



Appeal Decision

Site visit made on 24 September 2020

by P Mileham BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 October 2020

Appeal Ref: APP/X3540/W/20/3253064

Land south of Summer Lane, Bromeswell IP12 2QA

- 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 Nick Argyle against the decision of East Suffolk Council.
 - The application Ref DC/19/4879/FUL, dated 19 December 2019, was refused by notice dated 7 February 2020.
 - The development proposed is described on the application form as the 'building of one single storey dwelling and detached garage, extensive planting of shrubs, trees, wild flower meadow, hedges and hedgerow and change of use from current agricultural'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council indicated in its appeal statement that the emerging policies cited in the decision notice should be afforded significant weight due to the advanced stage of preparation of the Local Plan. However, since its original determination of the appeal proposal, East Suffolk Council has adopted the new Suffolk Coastal Local Plan (2020) ('the SCLP'). As such, the policies cited in the original decision notice have now been superseded. The Council has provided details of the policies from the Development Plan which it intends to rely on to support its decision to which the appellant has been able to comment upon. As such, I have considered these policies in my determination of this appeal.

Main Issues

3. The main issues are:
 - Whether the site is in a suitable location for a new dwelling; and
 - The effect of the proposed development on the character and appearance of the area.

Reasons

Suitable location

4. The appeal site is an area of agricultural land located to the east of the village of Bromeswell. The Council has indicated that it is able to show a 5 year supply of housing land as required by the National Planning Policy Framework ('the Framework'). As set out above, the Council has recently adopted the SCLP

which has been prepared and examined in accordance with the latest version of the Framework. As such, it is considered to be up to date.

5. Policy SCLP3.2 of the SCLP identifies the village as being in the countryside and as such is outside of any defined settlement boundary. Policy SCLP3.3 goes on to indicate that proposals for new residential development outside of any settlement boundary will be carefully managed. Policy SCLP5.3 sets out the circumstances where new housing in the countryside will be considered. The proposed development would not be an affordable dwelling, a replacement dwelling, involve the conversion of an existing building or provide accommodation for an agricultural or rural worker and as such, would not accord with policy SCLP5.3.
6. Policy SCLP5.4 sets out the circumstances where residential development may be considered in the countryside. The policy requires that development consists of infilling within a continuous built-up frontage, is in a clearly identifiable gap within an existing cluster, or is otherwise located adjacent to existing development on two sides. The policy goes on to indicate at criterion c) that the development should not represent an extension of the built-up area into the surrounding countryside beyond the existing extent of the built up area surrounding, or adjacent to, the site. The policy indicates that to be considered as a cluster, the site should consist of a continuous line of existing dwellings or a close group of existing dwellings adjacent to an existing highway. A further criterion addresses character and appearance which I have considered elsewhere in this decision.
7. The site is a large area of land set back from Summer Lane by a short track and as such is not directly adjacent to the highway. The site is bounded by part of the rear garden of an adjacent dwelling (known as Willow Tarn) adjoining part of its northern boundary, and there are further properties adjoining the southern and western boundaries of the site. When viewed from the direction of Summer Lane, the site appears as the edge of the settlement rather than being located within an existing gap. The proposed dwelling would be located towards the eastern extent of the site, and as a result, would be separated from the existing properties giving the appearance of being beyond the existing extent of the built up area surrounding, or adjacent to, the site. I consider the proposal would not result in the infilling of any part of a gap within the existing pattern of development but rather represent an extension of the built up area into the surrounding countryside. As such, the proposed development would not comply with the provisions of criteria a), b) and c) of Policy SCLP5.4.
8. Bromeswell is a small village and no evidence has been presented to indicate that there are any services or facilities present. As such, in order to support day-to-day needs, future occupiers of the proposed dwelling would need to travel to a larger settlement such as Woodbridge (around 3 kilometres away) in order to access a basic range of services. The appellant has indicated that there is a bus stop approximately 800 metres from the site, and the nearest rail station is 2 kilometres away. However, no evidence has been provided as to the frequency of any bus services that may use the aforementioned stop or rail services and whether such services would allow for return journeys at convenient times to and from higher-order settlements.
9. The road network in the village is a narrow single carriageway and there did not appear to be any footpaths or streetlighting present. These factors along

with my concern regarding the availability of any public transport provision significantly detract from the likelihood that journeys to access services would be made by public transport, foot or cycle. As such, I consider that journeys would predominantly be made by private transport in order to gain access to services in other settlements. Cumulatively, the number of private transport movements would, over time, be considerable.

