



Appeal Decisions

Site visit made on 14 February 2023

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 July 2023

Appeal A: APP/D3505/W/21/3287373

Land east of Assington Barns, The Street, Assington CO10 5LW

- 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 T. Thain against the decision of Babergh District Council.
 - The application Ref DC/21/00476, dated 21 January 2021, was refused by notice dated 21 May 2021.
 - The development proposed is described as 'Outline planning application with all matters reserved except access for the construction of 18 dwellings comprising 10 x three bed bungalows, 1 x four bed bungalows and 7 x one bed almshouse type units for older persons'.
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Appeal B: APP/D3505/W/21/3287380

Land to the east of The Barn, Assington Barns, The Street, Assington CO10 5LW

- 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 T. Thain against the decision of Babergh District Council.
 - The application Ref DC/21/00510, dated 21 January 2021, was refused by notice dated 21 May 2021.
 - The development proposed is described as 'Outline planning application with all matters reserved except access for the construction of 4 x two bed almshouse type units for older persons'.
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Decision

1. Appeals A and B are dismissed.

Applications for costs

2. Applications for costs were made by Mr T. Thain against both Babergh District Council and Suffolk County Council and in turn by Babergh District Council against Mr T. Thain. These are both subject of separate decisions.

Procedural Matters

3. The planning applications were submitted in outline with all matters reserved except for access. I have had regard to the application drawings and other documents, but have treated each element of it as indicative, apart from the point of access to the site and circulation routes shown, when considering the likely impact of the proposal on the matters set out in the main issues below.
4. The Council has confirmed that since the applications relevant to the appeals were determined, the Assington Neighbourhood Plan (ANP) was made on the 2nd March 2022. Appeal decisions must be based on the policies from the development plan prevailing at the time of determination and the ANP now

forms part of the development plan. The Decision Notice for Appeal A referred to Policy ASSN2 and Appeal B to Policy ASSN22, both of the draft version of the ANP. The former remains in place, but the latter does not exist. ANP Policy ASSN17 is now most relevant to the reasons for refusal referred to in Appeal B, which relates to community facilities. The appellant is aware of the ANP, including the policies referred to in the Council's Statements of Case (CSoC), and has also referred to its policies. Neither of the main parties would therefore be inconvenienced by my reference to the ANP.

5. The third reason for refusal on the Decision Notice relevant to Appeal A refers to the failure to demonstrate the development would not result in an increased risk of off-site flooding. In the CSoC it indicates that planning conditions are required to ensure surface water is dealt with properly. The Council has not explained whether it still chooses to defend that reason, but it offers no further comment on evidence provided by the Lead Local Flood Authority (LLFA), Suffolk County Council, to impose such conditions. My decision for Appeal A therefore centres on the remaining reasons on the Decision Notice.
6. The National Planning Policy Framework was revised on 20 July 2021 (the Framework). I have had regard to the Framework in my decision and I am satisfied that this has not prejudiced any party, particularly as the revisions do not alter the policies upon which this appeal turns.
7. Policy CS1 of the Council's Core Strategy¹ (CSP) refers to how the presumption in favour of sustainable development included in the Framework should be applied in Babergh. I have not found against the policy, as I conclude on if the proposals amount to sustainable development in the Planning Balance.

Main Issues

8. The main issues for Appeal A are whether the proposal would provide a suitable site for housing, having regard to the Council's Spatial Strategy, the local need for homes, the provision of affordable housing, and any effects on the character and appearance of the site and its surroundings, including to the Special Landscape Area.
9. The main issues for Appeal B are whether suitable living conditions would be provided for future occupiers of the proposed dwellings, with regard to external space and outlook; the effect of the proposal on the character and appearance of the site and its surroundings; whether the proposal would be at risk from surface water flooding or its development would increase such risks elsewhere; and whether the proposal would affect the provision of community facilities.

Reasons

Location, Local Need and Character (Appeal A only)

Policy Background

10. CSP Policy CS2 outlines the Council's Spatial Strategy to 2031 and sequentially directs development to the district's towns or urban areas and then to the Core Villages and Hinterland Villages, such as Assington. The policy only permits development outside of these villages, in the countryside, in exceptional circumstances, subject to a proven justifiable need. This is expanded upon in

¹ Babergh Local Plan 2011-2031 Core Strategy & Policies (Part 1 of New Babergh Local Plan) February 2014.

CSP Policy CS11 to be a proven local need, such as affordable housing or targeted market housing identified in an adopted community local plan or neighbourhood plan.

