



Appeal Decision

Site visit made on 21 February 2018

by Grahame Gould BA MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th March 2018

Appeal Ref: APP/J3530/W/17/3187529

Land south of Carlton Road, Kelsale IP17 2NP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Landfast Limited against the decision of Suffolk Coastal District Council.
 - The application Ref DC/17/0994/OUT, dated 8 March 2017, was refused by notice dated 24 April 2017.
 - The development proposed is erection of single-storey detached dwelling and garage (and associated works).
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a single-storey detached dwelling and garage (and associated works) at land south of Carlton Road, Kelsale IP17 2NP in accordance with the terms of the application, Ref DC/17/0994/OUT, dated 8 March 2017, subject to the following conditions:
 - 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
 - 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
 - 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
 - 4) The development hereby permitted shall be carried out in accordance with the access details shown on drawing OBD/1002/001 – Layout Plan.
 - 5) The access to the development and any on-site parking that is approved as part of the submission of the reserved matters pursuant to condition 1 shall be provided prior to the first occupation of the dwelling and retained thereafter and the parking shall be used for the purposes of vehicle parking and no other purpose.
 - 6) Prior to the first occupation of the dwelling unobstructed visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently retained in the area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside

edge of the metalled carriageway at the centre line of the access point (X dimension) and a distance of 43 metres in each direction along the metalled carriageway from the centre of the access (Y dimension). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls exceeding a height of 0.6 metres above the carriageway level shall be erected and no planting exceeding a height of 0.6 metres above the carriageway level shall be allowed to grow within the area of visibility required by this condition.

- 7) All planting, seeding or turfing comprised in the scheme of landscaping to be approved as part of the reserved matters under condition 1 shall be carried out not later than the first planting and seeding seasons following the occupation of the dwelling or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Application for costs

2. An application for costs was made by Landfast Limited against of Suffolk Coastal District Council. That application is the subject of a separate Decision.

Procedural Matter

3. The application is for the construction of a single dwelling with a garage and was submitted in outline form. Apart from access which is for consideration, matters relating to appearance, landscaping, layout and scale have been reserved for future consideration. The application was, however, accompanied by indicative drawings showing a layout, a floor plan and an elevation for a bungalow and I have had regard to those drawings.

Main Issues

4. The main issues are: the effect of the development on the character and appearance of the area, including the non-designated Carlton Park historic parkland (the parkland); and whether the proposed dwelling would be appropriately located having regard to the site's countryside location.

Reasons

Character and Appearance

5. The dwelling would be sited within a 0.15 hectare¹ plot of land forming part of a field, within which some trees have been planted sporadically. The field forms part of the parkland. The site's northern/road side boundary is marked by a mature hedge that is several metres high. The formation of the dwelling's vehicular access would require hedge removal across the width of the site and on land to the west that is under the appellant's control. To the east of the site there is a bungalow, known as Hilltop, and on both sides of Carlton Road beyond Hilltop there is continuous roadside development, comprising dwellings and a school, extending as far as Main Road/B1121.

¹ Paragraph 3 of the appellant's Planning Statement

That built development forms part of Kelsale. A hundred metres or so the west of the site there are dwellings lining both sides of Carlton Road, which are within Carlton. Kelsale and Carlton together make up the settlement of Kelsale-cum-Carlton.

6. For the purposes of the adopted development plan, ie the Suffolk Coastal District Local Plan Core Strategy and Development Management Policies of 2013 (the Local Plan) and the Site Allocations and Area Specific Policies Development Plan Document of 2017 (the Allocations DPD), the site is within the countryside. However, the site occupies part of a comparatively short break in the street frontage development that characterises the majority of the southern side of Carlton Road.
7. Given the siting and likely scale of the dwelling, which the indicative drawings suggest would be comparable with the dwellings to the east, and having regard to the hedgerow removal, I consider that this development would not have a significant effect on the character and appearance of the countryside at this point. While matters concerning appearance, layout and scale have been reserved for future consideration, I see no reason why a dwelling compatible with its surroundings could not be designed for this site. Although there would be a loss of hedgerow, I consider that loss could be mitigated in the fullness of time by the undertaking of replacement planting, while accommodating the driver sight lines at the access. I also consider that the comparatively modest scale of this development would not lead to Kelsale and Carlton coalescing with one another.
8. The development would encroach into the northern extremity of the parkland, which has an area of around 66 hectares². The site and the immediately adjoining parkland are characterised by open grassland. The encroachment into the parkland would be of a very limited extent and would affect a part of the parkland where the residential development along the southern side of Carlton Road '... has destroyed all parkland characteristics ...' (the Council's Supplementary Planning Guidance 6). I consider that the development's effect on the parkland's character and appearance would be very limited and would be of no greater significance than that arising from the existing dwellings to the east and west of the site. The dwelling would be visible from the north/south public right of way (PROW) leading from Carlton Road that passes through the parkland. However, I consider the effect on the views of the parkland from the PROW would not be significant, with built development being brought closer to the PROW by one plot width. No evidence has been presented suggesting that this part of the parkland possess any particular cultural or social history worthy of preservation.
9. I therefore consider this development's effect on the parkland would be insignificant. In coming to that conclusion I am mindful of the previous applications and appeals concerning the parkland drawn to my attention³. In relation to the case concerning the site behind and to the west of Park House that was for a backland development, rather than a road frontage dwelling, and by comparison would have been an obtrusive encroachment of built development into the parkland. The 15 dwelling scheme concerning the site

