

## **Development Control Committee 5 June 2019**

### **Planning Application DC/19/0046/FUL – Rear of 7 The Street, Hepworth**

**Date Registered:** 05.02.2019      **Expiry Date:** 02.04.2019

**Case Officer:** Dave Beighton      **Recommendation:** Refuse Application

**Parish:** Hepworth      **Ward:** Barningham

**Proposal:** Planning Application - 1no dwelling

**Site:** Rear Of 7, The Street, Hepworth

**Applicant:** Mr Amos Matt and Lewis Webb

**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:

**This application is reported to the Development Control Committee following consideration by the Delegation Panel. It was reported to the Delegation Panel because the Officer recommendation of REFUSAL conflicts with the 'support' offered by Hepworth Parish Council.**

**A site visit is scheduled to take place on Monday 3 June 2019.**

## Proposal:

1. Planning permission is sought for the erection of a detached three bedroom bungalow on land rear of 7 The Street, Hepworth. Access is proposed from North Common between existing dwellings.

## Site Details:

2. The site is located behind existing linear dwellings set in spacious plots facing The Street and North Common. These dwellings are located within the settlement boundary for Hepworth, as is the first part of the proposed access to the site, but the application site is in open land beyond the existing dwellings. The wider area is characterised by its village appearance, with mostly individually designed dwellings set in a linear fashion facing the road, with this village character enhanced by the spaces and gaps between buildings allowing views of the surrounding countryside.

## Planning History:

3.

Reference	Proposal	Status	Decision Date
SE/12/0044/FUL	Planning Application - Erection of (i) 2no. chalet bungalows (ii) 1no. single storey bungalow with integral garage (following demolition of existing bungalow) and (iii) new access	Application Refused	23.03.2012
DC/14/1693/FUL	Planning Application - 2 no. detached bungalows with garages (following demolition of existing bungalow)	Application Refused	18.12.2014
DC/15/1977/FUL	Planning Application - 2 no. detached dwellings with garages (following demolition of existing bungalow)(Resubmission of DC/14/1693/FUL)	Application Refused	18.11.2015
DC/19/0044/FUL	Planning Application - 1no dwelling and associated garage (following demolition of existing bungalow)	Application Granted	02.04.2019

DC/19/0045/FUL	Planning Application -1no dwelling and associated garage	Application Granted	
SE/11/0057	Planning Application - Erection of (i) new bungalow and garage and (ii) garage to serve existing bungalow	Application Granted	09.03.2011
SE/05/1186/P	Planning Application - Erection of two detached bungalows with garages and single garage for existing bungalow and improvements to vehicular access and visibility splays	Application Refused	23.03.2005
SE/05/01831	Planning Application - Erection of (i) detached bungalow with garage (ii) single garage for existing bungalow and (iii) improvements to vehicular access and visibility splays (resubmission)	Application Granted	05.07.2005
SE/02/2318/P	Planning Application - Renewal - Erection of detached single storey dwelling with detached garage and improvements to vehicular access and visibility splays	Application Granted	18.07.2002
E/97/2746/P	Planning Application - Erection of detached single storey dwelling as amended by letter dated 20th October 1997 and attached letter from applicant and drawing, number 1878/1A, revising position of dwelling and indicating detached garage and improvements to vehicular access and visibility splays	Application Granted	21.11.1997
E/91/2243/P	Renewal - Continued stationing of residential caravan	Application Granted	05.09.1991
E/86/2602/P	Section 32 Application - Continued stationing of caravan	Application Granted	28.08.1986
E/83/2119/P	Renewal - Continued stationing of caravan	Application Granted	21.07.1983

E/80/2379/P	RENEWAL - STATIONING OF CARAVAN	Application Granted	03.07.1980
E/77/2129/P	RENEWAL - STATIONING OF ONE CARAVAN	Application Granted	07.07.1977
E/74/1503/P	RENEWAL - STATIONING OF ONE CARAVAN	Application Granted	04.07.1974

### **Consultations:**

4. Suffolk County Council Highways – No objections subject to conditions.
5. Hepworth Parish Council – Support, and make comments in relation to drainage.
6. Public Health and Housing – No objection, subject to standard construction hours being conditioned.
7. Environment Team – Contaminated Land – No objection.

### **Representations:**

8. One letter of representation has been received from the adjoining property, raising comments about the hedge between the access and their property, and in relation to noise impacts.
9. All consultation responses and representations can be viewed in full online.

### **Policy:**

10. On 1 April 2019 a new, single Authority; West Suffolk Council was created. The pre-existing development plans are carried forward by regulation (Local Government (Boundary Changes) Regulations 2018) and remain appropriate to the determination of applications by West Suffolk Council.
11. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.
  - Policy DM1 Presumption in Favour of Sustainable Development
  - Policy DM2 Creating Places Development Principles and Local Distinctiveness
  - Policy DM5 Development in the Countryside.
  - Policy DM13 – Landscape Features
  - Policy DM22 Residential Design
  - Policy DM27 – Housing in the Countryside.
  - 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
- Vision Policy RV1 - Presumption in favour of Sustainable Development
- National Planning Policy Framework (2019)

**Officer Comment:**

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

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

**Principle of Development**

13.The NPPF was revised in July 2018 and again in February 2019. The NPPF 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 Policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provisions of the 2019 NPPF that full weight can be attached to them in the decision making process.

14.The proposed development comprises the provision of 1no. dwelling, with associated garage and access. The application site lies outside of the defined Settlement Boundary of Hepworth.

15.The application site is located in designated countryside, and policy CS4 identifies the settlement of Hepworth 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, but even then only within the boundary of the defined settlement. 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.

