

MID SUFFOLK DISTRICT COUNCIL
DEVELOPMENT CONTROL COMMITTEE - 01 July 2015

AGENDA ITEM NO 1
APPLICATION NO 1726/15
PROPOSAL Application for Outline Planning Permission for the erection of a detached dwelling and garage
SITE LOCATION Land adj Homeland, Rectory Road, Bacton
SITE AREA (Ha) 0.1
APPLICANT Mr J Free
RECEIVED May 14, 2015
EXPIRY DATE July 10, 2015

REASONS FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason:

The applicant is a member of staff.

PRE-APPLICATION ADVICE

1. No pre-application advice was sought in respect of this proposal.

SITE AND SURROUNDINGS

2. The application site is situated to the North of Rectory Road and consists an area of land to the north-east of neighbouring Homeland.

Homeland is a two storey detached extended dwelling. The proposed boundary would be very close to the side of the garage and first floor accommodation serving Homeland. The site is overgrown with a mix hedge and tree boundaries, and there is no vehicular access. A ditch runs between the highway and the site and continues to divide the site from the field to the north east. There is no footpath or lighting along the adjacent highway.

In the surrounding area are small clusters of sporadic development of a rural and spacious nature. In respect of the immediate area there are a few dwellings, including a two storey cottage opposite and a Grade II Listed Building 'The Limes' to the West, just adjacent to Homeland. The site is otherwise surrounded by open countryside.

HISTORY

3. The planning history relevant to the application site is:

0371/89/OL	ERECTION OF DWELLING, CONSTRUCTION OF ACCESS AND PROVISION OF SEPTIC TANK DRAINAGE	17/10/1989
0065/89/OL	Erection of dwelling, construction of new access and provision of septic tank drainage	Refused 02/03/1989
0006/89/OL	SEVERANCE OF GARDENLAND FOR ERECTION OF TWO STOREY DWELLING USE OF EXISTING ACCESS AND PROVISION OF SEPTIC TANK DRAINAGE.	13/03/1989
0133/83/OL	Severance of former gardenland for erection of dwelling with garage, construction of access and provision of septic tank drainage	Refused 15/11/1983

PROPOSAL

4. The application is an outline application for the erection of a detached dwelling and garage, with all matters reserved.

POLICY

5. **Planning Policy Guidance**

See Appendix below.

CONSULTATIONS

6. It is recognised at the time of writing this report that the consultation period has not ended and a verbal report on this matter including any change to the recommendation as may result will be given at Development Control Committee.

Bacton Parish Council, Consultation Sent 01/06/2015, Reply Received 17th June 2015

Bacton Parish Council support this application.

Suffolk County Council Archaeological Services, Consultation Sent 01/06/2015, Reply Received 18/06/2015 (Summary)

The proposed development site lies adjacent to the site of a large group of medieval pottery sherds which were discovered during groundworks associated with the neighbouring properties, The Limes. These sherds were very 'fresh' indicating that they were not found far from their original point of deposition. As such there is high potential for encountering further archaeological deposits at this location, which may be damaged by groundworks associated with the present application.

There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 141) any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

Suffolk Wildlife Trust, Consultation Sent 01/06/2015

No reply received

Suffolk County Council Highways, Consultation Sent 01/06/2015

No reply received

MSDC Heritage, Consultation Sent 01/06/2015

No reply received

MSDC Environmental Health, Consultation Sent 01/06/2015

No reply received

Suffolk County Council Landscape, Consultation Sent 01/06/2015

No reply received

MSDC Tree Officer, Consultation Sent 01/06/2015

No reply received

LOCAL AND THIRD PARTY REPRESENTATIONS

7. This is a summary of the representations received.

None received.

ASSESSMENT

8. The main considerations in the determination of this application are:

- Principle of Development
- Character and Appearance
- Setting of Listed Building
- Residential Amenity
- Highway Safety
- Biodiversity
- Landscape
- Contamination
- Flood Risk

- **Principle of Development**

National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published on 27th March 2012. It provides that the NPPF *"does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise"*.

