

Item No 06:-

16/01617/FUL (CD.6316/W)

**Wycomb Cottage
Syreford
Whittington
Cheltenham
Gloucestershire
GL54 5SJ**

Item No 06:-

**Subdivision of property to provide two dwellings at Wycomb Cottage Syreford
Whittington Gloucestershire**

Full Application 16/01617/FUL (CD.6316/W)	
Applicant:	Mr & Mrs Gordon Pinchen
Agent:	SF Planning Limited
Case Officer:	Alison Williams
Ward Member(s):	Councillor Robin Hughes
Committee Date:	13th July 2016
RECOMMENDATION:	REFUSE

Main Issues:

- (a) Principle of sub-division/ new dwelling and sustainability
- (b) Impact on amenity
- (c) Impact on highway

Reasons for Referral:

The application was deferred at the July committee for an all Members Sites Inspection Briefing to assist with the understanding of the sustainability of the site. Updates to the July committee report are highlighted in bold.

Cllr. Robin Hughes has requested that the application is reported to the Planning and Licensing Committee for determination for the following reasons: "I have made a site visit which you were happy for me to do alone. As you know the property is completely detached from any other and stands within its own grounds, which includes off road parking for at least two vehicles. I think that the sustainability argument is debatable and believe that this more affordable type of smaller cottage would be very much in demand on the open market in this rural location.

The restriction was applied to this property in 1992 when consent was first given for a granny annex and it is now a more comprehensive property. I am sorry to cause you additional work but I would be very grateful if you could bring this before the 'Planning and Licensing Committee', please, to be debated".

1. Site Description:

Wycomb Cottage is a two storey cottage located within the small settlement of Syreford. It has a detached 1 and a half storey annex building located to the south adjacent to the parking area. Planning permission was originally granted for the change of use of the detached garage to an annex subject to a condition restricting it to being used as ancillary to the main house (Wycomb Cottage). The annex is located adjacent to the vehicular access and parking area to Wycomb Cottage and within the residential curtilage of Wycomb Cottage.

2. Relevant Planning History:

CD.6316/A - Alterations and extension to provide enlarged garage/recreation room to be used in connection with existing dwelling. Provision of a W.C. - Permitted 8th December 1986

CD.6316/B - Conversion of store over existing garage to provide a granny flat - Refused 1st April 1989

CD.6316/C - Retrospective change of use of garage to granny flat, retention of 8 velux windows and raising of roof - Permitted subject to a condition restricting the occupation as ancillary to Wycomb Cottage due to the presumption against residential development in the open countryside 3rd June 1992

CD.6316/U - 08/01678/FUL - Extension and alteration to annex - Permitted 11th July 2008

16/01347/FUL -Removal of Condition 2 of CD.6316/C (90.00218) to allow occupation of annex as separate dwelling - pending consideration

3. Planning Policies:

NPPF National Planning Policy Framework
 LPR19 Develop outside Development Boundaries
 LPR39 Parking Provision
 LPR42 Cotswold Design Code
 LPR46 Privacy & Gardens in Residential Deve

4. Observations of Consultees:

Thames Water - No objection subject to informatives

5. View of Town/Parish Council:

No comments received

6. Other Representations:

No comments received

7. Applicant's Supporting Information:

Supporting Statement

8. Officer's Assessment:

(a) Principle of sub-division/ new dwelling and sustainability

The building is subject to a condition restricting the use of the annex to being ancillary to the main house Wycomb Cottage following a full planning application for the retrospective conversion of the garage to a granny flat. The condition was imposed due to the principle of a new dwelling being unacceptable due to the unsustainable location. The Cotswold District Local Plan came into force in 2001 with Policy 19 maintaining that new open market dwellings outside of the settlement boundaries will not be supported. It is acknowledged that this policy is time expired due to its reliance on settlement boundaries that only went up to 2011. The agent considers that the proposal falls into the subdivision of the existing property and as such is compliant with the subtext of Policy 19 with no consideration of sustainability being required.

However as paragraph 3.3.17 of Policy 19 sets out the sustainability considerations and why such settlements without a majority of them were exclude from having defined settlement boundaries and as such sustainability is a key consideration in this application which seeks for the detached ancillary accommodation to be separated from Wycomb Cottage to become a separate dwelling.

The issue of sustainability and separation to form additional dwellings was set out in an appeal at Fox Farm, Condicote (APP/F1610/A/07/2054351/WF). The inspector sets out in paragraph 5 of this appeal that "the traffic generation would be different from use as ancillary to the main house rather than conversion/subdivision to create an additional dwelling". This appeal while in 2007 is still particularly relevant, it was issued not long after Policy 19 first came into force and at that point had full weight. The inspector therefore correctly interpreted and appraised the proposals in relation to policy 19. In that the subdivision of a property through the change of use of ancillary accommodation had to consider the sustainability of the site. This approach is very much in line with the thrust of the NPPF which seeks to direct development to the most sustainable locations and as such needs to be considered in this application.

It is also clear that the subtext of Policy 19 was not to allow a roundabout way of creating new dwellings in the open countryside by properties extending or converting to ancillary accommodation to then be subdivided without consideration of the sustainability of the site in relation to new housing. Hence the inspectors correct interpretation of Policy 19 in the 2007 appeal requiring the consideration of sustainability.

It is acknowledged that the NPPF seeks to boost significantly the supply of housing and paragraph 49 of the NPPF indicates that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 7 of the NPPF identifies three dimensions to sustainable development - economic, social and environmental - whilst Paragraph 12 sets out twelve core planning principles that should underpin planning decision taking. In combination, these two paragraphs provide the most useful context in which to examine sustainability.

