The Planning Inspectorate

Appeal Decision

Site visit made on 13 February 2020

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

an Inspector appointed by the Secretary of State

Decision date: 02 April 2020

Appeal Ref: APP/X3540/W/19/3235169
Land at Laundry Cottage, Pouy Street, Sibton, Suffolk, IP17 2JH

- 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 & Mrs Nick & Rosanne Levett-Scrivener against the decision of East Suffolk Council.
- The application Ref DC/19/0496/FUL dated 4 February 2019, was refused by notice dated 10 April 2019.
- The development proposed is described on the application form as "Subdivision of garden and erection of 1 no. detached dwelling and use of shared access".

Decision

1. The appeal is dismissed.

Procedural matter

2. Although the Council makes reference to the 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. Given the uncertainties regarding the outcome of that process, I have given this document limited weight.

Main issues

3. The main issues are:

- the effect of the proposed development on the character and appearance of the conservation area;

- whether the development is in an appropriate location, with particular regard to the adopted development plan settlement hierarchy and access to shops, services and community facilities and transport choices other than the private car;

- the effect of the development on the living conditions of neighbouring occupiers.

[1] Suffolk Coastal Local Plan, Final Draft Plan, January 2019, Representations period 14th January to 25th February 2019, Suffolk Coastal District Council.

Reasons

4. Pouy Street is a small hamlet a short distance to the north of the village of Peasenhall. The two settlements are connected by a narrow lane with no footpath or streetlighting and the intervening land has an open countryside character. Although most of the built form in Pouy Street is on the western side of the road adjacent to a narrow stretch of the Rover Yox, there is a small concentration of development on both sides of the highway around the Hubbard's Hill and Halesworth Road junction to its northern end. The appeal site and the Pouy Street hamlet fall within the Peasenhall/Sibton Conservation Area ('the conservation area').

5. The Pouy Street part of the conservation area is primarily characterised by a small number of detached houses of a rural-domestic architectural style set on spacious plots fronting directly onto the western side of the highway, with the eastern side dominated by open agricultural & paddock land set behind a mature hedgerow. There are a wide variety of gaps and openings between and behind these houses, ranging from small to large, which give it a loose-knit, spacious, organic and landscape-dominated character. The western side is also characterised by a variety of outbuildings in the rear and side gardens of dwellings, together with a small number of residential properties set behind the housing that fronts onto the main road (such as Nos 1 and 2 The Boltons). Overall I found the settlement to have a locally distinctive and historic hamlet character, dominated by landscaping and open countryside.

6. The appeal site is primarily laid to lawn and forms part of the rear & side garden to Laundry Cottage, a mature detached property set on a spacious plot that slopes upwards in a westerly direction. The Grade II Listed White House Inn is a short distance away to the north and I consider all three neighbouring dwellings (Laundry Cottage, Cardinal House and The Cottage) to be non-designated heritage assets by reason of their significant age, historic & attractive rural-domestic architectural style set on spacious plots, and important contribution they make to the character of the conservation area.

Character and appearance of conservation area

7. The scheme would result in a new dwelling set behind the existing frontage development, and intensify the amount of publicly visible built-form in this part of Pouy Street. As a consequence, it would obliterate a large open area of undeveloped garden land and erode the locale's loose-knit, spacious, organic and landscape dominated character. As a consequence, it would bring about a marked and harmful change to the character and appearance of the northern part of the conservation area. The scheme would also be clearly visible from the prominent road junction near to the front of the site, which would intensify its harmful impact.

8. I recognise that there are examples of other development in Pouy Street set behind the existing frontage housing (such as Nos 1 and 2 The Boltons), but these are of a different scale and character to the appeal scheme and are built side-on to the main street that runs through the village and are not in as prominent a position as the appeal scheme would be. I also note the appellant's reference to other examples of built-form extending into the countryside (such as that on the opposite side of the road at Sibton Supplies Ltd), but the outbuildings to the rear are in a less prominent position than the appeal scheme and of a different scale and character.

9. Although the appellant states that the appeal site is not specifically designated in the conservation area appraisal or other planning policy as an important site that should be left open, this does not remove the need for the scheme to be compliant with planning policy and legislation with regards to conservation areas and neither does it automatically mean that all new development on undesignated sites will be acceptable. I also note the appellant's concern that the Council did not consult with a qualified Heritage Specialist, but this is not a legal requirement and I am satisfied that an appropriately experienced and qualified planning officer should be able to carry out a reasonable assessment of such development having regard to the character of the area and submitted evidence.

10. The appellant also states that the Council has not raised any objections to the architectural style of the dwelling and its design quality. However, be that as it may, I do not consider it to be of such a high quality that it would in itself make a positive contribution to the character and appearance of the conservation area or result in an enhancement to the street scene.

