



Appeal Decision

Site visit made on 29 March 2022

by JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 May 2022

Appeal Ref: APP/F3545/W/21/3279483

Land north of Common Road, Hopton IP22 2QU

- 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 Ms Linda Hawes against the decision of West Suffolk Council.
 - The application Ref DC/21/1059/OUT, dated 28 April 2021, was refused by notice dated 9 July 2021.
 - The development proposed is 2 self-build dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. This is an outline proposal, reserving all matters apart from access and layout for later consideration. Therefore, I have treated the plans as being illustrative but informative insofar as they concern appearance, landscaping and scale.

Main Issues

3. The main issues are
 - a) whether the development accords with the spatial strategy, and its impact on the character and appearance of the area;
 - b) if development plan conflict would result from the above, whether material considerations exist to indicate a decision should be made otherwise than in accordance with the development plan.

Reasons

The spatial strategy & the effect on character and appearance

4. This length of Common Road is lined on both sides by a number of houses and bungalows, which collectively form a small, cohesive cluster that sits near to but separate from the village of Hopton. The appeal site is behind the row of houses on one side of the road, and is accessed by a drive running between 2 of these dwellings. An Established Use Certificate was granted in 1987 to confirm the site's use for the storage of builder's materials and equipment. Now it is generally covered by vegetation, but there are some small piles of builder's material and some mounds of earth and hardcore, as well as a concrete apron in front of a dilapidated low shed.
5. This is the third appeal on the site, with an appeal for 4 dwellings being dismissed in 2019 and in 2021 a second appeal for 2 houses was dismissed (the 2021 decision).

6. In the *St Edmundsbury Core Strategy* (2010), Policies CS1 and CS4 require regard to be given to a hierarchy of settlements to ensure sustainable development and protect the natural environment. Core Strategy Policy CS13 states that outside defined settlements development will be strictly controlled to safeguard the countryside amongst other things. Policy DM5 in the *Joint Development Management Policies Document* (2015) (the DMPD) says areas designated as countryside will be protected from unsustainable development. It then gives a number of instances where new buildings in such areas will be accepted. One of these instances is if there is compliance with DMPD Policy DM27, which states that houses in the countryside will be permitted where they are within a closely knit cluster of 10 or more dwellings fronting a highway and they are infilling a small plot in a continuous built-up frontage with a single dwelling or semi-detached pair. Core Strategy Policy CS3 and Policies DM2 and DM22 in the DMPD then, together, broadly seek to ensure development respects the local distinctiveness of the area. Insofar as they concern this appeal, I have no grounds to consider these policies are inconsistent with the general thrust of the *National Planning Policy Framework* (the Framework). Although Policy RV3 in *Rural Vision 2031* says housing will be permitted in settlement boundaries, the upper-case policy itself is silent on the acceptability of housing outside of those boundaries.
7. While not isolated, the site is outside the defined settlement of Hopton in the designated countryside. It does not comprise one of the accepted instances where the spatial strategy says new buildings are permissible in such areas.
8. Furthermore, when travelling from Hopton and just before reaching the cluster of houses, the scheme would be clearly visible from Common Road. It could also be seen from the surrounding countryside, and from the adjacent dwellings. In those views it would be apparent as 2 houses set behind what is otherwise a strong pattern of properties lining the road, and to allow adequate interface distances, the separation would be quite pronounced and distinct.
9. As a result, the development would not respect the linear nature of housing here, being sufficiently separate to mean it would not be 'within' the cluster or an extension to it. It would not be adjacent to a road and would not be in a built-up frontage, while it is for 2 detached dwellings rather than a single one or a semi-detached pair. By extending this cluster rearwards, I find as well that it would replace the current openness of the site and the views of the landscaping around with a greater built form, so undermining the rural context of the cluster and causing significant harm to the character and appearance of the countryside. Accordingly, it would not comply with the policies cited above.
10. In the Framework great weight is to be given to the benefits of using suitable brownfield land within settlements for windfall development. This guidance could be applied to a cluster of buildings such as this that, without a defined development plan boundary, could be described as a settlement on the ground. Even with that interpretation though for the reasons outlined I consider the scheme before me would not be 'within' the settlement. As such, this guidance in the Framework cannot be determinative in this instance.
11. The existing building on the site is much smaller and lower than the houses before me. Furthermore, whatever its original purpose, its scale and materials mean it has the appearance of a small stable, shelter or store, similar to many that are found dotted across the countryside and so is not a discordant element, even in its current condition. As such, I do not see this as an intrusion into the rural landscape and so its presence and any benefits from its removal do not lead me to a different view on this case. I have also noted the condition of the land, but the

low-level vegetation on the site now is not unsightly or harmful in the wider context.

