



*St Edmundsbury*  
BOROUGH COUNCIL

# DEV/SE/17/042

## Development Control Committee 2 November 2017

### Planning Application DC/17/1628/OUT – Land Adjacent to Aldersfield Place Farm, Ashfield Green, Wickhambrook

**Date Registered:** 04.08.2017      **Expiry Date:** 06.11.2017

**Case Officer:** James Claxton      **Recommendation:** Refuse Application

**Parish:** Wickhambrook      **Ward:** Wickhambrook

**Proposal:** Outline Planning Application (Means of Access to be considered) -  
1no. dwelling and detached garage

**Site:** Land Adjacent To Aldersfield Place Farm, Ashfield Green,  
Wickhambrook

**Applicant:** Mr Parker

**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:

James Claxton

Email: James.Claxton@westsuffolk.gov.uk

Telephone: 01284 757382

## **Background:**

**This application is referred to the Development Control Committee following consideration by the Delegation Panel. It was presented before the Delegation Panel at the request of Councillor Clive Pollington the local Ward Member, and because the Officer's recommendation for REFUSAL is contrary to that of Parish Council's for approval.**

**A site visit is proposed to take place on Thursday 26 October 2017.**

## **Proposal:**

1. Outline permission is sought for the erection of a single dwelling with a detached garage. The means of access is to be considered, which is to be created by cutting through the existing hedgerow. All other matters are reserved, and any other information submitted is indicative only and not capable of being taken into account at this stage, except to otherwise indicate how it might be possible to develop the site.

## **Application Supporting Material:**

2. Information submitted with the application as follows
  - Layout plan
  - Location Plan
  - Indicative street scene
  - Design and Access Statement
  - Land Contamination details
  - Planning Statement

## **Site Details:**

3. The site is located to the north east of Ashfield Green, Wickhambrook, and consists of an open undeveloped field, located on the edge of existing development. The proposal is sited approximately 65 metres from Place Farm located to the south west, and approximately 50 metres from the row of existing dwellings to the north west.

## **Planning History:**

4. No relevant applications.

## **Consultations:**

5. Highways – No objections, recommend conditions.
6. Environmental Health - No objections.
7. Public Health and Housing – No objections, recommend conditions.
8. Parish Council - The majority of Parish Councillors do not object to this application although two have referred to it as being beyond the designated area and undermining the character of Wickhambrook's greens with clusters of housing.

## **Representations:**

9. None received.

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

Joint Development Management Policies Document:

- Policy DM1 Presumption in Favour of Sustainable Development.
- DM2 Creating Places – Development Principles and Local Distinctiveness
- DM5: Development in the Countryside
- DM22 Residential Design
- DM27: Housing in the Countryside

St Edmundsbury Core Strategy December 2010

- Policy CS2 (Sustainable Development)
- Policy CS3 (Design and Local Distinctiveness)
- Policy CS4 (Settlement Hierarchy and Identity)
- Policy CS13 (Rural Areas)

## **Other Planning Policy:**

10. National Planning Policy Framework (2012) core principles and paragraphs 56 – 68

## **Officer Comment:**

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

- Principle of Development
- Settlement Hierarchy and Sustainable development
- Impact on Character
- Highway safety
- Residential Amenity
- Other Matters
- Parish Council's response.

## **Principle of Development**

### **Settlement Hierarchy and Sustainable development**

12. 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 the primacy of the development plan and 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 material considerations and benefit must be demonstrated if approval is to be granted for a proposal that otherwise conflicts with the provisions of the plan.

---

1. 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); *Suffolk Coastal DC v Hopkins Homes Ltd UKSC 2016/0076*

13. Reference has been made in the submitted planning statement to the recently approved application at 3 The Hill, Front Street, Ousden (application reference DC/17/0397/OUT), suggesting that if the site at Ousden was considered as infill, then this application should be determined in the same manner. It is well established that individual planning applications are not material considerations in the determination of other applications, and that each should be judged on its individual merits.
14. Reference has also been made to the appeal case in Great Barton where dwellings have been allowed without fully complying with the provisions of policy DM27 (reference APP/E3525/W/15/3139957). However that proposal was still within what that Inspector defined as the cluster, and in any event bore little resemblance to this proposal. That decision focuses instead 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 and is not materially comparable therefore to the situation before us now.
15. It is also reasonable to suggest that this presented argument fails to understand the aim of the policy, which is to allow modest development to support rural economies, within a location that meets a very specific set of criteria where harm would otherwise be limited, but which also restricts sprawl on the edges of those settlements that might otherwise harm the character and landscape or an area or result in a proliferation otherwise of locationally unsustainable development.
16. The National Planning Policy Framework (NPPF) does not define or limit the meaning of the term 'isolated' and neither do adopted planning documents. Using the definition provided by the Oxford English Dictionary as guidance, isolated is defined as: "*Placed or standing apart or alone; detached or separate from other things or persons; unconnected with anything else; solitary.*" However paragraph 55 does not indicate that any new home in the countryside which is not isolated should necessarily be accepted. This does not merely relate to the existence or absence of nearby dwellings, but must also be read in the context of the broad overall aim of paragraph 55, which is to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities. This approach is reiterated in Policy CS4 of the Bury St Edmunds Core Strategy (CS).
17. The Council's settlement strategy derives from a detailed understanding of the character of the district and the requirement to accommodate growth sustainably. The local policy framework seeking to deliver that strategy has been subject to a rigorous process of evidence gathering, consultation, and examination. It accords with the basic principles of the NPPF, which seeks to secure sustainable development and reduce the need to travel. The principle of development in this case would not accord to the pattern of settlement established in the CS.
18. Paragraph 55 advises that, to promote sustainable development, rural housing should be located where it would enhance or maintain the vitality of rural communities. Paragraph 7 of the Framework sets out the three dimensions to sustainable development: economic, social and

environmental, and that these roles are mutually dependent and should be jointly sought to achieve sustainable development. Policy DM1 follows the thrust of this requirement for sustainability recommending that any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the NPPF.

