
Appeal Decision

Site visit made on 10 November 2020

by M Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th December 2020

Appeal Ref: APP/W3520/W/20/3252364

Land adjacent West Winds, Doctors Lane, Stradbroke IP21 5HU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr B Cleveland against the decision of Mid Suffolk District Council.
 - The application Ref DC/19/05968, dated 24 December 2019, was refused by notice dated 30 April 2020.
 - The development proposed is erection of dwelling with garage.
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Decision

1. The appeal is allowed and planning permission is granted for erection of dwelling with garage at Land adjacent West Winds, Doctors Lane, Stradbroke IP21 5HU in accordance with the terms of the application, Ref DC/19/05968, dated 24 December 2019, subject to the conditions set out in the attached schedule.

Procedural Matters

2. Outline planning permission is sought. The appellant's statement suggests that all matters are reserved for future consideration. However, the planning application form shows that matters of access have been sought for approval and the Council determined the application on that basis. I have therefore determined the appeal on the basis that all matters are reserved except access. I have thus taken the site location plan into account as it shows the site's access route and treated the layout plan as illustrative.

Main Issues

3. The main issues are: (i) the effect of the proposal on the character and appearance of the area, including the settings of heritage assets; and (ii) whether the proposal would prejudice the delivery of an allocated site in the Stradbroke Neighbourhood Plan (NP).

Reasons

Character and appearance

4. The site mainly comprises a driveway located off Doctors Lane and part of a field that is adjacent to a cluster of buildings near West Winds. The boundaries of the field are defined by trees, vegetation and watercourses. The immediate surrounding area includes Stradbroke High School's playing field, residential

properties in Farriers Close and The Priory, which is a Grade II listed building. The field forms part of the countryside surrounding Stradbroke.

5. The description from the List of Buildings of Special Architectural or Historic Interest states that The Priory comprises a 16th to 17th century core and indicates that it primarily derives significance from its features of architectural interest. However, the listing description also refers to the remains of a medieval moat, which is located along one of the field's boundaries. The Council considers that the moat is a non-designated heritage asset.
6. The Stradbroke Conservation Area is nearby. It is centred around the crossroads of Queen Street and Church Street. It includes the moat and is adjacent to part of the site's driveway. The Stradbroke Conservation Area Appraisal sets out that it contains a variety of buildings of differing ages and styles and that other moated sites are located in and near Stradbroke.
7. Substantial rows of vegetation are in situ along both sides of the moat which limit intervisibility and provide a sense of separation between The Priory and the site. The proposed dwelling would be located towards one side of the field and set back from the moat and thus the conservation area. I see no reason to conclude that the vegetation on both sides of the moat would be removed or fail, or that intervisibility would increase significantly. Furthermore, the illustrative layout plan suggests that landscaping could be planted around the site's boundaries.
8. The dwelling would not therefore alter the way in which The Priory or the moat are experienced or appreciated visually, nor would the character and appearance of the conservation area be harmed. A sensitively designed dwelling could be brought forward which is respectful of the heritage assets and compatible with the nearby cluster of buildings and the countryside. Whilst the proposal encroaches into the field, I have not been referred to any public viewpoints from where the proposed dwelling would be visible. Carefully considered landscaping would be able to integrate the development within the adjacent cluster of buildings and its surroundings.
9. The Council contends that the field makes a positive contribution to the settings of The Priory and the moat by preserving their historic edge of village location and relationship with the countryside. It is advanced that the dwelling would intrude into the last part of the heritage assets' historic settings as the field is the only undeveloped land remaining around them. I recognise that the implications of cumulative change to the settings of heritage assets should be considered. However, most of the field would nevertheless continue to be undeveloped and the connection between The Priory, the moat, the conservation area and the surrounding countryside would remain.
10. The Council has concerns that this proposal could set a precedent for similar development; however, each proposal must be assessed on its own merits. No firm reasons have been advanced which indicate that allowing this appeal would result in the Council being unable to resist harmful development in the immediate area.
11. The proposal would not therefore harm the character and appearance of the area or the significance of the listed building, the moat or the conservation area. The settings of the listed building and the conservation area would be preserved. The proposal accords with Mid Suffolk Local Plan (LP) Policy HB1

and NP Policies STRAD2 and STRAD16 which, amongst other things, seek to protect local character and heritage assets.

