

Appeal Decision

Site visit made on 17 May 2022

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 June 2022

Appeal Ref: APP/X3540/W/21/3287950

Land North East of The Mount, Church Lane, Westerfield IP6 9BE

- 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 Andrew Banks and Stuart Whinney against the decision of East Suffolk Council.
 - The application Ref DC/21/3336/OUT, dated 13 July 2021, was refused by notice dated 20 October 2021.
 - The development proposed was originally described as the erection of 1 no. detached dwelling with detached garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was made in outline with all matters reserved. As such, I have regarded all elements of the drawing submitted as indicative.
3. Following the payment of a financial contribution to the Suffolk Recreational Avoidance Mitigation Strategy (RAMS), the Council has withdrawn its second reason for refusal. I will return to this matter in the Other Matters section of my decision.

Main Issue

4. Accordingly, the main issue is whether the site represents an appropriate location for the proposed dwelling, having particular regard to the housing strategy for the area.

Reasons

5. In East Suffolk Council, growth can take place in accordance with the settlement hierarchy set out in Policy SCLP3.2 of the Council's Suffolk Coastal Local Plan (2020) (LP). Westerfield is identified as a small village where the LP permits housing on new housing allocations, development within settlement boundaries and as exception sites beyond the boundary subject to Policy SCLP5.11.
6. The appeal site is an area of open land adjacent to a private drive associated with five recently built dwellings. The proposal would be adjacent to, but outside of, the settlement boundary of Westerfield as defined by the LP. This means that the site is treated as countryside for the purposes of applying relevant development plan policy, even though the term "countryside" is not a particularly apt descriptor of the sites characteristics given the low-density housing along the private drive and other houses along Church Lane.

Nonetheless, the proposal would not accord with any of the specific criteria in Policy SCLP5.3 where outside of the defined settlement boundaries new residential development is permitted in the countryside. Nor would it accord with Policies SCLP5.2, SCLP5.4 or SCLP5.7 which establish other examples where housing is permitted in the LP area.

7. The LP has only recently been adopted in 2020, and so the appropriateness of the village's boundaries has only recently been considered. As such, their location is not a matter before me in this appeal. Moreover, there is no substantive evidence of a specific housing need in the village that would be served by the proposal. Nonetheless, there would be some broad support from paragraph 79 of the National Planning Policy Framework (2021) (the Framework) in terms of the benefits to the vitality of the community.
8. However, the above-mentioned policies of the LP accord with the guidance in the Framework and identify opportunities for rural villages to grow and thrive. Thus, the most important policies are not out-of-date. Moreover, there is no dispute whether the Council can currently demonstrate a 5-year supply of housing. As such, the so called 'tilted balance' is not engaged in this case.
9. Drawing all the above together, the proposal would not accord with the plan led strategy for housing and growth of the LP and there are no identified policies that would expressly permit housing in this location. The appeal site does not, therefore, represent an appropriate location for the proposed dwelling, having particular regard to the housing strategy for the area. The proposal would therefore conflict with the requirements of Policies SCLP5.2, SCLP5.3, SCLP5.4 and SCLP5.7 of the LP and the Framework in this regard.

Other Matters

10. My attention has been drawn to appeal decisions around the settlement. Although each site has its own characteristics, Westerfield has seen growth beyond its settlement boundaries. The appeal (3167309) for five houses, that share the same private drive as the appeal site before me, was determined at a time when the Council did not have a five-year housing supply and prior to the adoption of the current LP. As such, the circumstances that applied in that appeal are not directly comparable to the proposal before me.
11. The appeal (3244496) was for two dwellings on land located to the east of Nos 5 and 6 St Marys Way (Nos 5 and 6). This was allowed after the adoption of the LP. From the evidence before me, the site formed part of the garden of No 5 and, although outside the settlement boundary, it formed part of an indent of the boundary between the rear of No 5 and the five-dwelling scheme (3167309). In contrast, the appeal proposal would encroach beyond the settlement boundary to the south and east. Here, the greater distance and change in topography to the next nearest buildings distinguish the proposal before me from the scheme adjacent to Nos 5 and 6.
12. From the evidence before me, the houses to the south of Church Lane (DC/13/2673/FUL) were approved prior to the adoption of the LP, as they lie within the existing settlement boundaries. As such, the circumstances that applied in that case are not directly comparable to the proposal before me.
13. Notwithstanding the above, other Inspectors have accepted that Westerfield can accommodate a small level of growth and I do not disagree with these

findings. There are a small number of facilities in the village, commensurate with its status as a small village in the LP. Moreover, the appeal site would have a similar relationship to the settlement's facilities as the other above-mentioned sites. Having a similar relationship to such facilities as other schemes is, in itself, not a benefit. Nonetheless, as a single dwelling there would be some limited economic and social benefits from future occupiers of the house. Moreover, it would contribute to maintaining the Council's housing supply and make an effective use of a vacant parcel of land.

14. It is put to me that the proposal would round off the settlement boundaries and whilst this is true, it would also erode an open area of land. As such, a dwelling in this location would not appear out of place but there would also be no improvement to the character and appearance of the area either.
15. The absence of harm in relation to the character and appearance of the area and other considerations including, amongst other things, the living conditions of occupiers of neighbouring properties and highway safety are neutral matters that weigh neither for nor against the proposal.
16. Collectively the benefits of the proposal as a single dwelling weigh in favour of the scheme but to a limited degree given the nature and extent of benefits. However, paragraph 15 of the Framework reminds decision-makers that the planning system should be genuinely plan-led; this reflects the primacy of the development plan set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004. To allow development contrary to their provisions would undermine and dilute the plan-led system and the future pattern of development in East Suffolk Council.
17. The appeal site lies within the 13km zone of influence of the Stour and Orwell Estuaries and Deben Estuary Special Protection Areas and Ramsar sites (the European Sites). As such, there is a need to ensure that new residential development and any associated recreational disturbance impacts on designated sites are compliant with the Habitat Regulations¹. As the competent decision-making authority, if I had been minded to allow the appeal it would have been necessary for me to complete an Appropriate Assessment for this scheme. However, as I am dismissing the appeal for other reasons, I have not taken the matter further.

Conclusion

18. The proposal would not accord with the Council's plan led strategy for housing and growth and would conflict with the development plan when read as a whole. A net gain of a single dwelling would have limited benefits. As such, even taking into account previous growth nearby, I find there to be no material considerations, that would indicate that the appeal decision should be taken other than in accordance with the development plan.
19. For the reasons given above, the appeal is dismissed.

Mr R Walker

INSPECTOR

¹ The Conservation of Habitats and Species Regulations 2017 (The Habitats Regulations)