The NPPF also provides (paragraph 14) that there is *" a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking"*. This paragraph continues *"for decision-taking this means approving proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted"*.

Development Plan

The application site is outside any settlement boundary and as such the proposal for the erection of a new dwelling in the countryside is contrary to Core Strategy Policies CS1 and CS2 and Local Plan Policy H7.

However paragraph 49 of the NPPF states that:

"Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

Mid Suffolk District Council does not have this housing land supply and as such the relevant policies set out above are not considered to be up to date and on this occasion are not considered to justify refusal in this respect. Indeed paragraph 14 of the NPPF states in this respect:

"For decision-taking this means:

approving development proposals that accord with the development plan without delay; and

where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted"

In the light of this the in principle objection on the basis of housing policies does not justify refusal on this basis. However, the NPPF nevertheless

requires that development be sustainable and that adverse impacts do not outweigh the benefits to be acceptable in principle.

The question therefore arises whether the development would be sustainable?

Paragraph 7 of the NPPF sets out three dimensions for sustainable development, economic, social and environmental:

"an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy."

The applicants planning statement refers to a recent appeal decision which allowed a dwelling on an infill plot within a significant cluster of dwellings outside the settlement boundary at Woolpit (a Key Service Centre), on the basis that the development would be sustainable and would not cause harm to any other matter of planning substance. That decision is material to the proposed development and must therefore be taken into account.

In the Woolpit case the site was some 800m outside the settlement boundary – a greater distance than here – however there was a properly engineered path from the site into the centre of Woolpit village allowing easy pedestrian access from the site into the village centre and its facilities. The situation at the application site is entirely different. There is no footpath between the site and services and in reality the occupants of the proposed dwelling would be dependent on a car to access services in Bacton. It is certainly not a realistic option to walk along the edge of the highway from the site into Bacton due to the amount of traffic using the highway.

Whilst the Woolpit case needs to be taken into account as a material consideration, that appeal decision does not automatically mean that any site less than 800m from a settlement boundary is sustainable or suitable for residential development. That decision is however accorded significant weight, and taken into account along with all other material considerations that weigh for and against the proposal.

The application also refers to an appeal at Barham. In that case development was allowed as the property would form part of the significant cluster of development at Barham and was considered to be sustainable as although that site was located further away from services it was accessed by means of "a

continuous, good quality footway" and further was immediately adjacent to a bus stop and on a National Cycle Route.

The application further refers to an appeal at Hinckley and Bosworth. In that case an infill plot was allowed by an Inspector for development on a site within a cluster of dwellings and which was stated by the Inspector that the site "clearly reads as a continuation of the village". As with Woolpit, that case is a material planning consideration however the circumstances do not appear to be similar and whilst part of the consideration should be accorded less weight than the Woolpit decision.

This is also the case with regards to the permission referred to at Haughley Green, which formed part of the existing cluster of dwellings as an infill development, unlike this proposal.

In the light of all of the above circumstances and the location and accessibility of the site to services and facilities in Bacton the proposal is however not considered to represent sustainable development with regards to the environmental dimension of sustainable development set out by the NPPF.

With regards to the other roles of sustainable development identified by the NPPF the benefits extend to only one dwelling and would be temporary with regards to the construction phase, such that these negligible social and economic benefits are not considered to outweigh the harm to the environmental role of sustainability resulting from the location of the site and the resulting reliance on the car.

Indeed with regards to sustainable development paragraph 55 of the NPPF states "to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities." Whilst the site is in proximity of services in Bacton the proposal as a single dwelling, with the occupiers reliant on the car it is not considered to make any significant contribution to the support of services and facilities in conflict with paragraph 55.

