



*St Edmundsbury*  
BOROUGH COUNCIL

# DEV/SE/17/024

## Development Control Committee 1 June 2017

### Planning Application DC/17/0397/OUT Land Adjacent to 3 The Hill, Front Street, Ousden

**Date:** 07/03/2017      **Expiry Date:** 02/05/2017  
**Registered:**

**Case Officer:** Aaron Sands      **Recommendation:** Refuse  
**Parish:** Ousden      **Ward:** Wickhambrook

**Proposal:** Outline Planning Application (Means of Access and Layout to be considered) - 1no. dwelling (following demolition of existing workshop)

**Site:** Land Adjacent to 3 The Hill, Front Street, Ousden, Suffolk, CB8 8TW

**Applicant:** Mr Ivan Missen  
**Agent:** Mrs Rona Kelsey - Winthrop Planning

**Synopsis:**

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and Associated matters

**Recommendation:**

It is recommended that the Committee determine the attached application and associated matters.

CONTACT CASE OFFICER:

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## **Background:**

**This application is referred to the Development Control Committee with the written agreement of the Chair and Vice-Chairs, following earlier consideration at the Delegation Panel and a subsequent request by the Ward Member.**

**A site visit is proposed to take place on Thursday 25 May 2017.**

## **Proposal:**

1. Outline planning permission is sought for the erection of a single dwelling, following the demolition of a workshop. The means of access and the layout are the matters to be considered at this stage, with all other matters being reserved and any other information being indicative only and not capable of being taken into account at this stage. The access would utilise the existing driveway that currently serves no. 3 The Hill, Front Street, and the layout plan broadly indicates the dwelling would be of a similar footprint to the workshop to be demolished.

## **Application Supporting Material:**

2. Information submitted with the application as follows:
  - Application form
  - Layout plan
  - Location Plan
  - Indicative cross section
  - Biodiversity Survey
  - Design and Access Statement
  - Land Contamination details
  - Planning Statement

Additional details received 30<sup>th</sup> March

- Agent response to concerns raised by officers (hereon referred to as 'additional details')

## **Site Details:**

3. The site forms the garden area of no. 3 The Hill Front Street, located within designated countryside but adjacent to the housing settlement boundary. The site is within a designated special landscape area and slopes steeply downward away from the roadside. The existing workshop is a single storey, flat roof building constructed of breezeblocks.

## **Planning History:**

4. The following applications are located within the housing settlement boundary,

5. Site adj to No. 1 The Hill, Front Street – DC/16/2305/FUL - Planning Application – 1no dwelling as amended by plan received 02 December 2016 altering the access. Granted. 08/12/2016.
6. Site adj to No. 1 The Hill, Front Street – DC/17/0503/VAR - Planning Application – Variation of Conditions 2, 6 and 8 of DC/16/2305/FUL - to allow use of revised site plan 3690-03K. Granted. 03/05/2017.

**Consultations:**

7. Highway Authority: No objection
8. Natural England: No objection
9. Environment Team: No objection subject to informatives
10. Public Health and Housing: No objection subject to conditions (*officer note: the burning of waste material on site is readily covered by other legislation and it is not considered a necessary condition in this instance*).

**Representations:**

11. Parish Council: No objections to this application and supports the contribution it will make to the village
12. 4no representations received incorporating the following summarised points:
  - Proposal will be an improvement to the site
  - The proposal will not be particularly visible
  - Proposal incorporates adequate parking and would prevent inappropriate parking on the road
  - No impacts to nearby residential properties

**Policy:** The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy 2010 have been taken into account in the consideration of this application:

13. Joint Development Management Policies Document:
  - Policy DM1 (Presumption in Favour of Sustainable Development)
  - Policy DM2 (Creating Places – Development Principles and Local Distinctiveness)
  - Policy DM5 (Development in the Countryside)
  - Policy DM7 (Sustainable Design and Construction)
  - Policy DM13 (Landscape Features)
  - Policy DM15 (Listed Buildings)
  - Policy DM22 (Residential Design)
  - Policy DM27 (Housing in the Countryside)
  - Policy DM28 (Residential use of Redundant Buildings in the Countryside)
  - Policy DM33 (Re-Use of Replacement of Buildings in the Countryside)

