



Appeal Decision

Site visit made on 5 March 2014

by Nick Moys BA (Hons) MRTPI

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

Decision date: 30 May 2014

Appeal Ref: APP/J3530/A/13/2209549

Bramleys, High Street, Ufford, Woodbridge, Suffolk IP13 6EQ

- 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 Mr Clive Cooksey against the decision of Suffolk Coastal District Council.
 - The application Ref C12/2407, dated 21 November 2012, was refused by notice dated 11 June 2013.
 - The development proposed is described as demolition of Bramleys and erection of 6 dwellings (including 2 affordable).
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of Bramleys and the erection of 6 dwellings (including 2 affordable) at Bramleys, High Street, Ufford, Woodbridge, Suffolk IP13 6EQ in accordance with the terms of the application, Ref C12/2407, dated 21 November 2012, subject to the conditions set out in the schedule attached to this decision.

Preliminary Matters

2. Since the determination of the planning application, the Suffolk Coastal District Local Plan – Core Strategy and Development Management Policies (July 2013) (the Core Strategy) has been adopted and now forms part of the development plan for the area. However, Policies AP19, AP27 and AP30 of the previous Suffolk Coastal Local Plan (adopted 2006), which are referred to in the Council's decision notice, have been superseded and are no longer relevant to the consideration of this proposal. I have dealt with the appeal on that basis.
3. I have taken into account the Government's Planning Practice Guidance (the Guidance), issued on 6 March 2014, in reaching my decision.

Main Issue

4. The main issue is whether the proposal would be consistent with the principles of sustainable development, having regard to planning policies relating to the location of new housing in the countryside and to the effects of the development on the character and appearance of the area.

Reasons

5. The appeal site comprises a detached dwelling and garden, located on the edge of the village of Ufford. The existing dwelling, which is centrally located within the plot, would be demolished to make way for the proposed development, and

- a new access would be formed onto the High Street in place of the existing entrance. The site is adjoined to the south, west and north-east by residential properties; and lies with an area of sloping ground, with levels falling from west to east and from south to north.
6. The appeal site falls outside the defined settlement limit for Ufford, and its development for housing would conflict with Policies SP15 and SP29 of the Core Strategy. These policies seek to generally to direct new housing to locations with defined settlement limits and to restrict development in the countryside other than in certain prescribed circumstances, none of which apply here.
 7. However, as the Council acknowledges, it cannot currently demonstrate a 5 year supply of housing land. Core Strategy Policies SP15 and SP29 cannot therefore be considered to be up-to-date insofar as they relate to the supply of housing. In this situation, the presumption in favour of sustainable development set out in the National Planning Policy Framework (the Framework) means that permission for development should be granted unless any adverse impacts of so doing would significantly and demonstrably outweigh the benefits, or specific policies in the Framework indicate that development should be restricted.
 8. Ufford is identified as a 'local service centre' in policy SP19 of the Core Strategy, and has a number of facilities including two public houses, a village hall and recreation ground. Although outside the defined settlement limit, the proposed development would adjoin the main built up area of the village, and would be close to other housing and within easy reach of village amenities. The proposal would not therefore result in an isolated development in the countryside, and would be consistent with the Framework principle that rural housing should be located where it will maintain or enhance the vitality of rural communities.
 9. The Council is concerned that the proposal would result in an overdevelopment of the site and relate poorly to the pattern of surrounding development. However, the proposed houses would be well-spaced, set back from the road and would sit in ample plots. Generous separation distances would be maintained to neighbouring dwellings. As a result, the scheme would have a spacious character commensurate with its low density of approximately 14.3 dwelling to the hectare.
 10. Whilst I acknowledge that the appeal property and the neighbouring dwellings to the north and south all occupy large plots, the pattern of development in the locality generally is varied. Immediately to the west of the appeal site, the spacing of dwellings on Byng Hall Road is not dissimilar to that proposed as part of the appeal scheme; whilst housing just to the south on High Street is built at a higher density. In this context, I consider that the proposed dwellings would not appear out of place.
 11. The Council is also concerned that the proposal would have an unduly urban appearance and would thus result in harm to the surrounding area, which is designated as a 'special landscape area' under saved Policy AP13 of the Suffolk Coastal Local Plan (2006). However, the proposed dwellings would be varied in design and traditional in form, and their appearance would reflect that of other locally distinctive housing in the village. Ample space would be available generally for new planting and landscaping, and although much of the frontage of plot 1 would be taken up with access and parking space, these areas would

be largely screened from the road by new and retained hedging on the site frontage. The impact of the new access drive on the street scene would be mitigated by its gently curving alignment, and the overall effect would not be significantly different to that of the existing driveway. I consider therefore that the scheme would be consistent with the rural character of the area.

