

Appeal Decision

Site Visit made on 11 May 2021

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd June 2021

Appeal Ref: APP/X3540/W/21/3266229

Land Adjacent to 1 Hall Cottages, Wangford Road, Reydon, Southwold, IP18 6SJ

- 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 John Lytton against the decision of East Suffolk Council.
 - The application Ref DC/20/1158/OUT, dated 29 February 2020, was refused by notice dated 3 July 2020.
 - The development proposed is a single detached two storey dwelling with a detached double garage and store and associated grounds, utilising the existing site access.
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Decision

1. The appeal is allowed and planning permission is granted for a single detached two storey dwelling with a detached double garage and store and associated grounds, utilising the existing site access at Land Adjacent to 1 Hall Cottages, Wangford Road, Reydon, Southwold, IP18 6SJ in accordance with the terms of the application, Ref DC/20/1158/OUT, dated 29 February 2020, and the plans submitted with it, subject to the following 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 following approved plans: Site Location Plan, Site Layout Plan (details of access only).
 - 5) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development or relevant phase of development is resumed or continued.

- 6) No dwelling shall be occupied until space has been laid out within the site, in accordance with details to be submitted as part of any reserved matters application seeking approval for layout, for cars and bicycles to be parked, for the storage and presentation of Refuse/Recycling bins and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.
- 7) Development shall not take place until details of the improvements to the existing access onto the highway, including surfacing, dimensions and visibility spays shall have been submitted to and approved in writing by the local planning authority; and the development shall not be occupied until that access has been constructed in accordance with the approved details. The access shall thereafter be retained.
- 8) The dwelling hereby permitted shall not be occupied otherwise than by a person as their only or Principal Residence. The Occupant will supply to the Local Planning Authority (within 14 days of the Local Planning Authority's written request to do so) such information as the Authority may reasonably require in order to determine whether this condition is being complied with.

Preliminary Matters

2. The original application was made in outline with means of access to be considered and I have therefore had regard to drawings Site Location Plan and Site Layout Plan. I have dealt with the appeal on this basis but considered the layout shown as being for illustrative purposes only.
3. On 1 April 2019 Waveney District Council was dissolved and along with Suffolk Coastal District Council became a new non-metropolitan district council known as East Suffolk Council. The development plans for the merged local planning authority remain in place for the former area of the Waveney District Council until such a time as they are revoked or replaced. It is therefore necessary for me to determine this appeal with reference to policies set out in the plans produced by the now dissolved Waveney District Council.
4. The Reydon Neighbourhood Plan (RNP) was subject to referendum on 6 May 2021 and was made on 26 May 2021 and now forms part of the Development Plan.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area, having particular regard to the location of the site within the Suffolk Coast and Heaths Area of Outstanding Natural Beauty.

Reasons

6. The appeal site is located off Wangford Road which leads to the village of Reydon and is characterised by detached dwellings in large plots, with the exception of the terrace 1-3 Hall Cottages. However, as a result of the minimal subdivision of the frontage of these properties, it maintains the overall character of the larger plots located within the vicinity of the site.
7. The appeal site is within the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB). The National Planning Policy Framework (the

Framework) places great weight on protecting and enhancing landscape beauty in AONB's which have the highest status of protection in relation to these issues. The site forms part of the Blyth and Wang Valley Landscape Character area, which describes the character of the landscape and identifies characteristics of the area. It identifies smaller scale more intimate field patterns, comprising regular small fields fringed by woodland. These form part of the tranquil area, with a sparse influence of settlements.

8. The site currently forms part of the garden of 1 Hall Cottages. The site appears part of its domestic surroundings and the grouping of housing comprising Threshers Hall and Hall Farm, rather than as part of the open countryside beyond the appeal site. As a result, the site does not contribute to the open rural nature which is experienced beyond the appeal site and does not provide an important visual separation between the existing built development.
9. The development whilst increasing the density of development within the locality, would have a similar plot size to other development within the vicinity. Whilst there would be a degree of urbanisation, the development of the site would result in the infilling of the existing gap between 1 Hall Cottages and Threshers Hall and together with Hall Farm would appear part of a small cluster of development and a continuation of the visual and historical relationship of the settlement.
10. In conclusion, the adverse impacts on the character and appearance of the area and the AONB would be limited. The introduction of a dwelling into the site would be appropriate within this rural setting, having regard to the domestic nature of the existing site, resulting in an infill between the existing built development.
11. The development would protect the character of this part of the countryside, and the existing landscape beauty of the AONB in accordance with policies WLP8.29 and WLP8.35 of the East Suffolk Council Waveney Local Plan 2019 (LP). These policies together require development to demonstrate that their location will protect and where possible enhance the special qualities and local distinctiveness and context of the area.
12. It would also accord with policies RNP5 and RNP10 of the Reydon Neighbourhood Plan, which seek to protect the special qualities of the AONB and permits development which retains or enhances the character and setting of the village.