- Policy DM46 (Parking Standards)
14. St Edmundsbury Core Strategy 2010
- Policy CS2 (Sustainable Development)
  - Policy CS3 (Design and Local Distinctiveness)
  - Policy CS4 (Settlement Hierarchy and Identity)
  - Policy CS7 (Sustainable Transport)
  - Policy CS13 (Rural Areas)
15. Rural Vision 2031
- Policy RV1 (Presumption in Favour of Sustainable Development)

**Other Planning Policy:**

16. National Planning Policy Framework (2012)

**Officer Comment:**

17. The issues to be considered in the determination of the application are:

- Principle of Development
- Impact on Landscape
- Impact on Listed Building
- Impact on Highways
- Impact on Amenity

18. This application is an outline planning permission with the means of access and layout to be considered. Matters of appearance (including architectural design), scale and landscaping are not factors that may be considered as part of this application. Any details expressed on those matters are indicative only, and may not form part of the determination.

**Principle of Development**

19. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Recent High Court cases<sup>1</sup> have reaffirmed that proposals that do not accord with the development plan should not be seen favourably, unless there are material considerations that outweigh the conflict with the plan. This is a crucial policy test to bear in mind in considering this matter since it is not just an absence of harm that is necessary in order to outweigh any conflict with the Development Plan, rather tangible material considerations and benefit must be demonstrated.

20. St Edmundsbury Borough Council is able to demonstrate at least a five year supply of housing land, plus necessary buffer, and the relevant policies for the supply of housing are therefore considered to be up-to-date. The starting point for all proposals is therefore the development

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<sup>1</sup> Daventry DC V SSCLG & Anr [2015] EWHC 3459 (Admin); East Staffordshire BC V SSCLG and Anr [2016] EWHC 2973 (Admin); Barker Mill Estates V Test Valley BC and Anr [2016] EWHC 3028 (Admin)

plan.

21. Policies DM1 and RV1 set out the presumption in favour of sustainable development required by all local plans, and which paragraph 49 of the NPPF makes clear applies to all housing proposals. Sustainable development is the 'golden thread' that runs throughout plan making and decision taking and this 'presumption in favour of sustainable development' is embedded in paragraph 14 of the NPPF, and which applies in two scenarios. Firstly, if the proposal accords with the policies of the development plan support should be given for the proposed development, unless material considerations otherwise indicate development should be refused. Secondly, and on the other hand, this presumption in favour of sustainable development also applies if the development plan is absent, silent, or relevant policies are out of date, in which case permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
22. Policy DM2 sets out the principles of development that all proposals should have regard to, and seeks to reinforce place and local distinctiveness as a central tenet in decision making with the Borough. Development should recognise and address the key features, characteristics, landscape character and special qualities of the area, and maintain or enhance the sense of place that these features create, taking advantage of opportunities to restore such features where they have been eroded. Development should not involve the loss of gardens and open, green landscaped areas that make a significant contribution to the character and appearance of a settlement. Development should avoid adverse impact to urban form and patterns of development, and not harm the amenity of adjacent areas or residences.
23. The application site is located in designated countryside, and policy CS4 identifies the settlement of Ousden as an Infill Village. Such villages have a limited range of services, and only infill development comprising single dwellings, or small groups of five dwellings or fewer will normally be acceptable. Policy CS13 further states that development permitted in such locations will only be so much as is necessary reflecting the need to maintain the sustainability of services in the community they serve, and the provision of housing for local needs. Development outside defined areas will be strictly controlled.
24. Policy DM5 sets out the specific instances of development that are considered appropriate in the countryside along with the criteria proposals will need to meet and those policies that set out further criteria depending on the type of development. In this instance, policy DM27 sets out those additional criteria for new market dwellings in the countryside. Proposals will only be permitted on small undeveloped plots where they are *within* a closely knit cluster, and front a highway. A small undeveloped plot is one that could be filled by either one detached dwelling, or a pair of semi-detached dwellings, where plot sizes and spacing between dwellings is similar and respectful of the rural character and street scene of the locality.