12. Despite being largely open, the site has a well-tended and domestic appearance and does not read as being part of open countryside. Moreover, the proposal would not be prominent in wider landscape views, due to the screening effects of nearby properties and surrounding trees and vegetation. Generally, the proposal would be seen against a backdrop of other development. Consequently, the proposal would not intrude into the landscape setting of the village.
13. For these reasons, I conclude that the proposal would not result in material harm to the character and appearance of the area. Consequently there would be no conflict with Policies SP15 and DM21 of the Core Strategy or saved Policy AP13 of the Suffolk Coastal Local Plan (2006), which seek, amongst other things, to ensure that new development relates well to the character of its surroundings and that valued landscapes are protected.
14. Furthermore, the scheme would add to the local housing stock, including of affordable housing, in a location which the Council has identified as being suitable for small scale development and that benefits from a number of local services. The proposal would also make a positive, albeit modest, contribution towards reducing the current deficit of housing in the area. Accordingly, I find that the proposal would be consistent with the principles of sustainable development.

Other Matters

15. Standing on the opposite side of High Street to the appeal site, Vale Farm Barn is a Grade II listed building. The barn is substantial in size, with timber boarded elevations under a steeply pitched roof, and derives its significance from its historic fabric, scale, prominent roadside position and relationship to the adjacent farmhouse which is also Grade II listed.
16. The proposed dwellings would be smaller in overall scale than the listed barn and would be separated from it by the road, their front gardens and the intervening boundary hedging. The barn would therefore remain as the dominant feature of this part of the street scene. There would be some loss of openness to the site frontage, but the effect would be small, and given the village location of the barn and the domestic character of its surroundings, no material harm to the setting of the building would result. The adjacent farmhouse is largely screened from view by the barn, walls, fences and vegetation. I find therefore that the proposal would preserve the setting of the adjacent listed buildings.
17. Although not forming part of the Council's case against the proposal, objections to the proposal have been raised locally in relation to highway safety, local residents' living conditions, the safety of users of the adjacent public footpath and the capacity of local services. However, I note that the local highway authority has raised no objections, and that access and parking arrangements would comply with the appropriate standards. Whilst the proposal would alter the outlook from some neighbouring properties, generous separation distances

would be provided between new and existing dwellings such that the scheme would not result in unacceptable overlooking or loss of light, or appear overbearing. Due to the sloping nature of the site, the proposed dwellings would sit at a lower level than the closest neighbouring properties to the west. There is no substantive evidence before me to indicate that users of the adjacent footpath would be endangered by the development, or to suggest that existing local services are operating at or near capacity or would do so as a result of the proposal.

Conditions

18. I have considered the conditions suggested by the Council in the light of the guidance set out in the Framework and the Guidance, and have amended them where necessary. In addition to the standard time limit, I agree that a condition identifying the approved plans is necessary to define the permission. Conditions relating to external materials, landscaping and the protection of trees during construction are also necessary and reasonable to ensure the satisfactory appearance of the development and to safeguard important trees. Given the sloping nature of the site, a condition requiring the levels of the proposed dwellings to be agreed is necessary in order to ensure that the development relates satisfactorily to its surroundings. Conditions relating to archaeology and contamination are needed respectively in order to ensure that any buried archaeology is properly evaluated and recorded and for public safety. Conditions relating to the construction of the access and its drainage, provision of visibility splays, bin storage, parking and turning areas are needed in the interests of highway safety.
19. The Guidance advises that conditions restricting future use of permitted development rights will rarely pass the test of necessity and should only be used in exceptional circumstances. However, I am satisfied that having regard to the particular circumstances of the development, such a restriction is necessary and reasonable in order to prevent additional hard surfacing in the front garden of the house proposed on plot 6 in the interests of the satisfactory appearance of the development given its prominence in the street scene. A condition to prevent additional first floor windows in the west elevation of the dwelling on plot 4 is also justified in order to prevent unacceptable overlooking. However, I am not persuaded the same restriction is needed for plot 3 given its degree of separation from the neighbouring property.
20. The Council has made reference to the need for planning obligation in order to secure the provision of the proposed affordable housing. Although no such obligation is before me, I am satisfied that this provision could be secured by a suitably worded condition in order to ensure the provision of affordable housing in accordance with Core Strategy Policy DM2.