16.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. 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.

17. 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.
18. West Suffolk Council has a 6.3 year housing supply and therefore, its policies for the supply of housing (including the defined settlement boundaries) are considered up-to-date and are material in the determination of this application.
19. 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'*.
20. 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.
21. The proposed dwelling is set back from The Street and North Common within an area defined as Countryside, and outside of the clearly and logically defined settlement boundary for Hepworth, which extends around the existing dwellings within the village. Settlement boundaries have been established in this way around rural villages to ensure that the otherwise generally open areas around them are protected, for the sake of the setting and character of the settlements.
22. There is a recognised physical edge to development in Hepworth, generally encompassing the linear dwellings set along and facing the road, and their mostly modest curtilages. As a consequence of its uncharacteristic setting behind existing dwellings the proposal would create an erosion of and encroachment into the countryside, distinctively separate from the dwellings within the housing settlement boundary.
23. The position of the dwelling, set back from the road, and not within 'a small undeveloped plot', and set back behind other dwellings 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 in that it is neither within a settlement

boundary nor within a DM27 'cluster', and these are matters which weigh very heavily against the scheme.

24. Development here would harmfully erode the undeveloped 'openness' currently found beyond the existing dwellings and garden areas of Hepworth. Furthermore, the application site is not within an otherwise continuous built up frontage being set back behind the existing linear dwellings adjoining open countryside. 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, noting the spacious village character otherwise present, and noting the value of gaps between dwellings enhancing this character and affording views of the countryside beyond. As such, the dwelling would harm the character appearance of the settlement and the wider countryside and due to it being set back into the site behind existing dwellings, would have little or no visual affinity with its nearest neighbours resulting in it appearing isolated from the adjoining settlement boundary area. It is therefore considered that the proposal is contrary to Policy DM27 and thus also Policy DM5.
25. 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 Hepworth is designated as an infill village with only a relatively modest range of services, further suggests that this is an unsuitable and unsustainable location for a new dwelling.
26. 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.
27. 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 sufficient to justify refusal.

### **Impact on Visual Amenity and Landscape Character**

28. Policy DM2 (Creating Places – Development Principles and Local Distinctiveness) states that proposals should recognise and address key features, characteristics and landscape of the area.
29. 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.

Noting the analysis made in the previous section of this report, it is clear already that the proposal will have a significant adverse visual impact.

30. The provision of 1 no. dwelling would intrude into this open countryside setting, which forms an important buffer beyond the existing linear dwellings within the settlement boundary. It would have an unwelcome urbanising effect on views out from the settlement, and upon the village setting. The provision of a long access which will be readily visible from North Common will also erode the spacious linear character of the settlement and the dwelling is also considered highly likely to be visible in gaps between buildings when viewed from The Street, again materially and harmfully eroding the spacious rural character of the settlement and its setting. A dwelling in this location, plus associated curtilage and paraphernalia, would also notably alter the landscape character of this area. The proposal would create a visual intrusion in this rural location and create a significant impact so as to cause material harm to the surrounding landscape, to the detriment of the character and appearance of the settlement and wider area.
31. 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.
32. The proposed dwelling is of a single storey scale. The dwellings in the vicinity vary in design, scale and form. The proposed dwelling is located within a plot commensurate with the scale of the dwelling. 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 Neighbour Amenity**

33. The proposed dwelling is set back from both road frontages, with a long access located between dwellings. The dwelling is single storey and it is not considered that it would lead to any issues of overlooking or loss of privacy that would justify a refusal. The provision and subsequent use of the access will create noise otherwise in close proximity to existing dwellings but given the separation distances and the anticipated modest use of the access serving only a single dwelling, it is not considered that this noise effect would be of sufficient harm so as to justify a refusal of planning permission.
34. 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, noise intrusion or overbearing impact.

### **Impact on Highway**

35. 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.

36. A new access is proposed off North Common 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.
37. 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.
38. Sufficient on-site parking is available to accord with the parking standards set out in the document referred to above.

### **Other Matters**

39. 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.
40. 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, were the development otherwise acceptable, a condition could 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:**

41. 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.
42. In addition, and as set out above, the provision of a dwelling in this location, set behind and beyond the existing linear dwellings, will intrude in otherwise spacious views and will adversely affect views out of the village, to the detriment of its rural character and appearance.
43. 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 adopted, up to date policy should be set aside in this case.

### **Recommendation:**

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

1. Policies CS1 and CS4 of the Core Strategy between them establish the spatial strategy and the settlement hierarchy for development within West Suffolk. Both seek to resist, in conformity with the provisions of Para. 79 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. Hepworth 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, supporting the provisions of DM13, 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 provision of 1no. dwelling would intrude into this countryside setting, which forms an important buffer beyond the existing linear dwellings within the settlement boundary. It would have an undesirable urbanising effect on views from the settlement, and upon its setting. The provision of a long access from North Common will also erode the spacious linear character of the settlement. The dwelling is also likely to be visible in gaps between buildings when viewed from The Street, again materially and harmfully eroding the spacious rural character of the village and its setting. A dwelling in this location, plus associated curtilage and paraphernalia, would also adversely alter the landscape character of this area. The proposal would create a visual intrusiveness in this rural location and create a significant impact, causing material harm to the surrounding landscape, to the detriment of the character and appearance of the settlement and wider area. The proposal is therefore contrary to the provisions of Policy DM2 and Policy DM13 of the Joint Development Management Policies Document 201, Policy CS4 of the St Edmundsbury Core Strategy 2010 and the National Planning Policy Framework (NPPF).

**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online; [DC/19/0046/FUL](https://www.suffolk.gov.uk/DC/19/0046/FUL)