A further appeal relating to the construction of a dwelling outside of the district (APP/Z1545/W/15/3137006) that was issued on the 18th July provides further clarification on the considerations of sustainability and is contained within the appendices of this report. However, to summarise, the Inspector clearly sets out 'if the application was submitted in the form of a new dwelling in this location, the proposal would be determined in the light of the Framework and the three dimensions of sustainability'. This is the same approach being put forward in the considerations of the removal of condition to allow the ancillary accommodation to be occupied as a separate residential dwelling at Wycomb Cottage.

The Inspector makes clear at para 16 that 'A second social consideration is the need for accessible local services. 'In relation to that proposal he considered the site to be 'severely deficient'. With the 'distance from the site to the nearest village, Little Totham, where there is a public house, is around 1km via a footpath. The distance by road is longer and there are no footpaths, street lights or bus services. The next nearest villages are Great Totham and Tolleshunt Major. These are about twice as far away. I am told that the nearest part of Great Totham has a church, florist, pub and bus services and that Tolleshunt Major has a pub, a farm shop and a business park. Walking to and from any of these villages would be onerous, especially if there were goods to carry or there was poor weather or it was dark. Cycling would be easier but in many circumstances less than ideal. I therefore agree with the Council that residents would be likely to rely on the use of private motor vehicles.'

The annex at Wycomb Cottage is located in a small cluster of properties of Syreford. There are no services or facilities within Syreford. The nearest settlement with some facilities is Andoversford located approximately 1.8km to the south. Due to the road network connecting the site to Andoversford and distance it is highly unlikely that the route would offer a viable alternative to the private car for cycle or pedestrian access to facilities. The public right of way within proximity to this site it is not lit and is through a wooded path which would not be conducive to a regular alternative to the private car. There is a bus stop within Syreford, however this only operates once a day (No.804). Given the rural location of the site and its distance from any facilities for day to day living it is clear that future occupants would be reliant on the use of the private motor car to

undertake the majority of trips. The site is therefore considered not to represent a sustainable location for new residential development in terms of its accessibility to facilities and services.

There would clearly be a limited social benefit associated with the proposal through the provision of a new home. However there would be no economic benefit as the agent advises no works would be required to convert the building to a dwelling.

There is no reason to doubt that any future occupants would play a role in the community. There are no local services within Syreford to support. However, the contribution one new dwelling would make to the vitality of the rural community and the support it would give to services in nearby towns and villages would be minimal.

The benefits of the proposal are an additional dwelling where the NPPF priority to '...boost significantly the supply of housing...', and the support it gives to the local economy, which must carry significant weight. However, the benefit of one additional dwelling would not outweigh the harm of the unsustainable location of the site and would not represent sustainable development in the context of the NPPF.

The Inspector concludes in the appeal (APP/Z1545/W/15/3137006) that 'Considering all the matters above it is clear that the main disadvantage of retaining the existing cottage is the site's poor access to local services and its likely effect on the use of private transport. These disadvantages have to be balanced against the economic benefit from retaining an existing capital resource and the social benefit in enhancing the district's housing supply by retaining one house. In assessing this balance I have had regard to the guidance in paragraph 152 of the Framework which says that local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development but also that significant adverse impacts in any of these should be avoided. In my view the appeal site's poor access to local services is a major adverse effect'.

While paragraph 55 of the NPPF states that Local Authorities should avoid new isolated homes in the countryside unless there are special circumstances, one of which is where the development would re-use redundant or disused building and lead to an enhancement of the immediate setting which would suggest that in some circumstances the benefits of re-using a building will outweigh the harm of isolation but only where there would be an enhancement to the setting. The proposals would require the further subdivision of the amenity space associated with Wycomb Cottage, no enhancement to the immediate setting would result from the proposals. Therefore the adverse effects of allowing this would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole and, given the comprehensive definition of sustainability in the NPPF. As such the proposal is not a sustainable form of development.

(b) Impact on neighbouring properties

Due to the positioning of the building the impact on neighbouring amenity would not result. The submitted site plan shows that a garden would be provided to serve the needs of future occupants.

(c) Impact on the highway

Being originally a garage the building is served by an access. The agent has indicated on the plans off street car parking provision. As such the impact on the highways would not be adverse. However, given the isolated and unsustainable location the future occupants would be reliant on the private car to access any sort of amenities which is contrary to Paragraphs 17 and 55 of the NPPF.

