



Appeal Decision

Hearing Held on 12 December 2018

Site visit made on 12 December 2018

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th December 2018

Appeal Ref: APP/H3510/W/18/3193518

Land off Larks Place, Wilde Street, Beck Row, Suffolk IP28 8BP

- 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 Mrs Van Helmond and Mr C Van Helmond against the decision of Forest Heath District Council.
 - The application Ref DC/17/0912/OUT, dated 12 April 2017, was refused by notice dated 12 July 2017.
 - The development proposed is described as 'outline planning permission for 1 No. dwelling'.
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Decision

1. The appeal is allowed and planning permission is granted for 1 No. dwelling at Land off Larks Place, Wilde Street, Beck Row, Suffolk IP28 8BP, in accordance with the terms of the application, Ref: DC/17/0912/OUT, dated 12 April 2017, subject to the conditions in the attached schedule.

Preliminary Matters

2. The planning application was submitted in outline with all matters of detail reserved for future consideration. I have considered the appeal on this basis. The appellants provided an additional drawing with their appeal detailing a possible site access. This has not amended the scheme as 'access' is a reserved matter. The drawing is to be treated as being an illustration of how an access could be achieved. The Council submitted an updated position statement on its five year housing land supply the day before the hearing. Following a short adjournment wherein the appellant was afforded an opportunity to consider this late evidence, I accepted it, as no party would be significantly prejudiced by me doing so. At the outset of the hearing the appellants were confirmed as being Mrs Van Helmond and Mr C Van Helmond.

Main Issues

3. At the outset of the hearing the Council stated its intention to maintain an objection to the proposal on highway safety grounds in spite of the additional drawing submitted. Nevertheless, the Highway Authority's representative subsequently conceded that the visibility splays should be calculated with reference to guidance in Manual for Streets and therefore 43m splays would be adequate, as opposed to the 90m splays originally sought by the Council. Thus, the Council removed its objections in respect of highway safety. As this matter is no longer a point in dispute I have not considered it further.

4. Similarly, the Council's position regarding possible impacts on biodiversity evolved upon further discussions at the hearing. The Council were unable to clarify whether their in house ecologist's comments amounted to an objection or provide evidence to indicate that species rich grassland is likely to be present in the appeal site and affected by the development. As such, the Council also withdrew its objection on this matter and therefore it requires no further consideration as part of the appeal.
5. The Council has concerns regarding the effect of the appeal scheme on the character and appearance of the area and its accessibility to services and facilities. These had been expressed in the Officer's committee report and the Council's appeal statement but had been omitted from the reasons for refusal in error. As such, these matters have been addressed in my decision as they are a point in dispute. The appellants responded to these concerns in their statement and addressed them at the hearing.
6. Thus, the main issues in this appeal are:
 - Whether the proposed development would be in a suitable location, with particular reference to policies concerned with housing in rural areas and the accessibility of services and facilities;
 - The effect of the proposed development on the character and appearance of the area; and
 - Whether any conflict with the development plan is outweighed by other material considerations.

Reasons

Local policies concerned with housing in rural areas

7. In order to support service centres and promote sustainable travel to local facilities, Policy CS1 of the CS¹ outlines a spatial strategy in the form of a settlement hierarchy. It aims to direct most development to the district's larger settlements with smaller or nominal levels of growth planned for primary and secondary villages. The smaller settlements and the countryside surrounding them are not identified as locations for major development due to the limited array of services. Instead, development in these areas is restricted to particular types of development that support the rural economy, meet affordable housing needs and provide renewable energy.
8. Policy CS10 of the CS explains that rural settlement boundaries will be used, in part, to focus development on locations where there are key local services. It confirms that small settlements without defined settlement boundaries are to be regarded as 'countryside'. The appeal site is located outside the settlement boundary of Beck Row, which is the nearest village with a defined settlement boundary, and is therefore in the countryside. This situation is unlikely to be altered by the emerging Site Allocations Local Plan. Consequently, the proposal would be in a location where housing is not to be ordinarily permitted.
9. Policy DM5 of the DMP² seeks to facilitate some limited growth in the countryside and therefore it permits small scale residential development on