25. The proposal is manifestly not within a cluster, it is on the edge of the settlement with no built development adjacent the eastern boundary. It does not comply with policies CS4, CS13, DM5 or DM27 that all seek to concentrate new development in the countryside within the bounds of existing settlements and clusters. There is, consequently, an unequivocal policy conflict and this failure to meet the provisions of the Development Plan, noting the latest Court rulings on the interpretation of the NPPF, indicate that significant weight should be attached to this conflict against the scheme as a matter of principle. Any harm, including matters of detail, as shall be set out below, must indicate refusal, in accordance with the Development Plan, unless there are material considerations that indicate otherwise.
26. In this instance further harm stems from a development outside the defined settlement boundary as an unsustainable form of development. It is the beginning of a ribbon development in the countryside that would set an inappropriate precedent for further dwellings to be built along the roadside, however limited that number of dwellings might be. This would erode patterns of development between settlements, and extrude into the countryside. Considering the many similar situations within the Borough, the proposal would result in a precedent for altering the historic patterns of development and extend built form outside of defined settlement boundaries and countryside clusters.
27. While the planning statement and additional details note appeal cases in Great Barton where dwellings have been allowed without fully complying with the provisions of policy DM27 (references APP/E3525/W/15/3139957 and APP/E3525/W/16/3145915 are two such instances) such cases are still within clusters, and therefore bear little resemblance to this proposal, instead focusing on the number of dwellings that comprise a cluster within which those developments would sit and where dwellings would be located without a direct road frontage. Officers consider this argument fails to understand the aim of the policy, which is to allow modest development to support rural economies, but restrict sprawl on the edges of those settlements that might otherwise harm landscape and result in unsustainable development.
28. It is noted that there is an existing outbuilding on the site, and policy DM28 provides a potential for the conversion of defunct buildings where they have met the criteria of that policy. In particular, a building would need to be capable of conversion without needing extensions, significant alterations or reconstruction, and proposals would need to employ a high quality design that retains the character of the building, and an enhancement of the immediate setting of the building. Importantly, alternative uses for the building, such as tourist accommodation and other recreation facilities, in accordance with Policy DM33, would first have to be explored. The policy goes further to note that not all buildings are suitable for reuse, and that conversion may have adverse impacts on the landscape, in conflict with the aim of conserving and enhancing the rural environment. The building in question is shown in the following photo;



29. As stated, the building is identified as a workshop, and comprises a modest building of breezeblock construction with a sheet metal roof. While the building as it stands is not of any architectural merit, its modest scale and flat roof significantly limits its intrusion into the countryside and the surrounding dwellings and it appears, distinctly, as an incidental outbuilding. Noting its modest scale, officers would readily question whether this building could accommodate a dwelling without extension or significant alteration, particularly noting the form and material of the workshop, which is not particularly conducive to use for residential use.
30. Policy DM33 also permits, in exceptional circumstances, the replacement of a building in the countryside. The arguments presented are plainly not 'exceptional' sufficient to meet the high policy test. In any event, the policy also requires the replacement building to be a more acceptable and sustainable development and that it would also restore the visual, architectural or historical coherence of a group of buildings where this would otherwise be lost. None of these provisions apply in this instance and there is conflict therefore with Policy DM33 also.
31. The additional details states that the building is of a greater floor space than the national average, and therefore would support a residential use. However, no information has been provided as to its structural status, capacity to be converted or any alternative uses that have been considered for the building. In addition, such a dwelling would appear out of place amongst the overwhelming majority of larger, 1½ storey and greater dwellings in the immediate vicinity, and while a dwelling approved nearby recently (ref DC/16/2305/FUL) was single storey, the design of that dwelling was such that views would be severely restricted so that the dwelling would not readily be identifiable. Furthermore, that dwelling was within the cluster of development and within the settlement boundary of Ousden, thereby removing any conflict with the Development Plan and limiting any visual impacts. Without any such assessment in relation to the existing building sufficient to meet the tests of DM28 or DM33, it

cannot be concluded that there might be support in principle for the proposal.

32. As stated, the Local Authority has a demonstrable five year housing land supply and relevant policies for the supply of housing are considered up to date. On this basis, the presumption as set out within paragraph 14 of the NPPF does not apply and development should be considered in accordance with the Development Plan, as there are no material considerations that would outweigh that conflict.
33. The proposal represents an inappropriate and unsustainable development in the countryside. It would set a precedent for development outside of defined clusters that would erode the character of settlements and result in ribbon development, with the associated harm that arises from those forms of development. The development fails to accord with policies DM2, DM25, DM27, DM33, CS2, CS4 and CS13 and paragraphs 17, 28, 53 and 60 of the NPPF.

