510/W/17/3182118
3. Appeal decision APP/H3510/W/17/3190121
4. Extended Phase 1 Habitat Survey (Preliminary Ecological Appraisal)
5. OS Map and Aerial Photo of the appeal site and its surroundings
6. Extracts from the PPG (Paragraph 023 – ID:23b-023-20190901) and the Town and Country Planning (Development Management) (England) Order 2010 relating to the definition of major development
7. Copy of Policy CS9 of the CS