The Planning Inspectorate

Appeal Decision

Site visit made on 22 August 2019

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

an Inspector appointed by the Secretary of State

Decision date: 28 November 2019

Appeal Ref: APP/J3530/W/19/3228047
13 Ipswich Road, Newbourne, Woodbridge, IP12 4NS

- 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 Ben Stell against the decision of Suffolk Coastal District Council.
- The application Ref DC/19/0587/FUL dated 8 February 2019, was refused by notice dated 26 March 2019.
- The development proposed is described on the application form as "Erection of 2 new 1.5 storey dwellings in place of former piggery building with existing prior approval to be converted to two dwellings".

Decision

1. The appeal is dismissed.

Procedural matters

2. Although the Council and appellant make reference to emerging Local Plan[1], there is no evidence before me of whether there are unresolved objections to the submission version that are relevant to the appeal, or that this document has yet been found sound by the Secretary of State for Housing, Communities and Local Government[2]. Given the uncertainties regarding the outcome of that process, I have given this document limited weight.

Main issues

3. 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, with particular regard to the adopted development plan settlement hierarchy and access to services and facilities;
   - the effect of the development on the character and appearance of the area;
   - living conditions, with specific regard to the privacy of occupiers of neighbouring properties.

[1] Suffolk Coastal Local Plan, Final Draft Plan, January 2019, Representations period 14th January to 25th February 2019, Suffolk Coastal District Council.
[2] Strategic Plan progress – 1 November 2019, GOV.UK website.

Reasons

Appeal site context

4. The appeal site lies within Newbourne, a loose-knit low-density village and former Land Settlement Association area. The immediate locale is characterised by detached dwellings of varying architectural styles and maturity set on spacious plots and small holdings of varying size with associated outbuildings.

5. The appeal site contains a single storey low-lying piggery building of functional character, and previously formed part of a smallholding containing a detached dwelling with associated range of outbuildings.

Whether the development is in an appropriate location

6. Policy SP19 of the Core Strategy[3] identifies a settlement hierarchy, which defines Newbourne as an 'Other Village', a settlement with no identified physical limits and few or minimal facilities. Paragraph 4.97 of the Core Strategy defines the countryside as all land outside the physical limit boundaries of Major Centres, Market Towns, Key Service Centres and Local Service Centres. The appeal site therefore falls within the countryside for planning purposes.

7. Policies SP28 and SP29 of the Core Strategy collectively restrict new residential development within the countryside and 'Other Villages' to a number of exceptions, such as replacement dwellings on a one to one basis, sub-division of an existing dwelling, conversion of an existing building, small-scale developments in exceptional circumstances where there is demonstrable community support or special circumstances set out in national policy.

8. There is no evidence before me that the scheme falls within any of the categories of residential development that are deemed permissible in the countryside and an 'Other Village'. As a consequence, I conclude that the proposal would conflict with Policies SP2, SP19, SP28, SP29 and DM3 of the Core Strategy.

9. I recognise that the development would be in close proximity to other dwellings and not be physically isolated. However, this does not mean that it would be sustainable in terms of access to shops, services, community facilities and transport choices other than the private car, or that it should be approved.

10. Based on the evidence before me and my observations on site, Newbourne contains extremely limited day-to-day amenities, comprising of a Public House, 3 Farm Shops, a Café, a Church and Village Hall. The appeal site falls some distance away from other settlements with supermarkets, other shops/local services, community, school and health facilities. Although some of these settlements could be reached by cycling, there is no interconnecting footway to them to enable safe walking by future occupants. Furthermore, I am not of the view that the narrow unlit vehicular highway, even if lightly trafficked, would be attractive to future occupiers, whether on foot or using a cycle, for day-to-day amenity needs, especially at night. As a consequence, the development would result in future occupants being heavily reliant on a range of other rural towns and villages further afield for access to shops, services and community

[3] Suffolk Coastal District Local Plan, Core Strategy & Development Management Policies, Development Plan Document, July 2013, Suffolk Coastal District Council.

facilities. There are also no details before me that would indicate the presence of a sufficiently frequent local bus service to these other settlements to significantly diminish the reliance of future occupiers on the private motor car.

11. I recognise that in rural locations access to sustainable rural transport solutions will be typically less than that of an urban area and that development in one village may support services in another nearby. However, in this case, I found the overall level of day-to-day access to shops, services and community facilities by walking, cycling and public transport to be of such a poor standard, and consequential reliance on the private motor car to be so high, that I consider the appeal site's location to be inappropriate for additional new residential development.

12. The appellant states that the appeal site benefits from the same proximity to services and facilities as other dwellings within Newbourne. However, the existence of other dwellings with poor access to shops, services, community facilities and transport choices other than the private car should not be used to justify further unsustainable development.

13. I therefore find that the scheme would also conflict with Paragraphs 9 and 103 of the Framework[4] as it would result in; (a) a planning decision not playing an active role in guiding development towards sustainable solutions; and (b) the planning system failing to actively managing patterns of growth in support of the transport objectives outlined in Paragraph 102; - namely, that it would be heavily car dependant and not promote walking, cycling and public transport.

