



Appeal Decision

Site visit made on 28 November 2017

by **D J Board BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 June 2018

Appeal Ref: APP/J3530/W/17/3184182

Land on Mow Hill, Mow Hill, Witnesham, IP6 9EH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Executor of Mr G Templeman (deceased) against the decision of Suffolk Coastal District Council.
 - The application Ref DC/17/1661/FUL, dated 18 April 2017, was refused by notice dated 1 June 2017.
 - The development proposed is erection of 11no new dwellings including 3no new affordable bungalows with new access from Mow Hill.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The Planning Inspectorate was advised that Mr G Templeman had died in December 2017. Following correspondence on the matter, the appeal was placed in abeyance. The executor was confirmed by a sworn statement dated 23 March 2018 (Mr C Templeman under the existing partnership of SG & MJ Templeman and Son), the documentation was passed to the Planning Inspectorate on 27 March 2018. Following this additional information was submitted on behalf of the appellant, in the form of an additional appeal decision letter. Both parties had an opportunity to comment on this.
3. The appellant has highlighted that the Council's decision refers to '*land south of Carlton Road*' and that this is not the correct address for the appeal site. I have taken this into account.

Main Issue

4. The main issue is whether the appeal site would be a suitable location for housing having regard to relevant local policies

Reasons

5. The site is located outside of the physical limits of Witnesham and in the countryside for the purposes of the application of planning policy. Development Management Policy (DMP) DM3 allows housing in the countryside where it comprises '*...minor infilling within clusters of dwellings well related to existing sustainable settlements ...*'. Policy SP29 refers to the countryside and seeks to limit new development to that which requires it to be located there.
6. There is no substantive evidence that demonstrates that the dwellings would meet any of the criteria for housing in the countryside as set out in policy DM3

or would require a countryside location. DM3 (e) allows for minor infilling within clusters of dwellings well related to existing sustainable settlements. It has not been demonstrated that the scheme is necessary and in accordance with policies of the development plan. SP29 is clear that both these requirements should be met. The site is an irregular shaped piece of land that would be adjacent to the existing settlement. However to the south is the existing public house and to the north some detached houses. As such it would not represent the continuation of a built up frontage. This would be compounded by the layout of the scheme which the plans show as a cul de sac style layout. Furthermore the amount of development, 11 units, would not represent infill development. Therefore overall, there would be clear conflict with policy DM3.

7. In addition the appellant has referred me to the sites put forward for Witnesham within the Council's SHLAA. It is highlighted that the Site Allocations Specific Policies DPD has now been adopted and allocates a site for 20 dwellings at Land at Street Farm.
8. Therefore I am not satisfied it is necessary at this time to develop the appeal site and other policies in the DMP would not support the development. As such, the proposal would be at odds with Policy SP29 of the DMP as it would be housing in the countryside that does not need to be there. The proposal is thus contrary to the planned strategy for housing outlined in the DMP when read as a whole.
9. The appellant questions whether the Council can demonstrate a five year supply of deliverable housing land as required by paragraph 47 of the National Planning Policy Framework (the Framework). The Council maintain its formal position published in June 2017. The appellant has referred me to a number of recent appeal decisions¹ where it was found that the Council does not have a five year supply of housing land. In particular the appellant has referred me to the Secretary of State decision at Candlet Road, Felixstowe and subsequent decision for Grimston Lane, Trimley St Martin. In both of these cases the Council's most recent position was considered and it was concluded that the Council does not have a five year housing land supply and I have not been provided with any compelling evidence that a different view should be taken in this case.
10. This reduces the weight that can be applied to the policies of the development plan in so far as they relate to the supply of housing. In this case the Framework indicates that the weight afforded to the sites location in the countryside should be reduced. Nevertheless the new dwellings outside the settlement boundary would be in conflict with the policies of the development plan and one of the objectives of the Framework. Therefore I afford this conflict moderate weight as an adverse impact of the appeal scheme.
11. The construction of the dwellings would derive some economic benefits but this would be for a limited time. The contribution to the local economy from the spending power of future occupants is likely to be modest given the provision of eleven units in an accessible location adjacent to the physical limits of a

¹ APP/J3530/W/16/3165412; APP/ J3530/W/16/3165730; APP/J3530/W/15/3011466; APP/J3530/W/15/3138710; APP/J3530/A/14/2221769; APP/J3530/A/14/2225141; APP/J3530/W/15/3129322; APP/J3530/W/17/3177403

village identified as a 'key service centre'. The proposal would make a modest contribution to the supply of new housing in an accessible location within the District and, therefore, to the social dimension of sustainability. In accordance with paragraph 47 of the Framework therefore, it merits some limited weight in support of the proposal irrespective of the housing land supply position.

12. The scheme offers three affordable housing units and the appellant suggests that this could be secured by planning condition. Paragraph 21a-010-20140306 of the PPG advises that only in exceptional circumstances can a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence be appropriate such as in the case of more complex and strategically important development where there is clear evidence that the delivery of the development would otherwise be at serious risk. As the proposal is for only eleven dwellings I do not consider it to be either complex or strategically important. As I have no method of ensuring the affordable housing I can only give limited weight to this social benefit.
13. The conflict with the development plan would attract moderate weight in this case. For the reasons given the benefits of the case would individually and collectively only attract limited weight. Therefore the adverse impacts of granting permission that I have identified would significantly and demonstrably outweigh the benefits in this case when assessed against the Framework as a whole. The Framework is a material consideration. However, in the circumstances of this appeal the totality of the other material considerations do not justify making a decision other than in accordance with the development plan.

Conclusion

14. For the above reasons and having regard to all other matters raised I conclude that the appeal should be dismissed.

D J Board
INSPECTOR