### **Impact on Landscape**

34. The site is located within a special landscape area (SLA). Policy CS13 indicates that development will be permitted where it does not have an unacceptable adverse impact on the character of the landscape, landscape features, wildlife or amenity value of that land. SLAs are areas of particular sensitivity, with limited capacity to absorb change without significant material effect on their character and/or condition. Development should be informed by the Suffolk Landscape Character Assessment (SCLA), and subject to an individual assessment of the site, and proposals should demonstrate that their location, scale, design and materials will protect, and where possible enhance, the character of the landscape. Significant gaps between settlements should be appropriately addressed, and any harm to locally distinctive landscape should be minimised. Development will not be permitted where this is not possible.
35. Proposals for residential development should maintain or create a sense of place and/or character, in accordance with policies DM2 and DM22, by employing designs based on an analysis of existing buildings, landscape and topography, exploiting the opportunities that are presented by those features. Innovative design approaches should be incorporated to ensure a mix of development and respects the continuity of built form and the enclosure of spaces.
36. As an outline application, matters of landscape, appearance and scale are reserved, and any details provided are therefore indicative only. The site slopes downwards from the roadside, and beyond the application site it slopes upwards again, creating the valley within which a number of dwellings along Front Street sit. The area is reasonably open, with attractive green fields. The following photo indicates this and was taken from the public footpath.





37. The SLCA aims to maintain and restore the landscape of Suffolk and promote and foster wider understanding of the landscapes of Suffolk. The development site is located within an area labelled as 'undulating estate farmlands' where settlements are characterised by a dispersed pattern of development resulting in small, pocketed clusters of built form. Individual parishes tend to have multiple such clusters, with larger groups elongated and outlying groups based on green side settlements, wayside settlements and farmsteads. The SLCA notes that such historic patterns are easily lost to ribbon development and infill between clusters, and settlement expansion is explicitly identified as a key force for change that adversely affects the character of the landscape.

38. The proposal sits within a locally distinct valley and a green gap between two otherwise more built and tightly grained areas of Ousden, with the housing settlement boundaries following the clusters, and excluding the application site. This highlights the intent to strictly control development in this area in the interests of retaining this character. An additional dwelling in the area indicated would likely be readily noticeable against the backdrop of the valley, and while there would be some mitigation due to the slope of the site, there is no firm evidence that the dwelling would attempt to incorporate the topography. Indeed, while indicative, the application expresses an intention to provide a 1½ storey dwelling, and in the experience of officers, given the necessary head heights required for building regulations, such dwellings are often of a commensurate height with two storey dwellings by virtue of the steep pitch of the roof, in an effort to gain more usable internal space. Regardless, the present building intrudes very little into this open and attractive landscape, as would be expected of a single storey outbuilding of modest scale, and the provision of a dwelling of whatever scale, and of whatever appearance, with access, parking and turning areas, garden space, fencing and associated domestic paraphernalia would inevitably intrude noticeably into this setting in a way that would be materially harmful to its present character.

39. To paraphrase the submitted planning statement, a dwelling that has been approved in close proximity to the application site (ref DC/16/2305/FUL), sets a precedent that this proposal would not have an adverse impact on landscape character of the SLA. Officers consider that reasoning to be wholly flawed. Each case is taken on its own merits and the two proposals are exceedingly different, falling within different constraint zones and subject to different considerations. In the previous case (ref DC/16/2305/FUL) the proposal was within the cluster and housing settlement boundary, with development on all sides of the site and was designed to be earth sheltered, in order to further limit impact on the SLA and adjacent listed building. Most notably, full details were provided in that application, as opposed to this proposal, which is in outline, without details of the architectural design of the dwelling, its scale or potential landscaping arrangement.
40. The proposal would harmfully erode the important green gap between clustered settlements within the parish of Ousden. A dwelling in this location, plus associated curtilage and paraphernalia, would significantly and materially alter the landscape character of this area in an adverse manner. The proposal therefore fails to accord with policy DM13 and respect the character of the landscape and its importance as a division between clustered built form.

