

Appeal Decision

Site visit made on 28 June 2022

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 August 2022

Appeal Ref: APP/W3520/W/21/3286716

Cousins Barn, Clay Lane, Stoke Ash IP23 7DZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Hephzibah Rendle-Short against the decision of Mid Suffolk District Council.
 - The application Ref DC/21/04038, dated 15 July 2021, was refused by notice dated 14 September 2021.
 - The development proposed is the demolition of a small existing structure and the erection of a single storey two bedroom dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted a Landscape and Visual Impact Assessment (LVIA) which did not form part of the application that was considered by the Council. The Council has commented on this, and I have taken the LVIA into account when reaching my decision.

Main Issues

3. The main issues are:
 - the principle of a new dwelling in this location with respect to the Development Strategy within the Mid Suffolk District Core Strategy Development Plan Document (MSCS, adopted September 2008); and
 - the effect on the character and appearance of the area.

Reasons

Principle of development

4. The appeal site is in the open countryside as set out in paragraph 2.36 of the MSCS. MSCS Policy CS1 provides a settlement hierarchy with the majority of development being directed to towns and key service centres as well as some provision for local needs housing in primary and secondary villages.
5. MSCS Policy CS2 allows some specified types of development within the countryside and villages within the countryside. The appeal proposal does not involve those types of development. It proposes a new open-market dwelling.

6. In relation to the first main issue, the principle of a new dwelling in this location would not comply with the Development Strategy of the MSCS, specifically Policies CS1 and CS2.

Character and appearance

7. The appeal site is a roughly triangular shaped area of land with planted boundaries. Access is via a hardstanding and gates. There is a modest existing barn on the site, which otherwise is largely grassed over. There are other domestic and commercial properties in proximity to the site and a dispersed pattern of development in the surrounding area. The LVIA describes the site as being of a "small scale intimate character" meaning that it "is not visually prominent in the wider landscape" which I consider to be an accurate assessment.
8. The appeal proposal is for a substantial, contemporary single storey dwelling with a roof terrace and solar panels. It incorporates a steeply pitched roof and materials which are similar to buildings I observed in the surrounding area. The overall modern appearance and form, while different from anything I observed in the vicinity, would complement some of those other buildings.
9. The LVIA acknowledges that the building of a house in this location would result in a small change to the local landscape character. I accept that subject to the protection of landscape features this may have a limited impact, mainly on the immediate area. However, the substantial building when seen from the local area such as through the access to the site from Clay Lane along with vehicles and other domestic items would have a significant, urbanising effect. This would result in a marked change in the character of the site from one with a modest building in keeping with its rural surroundings to a substantial dwelling with a more urbanised character. This would not be characteristic of its setting and would detract from the rural character of the surrounding area.
10. In relation to this main issue, the proposal would not maintain the modest, rural character of the site contrary to Mid Suffolk Local Plan September 1998 (MSLP) Policies GP1 and H15, the aims of which I have referred to above.

Other Matters

11. It is put to me and is not in dispute between the main parties that the policies in the development plan most important for determining the appeal are out of date. The acceptance of this point has meant that there have been limited submissions on this matter. If the most important policies for determining the appeal are out of date, paragraph 11d of the National Planning Policy Framework (the Framework) advises that in such circumstances, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
12. There is no dispute in this case that the Council can demonstrate in excess of 5 years supply of housing which is one of the ways in which the Framework defines that plan policies can be considered out of date. The Council's view about consistency with the Framework as expressed in their officer's report however relates to the absence of a balanced approach as favoured by the Framework.

13. Paragraph 79 of the Framework says that in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Policies should identify opportunities for villages to grow and thrive especially where this will support local services. The main policies for the location of housing as drawn to my attention in this case are MSCS Policies CS1 and CS2. Policy CS1 in itself provides a hierarchy of settlements and defines the rest of the district as countryside although allows for, amongst other things other development that supports the rural economy, meets affordable housing and community needs. This at least is consistent with paragraph 79 of the Framework. Policy CS2 provides a list of developments that will be accepted although it is not a closed list and requires consideration of other policies. In the event that these policies together are considered inconsistent with the Framework, they do not encourage housing away from settlements such as in this case, which is consistent with the Framework. I consider that they should be given substantial weight.
14. Although this site is not isolated for the purposes of NPPF paragraph 80 due to the presence of the small cluster of properties on Clay Lane, it is not well located to enhance or maintain the vitality of a rural community or to support local services as it is removed from any settlement. It therefore would not achieve the aims of paragraph 79 of the NPPF.
15. MSLP Policies GP1 and H15 support high quality design and in this respect do not appear to be inconsistent with the Framework and thus can be given substantial weight.
16. There is an extant planning permission for the conversion and extension of the existing barn to residential use. Both parties agree that this represents a realistic fallback position that is likely to be implemented if this appeal is dismissed. and I have no reason to disagree. That conversion as I understand it was however considered acceptable with respect to other policies within the development plan which are not of relevance here. There is a difference between a proposal for a conversion and a proposal for a new, much larger dwelling positioned closer to Clay Lane. I recognise that some visual impacts upon the character and appearance of the site would be similar, as would some effects on travel patterns. However, a larger dwelling with a larger number of occupants in this location would be more visually noticeable and would potentially create further demand for travel in a location where I have limited evidence about any genuine choice of transport modes being available, as advised by paragraph 105 of the Framework. I do however attribute moderate weight to the presence of the alternative scheme for the site.
17. There is a benefit from the provision of an additional dwelling which could offer single level living and I attach limited weight to this. It is acknowledged there would be economic benefits arising from the construction of the dwelling and I also attach limited weight to this.
18. The proposal would incorporate low carbon energy generation and other aspects that the appellant refers to as being part of a sustainable development. However, I am considering sustainability in the terms set out in paragraph 11 of the Framework. These matters would possibly help to limit the impacts of the dwelling rather than providing positive benefits and are therefore neutral factors within the overall planning balance.

Planning Balance

19. Planning decisions should be taken in accordance with the development plan unless material considerations indicate otherwise. I have concluded that the appeal proposal would be contrary to the development plan when read as a whole.
20. Even if the most important policies for determining the appeal can be considered as being out of date, the adverse impacts I have identified significantly and demonstrably outweigh the limited benefits of the appeal proposal when assessed against the policies in the NPPF taken as a whole.

Conclusion

21. For the reasons given, the appeal would conflict with the development plan. The appeal is therefore dismissed.

J Downs

INSPECTOR