¹ Forest Heath Local Development Framework Core Strategy Development Plan Document 2001 – 2026 (with housing projections to 2031) Adopted May 2010

² Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document February 2015

small undeveloped plots in clusters in accordance with Policy DM27 of the DMP. Regardless of whether Wilde Street represents a closely knit cluster of 10 or more existing dwellings, the appeal site is not located within a continuous frontage as there would be a notable gap between it at the nearest property to the south. As such, the appeal scheme would not glean support from Policy DM27 and thus Policy DM5. The negative corollary of this is that the proposal is in conflict with Policy DM5.

10. In conclusion, I find that the proposed development would not be in a suitable location when considering the policies concerned with housing in rural areas. As such, it would harmfully undermine the adopted spatial strategy for rural housing in the development plan and the consistency and relative certainty that should flow from a plan led approach to the location of new development.

The accessibility of services and facilities

11. Wilde Street is a small hamlet that encompasses a loose collection of residential properties centred on a small green. It has a very limited array of facilities and therefore the residents of Wilde Street would need to travel to other settlements in order to access everyday services. The nearest settlement with a collection of facilities is Beck Row, the boundary of which is around 600m south-west of the appeal site. As a consequence of this distance, particularly when considering a return trip, future occupants of the appeal scheme would be predisposed to use private motorised transport to access most everyday services and facilities. This would result in higher levels of associated carbon emissions when compared to a development positioned closer to facilities and services.
12. However, as only a single dwelling is proposed the harm in this respect would be modest. Moreover, although 610m is not an insignificant distance, it would be possible for the occupants of the appeal scheme to walk to Beck Row, which is a primary village, particularly as traffic is restricted to 30mph along the route. The nearest shop would be a further 800m away but this could be accessed by walking along pavements. In addition, cycling would be an option as a viable alternative to travel by car. However, it is not appropriate to apply too much weight to cycling, as future occupants of the appeal scheme may not have the proficiency or confidence to cycle regularly. Details of a bus service have not been provided and therefore the evidence before me does not indicate this would be a viable alternative for future occupants to travel by car.
13. Thus, even when taking account of the appeal site's rural situation, where opportunities for sustainable transport will be more limited, the appeal site is not particularly well placed to access services and facilities and therefore Wilde Street's position in the settlement hierarchy outlined in Policy CS1 is justified. Nevertheless, the harmful impacts arising from a predisposition to use a car would be reduced by the limited scale of the development and the ability to walk and cycle into Beck Row on occasion. As such, the harm would be moderate. Nevertheless, a conflict with Policies CS1 and DM5, and their aims to promote sustainable transport, would still occur.

The effect on the character and appearance of the area

14. The small hamlet of Wilde Street is broadly characterised by a loose and organic pattern of development with properties sitting in irregularly sized plots. Nevertheless, a unifying feature is that dwellings tend to face the road and are

arranged in a linear frontage pattern. Some of the detached properties are set in large plots that include generous areas of planting in front, behind and between buildings. This affords the hamlet a verdant and wooded character. The wooded character of the hamlet is described in the Suffolk Landscape Appraisal (LCA), which explains that the Settled Chalklands landscape character type has little in the way of woodland. As a consequence, the wooded views of Wilde Street are specifically recognised.