² As stated in the Council's Supplementary Planning Guidance 6 December 1995 (Appendix 12 of the Council's appeal case)

³ Planning Applications C/07/0938/OUT and DC/13/2961/OUT respectively subject to appeals APP/J3530/A/08/2068802 and APP/J3530/A/14/2221769

adjacent to the sports ground would have been for a significantly larger development and its effect on the parkland's open character would have been commensurately greater than that associated with one dwelling. I therefore consider that these other developments are not comparable with the proposal before me.

10. For the reasons given above I conclude that the development would not be harmful to the character and appearance of the area. I therefore consider that there would be no conflict with Policies SP1, SP15 and DM21 of the Local Plan and Policies SSP37 and SSP38 of the Allocations DPD and the National Planning Policy Framework (the Framework), most particularly paragraphs 17 (the fifth core planning principle), 58 and 135. That is because the development would not have a harmful effect on the appearance of the countryside, relating well to the adjoining dwellings and the character of its surroundings, and it would not have a significant adverse effect on the appearance of the parkland as a non-designated heritage asset and locally designated Special Landscape Area.

Dwelling in the countryside

11. For the purposes of the adopted development plan, most particularly Policies SP19, SP29, DM3 and DM4 of the Local Plan and Policy SSP2 of the Allocations DPD the site's location is one where new housing is discouraged. Policy SP19 identifies the settlement hierarchy in the Council's area, with the primary focus for new development being major centres, towns, key service centres, local service centres and other villages. Policy DM3, in conjunction with paragraph 55 of the Framework, identifies exceptions when housing in the countryside may be permissible. Those exceptions being when the development would be for: a replacement dwelling; the sub-division of an existing dwelling; the provision of affordable housing; the conversion of an existing building; minor infilling within clusters of existing houses; meeting the needs of a rural worker; the optimal reuse of a heritage asset; or a dwelling of exceptional quality or innovative design.
12. With regard to infilling within clusters Policy DM4 states that this will be permissible when the development would: involve one dwelling or a pair of semi-detached dwellings sited within a continuous built up frontage, not harm the character and appearance of the cluster; and not adversely affect sensitive locations such as Special Landscape Areas. Policy DM4 defines a cluster as '... a continuous line of existing dwellings or a close group of existing dwellings adjacent to an existing highway'; containing five or more dwellings; and being located no more than 150 metres from the edge of an existing settlement (possibly extending to 300 metres if there is a footway).
13. The dwelling would not come within any of the exceptions listed in Policy DM3 nor would it be located within a housing cluster, as defined in Policy DM4, because it would be sited adjacent to rather than in a continuous built up frontage. The development would therefore be in conflict with Policies SP19, SP29, DM3 and DM4 of the Local Plan and Policy SSP2 of the Allocations DPD. The examination and adoption of both the Local Plan and the Allocations DPD postdate the Framework's publication and the policies concerning housing in the countryside have been informed by paragraph 55 of the Framework, with Policies SP29 and DM3 making express references to paragraph 55. Paragraph 55 advises that for rural areas '... housing should be located where

it will enhance or maintain the vitality of rural communities' and that isolated new homes in the countryside should be avoided.