Character and appearance

14. The proposed dwellings have been designed in a modern distinctive way that reflect the agricultural character of other buildings in the area. However, the scheme would nonetheless be clearly read as 2 new dwellings and not a conversion of an existing agricultural building. As a consequence of this and its height, volume and proximity to the road, the scheme would result in a more densely built-up residential frontage to this part of the village. Furthermore, the resulting layout of 3 dwellings in such close proximity to each other would in my view be out of character with the spacious feel of the area and prevailing pattern of housing in this part of the village.

15. My attention has been drawn to other planning permissions in the village relating to a replacement dwelling and an extension to an existing dwelling. However, irrespective of whether the resulting developments are now more dominant than those originally on-site, I do not consider them to be comparable to the circumstances in the appeal, which is for 2 additional dwellings directly adjacent to an existing house. I have in any case, reached my own conclusions on the appeal proposal on the basis of the evidence before me.

16. The appellant has referred to the scheme's visual impact being mitigated by the retention of the front boundary hedge. However, I do not consider the screening of a development by landscaping to be a sound basis upon which to justify an otherwise harmful visual impact as this could be repeated too easily and often for all forms of poor quality development.

[4] National Planning Policy Framework, Ministry for Housing, Communities and Local Government, February 2019.

17. In view of the above, I conclude that the development would be harmful to the settlement pattern and spacious character of the area. The proposal would therefore conflict with Policy DM21 of the Core Strategy which seeks, amongst other things, to ensure that new development relates well to the character of its surroundings and its sense of place.

18. I also find that the scheme conflicts with Paragraphs 127 and 130 of the Framework which collectively seek, amongst other things; (a) development that is sympathetic to local character; (b) schemes that establish or maintain a strong sense of place using the established pattern of buildings, streets and spaces; and (c) the refusal of permission for poorly designed development that fails to take the opportunities available to improve the character and quality of an area.

Living conditions

19. The Council has raised concerns in respect of overlooking of neighbouring properties, which has been endorsed by third party representations. However, I am satisfied that the separation distance between the proposed dwellings and properties concerned is sufficient and that no harm would arise in this regard.

20. In view of the above, I conclude that the development would not be harmful to the living conditions of neighbouring occupiers. The proposal would therefore comply with Policy DM23 of the Core Strategy, which seeks, amongst other things, to ensure that new development has regard to privacy and does not cause an unacceptable loss of amenity to adjoining occupiers.

21. I also find that the scheme accords with Paragraph 127 of the Framework which seeks, amongst other things, to ensure that development creates places with a high standard of amenity for existing occupiers.

Other matters

22. Given my conclusion on the main issues that the development is unacceptable, the other objections 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.

23. The Council has confirmed that a financial contribution to mitigate the impact of the scheme on nearby Special Protection Areas and Ramsar sites has been secured from the appellant. However, given that I am dismissing the development for other reasons, it has not been necessary for me to carry out an appropriate assessment of the scheme and consider the requested financial contribution as it would not alter the outcome of the appeal.

Planning balance

24. 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.

25. The appellant has referred to a previous scheme granted prior approval for the conversion of the existing piggery building to 2 residential dwellings and that the proposed development has a similar overall footprint. However, whilst I consider it highly likely that the previous scheme would be implemented if the current appeal is dismissed, and have given this substantial weight in my

assessment, the proposed development would be of a much greater volume and height, and much closer to the road. The fallback position is therefore materially different from the scheme before me and does not therefore justify its approval. In any event, the proposed scheme would in my view be more harmful than the fallback scheme in terms of its overall impact on the character of the area.

26. Although the Core Strategy is over 5 years old, 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.

27. Policies DM21 and DM23 the Core Strategy are generally compliant with the Framework insofar as they relate to the main issues of this case. However, Policies DM3, SP2, SP19, SP28 and SP29 adopt a restrictive approach to development in the countryside which does not fully accord with the more balanced and open position of the Framework.

28. In view of the above, and despite me attaching only moderate weight to the scheme's conflict with Polices DM3, SP2, SP19, SP28 and SP29 in this balancing exercise, I am nonetheless satisfied that the proposal conflicts with the development plan when taken as a whole and that the material consideration of the fallback position does not indicate otherwise.

29. Although the appellant does not dispute that the Council has a 5-year housing land supply, they assert that Policy SP2 of the Core Strategy relating to housing supply is out of date due to a delay in the Local plan Review and that the Framework's presumption in favour of sustainable development therefore applies. However, even if this was the case, the economic and social benefits of the scheme, namely;- (a) future occupiers contributing to local shops, services, clubs and community organisations; (b) the construction of new energy-efficient dwellings; and (c) local employment during construction, would in my view be of limited value, and that the adverse environmental impacts of the scheme identified above would significantly and demonstrably outweigh these benefits, when assessed against the policies in the Framework taken as a whole.

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