15. The appeal site is located between The Barn and a cluster of four properties. It encompasses a small part of a larger parcel of land in the appellants' ownership that consists of grass, scrub and woodland. The larger parcel of land is natural and undeveloped in character and has the appearance of a wedge of rural land permeating into the hamlet. This breaks up and softens the frontage development and contributes positively to the verdant setting and character of Wilde Street. In this respect, the appeal site is part of an important undeveloped gap in the street.
16. The appeal scheme would involve the construction of a single dwelling with a vehicular access. Regardless of its design, layout and scale, it would result in some inherent urbanisation. It would erode the existing gap and this intensification would diminish the positive contribution the appeal site currently makes to the street scene and its verdant character. Nevertheless, the appeal scheme would not entirely close the gap and would only occupy a very small part of the appellants' larger parcel of land, which would otherwise retain its natural wooded character. Landscaping could be secured at the reserved matters stage to soften the boundaries of the appeal site and integrate it within the verdant and wooded character of Wilde Street.
17. In addition, the longer distance views of the hamlet identified in the LCA would be largely unaffected by the appeal scheme given the screening effects provided by existing trees. Furthermore, due to the presence of development to both the north and south of the appeal site, the proposed dwelling would be viewed as being part of the hamlet and not an extension of ribbon development on its edge. In addition, the proposed dwelling could be orientated to face the road in a way that would retain the linear character evident elsewhere in the hamlet and the size and shape of the proposed plot would appear commensurate with the irregular shapes and sizes of those nearby.
18. In light of the foregoing, I conclude, on balance, that the proposal would preserve the character and appearance of the area and therefore a conflict with Policies DM2 of the DMP, which seeks to secure new development that maintains local character, would not occur (subject to an appropriate reserved matters submission).

Whether the conflict with the development plan is outweighed by other material consideration

19. Paragraph 73 of the national Planning Policy Framework (the 'Framework') states, as a material consideration, that when a local planning authority's strategic policies are more than five years old it should identify annually a supply of specific deliverable sites sufficient to provide a minimum of five years worth of housing against their local housing need. The methodology for this assessment is set out in the Planning Practice Guide³.

³ See Paragraphs 001 (Reference ID; 2a-001-20180913) to 007 (Ref ID 2a-007-20180913)

20. The Government's consultation⁴ on amendments to the standard methodology and the definition of deliverable sites has recently closed, but there is no certainty that the changes being consulted upon will be made and therefore this is not a justifiable reason to delay the analysis required by Paragraph 73 of the Framework. The Council are also awaiting a response from an examining Inspector on its Single Issue Review and Site Allocations Local Plan. Once adopted these documents should set the local housing requirement and identify sites to meet it. However, until the plans are adopted the Council are still in the position of having to demonstrate a housing land supply with reference to the standard methodology for calculating local housing need. Although requested to provide this analysis, the Council have chosen not to.
21. The evidence the Council has submitted⁵ in an attempt to demonstrate a five year housing land supply dates from 2017 and therefore it does not cover a five year period. In any event, it does not incorporate the standard methodology for calculating local housing need. As such, the Council has not demonstrated a five year supply of deliverable sites and therefore Paragraph 11d) of the Framework is engaged. This states 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.
22. As an adverse impact, the proposal would be in conflict with the spatial strategy in the CS and DMP. These documents predate the Framework but Paragraph 213 therein states that due weight should be given to relevant policies according to their consistency with the Framework. Policies CS1 and CS10 seek to encourage sustainable transport and this is an aim that is consistent with Paragraphs 102, 103, 108 and 110 of the Framework.
23. Policy DM5 provides a balanced approach to rural housing that is broadly consistent with the Framework's aims to prevent isolated development in the countryside and identify opportunities for villages to grow. Paragraph 79 of the Framework does not imply that a dwelling has to be isolated for a restrictive policy, such as Policy DM5, to apply. There may be other circumstances, such as the evidenced based requirements of a development plan, which would suggest development in the countryside should be avoided.
24. However, the conflict with these policies would be limited by the scale of the development and its proximity to the primary village of Beck Row, which is well served by facilities. More significantly, a rigorous application of the policies would constrain housing at a time when the Council are unable to demonstrate an adequate housing land supply. As such, the conflict with Policies CS1, CS10 and DM5 carries moderate weight in this instance.
25. A benefit of the proposal is that it would assist in redressing the apparent shortfall in housing supply. The Council has failed to demonstrate that it has an adequate housing supply but the appellants have not provided up to date evidence to explain what they consider the actual supply to be either. It is possible that the supply is just under the five year requirement and if this is the case then the benefits of the appeal scheme would not be as great as if the shortfall in the supply was acute. This lack of clarity, alongside the fact that

⁴ Technical consultation on updates to national planning policy and guidance October 2018

⁵ Forest Heath District Council Assessment of a five year supply of housing land taking a baseline date of 31 March 2017 – The five years covered are 1 April 2017 to 31 March 2022

only a single dwelling is proposed, which would have little effect on the five year supply position, results in limited weight being given to this benefit.