14. The site's proximity to the built up areas of Kelsale and Carlton means that it cannot be considered to be a physically isolated location for a dwelling. While there would be some access to everyday local services and facilities for the occupiers of the dwelling, it would be reasonable to expect regular use to be made of private motor vehicles to access a full range of services and facilities. However, the number of vehicle movements generated by an extra dwelling would be unlikely to be great and in relative terms would be likely to be comparable with those generated by each of the nearby dwellings. In accessibility terms I consider that the occupation of the new dwelling would be no less sustainable than is the case for the other numerous nearby homes situated within the settlement boundaries for Kelsale and Carlton, with the occupation of the new home having some potential to assist in maintaining the vitality of the local rural community. I am of the opinion that my approach to the consideration of this issue is consistent with the Braintree judgement of 15 November 2017⁴, which has provided clarification with respect to the interpretation of 'isolated homes' for the purposes of paragraph 55 of the Framework
15. While the development would be in conflict with Policies SP19, SP29, DM3 and DM4 of the Local Plan and SSP2 of the Allocations DPD, for the reasons I have given above I consider that the conflict with those policies would not be significant in this instance.
16. I therefore conclude that this would be an appropriate location for a single dwelling in the countryside. In this regard I do not consider that the appeal decisions drawn to my attention concerning: 112 Main Road, Kesgrave; the rear of the Old Post Office, Bradfield; and the land adjacent to the White Hart, Otley are comparable with the proposal before me. That is because for those other cases the Inspectors concluded that there would be harm to the character and appearance of the area and/or the development would have been in a more remote location.

Planning Balance

17. I have found that the development would not be harmful to the area's character and appearance, including the parkland, with the result that there would be no conflict with Policies SP1, SP15 and DM21 of the Local Plan and Policies SSP37 and SSP38 of the Allocations DPD. While the siting of the dwelling beyond the settlement boundary for Kelsale-cum-Carlton would give rise to some conflict with the development plan, most particularly Policies SP19, SP29, DM3 and DM4 of the Local Plan and Policy SSP2 of the Allocations DPD, I consider that conflict, in the absence of other harm, does not weigh significantly against this development.
18. As I have found that the development would not be harmful I consider there to be no adverse impacts that would significantly and demonstrably outweigh the limited social and economic benefits arising from the construction and occupation of one dwelling. Whether there is or is not currently a five year supply of deliverable housing sites (HLS), the Council's appeal case

⁴ Braintree District Council v Secretary of State for Communities and Local Government, Greyread Ltd & Granville Developments Ltd [2017] EWHC 2743 (Admin)

concerning the HLS position being somewhat ambiguous, arguing in effect both positions in the fourth section of its appeal statement, I consider has little bearing for the purposes of the determination of this appeal, given the absence of any significant harm. I am therefore of the opinion that for the purposes of the totality of the development plan, including catchall Policies SP1 and SP1A of the Local Plan, and the Framework that this would be a sustainable form of development weighing greatly in its favour.

Conditions

19. The Council has suggested various conditions and I have considered the need for their imposition, having regard to the provisions of the national policy and guidance. Apart from the standard outline conditions, it is necessary that with respect to the matter of access that the development should be implemented to accord with drawing OBD/1002/001 for certainty.
20. As appearance, landscaping, layout and siting are matters that have been reserved for later consideration I consider it unnecessary to impose conditions specifically requiring the submission of details relating to external materials, landscaping and refuse storage, as those details would come within the ambit of the submission of the reserved matters. With respect to landscaping I, however, consider it necessary that the details to be approved pursuant to the submission of the reserved matters should be implemented within a defined timescale and I have imposed a condition to that effect.
21. Options for accessing the site will be limited, given the size of the plot and its siting relative to Carlton Road and on the available evidence I am not persuaded that there would be a need for the access to be constructed prior to the commencement of any other part of the development. To safeguard the operation of the public highway it is, however, necessary for the access to be available prior to the first occupation of the dwelling and I have imposed a condition to that effect.
22. The parking arrangements shown on drawing OBD/1002/001 are purely indicative and the amount and location of parking will be for approval when the reserved matters are submitted. It would therefore be inappropriate to impose a parking condition in the form stated in the Council's sixth suggested condition. However, it is necessary in the interests of the free operation of the public highway that any parking shown on the plans to be approved as part of the submission of the reserved matters is made available prior to the first occupation of the dwelling and retained thereafter and I have imposed a condition to that effect. That condition being conjoined with the previously mentioned access condition. For highway safety reasons it also necessary that a sight line condition is imposed.

Conclusion

23. For the reasons given above I conclude that the appeal should be allowed.

Grahame Gould

INSPECTOR