### **Impact on Listed Building**

41. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that local planning authorities have special regard to the desirability of preserving the building or its setting and any features of special architectural or historic interest which it possesses. Noting that listed buildings are sited in reasonably proximity to the proposal, there is a duty to consider the impact on their setting.
42. Policy DM15 states that proposals must demonstrate a clear understanding of the significance of the setting of the building, alongside an assessment of that impact. Proposals will be permitted whether they are of a scale, form, height, massing and design which respect the setting of the building and views inward and outward of that listed building.
43. The proposal is sited opposite the Grade II listed building of White Shutters, as well as a Grade II outbuilding associated with the dwelling. The proposal is in outline, and it is not, therefore, fully possible to assess its impact on the nearby listed building. That said, given the topography of the land, it is likely that a dwelling would not sit higher than the listed buildings so as to dominate them. In addition, the separation, including the road, would reduce views of the two buildings being read together, and they would appear as separate entities. It is therefore considered that the proposal would not result in an adverse impact on the setting of the listed building.

## **Impact on Highways**

44. Policy DM46 requires that development have appropriately designed and sited parking areas to limit unsafe parking within the street scene. Proposals should accord with the adopted standards, in this instance the Suffolk Guidance for Parking 2014 adopted by Suffolk County Council. Less parking than would normally be required may be acceptable where proposals can clearly indicate that they have particular accessibility to alternatives or where development is located within towns and is therefore particularly sustainable. Policy DM2 reinforces the need for appropriately design parking, to ensure that the street scene is not dominated by the car, and seeks to ensure that development does not have an adverse impact on the safety of the highway network.
45. Policy DM22 states that development should apply innovative highway and parking measures designed to avoid visual dominance of those elements in new development, whilst meeting highway safety standards. Development should ensure appropriate levels of permeability and accessibility for all, and consider the needs of pedestrians and cyclists before car users. Proposals should seek to create a safe and welcoming environment.
46. The proposal is not particularly well located in terms of alternative provision to transport, and the bus stops located some 5 minutes away are not so regular that they allow a resident free reign to travel at whim. It is therefore considered that the car is likely to be the preferred mode of transport, and full parking provisions would be necessary. The application includes parking for 3 cars and a turning area, and 3 car parking spaces for the existing dwelling. It is considered that this is sufficient to support a reasonably sized dwelling, noting that such a level of parking would be acceptable for a 4 bed property.
47. The highway authority considers the access sufficiently capable of serving two dwellings. Visibility is good along the roadside, and the entrance to the site is sufficient wide to accommodate two cars entering/exiting if necessary. The proposal is not considered to result in a detrimental impact to the safety of the highway network, and would not lead to cars parked in inappropriate locations within the street scene, though a condition would be necessary to ensure that the number of bedrooms within the site is limited to prevent an increased pressure on parking over and above that allocated for in this application.

## **Impact on Residential Amenity**

48. The proposal is sited away from the nearest dwelling of no. 3 The Hill, and as scale is a reserved matter it is not possible to make an assessment as to how the proposal might affect light or be of an overbearing nature. However, there appears to be a reasonable separation from the closest residential dwelling, and officers are satisfied that a dwelling on this site could be appropriately designed to satisfactorily mitigate adverse impacts to residential amenity.



### **Conclusion:**

49. In conclusion, the proposal represents a clear departure from adopted policy that would result in an inappropriate development in designated countryside, and that would have an adverse impact on the Special Landscape Area.

### **Recommendation:**

50. It is recommended that planning permission be **REFUSED** for the following reasons:

1. The proposal is for a dwelling outside the settlement boundary and would therefore fall within the remit of policies DM5 and DM27. It is not an infill plot within a cluster, being sited on the end of the settlement, and therefore represents an unsustainable ribbon development. The proposal fails to accord with policies DM2, DM5, DM27, DM33, CS2, CS4 and CS13 and paragraphs 53 and 55 in particular of the NPPF, which seek to tightly constrain development in the countryside to that which supports local services and is in appropriate locations.
2. The area is identified as Undulating Estate Farmland by the Suffolk Landscape Character Assessment, and parishes are noted as having many small clusters of development. The application site also forms part of the Special Landscape Area, which has limited ability to absorb change without detrimental affect. The proposal sits within an important green gap between two clusters of development, and which provides a strong positive contribution to the character of the area through its open aspect and undulating form. The provision of a dwelling, with associated curtilage and paraphernalia, would intrude to a material extent into this open landscape, affecting adversely the character of the site itself plus the character of the wider area, including the setting of the nearby settlements. The proposal therefore fails to accord with policies DM2, DM13, DM22, CS2, CS3 and the NPPF, particularly paragraphs 58, 61 and 109.

### **Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online.

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OLTRJLPDMU800>