9. Conclusion:

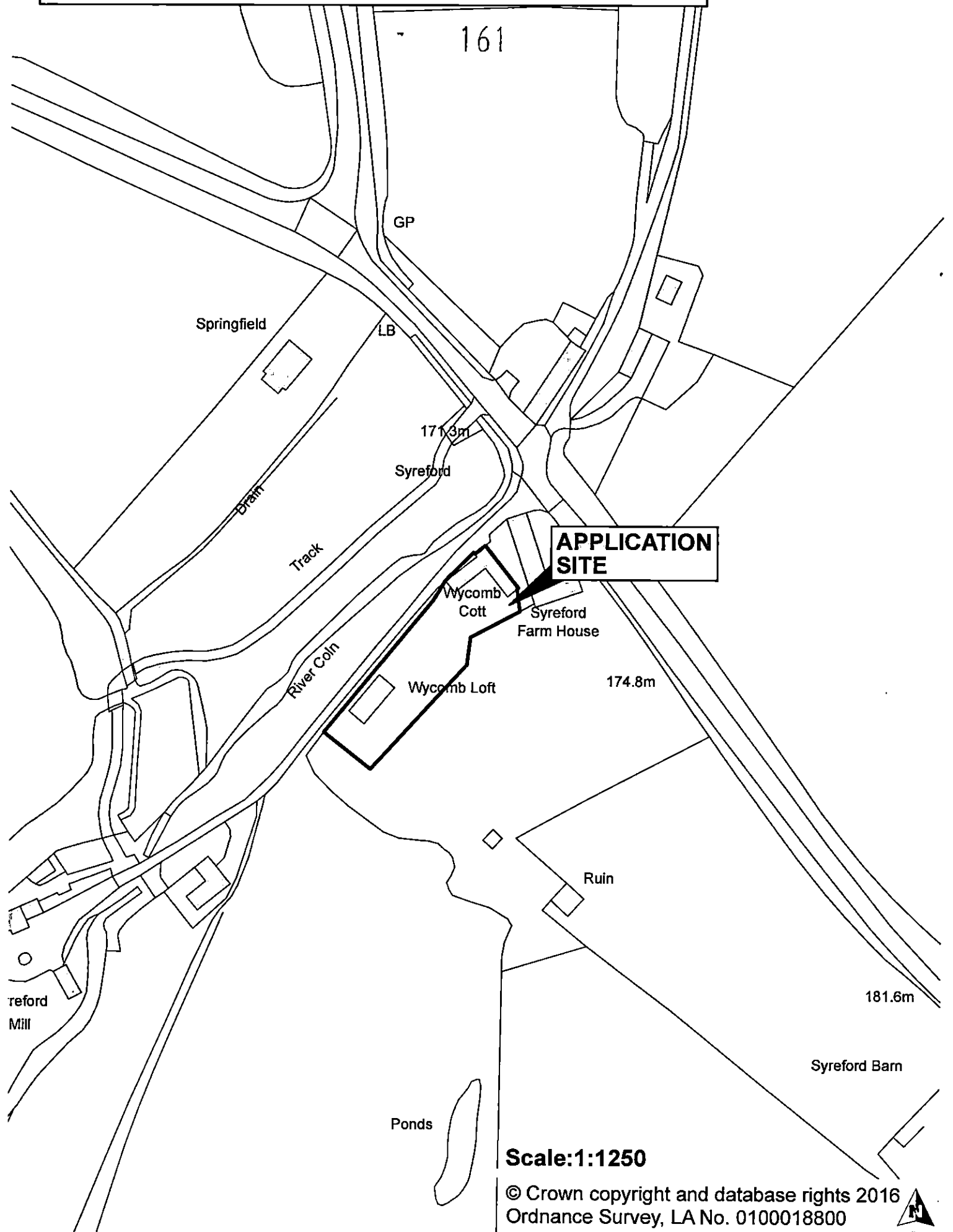
The subdivision of the property would result in an unsustainable form of development and the creation of an isolated dwelling where future occupants would be reliant on the private car to access any sort of amenities contrary to Paragraphs 17 and 55 of the NPPF and Policy 19 of the Cotswold District Local Plan. The adverse effects of allowing this would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole and, given the comprehensive definition of sustainability on the NPPF.

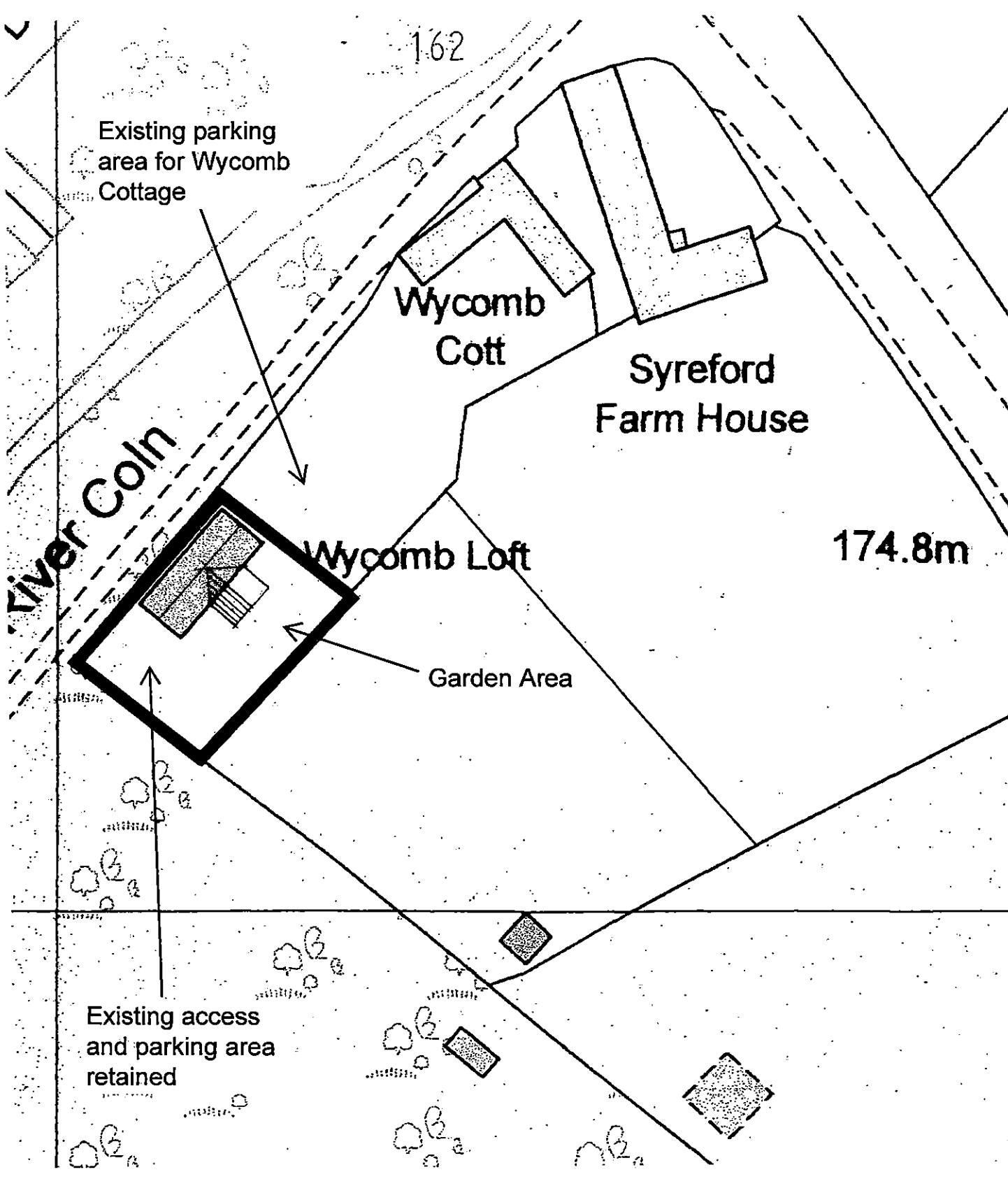
10. Reason for Refusal:

The subdivision of the property would result in an unsustainable form of development and the creation of an isolated dwelling where future occupants would be reliant on the private car to access any sort of amenities contrary to Paragraphs 17 and 55 of the NPPF and Policy 19 of the Cotswold District Local Plan. The adverse effects of allowing this would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole and, given the comprehensive definition of sustainability on the Framework.

Wycomb Cottage, Syreford, Whittington

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Existing parking area for Wycomb Cottage

Wycomb Cott

Syreford Farm House

174.8m

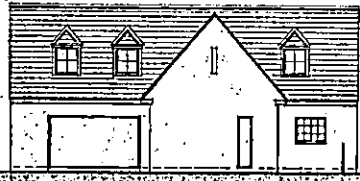
River Coln

Wycomb Loft

Garden Area

Existing access and parking area retained

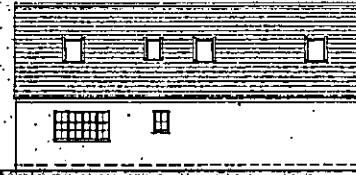
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front



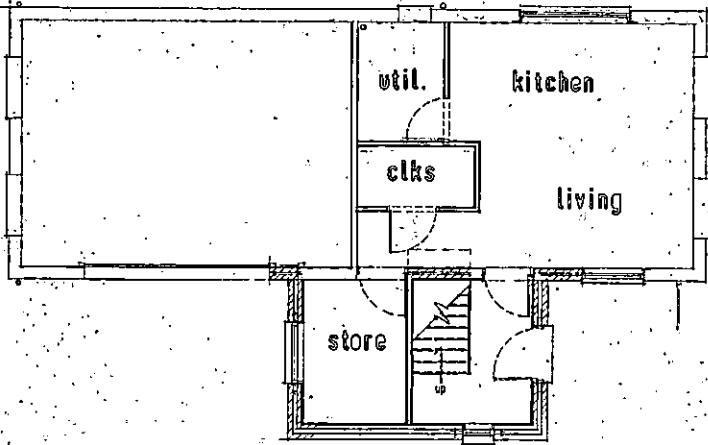
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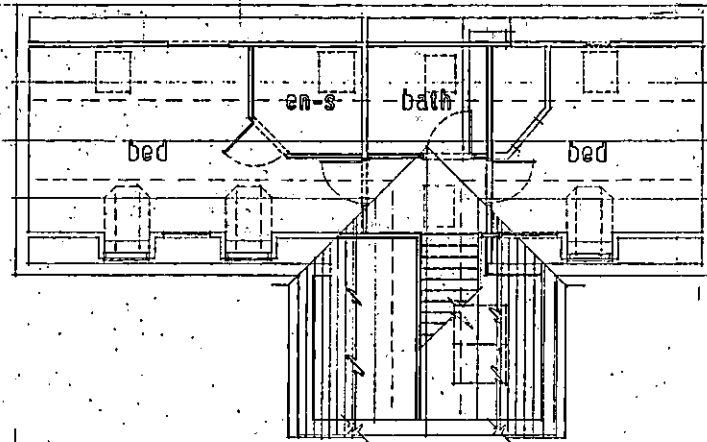
rear



side



ground



first

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Scale: 1:100 1:50



Appeal Decision

Site visit made on 17 December 2007

by **Anthony J Davison BA(Hons)**
LLB(Hons) MSc MBA DipLD FRTPI RIBA

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

The Planning Inspectorate
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Decision date:
 2 January 2008

Appeal Reference: APP/F1610/A/07/2054351/WF Fox Farm Cottages, Condicote, GL54 1EY

- 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 Bruce Harding Esq against the decision of Cotswold District Council.
- The application Reference 07/01121/FUL, dated 25 April 2007, was refused by notice dated 10 August 2007.
- The development proposed is the creation of a self contained dwelling through change of use of existing ancillary building.