11. The ANP was made following the introduction of the current Framework and ANP Policy ASSN1 defines a Spatial Strategy for the village. It provides a settlement boundary for the main built-up area of the village and focuses development there. Development is permitted beyond the boundary in accordance with district and national policies, but also in circumstances where existing brownfield sites that create unacceptable impacts on the local environment, highway, and amenity of residents, are redeveloped for alternative uses, including residential. This is in circumstances where it can be demonstrated that public benefits outweigh the loss of the existing use.
12. ANP Policy ASSN2 outlines how housing growth would be met within the boundary of the village, including through existing planning permissions, allocations, and windfall sites. It also allows for the conversion of agricultural buildings into dwellings and housing for essential workers as described in the National Planning Practice Guidance, both beyond the settlement.
13. I am mindful the Framework advocates consideration of allowing some market housing on rural exception sites that will provide affordable housing to meet identified local needs if it would help to facilitate this. This approach is also endorsed by ANP Policy ASSN5. However, it is not argued the site would be a rural exception site and market housing would be the greater element therein.
14. I am referred to Policy SP03 of the emerging Babergh Mid Suffolk Joint Local Plan (JLP), Part 1 of which relies on the CSP settlement boundaries. However, the JLP is not at an advanced stage of preparation, so emerging policies do not have a significant bearing on my consideration of the merits of Appeal A, particularly as there may be unresolved objections to contend with. Therefore, whilst I have had regard to the policy, in accordance with the Framework, it has attracted very limited weight in my consideration of merits of the appeal.

Site and Surroundings

15. The appeal site is a rectangular parcel of relatively flat land to the east of the village, accessed through an existing development of houses immediately west. It is bound by a mix of hedgerow and trees, the greatest extent of which are to the east, on other land owned by the appellant, which provide a backdrop to the site. To the south are long rear gardens of houses in Barracks Road.
16. The grain of development in Assington is of loosely spaced houses set within mature landscaped plots, arranged with a frontage to the streets therein. There are instances of development in depth, most notably at the Vicary Estate and Meadow Way, the existing scheme homes west of the site, and at St Edmunds Close. The houses to the east of the latter were allowed on appeal and both developments do not extend further than the considerably older homes in the Vicary Estate. The village is set within an agricultural landscape comprising a varied pattern of open and undeveloped fields and orchards that abut development east and west of The Street, and those to the east fall within the Special Landscape Area (SLA).
17. Taken together these stated features, particularly the linear arrangement of housing, give rise to a clear and distinct, pattern of development. This makes a

significantly positive contribution to the rural landscape setting of the village, especially to the eastern edge which is included in the SLA, and therefore the character and appearance of the area. The site has potential to be occupied by a mix of static mobile homes, touring caravans and tents and other caravans for storage² and, at the time of my site visit, there were caravans either in use or being stored. Despite this, and its relationship to the existing development west, the site's presence within the SLA means it would be sensitive to change.

Location, Local Need and Affordable Housing

18. While the site is alongside existing houses to its west, it lies outside of the settlement boundary for Assington, the most recent iteration of which is within the ANP. It is therefore within the countryside, where a proven local need must be demonstrated.
19. The proposal is for eleven open market homes and seven almshouses for older persons. The Planning Practice Guidance (PPG) sets out that there is a critical need for housing for older people³. I have had regard to the information presented to me from the Assington Housing and Population Data Profile⁴, but it is unclear whether this is still representative of the breakdown of the population within the parish, particularly those of pensionable age living alone and may be under occupying their homes. Nevertheless, there is no evidence before me to dispute there are likely to be residents meeting this profile.
20. The proposed homes, including the almshouses, would be likely to meet the needs of older persons either seeking to downsize or reside in a property on one floor to maintain independence. However, the evidence base regarding demand for such housing is not informed by a current local housing need assessment, as one has not been undertaken by the Parish Council. Evidence relates to a 2016 Housing Needs Survey and 2018 questionnaire data undertaken prior to and as part of the ANP.
21. Policy HS34 of the Babergh Local Plan Alteration No 2 (2006) (LP) requires one and two-bedroom units to be provided on sites of 0.1Ha or greater in size, the magnitude of which is to be informed by housing needs surveys, location and other factors. I am mindful ANP Policy ASSN6 supports the provision of two- and three-bedroom homes and the appellant has suggested the schemes in Appeals A and B were designed together to provide a balance of dwelling types. However, the two and three-bedroom homes therein are not shared across the two sites but separated distinctly. By their very nature, and because different issues are identified by the Council for each appeal, they are therefore wholly separate, so cannot be relied upon together to meet this requirement. Similarly, circumstances leading to the concentration of ten units in a scheme in Tendring are likely to be informed by site specific and other local circumstances, along with the relevant policies of that development plan.
22. The Council's Housing Enabling Officer set out the types of homes that would be required to meet affordable housing need, which would be a greater mix of 1, 2 and 3-bed homes, as well as affordable rent and shared ownership provision. The appellant's Unilateral Undertaking proposes that all the 1-bed properties are used for affordable rent purposes and for persons over the age

² Planning Reference: B/15/01348.