19. St Edmundsbury Borough Council is able to demonstrate at least a five year supply of housing land for the period 2017 – 2022, plus necessary buffer, as detailed in the council's report "Assessment of a five year supply of housing land taking a baseline date of 31 March 2017". 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 plan.
20. 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. Officers advise that the Development Plan is not silent in this regard and that, as advised, the Council has a sufficient five year housing land supply. On this basis the presumption in favour of sustainable development as set out in the NPPF does not apply.
21. 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.
22. The application site is located in designated countryside. Policy CS4 identifies these areas as unsustainable due to the reliance on motor cars to access shops, other facilities or employment. 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.
23. 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.

24. The proposal is not within a cluster. It is on the edge of an existing belt of ribbon development with no built development adjacent to its north east and eastern boundary. The vicinity is typical of the clustered form of Wickhambrook but development beyond these clusters should nonetheless be resisted. This proposal 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.
25. In this instance further harm stems from a development outside the defined settlement boundary as an unsustainable form of development. It extends existing 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, and given the requirement of consistency in the decision making process. 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.
26. The aim of the adopted policies is not to stop all development, but to allow modest development to support rural economies, restricting sprawl on the edges of settlements that might harm landscapes and result in undesirable development.
27. 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. Furthermore there are no material considerations that would outweigh that conflict, and the Local Planning Authority is under no additional pressure to release land that does not accord with adopted plans and policies.
28. 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 Character**

29. Policy CS3 of the Core Strategy requires new development to create and contribute to a high quality, safe and sustainable environment. Proposals will be expected to address an understanding of the local context and demonstrate how it would enhance an area. This requirement is detailed further in Policy DM13 (Landscape Features) which states that development will be permitted where it will not have an unacceptable adverse impact on the character of the landscape, landscape features wildlife or amenity value.
30. Arguments that the proposal might otherwise be acceptable since it is located near to existing built development could be applied to many cases and could result in significant unplanned and incremental expansion of rural settlements. There is an element of vegetation which may provide a degree of screening to the proposal, however to create an access a clear breach of the vegetation within the street scene is required and however extensive the existing vegetation views into the site will always likely be available. In any event, the proposal will have an intrinsic adverse effect upon the character of the area by intruding into this otherwise open countryside setting, to the detriment of the character and appearance of the area, and would have an unwelcome urbanising effect on public views of the locality. This would be the case regardless of the scale or specific position of this dwelling on this site.
31. The proposal would therefore create a significant level of visual intrusion in this rural location, spreading beyond those boundaries enshrined in policy, creating a significant impact so as to cause material harm to the surrounding landscape character, and which would not accord with policies CS3 and DM13.

## **Highway safety**

32. The consultation response for the highways department details no objections to the proposal and makes recommendations for conditions to ensure the proposed access is created to the relevant standards.

## **Residential Amenity**

33. The proposal is sited approximately 65 metres from Place Farm located to the south west, and approximately 50 metres from the row dwellings to the north west. It is reasonable to suggest that by virtue of this location, and as scale is a reserved matter, a dwelling on this site could be appropriately designed to satisfactorily mitigate adverse impacts to residential amenity.

## **Other Matters**

34. Accurate and robust pre-application advice was provided which detailed that development in this location would not be supported and detailed other opportunities for delivering similar proposals that would accord with locally adopted policies. It is noted that there are existing outbuildings, and policy DM28 provides a potential for the conversion of defunct buildings where they have met the criteria of that policy. These options for development are open to the applicant and could be much less difficult



to resist, however they would not weigh favourably in the balance of considerations, as a possible fall-back position, as they are materially different to this present proposal.

35. Reference is made to surface water drainage issues, due in part to a network of ditches in the area being unmaintained, and a system of land drains being installed as part of this development. In addition the existing ditch would be renovated, and managed going forward allowing for the natural drainage system of the area. Whilst this could provide an element of positive weight to the proposal, there could also be considerations to the applicant's duty of care as land owner and acting in a neighbourly manner if the surface flooding is of such a level prior to this proposal. Notwithstanding that, that concession would not outweigh the considerable conflict this proposal has with the development plan and adopted policies that are detailed in this report.

## **Conclusion.**

36. Some positive weight could be afforded to the proposal due to the location of the proposal in relation to existing development and the limited amenity impacts this would create, with mitigation afforded through reserved matters. However this is significantly outweighed by the level of conflict with the development plan as a whole, and the supporting Joint Development Management Policies.

37. As stated by the NPPF unsustainable development should be avoided, unless other material considerations in the planning balance equalise the overall principle of proposals. Whilst any development within Ashfield Green would be classed as unsustainable, if it accorded with adopted policy then there is opportunity in the balance of considerations for development at this location to be approved. However in this instance the proposal does not accord with any of the adopted policies, the location is unsustainable, and these factors weigh significantly against the proposal.

38. Therefore, and considering that consistency of decision making for applications is key for developers, the Local Authority, and members of the public, the proposal is recommended for refusal as a clear departure from adopted policy.

## **Recommendation:**

39. It is recommended that planning permission be **REFUSED** for the following reason:

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. By virtue of this location the proposal would create a visual intrusion, having an unwelcome urbanising effect on public views of the locality, creating a significant impact so as to cause material harm to the surrounding landscape character. Accordingly, the proposal fails to accord with policies DM2, DM5, DM13, DM27, DM33, CS2, CS3, 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. The proposal is in clear and significant conflict with local and national policies.

**Documents:**

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

<http://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OU5L8YPD07L00>