Decision

1. I dismiss the appeal.

Procedural Matter

2. The application that is the subject of the appeal was originally for the removal of a condition attached to a planning permission. The nature of the application changed prior to its determination by the Council and I have dealt with the appeal on the basis of the Appellants amended description dated 29 June 2007.

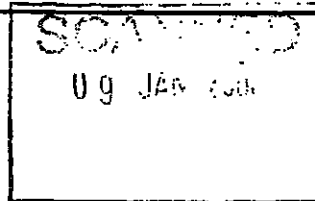
Main issues

3. The main issues in the appeal are, firstly, whether the development constitutes a sustainable form of development and, secondly, the effect on living conditions in the appeal building and neighbouring residential property.

Reasons

Sustainability

4. Fox Farm Cottages are in a remote rural location on the B4077 some 5km from Stow-in-the-Wold. The village of Condicote is a short walk away but there are virtually no facilities there and only a very infrequent bus service. The nearest schools and shops are about 4.5km away in Longborough. I agree with the Council's view that, given the inherent dangers of cycling on derestricted and unlit rural roads it is unlikely that the bicycle would provide a realistic alternative to the car. Occupants of the proposed dwelling would therefore have to rely heavily on the use of the private car to gain access to schools, shops, employment and other services.



5. Although the Appellant points out that there were once three cottages on the site and that the appeal proposal would restore that situation, the fact remains that he is proposing to create a new dwelling in the countryside and it is necessary to consider that proposal in the light of current policies. As a result of the appeal proposal there would be two separate households on a site where there is only one at present and I do not accept that the amount of traffic generated is likely to be similar in the two situations. Furthermore, while modern technology does make it possible to obtain some goods and services without having to travel this is not enough to outweigh the basic unsuitability of this remote site for residential development.
6. I have taken account of the Appellant's claim that the proposed dwelling would contribute towards the provision of affordable housing. However, there is no evidence of any particular need for such housing in this location, which is a long way from shops, services and employment sources.
7. Although the Council's decision notice makes reference to Policy T1 of the *Gloucestershire Structure Plan Second Review*, that Plan was approved in 1999 and there is nothing to indicate whether the policy is still in force, having regard to paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004. Nevertheless, it is clear that what is proposed is an unsustainable form of development that would conflict with national planning policy as set out in Planning Policy Statement 3, *Housing* (2006), Planning Policy Statement 7, *Sustainable Development in Rural Areas* (2004) and Planning Policy Guidance Note 13, *Transport* (2001).

Living Conditions

8. The Appellant claims that there is enough room on the site for both houses to have an adequate amount of amenity space and goes on to say that it may be appropriate to provide boundary markings to differentiate between the two. However, it is not clear from the application plans what form the boundary might take or how amenity space and facilities for vehicle parking and manoeuvring would be allocated.
9. I agree with the Council that these aspects can not be properly assessed on the basis of the information included in the application. My conclusion has to be that the Appellant has failed to demonstrate that his proposal would be a satisfactory form of development that would comply with Policy 28 of the 2006 *Cotswold District Local Plan Review*.

Overall Conclusion

10. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should fail.

Anthony J Davison

Inspector



Appeal Decision

Site visit made on 8 February 2016

by **Richard Duggan BSc (Hons) DipTP MRTPI**

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

Decision date: 19 February 2016

Appeal Ref: APP/F1610/W/15/3135647

Dutch Barn, Middle Duntisbourne, Cirencester GL7 7AR

- 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 J Whitaker against the decision of Cotswold District Council.
 - The application Ref 14/04512/FUL, dated 25 September 2014, was refused by notice dated 25 August 2015.
 - The development proposed is described as 'conversion to two holiday units'.
-

Decision

1. The appeal is dismissed.

Main Issue

2. I consider the main issues in this case to be whether the development would represent a sustainable form of development; and whether the development would affect the character and appearance of the area with specific regard to its location within the Cotswolds Area of Outstanding Natural Beauty (CAONB).

Reasons

Sustainable form of development

3. The National Planning Policy Framework (the Framework) explains that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development¹. Reference is also made to the conversion of existing buildings and the construction of well designed new buildings and support for sustainable rural tourism.
4. The Adopted Cotswold District Local Plan (LP) sets out to deliver high quality sustainable development through Policy 19 which specifically deals with development outside defined settlement boundaries. Policy 28 of the LP deals with the conversion of rural buildings and requires buildings to be structurally sound, suitable for and capable of conversion to the proposed use without substantial alteration, extension or rebuilding which would be tantamount to the erection of a new building.
5. In my view, some consideration of the amount of building work likely to be required is relevant in determining the practicality of the development and in

¹ Paragraph 28 NPPF

assessing its compliance with the Framework and LP policies in terms of sustainability.

6. I am not convinced by what I saw that the existing structural framework is substantial enough to be capable of conversion without needing a high degree of demolition and reconstruction, which would amount to a new building with very little of the original left. I have had regard to the structural survey which has been carried out. However, the extent of the proposed works goes well beyond the 'conversion', or the re-use of the existing barn to a holiday let use. Indeed, the effective reconstruction of the building to form the accommodation would, in my opinion, amount to the formation of a new building in the countryside.
7. The site is in an isolated location in the countryside and lies approximately 4 miles north of Cirencester on the edge of a hamlet called Middle Dustinbourne which contains no local facilities. Access to Cirencester and to the nearest villages to the south is along narrow, mainly single track lanes. Although there is a bus service passing the appeal site I consider that the locality is remote from Cirencester where a wider range of services is found, and that the site is in an unsustainable location for holiday accommodation where the occupants would be mostly reliant on private motor vehicles for transport. Although the Appellant has drawn my attention to local public houses and restaurants which are within 3 miles of the appeal site, this does not alter my views on the accessibility of the site to local facilities.
8. Critically, the aim of the development plan and the Framework is to achieve sustainable development. In this instance, although the proposal would fulfil an economic role, it would amount to a new building being erected in open countryside contrary to LP Policy 28. It would also be an isolated form of development and would not meet the social dimension of sustainable development in that the holiday lets would not have the advantage of accessible local services.
9. Therefore, I conclude that the proposed development would be contrary to the Framework as it would constitute an unsustainable form of development in this isolated location. It would also conflict with saved Policies 19 and 28 of the LP in this regard.