³ Paragraph: 001 Reference ID: 63-001-20190626, Revision date: 26 June 2019.

⁴ September 2015.

of sixty. There is a clear need to boost supply of housing for older persons and any unmet need is likely to hinder older persons, potentially leading to needs being met by unsuitable accommodation or force residents to leave their place of residence for other locations. The proposal would provide affordable homes in a village where very little has been delivered, including in schemes that have recently been constructed, and there is high demand for one-bedroom homes across the district. Despite this, there is no substantive evidence before me regarding the proven local need for seven one-bedroom properties to be made available in Assington for affordable housing, especially given that the Council has only identified need for one such property.

23. Accordingly, the appeal scheme would not meet the expectations of the development plan, or the evidence bases I have been referred to for the proposed mix of homes and would conflict with the Spatial Strategy.

Character and Appearance

24. Although the submitted layout plan is only illustrative, together with the other application and appeal documents, it sufficiently demonstrates an acceptable scheme could not be devised at reserved matters for the magnitude of homes proposed. It indicates the proposal would likely be of significant proportions and prominence to the edge of Assington, arranged to a comparatively high density and spatially disparate from the historic grain of low density and linear frontage development generally predominant within the village. It would also project notably into the SLA, beyond The Street and the homes immediately west, as well as the other developments referred to above.
25. Although the dwellings are indicatively proposed as single-storey in height, they would likely be taller and more closely spaced than the development that could occupy the site through the extant planning permission. The proposal would also be a more prominent and enduring form of development that would be harmful to the character and appearance of the site and its surroundings, particularly the SLA.
26. There is some existing planting at the boundaries of the site, and this could be supplemented by landscaping at reserved matters to ensure it is integral to the intended layout and reflective of existing planting. However, this is unlikely to mitigate against the significant harm that would result from the visual effect of the physical presence of the proposal in the rural landscape. These effects would only be likely to be experienced within the immediate locality, including in views from gardens to the south and west, and from the access into the site. Nevertheless, for the reasons outlined above, the proposal would be likely to appear as a cramped form of development that would contrast with the spacious arrangement of other properties in the village, including those immediately west.
27. In light of the above, the proposal would be less likely to have an integrated effect and, therefore, stand out as a strident and intrusive permanent built incursion into the countryside that would have a significant and detrimental urbanising effect on the rural setting of Assington and, therefore, on the character and appearance of the area.
28. I do not find the exclusion of the appellants existing caravan site from the settlement boundary of Assington in the ANP to be determinative, as it is commonplace for caravan sites not to be sited within settlements. While ANP

Policy ASSN1 allows development of such previously developed site, it has not been suggested through the appeal that the existing caravan site is harmful to the local environment, and I consider that the proposal is likely to have a more harmful effect on its surroundings.

Conclusion on the First Main Issue

29. For the above reasons, I conclude that the proposal would not provide a suitable site for housing, having regard to the Council's Spatial Strategy, the local need for homes, and the provision of affordable housing. Moreover, it has not been satisfactorily demonstrated the affordable and market homes would meet proven local needs in respect of their mix, type and size. The proposal would also have a significantly detrimental effect on the character and appearance of the site and its surroundings, including the SLA. Accordingly, it would not accord with the aims regarding the location, need for and nature of housing, as expressed in CSP Policies CS18 and CS19, LP Policy HS34 and JLP Policy SP03; and the Council's Strategy for Development and design aims of CSP Policies CS11 and CS15, LP Policy CR04 and ANP Policy ASSN2, as well as Framework paragraphs 8 and 174.

