



St Edmundsbury
BOROUGH COUNCIL

DEV/SE/18/017

Development Control Committee 5 April 2018

Planning Application DC/18/0109/FUL – Detached Dwelling, Parsons Spinney, Front Street, Ousden

Date Registered:	25.01.2018	Expiry Date:	22.03.2018
Case Officer:	Kerri Cooper	Recommendation:	Refuse Application
Parish:	Ousden	Ward:	Wickhambrook
Proposal:	Planning Application - 1no. dwelling with garage and access		
Site:	Detached Dwelling, Parsons Spinney, Front Street		
Applicant:	Mr David Saltmarsh		

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:

1. The application has been referred to the Development Control Committee following Delegation Panel on 7 March 2018. A site visit is scheduled for 29 March 2018.

Proposal:

2. Planning Permission is sought for the construction of 1no. dwelling with garage and access. The proposal is for a two storey detached dwelling with link attached double garage. The dwelling is positioned towards the rear (north) of the site, accessed via a long driveway from Front Street.

Site Details:

3. The site forms the garden area of Parsons Spinney, located within designated countryside, adjacent to the housing settlement boundary. The site is adjacent to a designated special landscape area and slopes steeply downward away from the roadside.

Planning History:

Reference	Proposal	Status	Received Date	Decision Date
SE/02/1133/P	Planning Application - Erection of first floor side extension and single storey rear extensions	Application Granted	21.01.2002	28.02.2002
E/87/1864/P	Erection of loose boxes	Application Granted	08.04.1987	01.06.1987
E/84/2315/P	Conversion of garage to sitting room and re-building of garden room	Application Granted	14.06.1984	20.07.1984
E/80/2062/P	Dwelling house and access	Application Refused	15.04.1980	12.06.1980
E/79/3457/P	Residential development - 7 dwellings and access	Application Refused	23.10.1979	17.12.1979

Consultations:

4. Conservation Officer: Due to the separation distance between The Old Rectory and application site and the existing planting along the site boundaries and the proposed planting, it is not considered that there will be an adverse impact to the setting of the Listed Building.

5. Public Health and Housing: No objection, subject to conditions.
6. Environment Team: No objection, subject to conditions.
7. Environment & Transport – Highways: No objection, subject to conditions.
8. Tree Officer: The majority of the trees that are proposed to be removed have been previously topped, rendering them unsightly and relatively low in amenity value. However, the sizeable number of trees to be removed would undoubtedly have an impact on the local environment. An appropriate replacement planting scheme would be required.
9. Forestry Commission: No comments received.

Representations:

10. Parish Council: Ousden Parish Council has no objections to this application on the basis that historically it has always been in favour of allowing small scale growth within the village.
11. Ward Member: Councillor Pollington fully supports the application and considers that the proposed development meets the spirit of Policy DM27.
12. Neighbours: 1no. letter of objection has been received from the owner/occupier of The Old Rectory, which includes the following summarised points:
 - Not against development, however agree with the comments set out in the pre-application advice by the Local Planning Authority;
 - Impact on neighbouring amenity - overlooking;
 - Impact on setting of Listed Building;
 - Does not comply with Policy DM5 or DM27;
 - Overdevelopment of the site
13. 2no. letter of support has been received from the owners/occupiers of 3 Hill View and Smiths Cottage, which includes the following summarised points:
 - Good design;
 - Will not adversely affect highway;
 - Accords with many planning policies as it is within a cluster;
 - Provides accessible housing;
 - No concerns regarding line of sight of proposed development
14. All representations can be viewed in full online.

Policy:

- 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 DM46 Parking Standards
- Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy
- Core Strategy Policy CS2 - Sustainable Development
- Core Strategy Policy CS3 - Design and Local Distinctiveness
- Core Strategy Policy CS4 - Settlement Hierarchy and Identity
- Core Strategy Policy CS7 - Sustainable Transport
- Core Strategy Policy CS13 - Rural Areas
- Vision Policy RV1 - Presumption in favour of Sustainable Development
- National Planning Policy Framework 2012

Officer Comment:

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

- Principle of Development
- Impact on Visual Amenity and Landscape Character
- Impact on Listed Building
- Impact on Neighbour Amenity
- Impact on Highway
- Other Matters

Principle of Development

16.The proposed development comprises the provision of 1no. dwelling, with associated garage and access. The application site lies outside of the two defined Settlement Boundaries for Ousden.

17.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.

18. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Recent High Court cases 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.
19. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and is a material consideration in planning decisions. Paragraph 12 of the NPPF is clear however that the Framework 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 with such should be refused unless other material considerations indicate otherwise.
20. St Edmundsbury Borough Council has a 5 year housing supply and therefore, its policies for the supply of housing (including settlement boundaries) are considered up-to-date and are material considerations in the determination of this application, (para 49 NPPF). The Council has a 5.3 year supply of housing including a 20% buffer.
21. Policy DM5 (Development within the Countryside) states that areas designated as countryside will be protected from unsustainable development.' The policy goes on to state that 'a new or extended building will be permitted, in accordance with other policies within this plan, where it is for a small scale residential development of a small undeveloped plot, in accordance with policy DM27'.
22. Policy DM27 (Housing in the Countryside) states that proposals for new dwellings will be permitted in the Countryside subject to satisfying the following criteria - (i) the development is within a closely 'knit' cluster of 10 or more existing dwellings adjacent to or fronting an existing highway and (ii) the scale of the development consists of infilling a small undeveloped plot by one dwelling or a pair of semi-detached dwellings commensurate with the scale and character of existing dwellings within an otherwise continuous built up frontage.
23. The proposed dwelling is set back from Front Street and located centrally in the area defined as Countryside, in-between the two clearly defined settlement boundaries for Ousden. The settlement boundaries have been established in this way to ensure two separate village envelopes within Ousden and to ensure that the otherwise generally open area between

them is protected, for the sake of the setting and character of the settlement.

24. There is a recognised physical edge to development at the western edge of Ousden. Those dwellings outside of this built up area are isolated and do not form part of the continuous development along Front Street. This includes the existing host dwelling, Parsons Spinney. The proposal would create an erosion of and encroachment into the countryside, distinctively separate from the two housing settlement boundaries.
25. The position of the dwelling, set back from the road, and not within 'a small undeveloped plot', and set back from the highway means that the proposal cannot gain any support from Policy DM27. No weight can be attached to the 'spirit' of DM27. Whilst there has been debate and bespoke consideration by Planning Inspectors as to what constitutes a cluster in terms of number and nature of buildings, in all cases allowed appeals have still been 'within' a cluster. In this context the proposal conflicts with the Development Plan as a matter of fact and this is a matter which weighs very heavily against the scheme.
26. Development here would harmfully erode the undeveloped 'openness' currently found between the two settlement boundaries of Ousden. Furthermore, the appeal site is not within an otherwise continuous built up frontage being surrounded by open countryside on three sides. In this respect the proposal is not 'infilling' but is instead a sprawling and urbanising intrusion into the countryside, within an otherwise very sensitive location. As such, the dwelling would harm the countryside and due to its set back into the site would have little visual affinity with its nearest neighbours resulting in it appearing isolated from the adjoining settlement boundary areas. It is therefore considered that the proposal is contrary to Policy DM27 and thus also Policy DM5.
27. As the proposed dwelling would be located in the countryside and does not meet an 'exceptional circumstance' as envisaged in the Core Strategy and set out in Policies DM5 and DM27 of the Joint Development Management Policies Document, it is considered that the proposal undermines the planned strategy for housing supply, and the protection of the countryside, contained in the Development Plan taken as a whole. Whilst the National Planning Policy Framework aims to boost housing supply significantly this is to be achieved in a sustainable way following a genuine plan led approach, which in this case is primarily set out in Policies CS4 and CS13 of the Core Strategy and DM5 and DM27 of the Joint Development Management Policies Document. On the contrary, the provision of a dwelling outside of any settlement boundaries, and noting that Ousden is designated as an infill village with only a relatively modest range of services, further suggest that this is an unsuitable and unsustainable location for a new dwelling.
28. It is acknowledged that the proposal would generate some economic activity if approved. This could however be said for all development proposals and is not, in itself, sufficient reason to set aside the conflict with policy in this case. Officers' consider that there are no material

considerations cited which outweigh the clear and significant conflict with the development plan in this case. These facts weigh very heavily, and fundamentally, against the scheme in the balance of considerations.

29. The principle of development is therefore contrary to the Development Plan. Accordingly, notwithstanding consideration of any matters of detail, this policy conflict is considered to be a very notable weight against the proposal, and sufficient to justify refusal on its own.

Impact on Visual Amenity and Landscape Character

30. Policy DM2 (Creating Places – Development Principles and Local Distinctiveness) states that proposals should recognise and address key features, characteristics and landscape of the area.
31. Policy DM13 (Landscape Features) 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.
32. The provision of 1no. dwelling would intrude into this open countryside setting, which forms an important gap between the two clusters of the settlement. It would have an unwelcome urbanising effect on views towards the settlement, and upon its setting. 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. The proposal would create a visual intrusiveness in this attractive rural location and create a significant impact as to cause material harm to the surrounding landscape, to the detriment of the character and appearance of the area.
33. Moreover, a number of trees are to be removed from the front and rear of the site to facilitate the proposed development and access. Whilst these trees are not of high value, they contribute to the character and appearance of the area in this rural location. Although the dwelling is positioned is set back from the highway significantly, the removal of the trees and the provision of the access will result in wider views of the proposed dwelling, plus the garage and access, as for it to appear prominent and otherwise intrusive in this setting.
34. Policy DM22 states that residential development proposals should maintain or create a sense of place and/or character by utilising the characteristics of the locality to create buildings and spaces that have a strong sense of place and distinctiveness, using an appropriate innovative design approach and incorporating a mix of housing and unit sizes that is appropriate for the location.
35. The proposed dwelling is of a two storey scale and of a large footprint. The dwellings along Front Street vary in design, scale and form. The proposed dwelling is located within a plot commensurate with the scale of the dwelling, ensuring Parsons Spinney is left with sufficient amenity space. Although the design and scale of the dwelling is not considered to be out

of keeping with dwellings in the area, the proposed development will result in an adverse impact upon the landscape character and appearance of the area.