Conclusion

21. For the reasons set out above, and having regard to all matters raised, I conclude that the appeal should succeed.

Nick Moys

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos 4253-1E, 4253-2B, 4253-3B, 4253-4A, 4253-5A, 4253-6C, 4253-7C, 4253-8B, 4253-9A, 11550se-01B and 10940.01B .
- 3) No development shall take place until precise details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until a scheme of hard and soft landscaping works has been submitted to and approved in writing by the local planning authority. The scheme shall include details of include proposed finished levels or contours; means of enclosure; hard surfacing materials; planting plans and specifications; and details of all trees and hedgerows to be retained, together with measures for their protection in the course of development.
- 5) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority.
- 6) In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (i) and (ii) below shall have effect until the expiration of 5 years from the first occupation of the development.
 - i) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
 - ii) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
 - iii) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the local planning authority.
- 7) No development shall take place until details of the finished floor levels of the dwellings hereby permitted have been submitted to and approved in

writing by the local planning authority. The development shall be carried out in accordance with the approved details.

- 8) No development shall take place until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation has been submitted to and approved in writing by the local planning authority. The scheme of investigation shall include: a) the programme and methodology of site investigation and recording, b) the programme of post-investigation assessment, c) provisions for the analysis of the site investigation and recording, d) provisions for the publication and dissemination of the analysis and records of the site investigation, e) provisions for the archive deposition of the analysis and records of the site investigation, and f) nomination of a competent persons or organisation to undertake the works set out in written scheme of investigation.

The programme of archaeological work shall be carried in accordance with the approved written scheme of investigation prior to the first occupation of the dwellings hereby permitted or such longer period as may be agreed in writing with the local planning authority.

- 9) If any contamination is encountered anywhere on site during the development, it must be reported to the local planning authority. Where remediation is necessary a scheme shall be submitted to and agreed in writing with the local planning authority prior to any works which may disseminate or bury the contaminant or put any site operative at risk.
- 10) The access shall be constructed in accordance with the details shown on Drawing No 4253-01E and shall be completed and made available for use prior to the first occupation of the dwellings hereby permitted and thereafter retained for that use. The existing access shall be permanently closed prior to the first occupation of the dwellings hereby approved in accordance with a detailed scheme to be approved in writing with the local planning authority.
- 11) The access shall be constructed with a gradient of no more than 1 in 20 for the first 5 metres measured from the nearside carriageway edge. The remaining access driveway shall be constructed with a gradient of no more than 1 in 8.
- 12) Before the development is commenced details of the means to prevent the discharge of surface water from the access driveway onto the highway shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be carried in its entirety before the first use of the access and shall thereafter be retained in that form.
- 13) Before the access is first used visibility splays shall be provided as shown on Drawing No 4253-01E and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no obstruction over 0.6 metre high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.
- 14) Prior to the first occupation of the dwellings hereby permitted the areas shown on Drawing No 4253-01E for the parking and manoeuvring of

vehicles shall be provided and shall thereafter be retained for those purposes.

- 15) Prior to the first occupation of the dwellings hereby permitted the areas shown on Drawing No 4253-01E for the storage of refuse and recycling bins shall be provided and shall thereafter be retained for that purpose.
- 16) Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 (or any Order revoking or re-enacting that Order with or without modification), no first floor windows shall be constructed in the west elevation of the dwelling on plot 4, other than those shown on Drawing No 4253-4A, without the prior written consent of the local planning authority.
- 17) Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 (or any Order revoking or re-enacting that Order with or without modification), no hard surface shall be constructed between the dwelling on plot 6 and the highway (High Street) without the prior written consent of the local planning authority.
- 18) The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
 - iv) the numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall consist of not less than 2 affordable dwellings;
 - v) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - vi) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing;
 - vii) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - viii) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.