Living Conditions (Appeal B only)

30. Although the submitted layout plan is only illustrative, together with the other application and appeal documents, it sufficiently demonstrates an acceptable scheme could not be devised at reserved matters for the magnitude of homes proposed. Moreover, in order to accommodate relocated parking for The Barn, it is likely the proposed dwellings would need to set back within the site and parking configured differently in their foreground. The proposed dwellings would therefore be situated adjacent to a large area of hardstanding and unrelated parking behind commercial buildings. The illustrative details also show the proposed garden spaces to be relatively small and constrained in the context of existing homes in the village, including those built to the east.
31. Parking usage may fluctuate for The Barn and adjacent businesses, but there is no substantive evidence before me to demonstrate existing parking in the site is seldom used, as claimed by the appellant, and would not be required as part of the proposal. Indeed, at the time of my visit there were several cars parked to the northwest and western edges of the site.
32. I do not dispute the argument made by the Inspector for the appeal at Maldon⁵ regarding the propensity for occupants of almshouses to spend more time indoors, but it does not go hand in hand that they would be unlikely to require reasonable-sized gardens for sitting out or for growing plants or vegetables. Additional landscaping within the parking area would also be unlikely to make a meaningful impact in reducing the harm likely experienced to the outlook of occupants of the properties. Similarly, the Inspector was also provided with evidence to demonstrate a drop-off in persons over the age of seventy years with driving licences. That being said, the appeal schemes are in different situations, Maldon being a busy town in its district and Assington a Hinterland Village of lower order. Even if I were to conclude there would be a limited need for parking for the dwellings, this would not obviate the need for other parking in connection with the adjacent businesses as set out above.

⁵ Appeal Reference: APP/X1545/W/20/3263644.

33. I am also referred to the scheme in Tendring mentioned in connection with Appeal A, but it is unclear how this would relate to this main issue for Appeal B.
34. For these reasons, I conclude that it is unlikely that suitable living conditions would be provided for future occupiers of the proposed dwellings, with regard to external space and outlook. Hence, the proposal would be contrary to the design aims of CSP Policies CS11 and CS15.
35. I am again referred to LP Policy HS34 but, in the context of Appeal B, it does not refer to acceptability or otherwise of smaller gardens, so it does not alter my conclusions in respect of this main issue.

Character and Appearance (Appeal B only)

36. The appeal site concerns a rectangular parcel of land to the north of The Barn, east of buildings situated at the frontage of The Street. The appearance and scale of residential properties in Assington is diverse, with a mix of one and two-storey dwellings finished in a broad materials palette. However, they are generally set within spacious plots, often marked by planting, and arranged with a frontage. Together, these features, make a significantly positive contribution to the character and appearance of the village, especially its grain of development.
37. Although the submitted layout plan is only illustrative, together with the other application and appeal documents, it is sufficient to provide evidence to demonstrate an acceptable development could not be devised at reserved matters for the magnitude of development proposed. It indicates that the proposal would be arranged in a terrace, to replicate the form of almshouses, with an area for parking and turning of vehicles to their frontage and small gardens at the rear. Given these factors and the confines of the site, it is likely the proposal would be conspicuous within its surroundings as a cramped form of development that would contrast with the spacious arrangement of other properties in the village, including those recently built to the east, from which it would be visible. Furthermore, for reasons outlined in the second main issue, the indicative parking for the proposed homes and existing commercial uses would be likely to visually dominate the forecourt of the dwellings, at the expense of the creation of a high-quality residential environment.
38. The proposed dwellings would replace existing portal frame buildings in the site, but these are low in profile and of a distinctly different form, appearance, and use. Despite the fact they would be unlikely to be visible from the open countryside beyond the village and would not harm the SLA, they would be a form of development that would contrast harmfully with the established grain of built form in the village. I therefore conclude that the proposal would be likely to have a significantly detrimental effect on the character and appearance of the site and its surroundings. Hence, it would conflict with the design aims of CSP Policies CS11 and CS15.

Flood Risk (Appeal B Only)

39. The site area of Appeal B is situated with Flood Zone 1 but Footnote 55 to the Framework states a site-specific flood risk assessment (FRA) should accompany all proposals involving land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use. The Council and the LLFA, have both highlighted concerns regarding the cumulative impact of

the proposal and known surface water drainage problems affecting The Street, a point detailed in the ANP. The site has most recently been in use for outdoor storage and a polytunnel in connection with the adjacent plant centre. With this and Annex 3 of the Framework in mind, the proposal would evidently be for a more vulnerable use.