11. The scheme would occupy a substantial part of the existing rear garden of Laundry Cottage and significantly erode the sense of spaciousness that contributes to its character. I am however satisfied that the development would have a neutral impact on the setting of the adjacent non-designated heritage asset at Cardinal House which does not derive its character from the appeal site. Furthermore, I am also satisfied that the development would not encroach into the setting of the Grade II listed White House Inn and Nos 14 & 15 Pouy Street or harm their special character.

12. In view of the above, I find that the development would not preserve or enhance the character or appearance of the conservation area in accordance with S72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. As a consequence, the scheme would conflict with Policies DM21 and SP15 of the Core Strategy, which collectively seek, amongst other things, to enhance and preserve the historic character of an area and not permit poor layouts that fail to protect site features of heritage value.

Whether the development is in an appropriate location

13. Policy SP19 and Table 4.1 of the Core Strategy[2] identify a settlement hierarchy, which defines Pouy Street as falling within the countryside. Policies DM3 and SP29 of the Core Strategy collectively restrict new residential development within the countryside to a limited number of categories, but the scheme does not fall within any of these. In particular, it does not sit within a clearly identifiable gap and neither is it sufficiently enclosed by built form to constitute minor infilling within an existing cluster as it is set behind Laundry Cottage, with an open aspect to the south.

14. 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.

15. The Sibton Country Supplies store and White House Inn Public House in Pouy Street could be accessed by walking from the appeal site, as could a playing

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

field to the northern edge of the hamlet, but these facilities are extremely limited in nature and future occupants would be heavily dependent on other settlements with a wider range of facilities further afield to meet their overall day to day needs. I recognise that Peasenhall is only a short distance to the south from Pouy Street and could be reached by cycling, but there is no interconnecting footway to it or streetlighting to enable safe walking. In any event, I found the range of facilities in Peasenhall, despite its designation as a Key Service Centre in the Core Strategy, to also be limited, which would render future occupants heavily reliant on other settlements even further afield. Whilst I recognise that such settlements could potentially be reached by cycling, I would only expect a small proportion of trips to be made in this way given the intervening distance and time it would take. 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.

16. 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 new residential development.

17. I recognise that the environmental impact from vehicles would diminish as combustion engines are phased out and replaced by ultra-low emission and electric vehicles. However, even if a condition was imposed for an electric charging point as suggested by the appellant, I consider it unlikely in the short to medium term that the majority of future occupants would use these vehicles. As a consequence, this cannot be relied upon as a means of mitigating the inaccessible location of the site.

18. Although the appellant has referred to Policy DM4 of the Core Strategy which permits new dwellings within clusters, this is subject to the caveat that such a location is no more than 150 metres from the edge of an existing settlement identified as a Major Centre, Town, Key Service Centre or Local Service Centre; - which the appeal site does not meet. The appellant states that this has not prevented the Council from approving other developments that do not comply with the criteria set out in Policy DM4. However, whilst consistency is an important consideration in planning decisions, I do not have the full background and details to these cases to enable any meaningful comparisons to be made. I have as a consequence assessed the proposal on its own merits in the light of all the evidence which is now before me.

19. In view of the above, I conclude that the development would conflict with Policies SP1, SP19, SP29 and DM3 of the Core Strategy, which collectively seek, amongst other things, to; (a) guide new development to sustainable locations via a defined settlement hierarchy; and (b) reduce the overall need to travel.

20. I also find that the scheme conflicts with Paragraphs 9 and 103 of the Framework[3] as it would result in; (a) a planning decision not playing an active

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

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.

21. I also conclude that the scheme would conflict with Policy SCLP5.4 of the emerging Local Plan as the scheme does not represent infilling within a continuous built up frontage, is not in a clearly identifiable gap within an existing cluster, and because it would be harmful to the character and appearance of this conservation area cluster of dwellings.

Living conditions

22. I recognise that there is an existing hedge to the boundary of the rear courtyard of Laundry Cottage and that this would soften the visual impact of the development. However, by reason of the scheme's overall height, close proximity and it being set on higher land, it would still be clearly visible and oppressive to the occupants of this neighbouring property when using their courtyard garden.

23. Furthermore, the proposed front elevation kitchen window to the proposed dwelling would be in close proximity and within reasonable line-of-sight to the shared boundary with Laundry Cottage and overlook its rear courtyard. The existing hedge would partly restrict views into this area, but not fully, and the scheme would as a consequence harm the privacy of its occupants. I would not consider it reasonable to impose a condition requiring enhanced boundary treatment as this could appear oppressive to the occupants of Laundry Cottage when using this space. However, I am satisfied that the scheme would not harm the privacy enjoyed by the occupants of Cardinal House by reason of its position adjacent to the black barn outbuildings to the north and the presence of mature trees to the dividing boundary.

24. Although the development would result in a significant reduction in private amenity space to Laundry Cottage, its rear courtyard would still provide sufficient garden area for a dwelling of this scale. However, that is not to say that I consider the existing rear garden to Laundry Cottage to be disproportionate in size to its functional needs. I am not therefore of the view that the appeal site is underutilised or that the scheme would make a more effective use of land that its current use.