Allocated site

12. NP Policy STRAD1 states that development will be focused within the settlement boundary and on allocated sites. The field is outside the settlement boundary but allocated for development by NP Policy STRAD16, which sets out that proposals on the allocated site will be supported subject to several wide ranging criteria being satisfied.
13. The criteria of the latter policy apply to the allocated site as a whole. I have not been directed to a policy requirement for the entirety of the allocation to be the subject of a single planning application. It is thus necessary to consider whether the proposal would prejudice the ability for satisfactory development to come forward on the allocated site as a whole.
14. The proposal relates to a small part of the allocated site, towards one of its sides. The illustrative layout plan provides an example of the way in which the rest of the field could be developed. Compelling evidence has not been provided to indicate that approximately 25 to 35 dwellings of an appropriate mix could not be provided across the allocated site as a whole. The position of the proposed dwelling would not prejudice the ability for 0.5 hectares of the southern part of the field to be offered as an extension to the playing field or the provision of a direct pedestrian and cycle access to the school.
15. Green open space provision would still be able to be made across the allocated site and the indicative layout plan shows that green space could be provided within the curtilage of the proposed dwelling. There is no firm evidence that the creation of a single dwelling would worsen existing problems with utilities that Stradbroke may be experiencing, or that it would prevent solutions for drainage management and electricity provision being found for the allocated site. In addition, the officer's report says that there are no known issues regarding drainage and Stradbroke Parish Council indicates that there is capacity in the power network.
16. Although NP Policy STRAD16 seeks the provision of vehicular access to the allocated site from Farriers Close, it does not prevent access being taken from the driveway in principle. Moreover, I have no reason to conclude that this proposal would affect the potential for the allocated site to be accessed from Farriers Close. Concerns have been raised regarding ownership and control over the driveway. However, these are not matters within my jurisdiction and, in any event, the proposal would not physically prevent the creation of an access from the field to Doctors Lane in a similar manner to that shown on the NP's indicative concept plan for the allocated site.
17. I have no compelling evidence before me which indicates that the proposal would prevent an appropriate development coming forward on the allocated site in respect of matters relating to heritage assets and neighbour amenity.
18. There are no substantive reasons to conclude that the proposal would prevent the criteria of NP Policy STRAD16 being satisfied across the allocated site. The delivery of the allocated site as a whole would not be prejudiced. The proposal does not conflict with NP Policy STRAD16, or NP Policies STRAD2, STRAD3, STRAD4 or STRAD5, which support it in requiring development to demonstrate

good place making principles and provide an appropriate housing mix and utilities and flood mitigation.

Other Matters

19. The Parish Council has concerns regarding access onto Doctors Lane from Laxfield Road and vice versa, and pedestrian and cycle movement along the driveway. Although the number of vehicle movements in Stradbroke may have increased over time, a single dwelling would generate a limited amount of daily movements and the Highway Authority have not raised concerns regarding highway safety in respect of this proposal. I have no substantive evidence that the proposal would harm highway safety, compromise the free flow of traffic in the area or disincentivise pedestrians and cyclists from using the driveway.
20. It has been advanced that Stradbroke needs no further housing above the quantum set out in the NP. This proposal would be located on an allocated site and thus contribute towards the quantum identified. Whilst it is not contested that the Council can demonstrate a 5 year supply of deliverable housing sites, this does not indicate that the proposal should be resisted.
21. Policies CS1 and CS2 of the Council's Core Strategy Development Plan Document (CS) and LP Policy H7 seek to restrict new housing outside settlement boundaries. These policies are inconsistent with the balanced approach to housing in rural areas set out in the Framework. Moreover, they pre-date and conflict with NP Policies STRAD1 and STRAD16 which indicate that the site is an appropriate location for housing. Section 38(5) of the Planning and Compulsory Purchase Act 2004 sets out that if development plan policies conflict with one another the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan. Therefore, the proposal's conflicts with CS Policies CS1 and CS2 and LP Policy H7 do not lead me to conclude that its location is in conflict with the development plan when taken as a whole.

Conditions

22. I have considered the conditions suggested by the Council and the Highway Authority.
23. Conditions in respect of the submission and timing of the reserved matters, the commencement of development and the approved plan are necessary. In addition, a condition to require details of foul and surface water drainage to be approved is needed in order to ensure that adequate provision is made.
24. The Council has suggested conditions relating to landscaping and the removal of permitted development rights in relation to extensions. Landscaping will be considered when approval of the reserved matters is sought and thus landscaping conditions are not necessary. In addition, paragraph 53 of the Framework states that the removal of permitted development rights should only be done where there is clear justification. There is no evidence that the use of permitted development rights would result in harm and therefore a condition is unnecessary.
25. The Highway Authority has recommended conditions relating to the provision of areas for vehicle manoeuvring and parking and waste storage and presentation. However, such details can be considered when matters of layout are sought for approval and thus these conditions are also unnecessary.

Conclusion

26. The proposal accords with the development plan as a whole. There are no considerations which indicate that a decision should be taken otherwise than in accordance with the development plan. Accordingly, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should succeed.

Mark Philpott

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the Site Location Plan.
- 5) The dwelling hereby permitted shall not be occupied until works for the disposal of foul and surface water drainage have been provided in accordance with details that have first been submitted to and approved in writing by the local planning authority.