40. I note that the evidence provided for the site east enabled details of drainage to be provided following reserved matters; and the LLFA has indicated surface water drainage can be agreed by conditions for Appeal A. However, in the case of Appeal B, the evidence before me clearly demonstrates an FRA would be reasonable and proportionate in response to the potential risks associated with development of the site.
41. With the above in mind, in the absence of any substantive evidence to dispute the risk associated with developing the site, the proposal would fail to prove the site would not be at risk from surface water flooding or its development would add to such risks elsewhere. In this context, it would not be appropriate to address such matters by condition. Hence, the proposal would conflict with CSP Policy CS15, ANP Policy ASSN14 and Framework paragraph 167.

Effect on Community Facilities (Appeal B only)

42. The site is allocated on the ANP Policies Map as a valued facility in the village centre in association with Assington Farm Shop. In plan terms, its development would result in some of the land identified being lost, but the majority of the site does not appear to be in active use in connection with the farm shop or other businesses adjacent.
43. The wording of ANP Policy ASSN17 refers to the loss of facilities, but not the future development or expansion thereof. In any event, there is no substantive evidence before me to suggest the proposal would be likely to have such an effect and the existing use would be protected through indicative proposals for current parking to be reconfigured and maintained. Moreover, in the context of CSP Policy CS11, it would not therefore compromise the delivery of permitted or identified schemes in the ANP. Accordingly, I conclude that the proposal would not affect the provision of community facilities in Assington and would not conflict with ANP Policy ASSN17 and CSP Policies CS11 and CS15.

Planning Balance

44. The development plan for the area comprises the LP and CSP, both of which predate the current Framework. However, this makes it clear that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework and due weight should be given to them according to their consistency with the Framework. For completeness, I have also considered the same exercise for the ANP.
45. Policy CS1 of the CSP only unnecessarily duplicates what was in paragraph 14 of the 2012 version of the Framework, so is deemed to be out-of-date. I have not found in relation to the policy but any conflict with it would be afforded limited weight. I address whether the proposal would amount to sustainable development below.
46. The blanket approach to the application of settlement boundaries, in isolation of other considerations, would not be wholly aligned with the more flexible and balanced approach implicit in the objectives of the Framework. Furthermore,

exceptional circumstances for development in the countryside beyond settlements, found in CSP Policies CS2 and CS11, are not wholly consistent with the Framework, which only applies to isolated development. Nevertheless, Policy CS2 is consistent with the Framework's aim to direct housing to locations where it is supported by local facilities and services through an established pattern of distribution; and Policies CS2 and CS11 respond to local circumstances as required by Framework paragraph 78. I have therefore regarded the underlying objectives of these policies, as being consistent with the current Framework, but I have afforded moderate weight to the conflict of the proposals with them given their approach to countryside development.

47. When ANP Policy ASSN2 is read in conjunction with ASSN1, it promotes a reasonable and proportionate way to manage sustainable growth of Assington, while protecting against harm to the surrounding landscape of the countryside. ANP Policy ASSN14 is also generally consistent with the aims of the Framework to avoid flood risk elsewhere. I therefore afford considerable weight to conflict with these policies.
48. CSP Policy CS15 and LP Policy CR04 are generally consistent with aims of the Framework to achieve well designed places and accessibility to services and facilities. LP Policy HS34 and CSP Policies CS18 and CS19 are also generally consistent with the Framework's aims to provide the different types of homes needed, including affordable housing. I therefore afford considerable weight to conflict with these policies. Finally, I have already stated in 'Procedural Matters' that any conflict with JLP Policy SP03 should be afforded limited weight

Benefits Associated with Appeal A

49. The Council can demonstrate more than five-years supply of deliverable housing land, but this does not represent a ceiling on the delivery of housing and the Framework supports the Government's objective to significantly boost the supply of homes. The proposal relates to a medium-sized site, including housing for older persons, which could be built out relatively quickly, these aspects are supported by the Framework and PPG. While it would add to the extent and mix of housing available within the district, the evidence before me does not satisfactorily demonstrate a genuine need in Assington for the proposed market and affordable homes. Moreover, despite previous limited opportunities to provide affordable housing and the anticipated delivery of seven such homes, I am not therefore able to afford the proposed affordable homes any more than limited weight, and the overall contribution of housing moderate weight, as social benefits of the scheme.
50. Some short-term economic benefits would also arise from, for example, employment and procurement of materials during the construction period, which would be afforded moderate weight. The proposal would be for eighteen dwellings in Assington, which would result in considerable economic and social benefits from future occupiers supporting local services and facilities.
51. Notwithstanding this, I ascribe negligible additional benefit to the proximity of the facilities and services in the village, including a public house, the complex of businesses at the adjacent Assington Barns, and the village hall and its outreach post office and playing field. I also afford similar weight to the ability of future residents to utilise the village bus services to access Colchester and Sudbury facilities, including rail and school services. I have attributed such

weight, as I consider these to be absences of harm given the compliance with elements of development plan and national planning policies.

