



Appeal Decision

Site visit made on 26 May 2020

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2020

Appeal Ref: APP/W3520/W/20/3244447

Pine Trees, Ashfield Road, Norton IP31 3NN

- 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 Sandlan against the decision of Mid Suffolk District Council.
 - The application Ref DC/19/02636, dated 30 May 2019, was refused by notice dated 14 August 2019.
 - The development proposed is described as "Development of a Detached House at Pinetrees, Norton Little Green".
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 8 June 2020.

Decision

1. The appeal is allowed and planning permission is granted for development of a Detached House at Pine Trees, Ashfield Road, Norton IP31 3NN in accordance with the terms of the application, Ref DC/19/02636, dated 30 May 2019 subject to the conditions set out in the attached schedule.

Procedural Matters

2. Both parties have referred to the emerging local plan in submissions. However, I have no evidence before me of how close this emerging plan is to adoption. Accordingly, I have given limited weight to references to its content in my determination of this appeal.
3. None of the descriptions of development provided refer to the inclusion of a detached garage as part of the development. For the avoidance of doubt this is shown on the approved plans, and I included it in my consideration of the appeal.

Main Issues

4. The main issues are:
 - whether the development proposed would be in a sustainable location, having regard to local and national planning policies; and,
 - the effect of the development proposed on the character and appearance of the surrounding area and countryside.

Reasons

Location

5. Policy CS1 of the Mid Suffolk District Core Strategy Development Plan Document September 2008 (the CS) states that development outside of the identified settlements be restricted to particular types of development to support the rural economy, meet affordable housing, community needs and provide renewable energy. CS Policy CS2 details developments exempted from these restrictions. Market housing such as the development proposed is not included in these exemptions.
6. The appeal site lies within a cluster of residential dwellings, and therefore the proposed house would not be an isolated dwelling in the context of paragraph 79 of the National Planning Policy Framework (the Framework). I did not see shops or other services near to the site during my visit, and based on the evidence submitted the nearest services are about a mile from the site in neighbouring settlements. This would result in occupiers of the proposed dwelling needing to travel regularly for day-to-day services, and given the distance involved and lack of footpaths this would be likely to require regular trips in private vehicles.
7. The Framework recognises the importance of sustainable transport and avoiding adverse environmental impacts from traffic, while also recognising that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. I consider that the development proposed would result in an increase in the use of private vehicles by residents travelling to access day-to-day services, given the distance to the neighbouring settlements and lack of footpaths. Bus services are available to residents of the village, but it appears that these offer only a restricted service and I do not consider that this would generally be viewed as a substitute for the convenience of private vehicles.
8. The appellants have brought to my attention several decisions taken on appeal and by the Council in which new residential development was granted permission in the District. However, I note that in most instances the proposals involved more than one dwelling, or the Council did not have a five year supply of housing land at the time of decision. There are therefore significant differences in most of the cases to that which is before me, and in any case I do not have the full details of any of the cases referred to. This therefore limits the weight that I can give to these as I am not aware of the specific circumstances in each case.
9. I therefore find that the development proposed would not be in a sustainable location. It would therefore conflict with Policies FC1 and FC1.1 of the Mid Suffolk Core Strategy Focused Review December 2012, Policies CS1 and CS2 of the Mid Suffolk Core Strategy Development Plan Document September 2008 (the CS) and Policy H7 of the Mid Suffolk Local Plan September 1998 (the LP).

Character and Appearance

10. The appellants own a large piece of land to the rear of Pine Trees projecting into the countryside beyond. The appeal site comprises land that at the time of

my visit was in use as part of the garden to the rear Pine Trees. The appeal site is accessed via a driveway that runs part of the way into the larger area. The site is in the countryside for planning purposes.

