
Appeal Decision

Site visit made on 29 May 2020

by David Wallis BSc (HONS) PG DipEP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th June 2020

Appeal Ref: APP/X3540/W/20/3244854

Land at Cireanin, Woodbridge Road, Bredfield IP13 6AW

- 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 and Mrs Steel against the decision of East Suffolk Council.
 - The application Ref DC/19/3600/FUL, dated 12 September 2019, was refused by notice dated 4 November 2019.
 - The development proposed is a single storey dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 1 April 2019 Suffolk Coastal District Council merged with Waveney District Council to become East Suffolk Council. The development plans for the merged local authority remain in place for the former area of Suffolk Coastal District Council until such a time as they are revoked or replaced. I have therefore determined this appeal with reference to the policies in the plans produced by the now dissolved Suffolk Coastal District Council.
3. The emerging Suffolk Coastal Local Plan has been subject to examination and, subject to main modifications, is said to be capable of being found sound and legally compliant. I am cognisant that a number of policies within the plan may still be subject to change, and therefore I afford these policies limited weight.
4. Work is underway with regards to the Bredfield Neighbourhood Local Plan. However, this plan is at an early stage of preparation and as such I attach limited weight to it as a material consideration.
5. The Council have advised that the appellant has made a Recreational Avoidance Mitigation Strategy (RAMS) payment to mitigate any impacts on Special Protected Area (SPA) and Special Areas for Conservation (SAC). The Council does not seek to contest its second reason for refusal. I shall deal with this later in my decision.

Main Issues

6. The main issues for the appeal are:

- whether or not the site is an appropriate location for residential development having regard to local and national policy for the delivery of housing; and
- the effect of the proposal on the character and appearance of the rural area.

Reasons

Delivery of Housing

7. Policy SP1 of the Suffolk Coastal District Local Plan Core Strategy and Development Management Policies Development Plan Document 2013 (the LP) seeks to locate new housing development to within specific settlement boundaries. LP Policy SP29 states that outside of those specific areas, only development that is necessary and satisfies countryside policies will be permitted. Policies DM1, DM3 and DM4 are such countryside policies and are permissive of development providing it is for meeting a local need for affordable housing, a replacement dwelling or subdivision of a larger dwelling, a conversion of an existing building or minor infilling.
8. The appellant, in acknowledging that the site falls outside of any settlement boundary, does not claim the proposal is for a development permitted by the countryside policies. It follows therefore that the proposal, for the purposes of applying the development plan policy, is not in a location where new housing is directed under the plan-led system.
9. The proposal therefore is in conflict with policies SP1, SP29, DM1, DM3 and DM4 of the LP, the requirements of which are set out above.

Character and Appearance

10. On the approach into Bredfield along Woodbridge Road, the area has an open and rural character. Dwellings, including that of Cireanin at the appeal site, are positioned towards the front of their respective plots in a broadly linear pattern on the eastern side of the highway. The appeal site constitutes part of the deep rear garden pertaining to Cireanin.
11. The proposal would introduce a sizeable dwelling beyond the existing linear pattern of development. Albeit single storey, the dwelling would introduce built form into an area that provides visual and spatial relief between the built and countryside environments. This area would be visible both from Woodbridge Road down the side of Cireanin, from neighbouring gardens and from within the wider countryside, notwithstanding seasonal variations in landscape coverage. The dwelling would be physically and visibly separate from the approach into Bredfield. This would result in a significant urbanising effect on the rural character of the area, incongruous to the appearance of the local landscaped environment.
12. For the reasons above, I conclude the proposal would have a harmful effect on the character and appearance of the surrounding area. The proposal would be contrary to aims of policy SP29 of the LP, which seeks to sustain environmental assets.

Other Matters

13. The appellant asserts that LP Policy SSP2 is out of date because Bredfield is a Neighbourhood Plan settlement. However, there is no Neighbourhood Plan in effect at this stage and so full weight can be given to Policy SSP2. The same can be said for the conflict with LP Policies SP1, DM1 and DM4.
14. Both the Council and appellant acknowledge that the Council can demonstrate a five-year supply of deliverable housing sites, and I have no evidence that would lead me to a different conclusion. It follows that the tilted balance enshrined in paragraph 11 (d) of the Framework would not be invoked due to the lack of a five-year housing supply. In arriving at this conclusion, I do however acknowledge that the National Planning Policy Framework (the Framework) seeks to boost the supply of housing even where a Council can demonstrate a five-year housing land supply, such is the case in this appeal.
15. There is however another mechanism that would lead to the imposition of the tilted balance, and that is where the policies which are most important for determining the application are out of date.
16. In this particular case the appellant asserts that LP Policies SP29 and DM3 are out of date, which seek to safeguard the countryside and direct growth to area with good access to services and facilities. However, where these policies are used to restrict housing outside of settlement boundaries, these policies are inconsistent with paragraph 78 of the Framework that recognises housing in rural areas should be located where it will enhance or maintain the vitality of rural communities. Given the existence of facilities and services within Bredfield that can be accessed by a footway from the appeal site, I consider the proposed development to be in an accessible location that can contribute to the vitality of the rural community of Bredfield.
17. Policies DM1 and DM4 relate to affordable housing and housing clusters in the countryside (i.e. the forms of countryside housing the Council might allow), which both parties agree the proposal doesn't qualify for in this instance. Policy SP1 relates to sustainable development being a pursuit of the Council. However, in order to be sustainable, proposals must comply with other policies in the plan. Therefore, in my view, policies SP29 and DM3 are the most important policies for determining the application as they govern the location of sustainable housing development. As such, the conflict with policies SP29 and DM3 carries limited weight in my decision as they are out of date.

Planning Balance

18. Where the policies which are most important for determining the application are out-of-date, paragraph 11 of the Framework states planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole.
19. The proposal would yield some benefits in supporting a prosperous rural economy in the Bredfield area and adding to the local housing stock. These benefits are however limited because only a single dwelling would be provided. The Council considers that the payment made in respect of RAMS would mitigate any harm to the SPA/SAC. However, the absence of harm is a neutral factor weighing neither for nor against the proposed development.

20. In relation to the adverse impacts, the harm would arise from the appeal site being an inappropriate location for new dwellings and the effect of the proposed development on the surrounding area. These harms would be significant for the reasons I have set out.
21. Taking these matters together, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. The appeal should therefore be dismissed.

European Designated Sites

22. The site falls within 13 kilometres of the Alde-Ore Estuary SPA and Ramsar, Minsmere to Walberswick Heaths and Marshes SAC, Minsmere to Walberswick SPA and the Sandlings SPA. These are sites designated at European level for their environmental importance. The Council, through the emerging RAMS as part of the emerging Local Plan, seeks to secure financial contributions from proposed developments as a form of mitigation for recreational impacts upon these European designated sites. The appellant has, during the course of the appeal, provided an agreement pursuant to Section 111 of the Local Government Act 1972 securing the requisite financial contributions.
23. However, since the appeal fails because of the harm that has been identified in respect of the main issue, the proposed development would not be going ahead and therefore any harm to the SPA/SAC would not occur. Therefore, I do not need to give any further consideration to this matter in this appeal.

Conclusion

24. For the reasons above, I dismiss the appeal.

David Wallis

INSPECTOR