Impact on Listed Building

36. 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.
37. The proposed dwelling is located to the west of Parsons Spinney. To the east of Parsons Spinney is The Old Rectory is a Grade II Listed dwelling.
38. The proposed development is located some distance from The Old Rectory to the west. Development to the north east and north west already flanks the boundaries of The Old Rectory. A tennis court is located within the curtilage of The Old Rectory and would sit parallel to the proposed development. Existing planting provides some screening between The Old Rectory and the proposed development site, and restrict views of the open countryside when looking west from the Old Rectory. Whilst views of the proposed development site from the north are likely to be possible until the young planting becomes established, it is considered unlikely that this view is significant in terms of the setting of the heritage asset.
39. As such, it is not considered that there will be a detrimental impact to the setting of the listed building as a result of the proposed development.

Impact on Neighbour Amenity

40. The proposed dwelling is set back from Parsons Spinney and positioned at a lower level within the site. Beyond Parsons Spinney lies The Old Rectory. Concerns have been raised by the owners/occupiers of The Old Rectory in terms of impact on their amenity. The proposed dwelling is of a substantial scale, however it is sited within the plot as to leave significant separation distance between the existing two dwellings. Furthermore, the existing established planting along the boundaries, along with securing additional planting for the proposed development would mitigate this further. Therefore, it is considered the impact of the proposed development will not be to a level as to cause harm to neighbouring amenity by virtue of loss of light, overlooking or overbearing.

Impact on Highway

41. 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.

42. A new access is proposed off Front Street to serve the proposed dwelling. The Highway Authority considers that the proposed access will provide adequate visibility along this road and will not surplus the current situation to lead to an adverse impact on highway safety subject to conditions.
43. 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.
44. Sufficient on-site parking is available as to accord with the parking standards set out in the document referred to above.

Other Matters

45. The application site is situated within Flood Zone 1 of the Environment Agency's Flood Map. Therefore, located in a low risk area of flooding.
46. Policy DM7 states (inter alia) proposals for new residential development will be required to demonstrate that appropriate water efficiency measures will be employed. No specific reference has been made in regards to water consumption. Therefore, a condition will be included to ensure that either water consumption is no more than 110 litres per day (including external water use), or no water fittings exceeds the values set out in table 1 of policy DM7.

Conclusion:

47. The application site lies outside of a defined settlement boundary and is therefore within the countryside where the provision of new housing is strictly controlled. The proposal is contrary to adopted planning policies which direct new open-market housing to sites within the defined limits of existing settlements and the application does not therefore accord with the development plan.
48. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 12 of the NPPF, the development plan is the starting point for decision making and proposals that conflict with the development plan should be refused unless other material considerations indicate otherwise. As set out earlier in this report, officers are of the opinion that there are no material considerations that indicate that policy should be set aside in this case.

Recommendation:

49. It is recommended that planning permission be **REFUSED** for the following reasons:
1. Policies CS1 and CS4 between them establish the spatial strategy and the settlement hierarchy for development within St. Edmundsbury. Both seek to resist, in conformity with the provisions of Para. 55 of the

National Planning Policy Framework (NPPF), residential development outside of settlement boundaries in otherwise unsustainable areas. Furthermore, Policy DM5 states that areas designated as countryside will be protected from unsustainable development and Policy DM27 sets out the circumstances where dwellings will be permitted outside of settlement boundaries. Ousden is a lower order settlement and the provision of a dwelling outside of the designated settlement boundary represents an unsustainable form of development. The proposal does not meet the provisions of policy DM27 in that it is not within a cluster and neither is it considered to be a small undeveloped plot within an otherwise continuous built up frontage. There are no material considerations that outweigh this significant conflict with the Development Plan.

2. Policy DM2 (Creating Places – Development Principles and Local Distinctiveness) states that proposals should recognise and address key features, characteristics and landscape of the area, and Policy CS4 seeks to ensure that development proposals do not adversely affect the setting of a settlement.

The proposal would create an encroachment to the countryside, distinctively separate from the housing settlement boundary. The proposal would harmfully erode the important green gap between clustered settlements within the parish of Ousden. A dwelling, plus garage and driveway in this location, as well as associated curtilage and paraphernalia, would significantly and materially adversely alter the landscape character of this area to its detriment. The proposal would create a visual intrusiveness in this otherwise presently attractive rural location and create a significant impact such as to cause harm to the surrounding landscape, to the significant material detriment of the character and appearance of the area. The proposal is therefore contrary to the provisions of Policy DM2, Policy DM13 and the National Planning Policy Framework (NPPF).

Documents:

50. All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/18/0109/FUL](https://www.dorsetcouncil.gov.uk/DC/18/0109/FUL)