26. The provision and subsequent occupation of a new dwelling has the potential to support the rural economy, including local facilities in Beck Row and other surrounding villages. However, such support would involve regular travel by private motorised transport. Moreover, evidence has not been submitted that outlines the practical effect of this. Thus, it is unclear to what extent the new homes would support existing facilities or safeguard existing ones. This tempers the weight that can be afforded this matter as a benefit. Overall, the benefits carry limited to moderate weight.
27. Consequently, the moderate adverse impacts of the appeal scheme would not significantly and demonstrably outweigh its limited to moderate benefits when assessed against the policies in the Framework taken as a whole. This is a matter of significant weight that suggests a decision should be made other than in accordance with the development plan.

Other Matters

28. The Council has referred to another appeal decision⁶ where an Inspector dismissed a proposal for a new dwelling at Wilde Street. In that instance he found harm to the character and appearance of the area and the Council's ability to demonstrate a housing land supply was not a point in dispute. As such, the circumstances before me are materially different and consequently there is no inconsistency between our findings.

Conditions

29. I have had regard to the advice in the Planning Practice Guide and the conditions suggested by the Council. It is necessary in the interests of highway safety and the character and appearance of the area to impose conditions requiring the submission and approval of reserved matters. I have amended the wording, if not the substance, of the Council's suggested conditions in the interest of precision.
30. To support biodiversity it is necessary to secure enhancements and to protect living conditions it is necessary to require acoustic protection from passing military aircraft and to control external lighting. The Council recommended a number of conditions relating to layout, access and landscaping but as these are reserved matters, it is unnecessary to impose them.

Conclusion

31. The proposed development would not accord with the development plan but in this instance there are other considerations, mainly the provisions of the Framework, which outweigh this finding. Accordingly, for the reasons given, the appeal should succeed.

Graham Chamberlain
INSPECTOR

⁶ APP/H3510/W/17/3190121

Schedule of Planning Conditions

Implementation and Reserved Matters

- 1) Details of the access, appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than two years from the date of this permission.
- 3) The development hereby approved shall commence not later than two years from the date of approval of the last of the reserved matters to be approved.

Requirements Triggered Prior to Occupation

- 4) The acoustic insulation of the dwelling units within the proposed development shall be such to ensure noise levels with windows closed do not exceed an LAeq(16hrs) of 35dB (A) within bedrooms and living rooms between 07:00 and 23:00hrs and an LAeq (8hrs) of 30dB(A) within bedrooms and living rooms between 23:00 and 07:00hrs.

Post construction and prior to occupation, an independent validation shall be carried out to demonstrate to the satisfaction of the Local Planning Authority that noise mitigation measures have been implemented and the properties achieve the internal noise levels as set out in the above condition.

- 5) The ecological enhancements and mitigation recommended in the Preliminary Ecological Assessment prepared by Biocensus dated December 2017 shall be implemented in full prior to the first occupation of the dwelling hereby approved. The enhancement and mitigation shall therefore be retained.

Ongoing requirements

- 6) No security lights or floodlights shall be erected on site without the submission of details to, and written approval from, the Local Planning Authority to ensure a lighting environment of low district brightness at residential properties.

APPEARANCES

FOR THE APPELLANT

Martin Green
Andrea Van Helmond
Conrad Van Helmond

Green Planning Studios
Appellant
Appellant

FOR THE LOCAL PLANNING AUTHORITY

James Claxton
Britta Heidecke
Sam Bye

Senior Planning Officer
Senior Planning Officer
Local Highway Authority

DOCUMENTS SUBMITTED AT THE HEARING

1. A clean copy of the Council's list of suggested planning conditions