
Appeal Decision

Site visit made on 28 August 2013

by **Ray Wright** BA(Hons) DipTP MRTPI

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

Decision date: 23 September 2013

Appeal Ref: APP/E3525/A/13/2194808

Bobbys Way, Stanton, Bury St Edmunds, Suffolk IP31 2FE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by M and D Developments against the decision of St Edmundsbury Borough Council.
 - The application Ref SE/12/1696/FUL, dated 18 December 2012, was refused by notice dated 11 February 2013.
 - The development proposed is 'bungalows and car port parking – 4 no dwellings. Replacement for dwellings previously on the site.'
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Decision

1. The appeal is dismissed.

Procedural Matter

2. While Policy DS2 of the Replacement St Edmundsbury Borough Local Plan 2016 (LP) is referred to in the Council's decision, it appears that this is not a 'saved' policy, and therefore, I have afforded it no weight in this decision.

Main Issues

3. The main issues in this case are the effect of the appeal proposals on the character and appearance of the surrounding countryside having regard to national and local policy guidance on the location of new development, including that related to sustainable development; and whether there would be harm to the aim, of local policy, to meet the affordable housing needs of the Council.

Reasons

4. The site is located at the end of a cul-de-sac which has single storey dwellings to its east side and a wood opposite. It is proposed to extend the existing road and erect four houses.

Character and Appearance

5. The site lies outside any defined built up area boundary and is thus within a countryside location.
 6. The National Planning Policy Framework (Framework) indicates that there should be a presumption in favour of sustainable development. It confirms that isolated new homes in the countryside should be avoided unless there are
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special circumstances. These circumstances relate to the essential need of a rural worker, optimal viable use of a heritage asset, re-use of a redundant or disused building or where exceptional or innovative design is involved. The proposal does not meet any of the specified special circumstances set out within the Framework.

7. Policies CS3, CS4 and CS13 of the St Edmundsbury Core Strategy (CS) set out design quality requirements and a settlement hierarchy, indicating development outside the settlements will be strictly controlled. Policy RU6 of the LP remains in general conformity with the Framework and confirms that outside the Housing Settlement Boundaries new housing development will not be permitted except where the dwelling is for a key worker or the replacement of an existing dwelling.
8. In this scheme there is no information confirming that any of the proposed four houses would have their occupation limited to key workers. It is indicated in the appeal documentation that the site had been occupied by four dwellings and that these were destroyed by a plane crash. However, the submitted newspaper report, regarding this accident, dates from August 1962. Part of the site also appears to have had subsequent, alternative use, as a childrens' play area. This play area, itself, is now abandoned with only remnants of the play equipment still in place on the site and the surrounding area laid to grass. In the circumstances, due to the time scale involved, with no remnant of any original dwelling and the site subsequently, in part, being put to alternative use, I do not consider the four houses proposed could be considered as 'replacement' dwellings as put forward by the appellants.
9. The site is currently largely an open grassed area which is adjoined on two boundaries by similar open areas and opposite High Wood. The construction of dwellings, and associated road and turning head, as proposed, would significantly intrude into this open countryside setting and give this part of the road a much greater suburban feel.
10. To my mind the appeal scheme involves the construction of four new dwellings in the countryside and would not meet current policy requirements.
11. I have no, clear or specific, information regarding public transport access to the site or the surrounding area. The nearby, main A143 road, which provides access to the Key Service Centre at Stanton, has high traffic speeds with no associated cycle lanes or pedestrian footpaths, and is not, therefore, conducive to such use. While it is indicated that the dwellings could potentially provide accommodation for workers at the nearby employment area, possibly reducing the distance occupiers may need to travel, no clear-cut information in this regard is provided.
12. With the sites rather isolated location, the occupiers of the dwellings here would be dependent on the use of the private car for most needs and services. As a result there would be conflict with the underlying intention of the Framework and CS which aim to direct development to the most sustainable locations.
13. I conclude the proposals would have an adverse effect on the character and appearance of the area, and harm the aim of securing a sustainable pattern of development. The scheme is therefore contrary to current policy within the Framework and Policies CS3, CS4, and CS13 of the CS and Policy RU6 of the LP.

Affordable Housing

14. Policy CS5 of the CS sets out the Council's requirements in respect of affordable housing. This is an up to date policy which carries considerable weight. While the appeal scheme is for a development of less than five dwellings, it is indicated to have a site area of 0.312 hectares which is within the size range where 20% affordable units are necessary. No obligation or other agreement has been put forward to ensure affordable housing is secured.
15. The appellants indicate that this policy does not apply as they consider the development is for replacement housing. However, as set out above, I do not consider the houses in this scheme are 'replacement' dwellings and, therefore, the policy is to my mind relevant to these proposals. While the appellants indicate that provision of one unit of affordable housing would not be cost effective or practical for an RSL there is no evidence before me to confirm this position or to indicate that such provision on this site is not viable.
16. Based on the information available, with no mechanism to provide such housing, the scheme would harm the Council's aim to meet its affordable housing needs and is contrary to Policy CS5 of the CS.

Conclusion

17. For the reasons given above, I conclude that the appeal should be dismissed.

Ray Wright

INSPECTOR