12. The appellant has said the use subject of the Established Use Certificate would resume and an associated covered store would be built if this appeal was dismissed. However, assuming there could be a resumption of that use after so long (which is questioned by the Council), there is little to show the likelihood of that occurring, and, if it did, there is nothing to indicate its intensity or its visual implications. Similarly, I am unaware as to the size or design of any covered store the appellant would seek to build, and it could well require planning permission from the Local Planning Authority. As a result, this possibility does not outweigh the harm I have identified.

Accordingly, I conclude the development is conflicts with the spatial strategy and would significantly detract from the character and appearance of the area. As such, it would conflict with Core Strategy Policies CS1, CS3, CS4 and CS13, and DMPD Policies DM2, DM5, DM7 and DM22.

Other matters

13. Hopton, as a defined Local Service Centre, has a few services and facilities and is relatively close to the site, linked by a pavement running along Common Road. Therefore, I share the view in the 2 previous decisions that the site has a reasonable access to services by means other than the private car, and so there would not be undue reliance on the use of private motorised transport.
14. The width of the access and the visibility at the Common Road junction would be satisfactory to serve this development. Whilst the view from the neighbouring dwellings would change, the scheme would not unreasonably harm the privacy, outlook or light levels currently enjoyed by their residents.

Other Considerations

15. Section 38(6) of the *Planning and Compulsory Purchase Act 2004* (the 2004 Act) says development should be in accordance with the development plan unless material considerations indicate otherwise.
16. The Council states it has a housing land supply of 5.4 years. Assuming this to be correct, then the relevant policies directing housing growth are not out-of-date because of insufficient housing land supply. Therefore, this reason does not engage the presumption that planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits (the so called 'tilted balance' found in paragraph 11(d) of the Framework). The appellant has contended that the Council's surplus is marginal but that has no direct bearing on the engagement of paragraph 11(d). I acknowledge that a 5-year provision is a minimum and not a maximum, and I recognize the Government's desire to boost the supply of housing and the role of small and medium sized sites in achieving this. However, I see no reason why those points are sufficient to outweigh the harm and the development plan conflict I have identified above.
17. The robustness of the Council's housing land supply figure has been questioned by the appellant for various reasons, including how the data has been gathered and collated, and the absence of any independent scrutiny. She was therefore of the view there was a shortfall. Little outlining the precise implications of this has been presented, but she stated that this alleged shortfall means the 'titled balance' of Framework paragraph 11(d) should be applied. Even if the appellant was correct in this regard with a moderate shortfall existing, while I attach great weight to the provision of housing, the fact the scheme would bring forward only 2 units limits

the extent of this benefit. Consequently, I find that in such a situation the harm identified significantly and demonstrably outweighs the benefit that the scheme would deliver in this regard.

18. It was contended by the appellant that the Council has no relevant development plan policies relating to self-build housing and so she claimed that on this basis the 'tilted balance' in paragraph 11(d) of the Framework is engaged. The 2 previous decisions do not appear to have come to the same finding on this matter. Mindful of this, and although I am unaware of the precise evidence submitted in connection with either appeal, I nonetheless share the reasoning expressed on this point in paragraphs 17-19 of the more recent, 2021 decision. On that basis I consider the absence of specific policies does not amount to a shortfall in policy provision.
19. The appellant also stated there was an acute need for self-build houses with 173 applicants on the self-build register, 7 of which indicated a preference for Hopton. I recognise the obligation to give suitable planning permissions to meet demand in the District. I also accept that the scheme would relieve any demand to some degree and so provide some social benefit. As such, I attach great weight to this matter. However, my concerns about the adverse effect on the countryside discussed above are still applicable. In any event, there is no effective mechanism before me to ensure these self-build houses would be constructed in that manner. Therefore, even if the 'tilted balance' was to be applied by reason of it being self-build housing and the value of such accommodation recognised, I am unable to find the benefit of intending to provide self-build housing here outweighs the development plan conflict and the harm identified.
20. Any economic benefits resulting from the construction and the subsequent occupation of 2 houses would be slight, and the weight afforded to environmental gains is not significant as those gains, of themselves, would be limited. I recognise too the intention to maximise the reuse of brownfield land in Core Strategy Policy CS1, but the weight I afford that does not overcome my concerns above.
21. Accordingly in the light of the above, and having regard to section 38(6) of the 2004 Act, I am aware of no material considerations, even if those listed above are taken together and a shortfall in housing land supply assumed, that indicate the decision should be otherwise than in accordance with the development plan.

Conclusion

22. Accordingly, I conclude the appeal should be dismissed.

JP Sargent

INSPECTOR