Character and appearance

10. The site is located within the CAONB and within the High Wold Dip-Slope Landscape Character Area as defined in the CAONB Landscape Character Assessment. The Framework acknowledges that such landscapes have the highest status of protection in relation to landscape and scenic beauty. Paragraphs 109 and 115 confirm the importance of protecting and enhancing valued landscapes, and that in AONBs this aim should be given great weight. In considering applications account should be taken of the need for the development, the availability of alternatives, and the effects on the environment and landscape.
11. The appeal building comprises a 'Dutch' style barn which has a steel framework and is clad on three sides by corrugated metal sheeting. The barn is located on the edge of an open arable field with no defined curtilage surrounding it, and there are no other barns or agricultural buildings close-by. At the time of my site visit, the building in general appeared to be dilapidated and was being

used for storage. Dutch barns, whilst lacking the historic and aesthetic attributes of more traditional agricultural buildings, are nonetheless a common feature of many farming landscapes.

12. To my mind, the conversion would be sympathetic to the character of the barn and its surroundings. The submitted plans show the new openings to be small, sensitively sited and kept to a minimum, and I do not consider the amount of glazing on the western elevation to be excessive. Walking or travelling by car along the road, the barn comes in and out of view. Seen from distance, either from the higher part of Middle Dustinbourne, from the public right of way or from various viewpoints in the surrounding countryside, I do not consider that the works to the barn or the materials being used would have a detrimental impact on the landscape. I acknowledge that the conversion would be obvious from when standing on the adjacent road, but in my view this would be no more intrusive than the existing barn left as it is.
13. Those staying within the holiday units would park on the northern side of the building. It would be possible to see the parking area and gravel driveway from the adjacent highway. However, passers-by and those using the public right of way would only have fleeting glimpses of parked cars as they would be largely screened from view by existing vegetation and the topography of the land.
14. Conditions could be attached to control minor forms of development at the site, but I acknowledge that this would not prevent the introduction of such things as washing lines or garden furniture. Nonetheless, given the modest size of the proposed curtilage, the screening offered by the building itself and the undulating nature of the surrounding land, I do not consider that such paraphernalia would have unacceptable impact on the character of the surrounding countryside.
15. For the reasons explained above, I conclude that the development would not have a harmful impact on the character and appearance of the area, and would not cause any significant harm to the aim of protecting and enhancing the CAONBs landscape or natural beauty. As a consequence, I find that the proposed development would not conflict with the requirements of the Framework or saved policies 28 and 42 of the LP insofar as they relate to protecting the character and appearance of the landscape.

Other matters

16. The appeal site abuts but sits outside the Duntisbourne Rouse/Middle Duntisbourne Conservation Area (CA). I have already concluded that the proposed development would not have a harmful impact on the character and appearance of the landscape. Therefore, I consider it would preserve the character and appearance of the CA.
17. My attention has been drawn to local precedent and similar developments in the area. However, I do not have the full details of these schemes and so cannot be sure that they represent a direct comparison to the appeal proposal. In any event, each case has to be determined on its own particular circumstances, particularly where issues of character and appearance are involved.

Conclusion

18. I have concluded that the development would not have an adverse impact on the character and appearance of the area with specific regard to its location within the CAONB. However, this does not negate or outweigh my concerns that the proposal would constitute an unsustainable and isolated form of development.
19. From the consideration of all other points raised, there is nothing of sufficient materiality to change the balance of my decision to dismiss the appeal.
20. For the reasons given above I conclude that the appeal should be dismissed.

Richard Duggan

INSPECTOR



Appeal Decision

Site visit made on 6 April 2016

by **George Arrowsmith BA, MCD, MRTPI**

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

Decision date: 18 July 2016

Appeal Ref: APP/Z1545/W/15/3137006

Bullace Cottage, Office Lane, Little Totham, Essex, CM9 8JE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Karl King against the decision of Maldon District Council.
 - The application Ref FUL/MAL/15/00107, dated 10 February 2015, was refused by notice dated 22 April 2015.
 - The application sought planning permission for the demolition of an existing house and garage, erection of replacement house and garage and relocation of domestic curtilage without complying with a condition attached to planning permission Ref FUL/MAL/11/00729, dated 5 October 2011.
 - The condition in dispute is No 8 which states that: Prior to the occupation of the dwelling house hereby approved the existing dwelling house, detached garage and sheds as shown on Drawing No: 10/03/06 REV A dated 11 August 2011 and 10/03/14 REV D dated 11 August 2011 shall be demolished and the resulting materials and spoil removed from the site.
 - The reason given for the condition is: The development plan has only been approved on the basis that the dwelling house hereby approved is a replacement for that which exists. The local planning authority will not permit both the existing and proposed dwellings on the site concurrently and in the interests of protecting the character and appearance of the countryside in accordance with policies S2, H1 and CC22 of the adopted Maldon District Replacement Local Plan.
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Application for Costs

1. An application for costs was made by the appellant against the Council. The application is the subject of a separate decision.

