



Appeal Decision

Site visit made on 24 January 2023

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 23 February 2023

Appeal Ref: APP/X3540/W/22/3303790

Land And Buildings West Of Playford Lane (Adjacent The Stables And 6 Playford Lane), Playford Lane, Rushmere St Andrew IP5 1DW

- 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 Mr Hines against the decision of East Suffolk Council.
 - The application Ref DC/21/3082/FUL, dated 25 June 2021, was refused by notice dated 9 May 2022.
 - The development proposed is erection of single storey dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my site visit there was no-one to meet me at the appeal site (the site) and I could find no obvious means of entering the site. However, I was able to view the site and surroundings from the public highway and, from my observations on site, I am satisfied that I have the information required to proceed in determining the appeal.
3. Since the Council's decision on the Planning Application it has adopted the Housing in Clusters and Small Scale Residential Development in the Countryside Supplementary Planning Document 2022- (the SPD). Both parties have had the opportunity to comment on the implications of the SPD. I have determined this appeal having taken the SPD into account.
4. The appellant has made a payment to the Council in an agreement under Section 111 of the Local Government Act 1972 and in accordance with the Suffolk Recreational Disturbance Avoidance and Mitigation Strategy (Suffolk RAMS) Supplementary Planning Document (2020). The Council have confirmed receipt. Although this issue is not in dispute between the parties, it is a matter that I will return to later in my decision.

Main Issue

5. The main issue in this appeal is whether the site is a suitable location for the proposed dwelling having regard to development plan and national planning policies.

Reasons

6. The site is an open paddock fronting Playford Lane. Playford Lane is a narrow single carriageway road with passing places and street lighting. The site lies between an existing dwelling, 6 Playford Lane (No 6) and stables. Beyond the

stables, along Playford Lane lie allotments and increasingly sporadic development. Further allotments lie to the rear of the site. Across Playford Lane from the site lie short terraces of bungalows and two storey semi-detached dwellings.

7. Policy SCLP3.2 of the Suffolk Coastal Local Plan -2020- (the Local Plan) sets out the Council's Spatial Strategy. It is broadly consistent with the aims of the Framework of promoting sustainable development in rural areas by requiring housing to be located where it will enhance or maintain the vitality of rural communities as set out in Paragraph 79 of the National Planning Policy Framework (the Framework). Rushmere St Andrew is identified within Policy SCLP3.2 as a Small Village where the provision of new dwellings is supported as part of housing allocations within the Local Plan or as small groups of new housing and infill within settlement boundaries as set out in Table 3.4 of the Local Plan.
8. There is no dispute between the parties that the site lies outside, but adjacent to, the settlement boundary of Rushmere St Andrew and is defined as countryside by Policy SCLP3.3 of the Local Plan. It is therefore in the countryside for planning purposes where development will only be permitted subject to the exceptions set out in the Council's countryside policies.
9. Policy SCLP5.3 of the Local Plan limits residential development in the countryside outside of the defined settlement boundaries. Within the bounds of Policy SCLP5.3 limited development outside the defined settlement boundaries can be acceptable within existing 'clusters', in accordance with Policy SCLP5.4.
10. Where there is a 'cluster' of five or more dwellings in the countryside, Policy SCLP5.4 supports proposals for a new dwelling within 'clusters' in the countryside will be supported where the development consists of infilling within a continuous built up frontage, is in a clearly identifiable gap within an existing 'cluster', or is otherwise located adjacent to existing development on two sides; the development does not represent an extension of the built up area into the surrounding countryside beyond the existing extent of the built up area surrounding, or adjacent to, the site; and it would not cause undue harm to the character and appearance of the 'cluster' or, result in any harmful visual intrusion into the surrounding landscape.
11. The Local Plan explains that a 'cluster' in the context of this policy consists of a continuous line of existing dwellings or a close group of existing dwellings adjacent to an existing highway and contains five or more dwellings.
12. Whilst the proposed dwelling lies adjacent to, but outside of, the settlement boundary the adjacent dwellings lie within the settlement boundary. There is a substantial gap between the site and Jusalda, the closest dwelling outside of the settlement boundary. The proposed dwelling would not, therefore form part of, or infill a gap in, a 'cluster' as set out within the Local Plan.
13. No 6 and the dwellings opposite across Playford Lane visually identify the limits of the built-up area of Rushmere St Andrew, contained within strong boundaries formed by the roadway, fencing and hedges. Whilst the adjacent stables are a built form lying outside the settlement boundary, these have a rural aspect and function. The appeal site sits clearly outside of the urban form of the village and in the countryside and there is a clear division between the

two. Being undeveloped and verdant in appearance the appeal site reads as part of the countryside.

