



Appeal Decision

Site visit made on 6 June 2023

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 September 2023

Appeal Ref: APP/X3540/W/22/3295686

Kings Field, Hulver Street, Henstead, NR34 7UE

- 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 Ms Corinne Bullock against the decision of East Suffolk Council.
 - The application Ref DC/21/4940/OUT, dated 14 October 2021, was refused by notice dated 21 February 2022.
 - The development proposed is erection of three dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was made in outline with all matters of detail reserved for future consideration. I have dealt with the appeal on this basis, and I have treated any details on the submitted drawings relating to access, layout, scale and appearance as being illustrative only. Therefore, it has not been necessary for me to consider the details of the layout options provided.
3. On 1 April 2019 Waveney District Council was dissolved and along with Suffolk Coastal District Council became a new non-metropolitan district council known as East Suffolk Council. The development plans for the merged local planning authority remain in place for the former area of the Waveney District Council until such a time as they are revoked or replaced. It is therefore necessary for me to determine this appeal with reference to policies set out in the plans produced by the now dissolved Waveney District Council.

Main Issues

4. The main issues in this appeal are
 - whether the appeal site represents an appropriate location for the proposed development, having regard to the spatial strategy in the development plan; and
 - the effect of the proposed development on the character and appearance of the area.

Reasons

5. Policy WLP1.1 and WLP1.2 of the East Suffolk Council Waveney Local Plan 2019 (LP) restricts development in the countryside except where other policies in the LP indicate otherwise. Policy WLP8.7 provides for a limited amount of housing in the Countryside, with small scale development of up to three homes within clearly identifiable gaps in a built-up frontage, on land which is surrounded by residential development (including its curtilage) on two sides (including the opposite side of the highway). This approach allows for development which does not encroach further into the countryside and is enclosed by surrounding residential dwellings, therefore limiting the effect on the landscape and character of the area.
6. The Council's spatial strategy, as set out within the LP, allows for some residential development in the Countryside and identifies that approximately 10% of new housing will be delivered in the rural areas. It recognises that such development can support communities by delivering housing types and sizes that are needed locally and provide opportunities for members of the existing community to live nearby and retain their social connections and could provide social and economic benefits to the Countryside, with limited impacts on the environment or character of the area.
7. The settlement of Hulver Street has limited services and facilities and therefore occupiers would be more likely to travel to services and facilities within the nearby towns of Beccles and Lowestoft. I have no substantive evidence before me to indicate that the site is well served by public transport. Therefore, this leads to uncertainty that it would be a realistic substitute to the convenience of a private car. However, in this regard, I have not identified any conflict with the Council's spatial strategy which permits development in such locations or policy WLP8.21 of the LP.
8. The policy goes on to set out that the design of the scheme will need to respect and reflect the character of the settlement and existing built up frontage including that the housing density is reflective of the density in the village and surrounding built up area; and the ratio of the building footprint to the plot area is consistent with existing properties nearby which characterise the village.
9. I consider that the development would not have to occupy the entire space between the buildings to constitute infilling, neither is the consideration related to the quantity of development proposed. I have taken account of the pattern and form of development which exists within the locality in coming to a judgement as to whether the development would be within a clearly identifiable gap in a built up frontage.
10. The appeal site is located between Kings Field and Laburnham Cottage, which are both part of wider linear development on either side. However, I do not consider the gap between the two properties to be small, as is suggested within the supporting text to the policy. The existing gap between the built development does not contribute to a continuous built frontage and is broadly concealed from views from the road by the existing landscaping. In conclusion, the wider built context of the site with the level of spacing between the existing dwellings and the overall size of the gap between the two dwellings on either side, all lead me to conclude that the development would not constitute the infilling of a clearly identifiable gap in a built up frontage.

11. However, even if I were to accept the appellant's arguments as to whether the appeal site comprised an identifiable gap, the second part of the policy requires consideration of the housing density and whether this would be reflective of the wider density of the locality.
12. I have had regard to the frontage assessment submitted by the appellant which indicates that there are a variety of plot widths within Hulver Street. However, closest to the appeal site there is a predominant character of more modest plots closely grouped together, with some dwellings being pairs or terraces. The proposal is for three detached dwellings and the indicative block plan demonstrates how they could be accommodated on site. In particular it shows dwellings located along the length of the site, set behind the existing hedgerow. Whilst this is an outline application, and layout is not before me for consideration, the plot size for each dwelling is likely to be greater than the majority of the surrounding dwellings, due to the overall size of the site.
13. For these reasons, therefore, the proposed development would introduce a discordant built form to the locality that would not be reflective of the density in the village and surrounding built up area. Furthermore, the introduction of development in this location would not be compatible with the layout of surrounding development. Therefore, the proposed development would also have a significantly harmful effect on the character and appearance of the area.
14. The development proposed is therefore contrary to policies WLP1.1, WLP1.2, WLP7.1, WLP8.7 and WLP8.35 of the LP which seek to ensure appropriate development within the Countryside, which is reflective of the character and appearance of the area.

Other Matters

15. The appeal site falls within a 'Zone of influence' for the European designated sites of the Benacre to Easton Bavents Special Protection Area (SPA); the Minsmere-Walberswick SPA and Ramser Site and the Minsmere-Walberswick Heaths and Marshes Special Area of Conservation (SAC). Natural England has provided revised advice regarding the need to ensure that new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations.
16. 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.
17. It has been put to me that if the appeal were to be dismissed that the appellant would develop the site for stables as part of their equine hobby. Whilst I have not been provided with any specific details of such a proposal, or whether this would require planning permission, noting the current equine use of the site I have no reason to doubt that the appellant's intentions are genuine. However, the siting of additional stables onto the appeal site would not be the same as the development of three dwellings and the policy considerations for such a proposal would not be the same. Therefore, the suggestion by the appellant is neutral in the planning balance.

Planning Balance

18. The development would give rise to some economic benefits during the construction phase and provide limited support to local services. There would be modest social benefits arising from the contribution to the Council's housing supply, noting the Framework highlights the contribution small and medium sized sites can make to meeting the housing requirement in the area.
19. The appellant has set out that the dwellings would be designed to passive house standards and have electric car charging points, enabling a scheme which would be low carbon. Whilst this would be a benefit of the proposal, it would be offset in part by the sites limited access to facilities and services and a reliance on the private car. Therefore, I have given this benefit modest weight.
20. The retention of the hedge alongside biodiversity net gain is also cited as a benefit of the proposal, however I have no information as to how the scheme would deliver biodiversity net gain and one of the illustrative plans indicates the removal of the hedge in part to provide vehicular access. Therefore, I have given limited weight to this consideration, noting that such requirements could be secured by condition.
21. Nevertheless, there would be unacceptable harm to the local environment in respect of character and appearance. Therefore, the identified adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Conclusion

22. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. For the reasons outlined above, I conclude that the appeal should be dismissed.

G Pannell

INSPECTOR