Other Matters

Easton Bavents to Benacre Special Protection Area.

13. The appeal scheme proposes a dwelling on a site that lies within the Zone of Influence of the Easton Bavents to Benacre Special Protection Area (SPA). The interest features of the SPA include the presence of Little Tern, Bittern and Marsh Harrier.
14. The Conservation of Habitat and Species Regulations 2017 (the Regulations) require that the competent authority must ensure that there are no significant adverse effects from the proposed development, either alone or in combination with other projects, that would adversely affect the integrity of the SPA. The effects arising from the proposal need to be considered in combination with other development in the area and adopting a precautionary approach.

15. Since the development is for one dwelling only, the number of additional recreational visitors would be limited and the likely effects on the SPA site from the proposed development alone may not be significant. However, in combination with other developments it is likely that the proposal would have significant effects on the designated site. Given my findings, the Regulations place a duty on the competent authority to undertake an appropriate assessment of the implications of the appeal scheme in view of the site's conservation objectives.
16. The site is within the 13km zone of influence where new residential development is likely to result in recreational pressure, which would, both alone and in combination with other development within the zone of influence, have a likely significant effect on the interest features of the aforementioned site. Therefore, I consider that the development would have an adverse effect on the integrity of the site, but regard can be had to whether these adverse effects can be mitigated.
17. The Recreational Disturbance Avoidance and Mitigation Strategy Planning Document sets out a strategic approach to mitigation by several councils across the wider area. It details mitigation measures that would be funded by financial contributions at a specified tariff per dwelling. Since these include a range of habitat-based measures such as education, communication and monitoring, and have been endorsed by Natural England, I am satisfied that the measures would adequately overcome any adverse effects of the proposal on the SPA.
18. The appellants have indicated that they have made a per dwelling contribution to fund the Suffolk Recreational Avoidance Mitigation Strategy (RAMS) and the Council has confirmed that the payment has been made. Given the evidence before me I am satisfied that the mitigation measures have been secured and would be used for their intended purpose.
19. The contributions would be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of the Community Infrastructure Levy Regulations. As such, the contributions toward the mitigation schemes would count as mitigation toward maintaining the integrity of the sites.

Heritage assets

20. I have also taken into account the matters raised in the representations received including issues regarding whether the site originally formed part of the Grade II Reydon Hall, Home Farm complex which is within the vicinity of the site, however I have no substantive evidence that the site has been considered as a non-designated heritage asset and there is no evidence that the site formed part of Reydon Hall at the time of listing.
21. Reydon Hall is set back from the road and contained within its own landscaping. As such, even developed, the site would not have a significant impact on how the listed building would be appreciated from within the street scene or the elements that form its setting. I conclude that the development would not result in harm to the setting of the listed building.

Conditions

22. The Council has suggested conditions which I have considered against the advice in the Framework and Planning Practice Guidance and where necessary amended them for clarity. As well as the conditions relating to the submission of reserved matters and the time limits associated with this, I have also included a condition specifying the relevant plans as this provides certainty.
23. In order to ensure an appropriate level of parking provision, I have imposed a condition requiring parking spaces to be provided and in order to ensure appropriate standards of highway safety, details of improvements to the existing access to be submitted and for both to be implemented prior to the occupation of the dwelling.
24. I have also imposed a condition relating to refuse and bicycle storage, to ensure that appropriate space is provided within the proposed amenity space for storage of bins and cycles.
25. I have also found it necessary to impose a condition to restrict the occupancy of the proposed dwelling by a person as their Principal Residence¹, as this condition is linked to Policy RNP4 of the RNP which seeks to ensure that the housing needs of local people are addressed. I have considered whether this policy should only be applied to larger sites allocated for development within the village. However, the policy states that new open market housing will be subject to occupancy restrictions and does not make any exception for windfall dwellings and therefore I am satisfied that it is relevant to the consideration of this appeal. I have removed the suggested text related to second homes and holiday letting accommodation, as this type of occupation would not meet the definition of Principal Residence as set out within the policy and is therefore unnecessary.

Conclusion

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

G Pannell

INSPECTOR

¹ Principal Residences are defined in Policy RNP4 of the RNP as those occupied as the residents' sole or main residence, where the residents spend the majority of their time when not working away from home