10. In light of the above, I conclude that the proposed development would not be in a suitable location for a new dwelling. As such, it would be contrary to policies SCLP3.2, SCLP3.3, SCLP5.3 and SCLP5.4 of the SCLP as detailed above.

Character and appearance

11. The character of the area is predominantly comprised of detached dwellings of single or two-storeys with pitched roofs finished with pantiles. The design of the proposed development is single storey dwelling with an asymmetrical hipped style roof consisting of solar slates. The side elevations of the dwelling are proposed to be finished with a pink render. The appellant has indicated that the design has been informed by, amongst other things, the need for the largest plane of the roof to be orientated southwards to maximise the benefits of the solar roof slates. However, the result of this is a roof style that would be out of keeping with the predominant character of the dwellings in the area which have pitched roofs. The dwelling would be broadly rectangular in footprint with minimal design detail such as any set-in or gables. The limited design detail of the proposed dwelling provides little visual interest and combined with the asymmetrical hipped roof, would be incongruous and fail to make a positive contribution to the overall character of the area.
12. In addition to my concerns regarding the design of the proposed development, I consider that the use of pink render and solar slate roof would not when used together, be sympathetic to the area which is characterised by rendered dwellings with pantiled roofs. As such, the proposed development would have a harmful effect on the character of the area.
13. The introduction of the proposed dwelling and the associated change of use of the land to residential garden would result in a change in the character of the site. The site is screened from Summer Lane by a number of mature trees as well as from the dwellings to the south which overlook the site. Whilst the site is significantly larger than the majority of housing plots in the village, the appellant has indicated that a significant amount of the site would be devoted to the planting of a wild flower meadow along with additional hedges and trees. As a result of the proposed planting, the extent of the formal domestic garden proposed would be more limited than the full extent of the site. Whilst the Council has raised concerns regarding the effects of domestic paraphernalia harming the character of the area, this could be addressed through additional screening and further controlled through the removal of Permitted Development rights in respect of the erection of outbuildings. Furthermore, the use of planning conditions to retain the wildflower meadow and planting for the lifetime of the development would provide mitigation of the effects of any domestic paraphernalia.
14. However, the above points do not alter my finding harm in respect of the character of the area having regard to the design of the proposed dwelling.

15. The appellant has indicated that the Council has previously provided some positive support via a pre-application enquiry for holiday lodges which would have had a more significant impact on the character of the area than the appeal proposal. However, no evidence has been provided that this proposal was subsequently granted planning permission. As such, this would not be able to be considered as a 'fallback' position as there is no evidence that such a proposal could be implemented.
16. In light of the above, I conclude that the proposed development would result in harm to the character and appearance of the area. As a result, it would be contrary to policy SCLP11.1 of the SCLP which states, amongst other things, that permission will be granted where proposals respond to local context and the form of surrounding buildings and that the overall scale and character should clearly demonstrate consideration of the component parts of the buildings and the development as a whole in relation to its surroundings.
17. The proposed development would also be contrary to paragraph 130 of the Framework which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

Other matters

18. The appellant has indicated that the proposed development would also be used to provide some bed and breakfast accommodation. Whilst I acknowledge that the provision of such accommodation would make a positive contribution to the economy, the extent of the contribution would be minimal due to the limited accommodation that would be provided. As such, the minimal contribution would not be sufficient to outweigh the harm that I have identified in the main issues.
19. I also acknowledge that the development would provide a self-build dwelling, but no evidence has been provided as to the extent of need for self-build dwellings in the area. Whilst the proposal would make a positive contribution to supporting the delivery of self-build dwellings in the area, the extent of this benefit would be modest and would not outweigh the harm identified.
20. Concern has been raised about the potential for the proposal to have significant effects on the Sandlings Special Protection Area (SPA), the Deben Estuary SPA and Ramsar site; Stour and Orwell Estuaries SPA/Ramsar. The appellant has indicated that the appeal proposal would provide biodiversity enhancement through the additional planting, including a wild flower meadow. Whilst the additional planting would have a positive effect on local biodiversity, the concerns raised were specifically in respect of the effect of recreational visitor pressure on the SPAs/ Ramsar site and there is no evidence to disagree with the conclusion of the main parties relating to the potential significant effects on the aforementioned designated sites. However, given my conclusions on the main issue, I need not take this further.
21. In addition to the main issues that I have identified, third party representations have raised concerns with the proposed development in respect of the overlooking of nearby properties and drainage. These matters were not disputed between the main parties and as I have found harm in respect of the main issues, these have not altered my decision.

Conclusion

22. For the reasons given above I conclude that the appeal should be dismissed.

P Mileham

INSPECTOR