11. The proposed house would lie some distance beyond Pine Trees on the plot, and the houses on neighbouring sites. The proposed house would have a smaller footprint than Pine Trees, but based on the submitted plans it appears that it would be taller than Pine Trees. The appeal site is screened to an extent by established planting but is open on one side. Even with the benefit of additional planting I consider that the new dwelling would be a visually intrusive form of development that would be prominent on its site and visible from neighbouring properties.
12. There is a single-storey Nissen hut to the rear of the site, and I saw on my visit that there is a structure of similar size on a neighbouring site. A shipping container lies beyond the Nissen hut, but this appears to be a temporary structure and I have no details before me of its planning status. Accordingly, I have given it little weight in my consideration of this appeal. I consider that the Nissen Hut and neighbouring structure are viewed in the wider context as low-level outbuildings, ancillary to their host dwellings. The appeal proposal is for a 1.5 storey dwellinghouse of greater height than these existing outbuildings.
13. The appellants argue that the appearance of the house would be in keeping with the local character, taking inspiration from barn conversions in the area. I note that the Council did not object specifically to the appearance of the proposed dwelling, and I see no reason to disagree with this. However, the appearance of the development proposed is only one aspect of the consideration of this issue.
14. The appellants further argue that the protection of countryside for its own sake is not in keeping with national policy, and the site is not part of a valued landscape. However, I find that the site lies beyond the established cluster of dwellings, although within the garden to the host dwelling. Development in this location would be intrusive into the countryside and extend the quantum of built development further from the road. While I saw some examples on my site visit of houses on backland sites in the area, from the evidence before me the development proposed would be further from the road than any other house in the vicinity and so would be out of keeping with the established pattern of development and the open and rural character of the countryside.
15. I therefore conclude that the development proposed would be harmful to the character and appearance of the site and surrounding area. It would therefore conflict with Policy CS5 of the CS.

Planning Balance

16. The Council have acknowledged in their submissions that the most important policies for the determination of this appeal are out of date. Paragraph 11 of the Framework is therefore engaged.
17. I have found that the development proposed would be out of keeping with the character of the site and surrounding area. However, the appeal site comprises garden land at the rear of an existing house that lies within a cluster of residential properties. Visibility of the appeal site is limited to its immediate

surroundings and it would not be a prominent feature when viewed from the road or the nearest footpath, which I walked along during my site visit.

18. The location of the site is some distance from day-to-day facilities, and does not benefit from good sustainable transport links to the nearest settlements where these are located. However, the appeal site is in an existing cluster of residential development and the addition of a single dwelling would not result in a significant increase in private vehicle traffic. Overall, I consider that there would be limited harm arising from the development proposed to the character of the site and area, and from its location.
19. Balanced against this harm would be the contribution of one new home to the Council's housing stock. There would be short-term economic benefits from its construction, and ongoing economic and social benefits for services and facilities in the neighbouring settlements from its occupation. As the development proposed is a single dwelling, these would be modest benefits.
20. I have taken account of all material considerations in determining this appeal. In doing so, I find that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of the development proposed, when assessed against the policies of the Framework as a whole. Paragraph 11 of the Framework applies in this instance, and in this context the presumption in favour of sustainable development is a material consideration that warrants a decision other than in accordance with the development plan.

Other Matters

21. I have noted the Council's reference to CS Policy CS5 and Policies GP1, SB2, H13, H15 and H17 of the LP in its first reason for refusal. However, I consider that the policies I have referred to are those most relevant to this issue. I also note the reference to LP Policy HB1 in its second reason for refusal, but I have not been provided with a copy of that policy.

Conditions

22. I have had regard to the Council's suggested conditions. Where necessary, and in the interests of conciseness and enforceability, I have altered the suggested conditions to better reflect national Planning Practice Guidance.
23. I have included standard conditions relating to the time limit for commencement and confirming the approved plans, for the sake of certainty.
24. I have also imposed conditions relating to the width and depth of the driveway, provision of a refuse and recycling bin storage point and on-site vehicle manoeuvring. These conditions are necessary to ensure that the development will not have an unacceptable impact on highway safety.

Conclusion

25. For the reasons given above I conclude that the appeal should be allowed.

M Chalk

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1901/01 A and 1:1250 site location plan received by the Council on 25 July 2019.
- 3) The driveway hereby permitted shall be a minimum width of 4.5 metres and continue for a distance of 10 metres measured from the nearby edge of the carriageway.
- 4) The area to be provided for storage of Refuse/Recycling bins as shown on Drawing No. 1901/01 A shall be provided in its entirety before first occupation of the dwelling hereby approved and shall be retained thereafter for no other purpose.
- 5) Before first occupation of the dwelling hereby approved the areas within the site shown on Drawing No. 1901/01 A for the purposes of manoeuvring and parking of vehicles shall be provided and thereafter those areas shall be retained and used for no other purposes.