Procedural Matter

2. Although work on constructing the house permitted under FUL/MAL/11/00729 has begun the condition in dispute has not yet been breached because it requires only that the original house be demolished before the replacement is occupied, which has not yet happened. I have therefore determined the appeal as one made under section 73 of the Act.

Decision

3. The appeal is dismissed.
-

Main Issues

4. The main issues are whether the removal of the condition would, i) lead to unsustainable development in the countryside, and/or ii) be visually harmful to the rural setting. If the removal of the condition would cause either of these harms it is necessary to consider whether the harm is outweighed by any compensatory benefits.

Reasons

5. The Council's reasons for refusal and the supporting officer's report refer to policies S2, H1, T1, T2, T8, BE1 and CC6 in the adopted Maldon District Replacement Local Plan and policies S1, S2, S8, H4, T1, T2, T8 and D1 in the Maldon District Pre-Submission Local Development Plan. The appellant argues that some of the policies in the adopted plan do not fully support the refusal of permission, either because they are out of date by virtue of the Council's failure to demonstrate a five-year supply of housing land, or are inconsistent with the policies in the National Planning Policy Framework (the Framework). It is also argued that the policies in the emerging plan cannot carry full weight.
6. The officer's report, on which the Council mainly rely, acknowledges that some policies in the adopted plan are out of date. The Council's position in relation to the policies in the emerging plan is less clear but, given that the plan's examination is not yet complete, I give its policies limited weight. Significantly, the officer's report says that, if the application was submitted in the form of a new dwelling in this location, the proposal would be determined in the light of the Framework and the three dimensions of sustainability. This is largely the approach taken by the Council in assessing the proposal.
7. Although the reasons for refusal cite several policies in the adopted and emerging plans the report emphasises only T1 (Sustainable Transport and the Location of New Development), CC6 (Landscape Protection) and BE1 (Design of New Development and Landscaping) all policies in the adopted plan. The appellant considers that T1 is out of date because it is a housing supply policy and that policies CC6 and BE1 should be attributed reduced weight because they are stricter than their counterparts in the Framework. Whilst recognising the appellant's reservations, I am satisfied that the Council's primary focus is the Framework and that they are seeking to apply the development plan policies only insofar as they are compliant with the Framework. I have adopted a similar approach, and for that reason have not found it necessary to refer back to the individual development plan policies.
8. To the degree that some of the quoted policies support the proposal they reflect policies in the Framework. Neither the appellant nor the Council have identified any policies in either the statutory or emerging development plans that offer support for the proposal beyond that which is contained in the Framework.
9. Paragraph 14 in the Framework says that the presumption in favour of sustainable development is at the heart of the Framework. For decision making this means approving development proposals that accord with the development plan without delay and, where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse effects of doing so would significantly and demonstrably outweigh the

benefits, when assessed against the policies in the Framework taken as a whole or when specific policies in the Framework indicate development should be restricted. Paragraph 49 in the Framework emphasises that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

10. The issue of housing land supply is complex and contested and is not necessarily determinative in this appeal. I therefore consider it helpful, as a first step, to consider the proposal on the assumption that a five-year supply of deliverable housing sites has not been demonstrated. This is the scenario most favourable to the appellant's proposal since it engages the presumption in favour of sustainable development. If I find the proposal unacceptable under this favourable scenario it will be unnecessary to consider the proposal under the scenario that is less favourable to the appellant – i.e. that there is a demonstrable five-year supply.

Assuming that a five-year supply of deliverable housing sites has not been demonstrated

11. The central requirement is to consider whether the proposal is sustainable development in terms of paragraph 14 in the Framework. I am aware that the disputed condition was imposed to protect the character and appearance of the countryside. Even so, following the publication of the Framework with its emphasis on sustainability, one of the Council's reasons for refusing to remove the condition is that the retention of Bullace Cottage would constitute an unsustainable form of development. A subtlety introduced by the comprehensive definition of sustainability in the Framework's paragraph 7 is that protecting and enhancing the natural environment is part of the environmental dimension of sustainability. Consequently, the Council's original reason for imposing the condition is now subsumed in the wider issue of sustainability.
12. There is a sustainability appraisal in paragraphs 165 to 185 of the appellant's main appeal statement. I follow the scheme of this appraisal, considering first the economic dimension of sustainability; second the social and finally the environmental.
13. I give limited weight to the future residents' economic contribution to the area since an economic contribution will be made no matter where those residents live. I have no reason to think that their contribution would be different if they lived somewhere else. It is true that allowing Bullace Cottage to remain would increase their economic contribution to this particular area but their contribution to the wider public good would be independent of their place of residence.
14. Retaining the capital invested in an existing house is an unambiguous economic benefit.
15. The retention of a single house has the clear but limited social benefit of increasing the supply of housing by one unit. The scale of this benefit in relation to the overall housing supply would be both small and largely independent of whether or not there is a five year supply of housing land.

