



St Edmundsbury
BOROUGH COUNCIL

DEV/SE/18/030

Development Control Committee 6 September 2018

Planning Application DC/18/0829/OUT – Land Adjacent to the Old Parsonage, The Street, Fornham St Martin

Date Registered:	09.05.2018	Expiry Date:	26.07.2018
Case Officer:	James Claxton	Recommendation:	Refuse
Parish:	Fornham St. Martin Cum St. Genevieve	Ward:	Fornham
Proposal:	Outline Planning Application (Means of Access to be considered)- 1no dwelling		
Site:	Land Adjacent To The Old Parsonage, The Street, Fornham St Martin		
Applicant:	Mr & Mrs Shea		

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.

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Background:

The application is before the Development Control Committee following consideration by the Delegation Panel. It was referred to the Delegation Panel because the Parish Council do not object, contrary to the Officer recommendation of REFUSAL.

Proposal:

1. Outline permission is sought for the erection of a single dwelling. The means of access is to be considered, which is to be created by removing a section of an existing brick wall. 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:

Information submitted with the application as follows

- Location Plan
- Design and Access Statement
- Planning Statement

Site Details:

2. The site is located to the south east of the Old Parsonage, Fornham St Martin, and consists of its domestic garden which is located outside of the settlement boundary for Fornham St Martin and for planning proposes is recognised as countryside. To the east of the site is the road known as "The Street" with dwellings located to the east of that, approximately 30 metres from the site. To the south of the site are additional dwellings at a distance of approximately 80 metres.

Planning History:

3. No other relevant planning history

Consultations:

4. Environment Team No objections
5. Heritage No objections

The proposed development is located outside a conservation but sited opposite a listed building. The works will also involve the partial demolition of an historic wall to create a new access. The wall is not listed or located within a conservation area and the works are relatively minor retaining the majority of the long stretch of wall. Whilst sited opposite a listed building the development is set well into the site and will not affect the setting of the listed building the immediate vicinity of which will remain unchanged.

6. Highways No objections, recommend conditions.
7. Parish Council No objections
8. Public Health and Housing No objections, recommend conditions.

Representations:

9. None received.

Policy: The following policies of the Joint Development Management Policies Document, the St Edmundsbury Core Strategy 2010 & Vision 2031 Documents have been taken into account in the consideration of this application:

Joint Development Management Policies Document:

DM1 Presumption in Favour of Sustainable Development.
DM2 Creating Places – Development Principles and Local Distinctiveness
DM5: Development in the Countryside
DM13 Landscape Features
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:

National Planning Policy Framework (2018)

Other Planning Policy:

10. The NPPF was revised in July 2018 and is a material consideration in decision making from the day of its publication. Paragraph 213 is clear however that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework, the greater weight that may be given. The key development plan policies in this case are policies DM1, DM2, DM5, DM13, DM22, DM27, CS2, CS3, CS4 and CS13, and it is necessary to understand how the NPPF deals with the issues otherwise raised in these policies, and to understand how aligned the DM and Core strategy Policies and the NPPF are. Where there is general alignment then full weight can be given to the relevant policy. Where there is less or even no alignment then this would diminish the weight that might otherwise be able to be attached to the relevant Policy.
11. Policies DM1 and CS2 seek to deliver sustainable development and has a presumption in favour of that, the NPPF sets out in paragraph 10 that at the heart of that framework is the presumption in favour of Sustainable Development, therefore it is considered that policies DM1 and CS2 accord with the NPPF and can be afforded full weight.

12. Policies DM2 and CS3 provides development principles to create places that respect local distinctiveness recognising and addressing the key features and characteristics of an area. DM22 reiterates that approach seeking to secure proposals that maintain or create a sense of place and or character. Section 12 of the NPPF details advice on how to achieve well-designed places, with paragraph 127 subsection c) specifically identifying the need to ensure that planning policies secure development that is "*...sympathetic to local character and history, including the surrounding built environment and landscape setting...*". DM13 details considerations on Landscape features and avoiding unacceptable adverse impacts on character which is considered to accord with paragraph 127 as detailed in this section. It is therefore considered that policies DM2 and DM22 accord with the NPPF and can be afforded full weight.
13. Policy DM5 assesses development in the countryside and seeks to protect areas designated as countryside from unsustainable development, providing possible exceptions where the proposal is directly related to agriculture or forestry uses, is for affordable housing, or related to equine activities. Policy DM27 allows dwellings in the countryside where they can be achieved following specific characteristics for example within close knit clusters of ten or more dwellings, or where the scale of the development would consist of infilling a small undeveloped plot. Policy CS4 sets out the settlement Hierarchy for the Borough which provides a framework on which DM5 and DM27 are assessed against by identifying where areas designated as countryside are. Policy CS13 reiterates that approach by providing further control over development that is outside of those settlements as identified by CS4. Paragraph 79 of the NPPF details that "*...planning policies and decisions should avoid the development of isolated homes in the countryside...*" providing circumstances where for example dwellings that are for rural workers, or reuse existing heritage assets or redundant buildings, may be considered acceptable. Therefore it is considered that policies DM5, DM27, and CS4 can be afforded full weight as they accord with that paragraph of the NPPF which seeks to deliver rural housing where there is a proven and exceptional need for it, where it does not create isolated dwellings, and avoids delivering it in locations that undermine the character and distinctiveness of the rural scene.

