



Appeal Decision

Site visit made on 27 May 2022

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 27TH June 2022

Appeal Ref: APP/X3540/W/21/3286490

White Willow Barn, The Street, St James, South Earlham, IP19 0HN

- 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 David Shearing against the decision of East Suffolk Council.
 - The application Ref. DC/21/3964/OUT dated 29 July 2021, was refused by notice dated 15 October 2021.
 - The development proposed is demolition of a redundant building and erection of a sustainable four bedroom single story dwelling.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The description of the proposed development given in the documentation accompanying this appeal is "demolition of a redundant building and erection of a sustainable four bedroom single story dwelling in its place for use by the applicant. Access to the site will be via the existing private drive owned by the property". Although this description was accepted by the council, I consider that it is not entirely apt. Clearly the operational development proposed is demolition of a redundant building and erection of a sustainable four bedroom single story dwelling, but the intended occupier is of no consequence unless there are particular personal reasons for a restriction, and that would need to be dealt with by a condition or a legal agreement. As far as the access is concerned, it is existing and is shown on the application plans. I therefore consider the appropriate description of the development is as I have set out in the heading above.
3. The application was made in outline with all matters reserved for later consideration, although, as mentioned above, the applicant's description of the development included the reference to access via the existing private drive. This appears to be the only practical form of vehicular access available, and no concerns have been raised by the local planning authority or the highway authority. Since the application was in outline with all matters reserved, I have taken the appellant's description and the access track within the red line of the application site as being indicative of what is intended.

Main Issue

4. The main issue in this case is the suitability of the site's location for residential development.

Reasons

5. The site is accessed off The Street in St James by way of an private access way some 130m or so long. St James is a small settlement that has no defined settlement boundary. The main part of the settlement is strung out along The Street with significant gaps between clusters and, just to the west of the site, housing development only on the north side of the road. The Street winds across open countryside, with the nearest defined settlements being Rumburgh and Metfield, each about 2 miles away in opposite directions.
6. The relevant Policies of the East Suffolk Council - Waveney District Local Plan (adopted 20 March 2019) are: WLP1.1 - Scale and Location of Growth, WLP1.2 - Settlement Boundaries, WLP7.1 - Rural settlement Hierarchy and Housing Growth, WLP8.7 - Small Scale residential Development in the Countryside, WLP8.29 - Design, WLP8.35 - Landscape Character. Of these I consider that Policy WLP8.7 is the most relevant to this proposal.
7. The first part of this policy states: *"Small scale residential development in the Countryside of up to three dwellings will be permitted where: the site constitutes a clearly identifiable gap within a built up area of a settlement within the Countryside; there are existing residential properties on two sides of the site; and the development does not extend further into the undeveloped Countryside than the existing extent of the built up area surrounding the site"*.
8. I do not consider that any of these 3 criteria are met. The site is not within an identifiable gap within the built-up area of a settlement, since the site is at the end of a long track which emerges at the road within a small gap that could not accommodate a dwelling. Whilst there are existing residences on each side of the access track, there are not houses on each side of the site which is well back from the road and surrounded by open countryside. The development would also extend further into the undeveloped countryside than the existing extent of the built-up area. As for the second part of the policy, permitting up to 5 dwellings, the requirements of this part are not met, if only because the site is not truly adjacent to the built-up area. I also note that St James Parish Meeting did not support the appeal proposal, which is a requirement of this part of the policy. Since the first 2 parts of the policy are not met, the third does not come into play.
9. The nearby 2 small settlements, found in opposite directions, offer only very rudimentary facilities, whilst the towns of Halesworth, Bungay and Harleston are too far to be considered as accessible by cycle to any realistic extent, so that the private car would be the most likely mode of transport for everyday living such as access to shops, schools, health care, etc. Thus the development cannot be regarded as sustainable.
10. It is the case that the site comes within the definition of brownfield land (previously developed land) and the development of brownfield is encouraged by paragraph 85 of the National Planning Policy Framework (the Framework) 2021. The development of small and windfall sites is also mentioned in paragraph 69 of the Framework as capable of making an important contribution

to meeting housing need as they can often be built out relatively quickly. However, the characteristics of the appeal site are such that the conflict with the development plan would not be outweighed. In addition, the council has shown that it can demonstrate a 5.74-year supply of housing land (as at October 2021) and this has not been challenged by convincing argument.

11. I have taken account of all other matters raised, including other elements of the Framework mentioned, and the fact that the proposed development is intended to be the appellant's family home. However, the development of the proposed dwelling would clearly be contrary to planning policy and the limited public benefits, and the private benefit that the scheme would bring, do not outweigh these considerations. I will therefore dismiss the appeal.

Terrence Kemmann-Lane

INSPECTOR