16. A second social consideration is the need for accessible local services. Here the proposal is severely deficient. The distance from the site to the nearest village, Little Totham, where there is a public house, is around 1km via a footpath. The distance by road is longer and there are no footpaths, street lights or bus services. The next nearest villages are Great Totham and Tolleshunt Major. These are about twice as far away. I am told that the nearest part of Great Totham has a church, florist, pub and bus services and that Tolleshunt Major has a pub, a farm shop and a business park. Walking to and from any of these villages would be onerous, especially if there were goods to carry or there was poor weather or it was dark. Cycling would be easier but in many circumstances less than ideal. I therefore agree with the Council that residents would be likely to rely on the use of private motor vehicles.
17. I turn now to the environmental dimension of the sustainability test, specifically the protection of the natural environment. As described above this was the Council's original reason for imposing the disputed condition and it is now one of their reasons for requiring its retention.
18. The appellant argues that the condition cannot affect the character and appearance of the area because it controls only the occupation of the new dwelling. The contention is that there is nothing in the condition to prevent the existing dwelling remaining provided the new dwelling is not occupied. The overwhelming likelihood is however, that having built the new dwelling in full knowledge of the condition, the applicant (or his successor) would demolish the existing dwelling rather than allow his investment to lie idle. The balance of probability is therefore that the retention of the condition will result in the demolition of the existing house.
19. Bullace Cottage is a relatively modest building that forms part of a cluster of residential buildings and ancillary structures in what is otherwise open countryside. It is the only residential building on the east side of Office Lane but existing high hedges to the north and south prevent it from being a prominent landscape feature when approached from either direction. It cannot be assumed that the hedges will always remain in which case the cottage would become more prominent, although it would be seen in the context of the much larger new house and a substantial existing workshop which is set back from the road.
20. Demolishing the cottage would reduce the amount of built development in the countryside but would increase the prominence of the workshop and new house when seen from some directions. I do not agree with the appellant's landscape statement that this would amount to minor harm to the appearance of the area, mainly because I do not share the statement's view that the existing cottage acts as a defining feature of the hamlet and is a positive element in the street scene. I am however satisfied that the retention of the cottage would cause only minor harm to the character and appearance of the rural setting. I am not convinced that this harm would be sufficient to justify a refusal of permission but it is a factor to be taken into account in any overall assessment.
21. A second important aspect of the environmental dimension is the need to use natural resources prudently and to mitigate and adapt to climate change, including moving to a low carbon economy. Here again the proposal is

deficient because of the residents' likely reliance on private transport as discussed in my paragraph 16.

22. Considering all the matters above it is clear that the main disadvantage of retaining the existing cottage is the site's poor access to local services and its likely effect on the use of private transport. These disadvantages have to be balanced against the economic benefit from retaining an existing capital resource and the social benefit in enhancing the district's housing supply by retaining one house. In assessing this balance I have had regard to the guidance in paragraph 152 of the Framework which says that local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development but also that significant adverse impacts in any of these should be avoided. In my view the appeal site's poor access to local services is a major adverse effect.
23. The appellant draws my attention to paragraph 55 of the Framework, which says that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances, one of which is where the development would re-use redundant or disused buildings and lead to an enhancement of the immediate setting. This suggests that, in some circumstances, the benefits from re-using a building will outweigh the accessibility costs of isolation but only when the re-use would enhance the setting. In the present case I do not consider that the retention of Bullace Cottage would enhance its setting; instead I have found that it would have an, albeit minor, adverse effect.
24. Taking all the above factors into account I conclude that the benefits from the retention of the cottage are clearly outweighed by the site's poor access to local services. The visual effects of retention on the rural setting add limited support to this finding. I conclude that the adverse effects of allowing the appeal would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole and, given the comprehensive definition of sustainability on the Framework, my conclusion is that the appeal proposal is not a sustainable form of development.
25. I am aware of the contention in paragraphs 144 to 146 of the appellant's main statement that the appeal site is not isolated. My decision is not based on a finding that the site is isolated in terms of the Statement's paragraph 55, but that it has poor access to local services. I have not found it necessary to make a finding on isolation in the context of the Statement's paragraph 55.
26. In reaching my decision I have not relied on any policies in the statutory development plan or the pre-submission version of the Maldon District Local Development Plan. Moreover, as indicated in my paragraph 8 above, neither party has identified any policies in either the statutory or emerging development plans that offer support for the proposal beyond that which is contained in the Framework.

Assuming that a five year supply of deliverable housing sites has been demonstrated

27. My findings in the previous paragraphs are based on the assumption that a five-year supply of housing sites has not been demonstrated. Had such a supply been demonstrated my conclusion on the unacceptability of the proposal

would have been strengthened because the social benefit following from increasing the District's housing supply would have been smaller. My conclusion in this matter is similar to that reached by my colleague in relation to an appeal in Southminster (APP/X1545/W/15/3138852) who found that that the adverse effects of allowing the proposal before him would significantly and demonstrably outweigh the benefits from the retention of one dwelling even if there was no five-year housing supply.

28. I have read the housing supply evidence produced by both the appellant and the Council. There are substantial differences on issues like the housing backlog, the necessity for a 20% buffer to reflect persistently poor delivery and the appropriate reduction of calculated supply to take account of slippage and non-implementation. The Council's position is strengthened by my colleague's decision in a relatively recent appeal relating to a site at Heybridge Basin (APP/X1545/W/15/3003795) where she concluded that the Council do have a five-year housing land supply, although I am aware that the appellant questions this finding. I am also aware that in his interim findings in relation to the Maldon District Local Development Plan the Inspector raised nothing to suggest that the Council had not undertaken a comprehensive and objective assessment of the need for housing for the settled community in Maldon. In a letter to the Council dated 6 March 2016 the Secretary of State said that nothing before him led him to take a contrary to that reached by the Inspector. Decisively however, I do not find it necessary to reach a conclusion on this matter because my finding that the proposal is unsustainable and therefore unacceptable is independent of the housing supply position.

George Arrowsmith

INSPECTOR