52. I note the Inspector for the appeal at St Edmunds Close⁶ arrived at a different conclusion in respect of these matters and the need for the type of housing proposed there, but this proposal clearly differs from that scheme, as I have identified harm to the character and appearance of the site and its surroundings. For these reasons, the two schemes are not comparable.
53. I note that the site is previously developed land, but it is not situated within the settlement, reusing the land does not therefore attract the same weight afforded to schemes within settlements. In any event, a more effective use of land should also safeguard and improve the environment, a key component of the Framework's objective of making effective use of land, and I have identified harm to the character and appearance of the site and its surroundings.
54. The indicative areas of space that would be afforded to the proposed three and four-bedroom homes for gardens, parking and garaging would provide suitable living conditions for future occupants. Furthermore, in accordance with the requirements of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), the appeal site would be sufficiently separated from Centuries, a Grade II listed building, to ensure its setting would be preserved and the proposal would not detract from it. The absence of harm in these matters would weigh neither for nor against the scheme.

Benefits Associated with Appeal B

55. The Council can demonstrate more than five-years supply of deliverable housing land, but this does not represent a ceiling on the delivery of housing and the Framework supports the Government's objective to significantly boost the supply of homes. The proposal relates to a small site, for housing for older persons, which could be built out relatively quickly, these aspects are supported by the Framework and PPG. Similarly, the proposal would add to the extent and mix of housing available within the district, but it is unclear whether there is a genuine need for four two-bedroom homes for older persons in the village. In any event, the contribution of housing would be minor in its extent, so it would only amount to a social benefit of limited weight.
56. Some economic benefits would arise from, for example, employment and procurement of materials during the construction period. The proposal would provide only four additional dwellings, so the contribution that could be made by future occupiers to supporting local services and facilities, principally by expenditure, would amount to economic and social benefits of moderate weight in the context of the magnitude of Assington.
57. Notwithstanding this, I ascribe negligible additional benefit to the proximity of the facilities and services in the village, including a public house, the complex of businesses at the adjacent Assington Barns, and the village hall and its outreach post office and playing field. I also afford similar weight to the ability of future residents to utilise the village bus services to access Colchester and Sudbury facilities, including rail and school services. I have attributed such weight, as I consider these to be absences of harm given the compliance with elements of development plan and national planning policies.

⁶ Appeal Reference: APP/D3505/W/18/3217096.

58. The site access arrangements are suitable in terms of highway safety and arrangements can be made to address foul drainage and any contaminated land. The indicative details of the scale and layout of the proposal demonstrates that the almshouses would be sufficiently spaced from adjacent properties to protect the living conditions of their occupiers. There would also not be any harmful implications to ecology or biodiversity within the site. Furthermore, in accordance with the requirements of Section 66(1) of the Act, the intervening development of houses immediately north of the site would ensure the proposal would be sufficiently separated from Centuries, a Grade II listed building, to ensure its setting would be preserved and the proposal would not detract from it. Similarly, in the final main issue, I have identified an absence of harm to the provision of community facilities. According with the development plan in respect of these matters would therefore not result in them weighing for or against this appeal scheme.

Harms and the Outcome of the Planning Balances

59. In terms of harm, the proposal within Appeal A would not comply with the development plan regarding its location and the Spatial Strategy, the need for the proposed homes, including affordable housing, and the effect on the character and appearance of the site and its surroundings. The scheme in Appeal B would not comply with the development plan in respect of the living conditions of future occupiers of the dwellings, its effect on the character and appearance of the site and its surroundings, and the risk of flooding.

60. As I set out above, there would be considerable and moderate benefits associated with Appeal A; and moderate and limited benefits with Appeal B. Nevertheless, my overall conclusions are that the appeal schemes would not accord with the development plan, when considered as a whole and I find that the adverse impacts that would result by allowing the appeal schemes are matters of considerable weight against the grant of planning permission for each of the schemes that outweigh the stated benefits.

61. The proposal would therefore also not amount to sustainable development under the terms of the Framework and CSP Policy CS1.

Conclusion

62. The proposals in Appeals A and B would be contrary to the development plan, when considered as a whole, and there are no other considerations which outweigh this finding, including the Framework. Accordingly, for the reasons given, I conclude that both appeals should be dismissed.

Paul Thompson

INSPECTOR