



Appeal Decision

Site visit made on 13 August 2013

by S Stevens BSc (Hons) MSc DipTP DMS MCMi MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3 October 2013

Appeal Ref: APP/H3510/A/13/2193875

Land adjacent to White Cottage, Wilde Street, Beck Row, Suffolk IP28 8BT

- 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 J Wilson against the decision of Forest Heath District Council.
 - The application Ref F/2012/0621/OUT, dated 25 October 2012, was refused by notice dated 21 December 2012.
 - The development proposed is the erection of a dwelling.
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of a dwelling Land adjacent to White Cottage, Wilde Street, Beck Row, Suffolk IP28 8BT in accordance with the terms of the application, Ref F/2012/0621/OUT, dated 25 October 2012 and the plans submitted with it, subject to the following conditions:
 - 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 begins 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 three years from the date of this permission.
 - 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
 - 4) No development shall take place within the application site (outlined in red) until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

Preliminary matters

2. The application is for outline planning permission with all detailed matters reserved for later consideration. With the exception of the site location plan I have therefore treated all other plans submitted as illustrative only.
3. The appellant has submitted a signed, undated section 106 unilateral undertaking that would provide for contributions towards public open space. I have had regard to this in my decision.

Main Issue

4. The main issue is whether the proposal would amount to sustainable development.

Reasons

5. The planning application form identifies the site as part of the garden of White Cottage. The Council has suggested that its appearance is more akin to a field or paddock. In either case the site does not fit within the definition of previously-developed land set out in the National Planning Policy Framework (the Framework). Although there are other properties in the vicinity of the site, it lies well outside the development boundary of Beck Row, as defined by the Proposals Map of the Forest Heath Local Plan 1995 (LP). Under these circumstances, I consider it reasonable to regard the site as being within the countryside.
6. As such the proposal would not accord with LP Policies 4.14 or 4.15, which deal with development within defined development boundaries. Policies CS 1 and CS 10 of the Forest Heath Local Core Strategy 2001-2026 (CS) identify a number of circumstances in which residential development may be permitted. There is no evidence before me to show that the proposal would fit within the formal definition of Affordable Housing set out in the Framework nor to show that it would fit with any of the other patterns of development supported by CS Policies CS 1 or CS 10. Furthermore, given that the site is some distance outside the Beck Row development boundary, in my judgement, the proposal could not reasonably be regarded as settlement expansion, referred to in Vision 7 of the Core Strategy.
7. However, the appellant has indicated that the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and no compelling evidence to the contrary has been provided by the Council. The Framework identifies that in such circumstances relevant policies for the supply of housing land should not be considered up-to-date. Insofar as the Development Plan Policies I have referred to above impose restraints on housing supply, I consider that they should be considered to be out-of-date and the identified conflicts with those Policies would not be sufficient on their own to justify withholding planning permission in this case.
8. The Framework identifies that where relevant policies are out of date, permission should be granted unless: any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The Framework confirms that there are three dimensions to sustainable development: environmental, social and economic.
9. Although the appeal site is within the countryside, there are a number of dwellings and other buildings neighbouring the site, which are also outside the development boundary. The proposed dwelling would be located within this existing loose cluster of development. It would not amount to an isolated new dwelling in the countryside. Furthermore, the appeal site is within walking distance of Beck Row, which is defined in the Core Strategy as a primary village which provides basic local services. The proposal would help support these services. In addition, there are a number of employment sites in the local area. The proposal would also make a small contribution towards meeting the shortfall in the supply of housing sites in the District and it would make more efficient use of the land in housing density terms. Although limited by the small scale of development, the scheme would give rise to economic benefits through employment during the construction phase. In

these respects the proposed development would gain some support from the Framework.

10. The site is enclosed by post and rail or similar forms of fencing so it can be seen from close by. However, from further afield the site is partially screened by existing trees, hedges and buildings. The introduction of the proposed new structure would inevitably have some visual impact on the countryside but this would be lessened by it being viewed as part of the cluster of existing dwellings and buildings in the area. Subject to being of an appropriate design, which could be controlled when reserved matters are considered, in my judgement the scheme would not materially harm the character or appearance of the countryside.
11. The unilateral undertaking provided by the appellant is incomplete, as it has not been dated. Under these circumstances, I consider that it can not be relied upon and I give it no weight. However, no information has been provided to show that the financial contribution identified by this document is necessary to make the scheme acceptable in planning terms. In these circumstances, the absence of a formally completed planning obligation does not weigh against the scheme.
12. The appellant, who works locally, and his family currently occupy a small annexe at White Cottage, which he says is unduly cramped. He has indicated that the proposed dwelling is needed to enable his family to stay in the area, allowing them to care for his parents-in-law who are ill and disabled, who live at White Cottage, and also allowing his children's education to remain undisrupted. The appellant states that he can not afford to buy a property that would meet his needs in the nearby area and there is no compelling evidence to show that other property in the area would be likely to meet those needs, so this weighs in favour of the scheme.
13. I conclude on balance that the benefits outweigh the harm in this specific case and the proposal would amount to sustainable development when assessed against the policies of the Framework taken as a whole. Furthermore, the scheme would not conflict with LP Policy 9.1, the aims of which include protecting the character and appearance of the rural area.
14. For the reasons given above I conclude that the appeal should be allowed

Conditions

15. I will impose a condition requiring the submission of reserved matters and the usual time limit conditions for the submission of reserved matters and commencement of development. The site lies within an area of archaeological potential and so a condition requiring a scheme of investigation be submitted, approved and any works necessary implemented prior to any development taking place is also considered necessary.

Sarah Stevens

INSPECTOR