In conclusion the proposal is not considered to represent sustainable development and the proposal is therefore contrary to the NPPF at paragraphs 2, 7, 8, 14, 17, 49 and 55. Furthermore the development is not considered to be similar to appeal decisions presented by the application and in fact they clearly provide criteria under which this application fails to achieve sustainable development.

- **The character and appearance of the area**

The site is situated at the edge of a few dwellings within the countryside with areas of undeveloped land both surrounding the site and opposite around neighbouring properties. The overall character as a result is open and although the site is relatively well-screened by landscaping in summer would nonetheless result in an increase in the imposition of development into the countryside.

The further erosion of open space in this mainly rural location would affect the distinctiveness of this part of the Parish and it is considered that the proposal would be demonstrably harmful in this respect. On that basis the proposal is

considered to be contrary to development plan policies GP1, CS5 and FC1.1 and the NPPF at paragraph 17.

- **Setting of listed buildings**

To the south-west of the application site is Homelands and subsequently The Limes, which is a Grade II Listed Building, the List Description as follows:

Former farmhouse, probably late C16. 2 storeys and attics. 3-cell plan. Timber-framed and plastered; an oversailing tiebeam at the east gable, the wallplates supported on brackets. Plaintiled roof with one gabled casement dormer. An axial C16/C17 chimney of red brick, the sawtooth shaft possibly a C20 copy of the original. Oak mullioned casements of c.1980. C20 battened and boarded entrance door with two glazed panels, in a small extension to rear; an open C20 lean-to porch on posts. Interior not examined.

The application states that the land historically formed part of the curtilage of The Limes. However, given the location of the adjacent Homelands and that the proposal would not extend beyond the historic boundaries demarcated by landscaping is such that the proposal while outline with all matters reserved is considered likely to have less than substantial harm to the significance of the identified heritage asset.

- **Residential Amenity**

The development of a dwelling on this site would not necessarily cause any demonstrable impact to the amenities of the occupiers of any other dwelling in the locality and a final assessment of this aspect would be considered as part of any subsequent reserved matters submission.

- **Highway Safety**

Access is a reserved matter, although the application states that a new vehicular access will be constructed and that this will be in accordance with Suffolk County Council standard plan DC101.

Neighbouring Homelands has an access adjacent to the boundary of the site and there are other single dwelling accesses to this road.

The proposal would require the removal of the existing hedging to the front boundary of the site to facilitate the entrance and visibility to meet standards, however subject to sufficient turning being provided on site and provision of access in accordance with Suffolk County Council Standards the proposal is not considered to have an unacceptable impact on highway safety to warrant refusal in this respect.

- **Biodiversity**

The application was not accompanied by an ecological assessment and protected species (spotted flycatcher and hedgehogs) have been identified in the vicinity of the application site. However, the area to be developed is primarily open and subject to retention of landscaping on site, which could be satisfactorily achieved by means of condition, the proposal is not considered to

have a detrimental impact in this respect to warrant refusal on this basis.

- **Landscape**

The site is predominantly screened by some existing hedging to the boundaries. The front landscaping would be affected by the need to insert an access and associated visibility thus exposing the site to the highway. However, this is not considered to be unacceptable in itself, subject to landscaping scheme to mitigate the harm, which could be agreed as part of reserved matters. Your officers have sought the expert views of the County's Landscape Architects in respect of this application and will report further on this aspect including any update to the recommendation as may be considered necessary.

- **Contamination**

Appropriate land contamination assessments have been submitted with the application and which does not identify any environmental factors.

- **Flood Risk**

The site is not in an area at risk of flooding and the proposal would be unlikely to result in any demonstrable increase in surface water runoff that cannot be mitigated through standard provisions and arrangements.

- **Summary**

The NPPF and the lack of 5 year housing land supply is such that relevant housing policies are considered to be out of date. However the NPPF still requires development to be sustainable and non housing policies remain.