14. The proposal would introduce a dwelling into the site and create a new access off Playford Lane. The composition of the development would result in an urban form, incorporating an access, areas for parking and other residential paraphernalia associated with occupancy in addition to the building itself. This would be in harmful contrast with the rural character of the site and its immediate environs.
15. The appellant has drawn my attention to an appeal decision¹ in which the Inspector dismissed the appeal, having found that the proposed development would “represent the extension of a built up area into the countryside beyond the existing extent of the built up area surrounding the site”. As will be seen above I have come to a similar conclusion on the proposal before me, in as much as I have found that the proposal would extend urban form into the countryside.
16. The appellant has drawn my attention to the SPD, which provides further clarification on the incorporation of development into ‘clusters’. Whilst the configuration of the site is comparable to that shown as acceptable for development within a ‘cluster’, both parties agree that the site is not within a cluster and I have come to the same conclusion.
17. The proposal would not, therefore comply with the requirements of Policy SCLP5.3 of the Local Plan and would not benefit from the exceptions granted under that policy for development within ‘clusters’ outside of development boundaries.
18. I therefore conclude that the site is not a suitable location for a dwelling, with particular regard to local policy for the provision of housing. The proposal would, therefore, be contrary to Policies SCLP3.1, SCLP3.2, SCLP3.3, SCLP5.3 and SCLP5.4 of the Local Plan in as much as these seek to meet the scale of development required whilst protecting and enhancing the quality of the natural environment across the District and sustaining the vitality of communities.

Other Matters

19. The Framework does not impose a blanket restriction on development outside defined settlements, nor does it explicitly prevent the use of such boundaries. The appeal site is located in close proximity to an existing settlement and is not isolated and so the countryside location does not conflict with paragraph 80 of the Framework. Paragraph 79 of the Framework states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and that planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.
20. The Framework recognises that rural housing development in smaller settlements can enhance or maintain the vitality of rural communities. The appeal site lies adjacent to a settlement with some basic services, identified as being suitable for limited housing growth. Thus the proposal would contribute to the vitality of the village and this weighs in favour of the proposal.

¹ Pins Ref APP/X3540/W/20/3249337

21. However, the Framework also recognises, in Paragraphs 130 and 174, the importance of being sympathetic to local character, including landscape setting, and of recognising the intrinsic character and beauty of the countryside. The Framework seeks to balance these aims with housing growth.
22. The development would provide benefits in terms of delivering an additional home to boost local housing supply. Whilst the Council is able to demonstrate in excess of a five year supply of housing land, this is not a maximum figure and there is no evidence to suggest that a small development of one dwelling would result in a significant oversupply of housing in the area. The proposal is identified as a 'self-build'. The Framework recognises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly.
23. There would be minor benefits to the local economy in terms of short term employment in the construction industry and longer term support to shops and businesses.
24. The appellant has drawn my attention to two appeal decisions². These, however, relate to sites that are located some distance away, in other local planning authority areas. They do not inform the context of the appeal site that is before me and so I do not consider them to provide relative precedents to justify the proposed development before me. I have, in any case, determined this appeal on its own merits and I have given these appeal decisions neutral weight in my deliberations.
25. Had I been minded to allow the appeal, I would have needed to satisfy myself that the proposal would not, either singly or in combination with other development, adversely affect the integrity of European Sites. However, this could only have, at best, a neutral effect in my considerations and could not affect the outcome of this appeal and so I have not considered this matter further.
26. Given the scale of the development, the benefits of the proposal would be of limited weight overall. The proposal would undermine the spatial strategy set out in the development plan, and this would result in harm to the environment of the wider area. This is a significant factor weighing against the scheme that overall outweighs the benefits in this instance.
27. The appellant tells me that the proposal would provide specialist accommodation for his disabled child and access to the nearby Ipswich Hospital, including frequent emergency treatment, and riding facilities. He has drawn my attention to an appeal decision³.
28. However I have limited evidence before me regarding the child's condition or the nature or frequency of the emergencies, whether the location of the dwelling is essential to the provision of treatment or whether such treatment could be provided elsewhere. Similarly I have no evidence before me to demonstrate that access to riding for the child is essential for its wellbeing or treatment or that other provision to exercise could not be made without the development.

² PINS Refs APP/A2525/W/22/3290122 and APP/C1570/W/21/3268974`

³ PINS Ref APP/P0119/W/20/3259396`

29. With regard to the appeal decision, this relates to a modification of an existing property, rather than provision of a new dwelling. I therefore consider that the appeal does not provide a direct contextual comparison to the case before me and I have, therefore, given this matter limited weight.
30. Having regard to the best interests of the child and the legal duty to advance equality of opportunity, it has not been demonstrated to my satisfaction that these personal circumstances and the benefits provided to the child by the dwelling outweigh the harm associated with it and refusal of planning permission is, in this case, proportionate in regard to the balance of harm against benefits to the child.

Conclusion

31. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal fails.

I A Dyer

INSPECTOR