25. In view of the above, I conclude that the development would be harmful to the living conditions of neighbouring occupiers at Laundry Cottage, with specific regard to privacy and outlook. The proposal would therefore conflict with Policy DM23 of the Core Strategy, which seeks, amongst other things, to ensure that new development has regard to outlook, privacy and overlooking.

26. I also find that the scheme conflicts 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 users.

Other matters

27. The Council has confirmed that a financial contribution to mitigate the impact of the scheme on a nearby Special Area of Conservation, Special Protection Areas and Ramsar site has now 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.

28. The appellant has referred to another hamlet (Mill Road) having a settlement boundary in the emerging local plan, despite it having less facilities than Pouy Street. Be that as it may, this does not justify or overcome the harm I have identified in terms of the scheme's impact on the conservation area, the living conditions of neighbouring occupiers and its dependence on the private motor car.

29. The appellant has referred to a letter by the examining Inspector for the emerging Local Plan requesting further information relating to a sequential test for a housing allocation in the village of Peasenhall and that the delivery of this site may not occur if it is subsequently found to be unsound. However, even if the Council is unable to provide the requested information to demonstrate the soundness of the allocation, the fact that it considers Peasenhall as suitable for growth does not overcome the harm I have identified to the conservation area and the living conditions of neighbouring occupiers. In any event, I would consider future occupants of the appeal scheme to be considerably more reliant on the private motor car than residents in Peasenhall because of the lack of an footway and streetlighting connecting the two settlements.

30. The appellant states that a recent planning permission in Peasenhall for 6 new dwellings is relevant to the current appeal, with particular reference to support given by the local ward member for additional housing. The appellant has also referred to another appeal decision which they state supports a departure from development plan policy. However, both of these schemes are different to that before me in terms of scale and location and not therefore comparable. I have as a consequence considered the appeal scheme on its own merits.

Planning balance

31. The appeal site falls within the curtilage of a permanent structure (Laundry Cottage) and the settlement of Pouy Street. Because I do not consider this settlement to be a built-up area, it constitutes suitable Brownfield land in accordance with Framework's definition and I have accordingly given substantial weight to the value of using it for a new home in accordance with Paragraph 118. However, I have not given great weight to the benefits of the scheme in accordance with Paragraph 68 of the Framework as I do not consider it to be a suitable small site for a new home for the reasons referred to above and below.

32. 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.

33. Policies SP1, SP15, DM21 and DM28 the Core Strategy are generally compliant with the Framework insofar as they relate to the main issues of this case. I note the appellant's assertion that Policy SP15 is out of date owing to the use of the words 'enhance and preserve' in relation to the matter of the historic value of villages. However, I am satisfied that this wording is broadly consistent with Paragraph 192 of the Framework which refers to 'sustaining

and enhancing the significance of heritage assets' and the legal duty set out at Section 72 (1) of the 1990 Planning (Listed Buildings and Conservation Areas) Act 1990 in relation to conservation areas. However, Policies SP19, SP29 and DM3 of the Core Strategy adopt a restrictive approach to development in the countryside which does not fully accord with the more balanced and open position of the Framework. I have as a consequence attached only moderate weight to the scheme's conflict with these policies and consider them to be out-of-date.

34. On the basis of the evidence and my observations on-site, I am satisfied that the scheme would cause less-than substantial harm to the significance of the conservation area as a designated heritage asset. As a consequence, I have weighed this harm against the public benefits of the proposal, including securing optimum viable use, in accordance with Paragraph 196 of the Framework. In carrying out this assessment, I have also given great weight to the protection of the conservation area in accordance with Paragraph 193 of the Framework, and had regard to the scale of harm to Laundry Cottage as a non-designated heritage asset in accordance with Paragraph 197.

35. Furthermore, in accordance with Section 72 (1) of the 1990 Planning (Listed Buildings and Conservation Areas) Act 1990 (see above), I have also given considerable importance and weight to the desirability of preserving or enhancing the character or appearance of the conservation area when carrying out my balancing exercise.

36. I recognise that the scheme would result in a range of public benefits, namely; - (a) the provision of an additional 3-bedroom family dwelling to increase the choice of local housing stock; (b) a quickly-deliverable contribution towards the Council's housing land supply; (c) future occupiers contributing to the vitality and viability of local shops, services, facilities, businesses and community organisations; (d) opportunities for biodiversity improvement; and (e) local employment during construction. However, it is my view that when considered collectively, these would be of modest value and outweighed by the harm to the character and appearance of the conservation area.

37. In view of the above, I conclude that the proposal does not accord with the development plan and that other material considerations do not indicate that the proposal should be determined other than in accordance with this.

38. I recognise that some of the policies which are most important for determining the application are out of date. However, I have concluded that the scheme conflicts with Paragraphs 193 and 196 of the Framework in terms of its harmful impact upon a designated heritage asset, which as a consequence means that the presumption in favour of sustainable development is not engaged in accordance with Paragraph 11(d)(i) Footnote 6.

Conclusion

39. 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