The proposal is not considered to represent sustainable development as although within 500m of the nearest services in Bacton this is along a highway without a footpath, such that in reality the occupants of the proposed dwelling would be dependent on a car to access services in Bacton. The development is considered to very much be proposed within a clearly rural location and would adversely impact the character.

In that respect the proposal is considered to be contrary to the NPPF, policies CS1 and CS2 of the Core Strategy and policy FC1 of the Core Strategy Focused Review.

RECOMMENDATION

That Outline Planning Permission be refused for the following reasons:

1. The proposal is not considered to form sustainable development within the dimensions set out by the NPPF, by reason of the lack of pedestrian access to services, contrary to the environmental dimension of sustainable development and lack of benefits with regards to the social and economic dimensions to outweigh this harm. Furthermore no exceptional circumstances or other material considerations have been demonstrated to outweigh the harm identified in this respect. The proposal is therefore considered to be contrary to the

NPPF, policies CS2 and CS5 of the Mid Suffolk Core Strategy (2008), GP1 of the Mid Suffolk Local Plan 1998 and Policies FC1 and FC1.1 of the Mid Suffolk Core Strategy Focused Review (2012).

2. The locality of the site is characterised by open countryside and by a semi-rural appearance having a relatively open, undeveloped form with little in the way of residential development in the immediate vicinity. It is considered that the proposal would erode the open nature of the locality by developing an area that positively contributes to its distinctive semi-rural nature by its existing undeveloped form. The proposal would therefore conflict with Policy CS5 of the Core Strategy (2008), Policy FC1.1 of the Mid Suffolk Core Strategy Focused Review (2012) and Policy GP1 of the Mid Suffolk Local Plan 1998 requiring that development protects and enhances the natural environment, and to 'conserve and enhance the local character of the different parts of the district'.

3. Whilst each proposal is considered on its own merits, taking into account the particular circumstances of the site and land in close proximity which has very similar circumstances is such that the proposal could set precedent for further development and thereby have an unacceptable cumulative impact as a result of the unacceptable intrusion of built development into the countryside, contrary to Policies CS2 and CS5 of the Core Strategy (2008), Core Strategy Focused Review (2012) policies FC1 and FC1.1 and Policy GP1 of the Mid Suffolk Local Plan (1998).

Philip Isbell
Corporate Manager - Development Management

Gemma Walker
Senior Planning Officer

APPENDIX A - PLANNING POLICIES

1. Mid Suffolk Core Strategy Development Plan Document and the Core Strategy Focused Review

Cor1 - CS1 Settlement Hierarchy

Cor2 - CS2 Development in the Countryside & Countryside Villages

Cor5 - CS5 Mid Suffolks Environment

CSFR-FC1 - PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

CSFR-FC1.1 - MID SUFFOLK APPROACH TO DELIVERING SUSTAINABLE DEVELOPMENT

2. Mid Suffolk Local Plan

HB1 - PROTECTION OF HISTORIC BUILDINGS

H17 - KEEPING RESIDENTIAL DEVELOPMENT AWAY FROM POLLUTION

HB13 - PROTECTING ANCIENT MONUMENTS

HB1 - PROTECTION OF HISTORIC BUILDINGS

CL8 - PROTECTING WILDLIFE HABITATS

SB2 - DEVELOPMENT APPROPRIATE TO ITS SETTING

H7 - RESTRICTING HOUSING DEVELOPMENT

H13 - DESIGN AND LAYOUT OF HOUSING DEVELOPMENT

H15 - DEVELOPMENT TO REFLECT LOCAL CHARACTERISTICS

H16 - PROTECTING EXISTING RESIDENTIAL AMENITY

T10 - HIGHWAY CONSIDERATIONS IN DEVELOPMENT

3. **Planning Policy Statements, Circulars & Other policy**

NPPF - National Planning Policy Framework

APPENDIX B - NEIGHBOUR REPRESENTATIONS

No letters of representation have been received.