The Planning Inspectorate

Appeal Decision

Site visit made on 5 October 2020

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2020

Appeal Ref: APP/X3540/W/20/3252036
Land off Rosemary Lane, Kelsale, Suffolk IP17 2QS

- 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 Ward against the decision of East Suffolk Council.
- The application Ref DC/19/4641/FUL, dated 26 November 2019, was refused by notice dated 5 February 2020.
- The development proposed is the erection of a dwelling house and associated matters.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council adopted the Suffolk Coastal Local Plan (LP) on 23 September 2020. This covers the former Suffolk Coastal District, administered by the current East Suffolk Council. This newly adopted LP provides the policies relevant to my decision.

3. The appellant has made the payment sought by the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy, so as to satisfy the Habitats Regulations and enable me to carry out the necessary Appropriate Assessment, should the proposal be otherwise acceptable. In addition, the technical note[1] provided satisfies me the proposal would not likely impact adversely upon protected great crested newts, subject to mitigation and enhancement measures securable through a planning condition. These address the Council's second and fourth reasons for refusal, leaving the following main issue.

Main Issue

4. This is whether this proposal would be appropriate in this location, with particular regard to accessibility to services, the character and appearance of the area, a demand for self-build plots and highway safety.

Reasons

5. The appeal site lies just outside the settlement boundary for Kelsale and is defined as countryside under LP Policy SCLP3.3. It states that proposals for new residential development outside of the settlement boundaries and of land which is allocated for development will be carefully managed in accordance with national planning policy guidance and the strategy for the countryside.

[1] Great Crested Newt Technical Note Elite Ecology March 2020

6. Kelsale is defined a small village in the settlement hierarchy set out in LP Policy SCLP3.2. Its facilities include a primary school, general employment area and a church. It is well related to the neighbouring market town of Saxmundham and the wider range of services and facilities that provides. The LP deems Kelsale appropriate for a small amount of growth, controlled through the tightly defined settlement boundary. Other than allocated, a significant amount of further housing might not be appropriate in this village. However, a single dwelling just outside the settlement boundary would cause no material harm in respect of inadequate accessibility to services or any significant increase in travel movements.

7. Policy SCLP5.3 of the LP limits new residential development outside of defined settlement boundaries unless supported by specific criteria. Of these, LP Policy SCLP5.4 provides some flexibility in allowing housing in the countryside where deemed within existing clusters. The preamble in LP Paragraph 5.21 says that clusters can vary in size and include those settlements in the countryside which do not have the range or amount of facilities to be classed as a major centre, town or large/small village. Potential clusters are not identified in the LP and are without defined settlement boundaries. Hence Policy SCLP5.4 has criteria identifying clusters and when a site within one might be acceptable for development. The bungalow adjacent to the appeal site, and the dwellings continuing along the opposite side of Rosemary Lane, all fall within the settlement boundary defined for Kelsale and therefore do not comprise a cluster covered in Policy SCLP5.4. As the proposal is not within a cluster and does not satisfy any of the other criteria in Policy SCLP5.3, it conflicts with the restraint imposed by the LP on housing outside settlement boundaries and within the countryside.

8. Policy SCLP11.1 of the LP provides a generic policy over design quality. This supports locally distinctive and high-quality design that clearly demonstrates an understanding of the key features of local character and responds to local context. The latter is in respect of matters such as overall scale, existing neighbourhood layout and the relationship between buildings, spaces and the wider street scene.

9. Whilst of an intrinsically good quality design, reflecting the rural vernacular, the large scale and further set back of the house would contrast harmfully with the generally more modest scale of existing development, sited closer to the road. In this location, the large house would be a stark and significant incursion into the rural landscape. With the removal of frontage hedging and the associated drive, parking area and inevitable domestic paraphernalia, the prominent large house would contrast with the more restrained and intimate rural character of the existing built surroundings. For these reasons the proposal would conflict with the design requirements of Policy SCLP11.1.

10. Although the surrounding countryside is not subject to any special landscape designation, the proposal would, for these same reasons, fail to protect and enhance the visual character of the landscape setting of the village, in further conflict with LP Policy SCLP10.4.

11. In respect of the restraint on development in the countryside and the harm caused to the character and appearance of the area, the proposal conflicts with the LP policies I have discussed. The proposal is for a self-build dwelling and LP Policy SCLP5.9 provides for meeting the needs for these. However, self-build

plots are supported where in compliance with all other relevant LP policies. Therefore, as a proposal for a self-build dwelling, this scheme is not supported by Policy SCLP5.9.

12. The site is served by a narrow country lane, without footways or lighting, and might be unsuitable to serve large amounts of further development. The appellant has provided a plan showing the visibility splays available from the new access. The Council questions whether the appellant controls the land necessary to secure this level of visibility. However, if this was not fully deliverable, relative to the small amount of further vehicular movements generated by a single dwelling, and the likely level of existing road use and average speeds, I am of the opinion that there would be limited harm to the interests of highway safety arising from this proposal. There would however remain significant harm deriving from a conflict with LP policy over development in the countryside and in respect of the effects of the new house on the character and appearance of this area.

Balance and Conclusion

13. The newly adopted LP, through Policy SCLP5.9, provides the means for the Council to help meet its duty to provide sufficient self-build housing sites. This does not take away the benefit of this proposal in adding to the supply of these and addressing any shortfall, as well as helping to increase housing delivery more generally. These social benefits, and also the economic ones from the construction of the dwelling and the additional household expenditure, weigh in favour of the proposal. However, with a single dwelling, such benefits are inevitably very small. These would be material considerations of insufficient weight to indicate the appeal be decided otherwise than in accordance with the development plan, with which I find there to be conflict when considered as a whole. For this reason, having taken into consideration all further matters raised, I conclude that the appeal should be dismissed.

Jonathan Price

Inspector