Officer Comment:

15. 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

16. As confirmed in the planning statement submitted with the application decisions on planning applications are required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 to be made in accordance with

development plans unless there are material considerations that indicate otherwise.

17. Fornham St Martin is identified in the St Edmundsbury Core Strategy as an infill village, which is characterised by only having a limited range of services. In these villages, only infill development comprising single dwellings or small groups of five homes or less within the designated housing settlement boundary would be permitted.
18. Reference is made to a previously granted application (reference DC/17/1628/OUT), suggesting that if that site 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.
19. It is also reasonable to consider 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.
20. 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 79 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).
21. The Council's settlement strategy derives from a detailed understanding of the character of the Borough 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.
22. Paragraph 79 advises that, to promote sustainable development, rural housing should be located where it would enhance or maintain the vitality of rural communities. Paragraph 8 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.

23. 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.
24. Policies DM1 and RV1 set out the presumption in favour of sustainable development required by all local plans, which the NPPF applies to 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 11 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.
25. 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 within 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.
26. 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. However there is an argument in favour of development for this site as it is serviced by formal footpaths that provide access to public bus services and other services beyond, including within Bury St Edmunds.
27. 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.
28. The proposal is not within a cluster, and even in its loosest interpretation could not be justified to fall within the definition of closely knit development. It is located on the prevailing edge of a spur created by the host dwelling that juts out from block of existing development with no built development

adjacent to its south east and western boundary. To the south west of the site is an individual stables at a distance of approximately 40 metres. On the opposite side of The Street is a pocket of five dwellings that are located within a separate settlement boundary for Fornham St Martin that extends south. This boundary and the one that the site is located next to create a large open area within which the stable is located. Whilst it is recognised that this space is not afforded protection from national or local level provisions, it is considered that this space forms a significantly important visual gap in the form of development along The Street.

29. Development in this location would erode patterns of development between settlements, and extrude into the countryside. There are appeals on the interpretation of DM27, and in the dismissed appeal referenced APP/E3525/W/17/3177272 the pattern of development was addressed and considered to not accord with the requirements of DM27 for close knit development. In addition it detailed the harm that would arise from the intensification and consolidation of built form, identifying that the development would be highly visible from the street scene due in part to the removal of part of the hedgerow to facilitate the new access. This would have an urbanising effect on the rural character of the area. It is reasonable to consider that the harm for this proposal would be similar because of the open aspect of the adjacent field and the fact that any development would increase the level of pressure for the removal of existing hedgerows. Whilst the location of this proposal and the appeal site reference ending 3177272 are not designated in terms of landscape value, either at national or local levels, the inspector confirms that the proposed development would clearly erode the rural character of the area.
31. This proposal does not comply with policies DM5 or DM27 that all seek to concentrate new development in the countryside within the bounds of existing settlements and clusters. Whilst there is an element of positive weight afforded to the proposal in that it provides access to public services and it would provide an element of positive weight to the vitality of the provision of those services which is in line with CS4, CS13, whether assessed individually or cumulatively, this weight is not considered to outweigh the significant conflict that the proposal creates with DM5 or DM27.
32. There is, consequently, an unequivocal policy conflict and this failure to meet the provisions of the Development Plan 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.
33. 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.
34. 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 11 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.

35. The proposal represents an inappropriate and unsustainable development in the countryside. It would erode the character of the settlement 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, CS2, CS4 and CS13 and paragraphs 11, 20, and 122 of the NPPF.

Impact on Character

36. 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.
37. 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 vegetation which may provide a degree of screening to the proposal, however to create an access a clear break in the wall within the street scene is required and however extensive the existing vegetation views into and through the site will always likely be available.
38. 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.
39. 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, nor with Policies DM2 or DM22.

Highway safety

40. 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

41. It is reasonable to consider that by virtue of the location of the site, and as scale is a reserved matter, a dwelling on this site could be appropriately designed to satisfactorily mitigate adverse impacts to residential amenity, so as to accord with relevant development management policies.

Conclusion.

42. Some positive weight could be afforded to the proposal due to the location of the proposal in relation to existing development, public services, 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.
43. As stated by the NPPF unsustainable development should be avoided, unless other material considerations in the planning balance equalise the overall principle of proposals. Development within Fornham St Martin could be classed as sustainable, 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, and these factors weigh significantly against the proposal.
44. 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:

45. 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 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 a visually unsustainable ribbon development contrary to the above policies of general restraint. By reason of this location the proposal would create a visual intrusion, having an unwelcome urbanising effect on public views of the locality and upon the more loosely grained gap between settlements, creating a significant impact so as to cause material harm to the surrounding character and appearance of the area. Accordingly, the proposal fails to accord with policies DM2, DM5, DM13, DM22, DM27, CS2, CS3, CS4 and CS13 and paragraphs 78 and 79 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 [DC/18/0829/OUT](https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P81L2VPD07L00)

<http://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P81L2VPD07L00>