

**Parish: Assington****Location: Land North of Centuries, The Street, Assington****Proposal: Erection of 2 no. semi-detached two-storey dwellings with associated garaging. Construction of new vehicular access.****Applicant: Ellisdale Builders****Case Officer: Deborah Board****Date for Determination: 20/06/08**

---

**THE SITE**

1. The application site is situated on the east side of The Street, and the majority of the site previously formed part of the garden area to 'Centuries', a Grade II listed two-storey detached property. The site is under separate ownership and measures approximately 0.13 hectares with a width of 18.5m and a depth of approximately 68m. The site is located outside of the defined built up area of the village and is wholly within a defined Special Landscape Area. Mature vegetation exists along the site frontage and a significant portion of the northern boundary is also marked by mature planting.

**THE PROPOSAL**

2. The application proposes the erection of a pair of semi-detached two-storey dwellings with associated garaging and the construction of a new vehicular access.
3. Both properties would have a living room, dining room, kitchen, study and W.C. to the ground floor and three bedrooms and two bathrooms to the first floor. A detached outbuilding is also proposed, providing a single garage for each property.
4. The proposed dwellings have a maximum ridge height of approximately 7.3m, an overall depth of approximately 11.8m and a maximum width of approximately 7.7m. The dwellings are to be finished in red facing brickwork with slates to the roofs.
5. The detached outbuilding has a maximum ridge height of approximately 4.6m, a depth of approximately 5.6m and a width of approximately 6.1m, and is finished in weatherboarding with pantiles and slates to its roof.
6. The application is accompanied by a design and access statement which can be viewed in advance of the meeting by prior arrangement with the case officer.

**RELEVANT HISTORY**

7. 2007 – Planning permission refused for the Erection of 2 no. semi-detached two-storey dwellings with associated garaging. Construction of new vehicular access (B/07/02003/FUL).
8. 2007 – Planning permission refused for the erection of a detached two-storey dwelling and detached garage and construction of new vehicular access (B/07/00376/FUL). Dismissed on appeal (APP/D3505/A/07/2048398).

9. 2002 – Planning permission granted for the change of use of land from agricultural to domestic curtilage (B/02/00374/FUL).
10. 1974 - Planning permission refused for the erection of a dwelling and construction of a vehicular access (B/841/74).

#### **NATIONAL GUIDANCE**

11. **PPS1 (2005)** Delivering Sustainable Development
12. **PPS3 (2006)** Housing
13. **PPS7 (2004)** Sustainable Development in Rural Areas
14. **PPG15 (2002)** Planning and the Historic Environment

#### **PLANNING POLICIES**

15. The following Development Plan policies are relevant to this proposal;

##### **East of England Plan 2008**

- **SS1** (Achieving Sustainable Development)
- **SS2** (Overall Spatial Strategy)
- **ENV7** (Quality in the Built Environment)

##### **Babergh Local Plan (Alteration No.2) 2006**

- **HS02** (New housing in villages)
- **HS03** (Sustainable and non-sustainable villages)
- **HS04** (New residential development in the countryside)
- **HS30** (Layout and design)
- **HS32** (Public open space)
- **CR01** (Protection of countryside)
- **CR04** (Special Landscape Areas)
- **CN01** (Design and context)
- **CN06** (Development affecting listed buildings or their settings)

**The relevant documents can be viewed via the internet. For further details please see Page 4.**

#### **OBSERVATIONS**

16. PC – support the application
17. LHA – recommend approval subject to conditions
18. SWT – no comment
19. EA – no objection

#### **REPRESENTATIONS**

20. Seven neighbour representations have been received; four objecting to the proposal and three in support. The main points are in summary:
  - Proposes building outside of the built up area;

- The area is also Special Landscape Area and should remain as part of the countryside;
- Protection of the built up area boundary was a key point made by the inspector when dismissing the appeal;
- The latest application is an attempt to draw attention away from the defined village map shown in the Local Plan;
- The application should be rejected on the same grounds as the last one;
- Contrary to policy HS04;
- Reiterate all previous objections to other schemes as they apply equally here;
- Do not accept the legal arguments regarding the nature of the land or its position in relation to the village;
- Wildlife will diminish;
- If the application is approved then eventually Assington will become a large housing development;
- More traffic – safety issues;
- Inadequate foul sewerage disposal;
- Undesirable precedent;
- Two attractive properties would be a good use of the site;
- Two smaller units are more affordable for local families;
- Recent developments in the village have consisted of large detached properties and there is a demand for small scale properties;
- The proposal goes some way to redress this imbalance.

## **PLANNING CONSIDERATIONS**

21. The application must be determined in relation to the provisions of the development plan and other material planning considerations. The main issue to be considered in this case, where the site is located outside of any defined built up area boundary, and whether there is any overriding need to grant planning permission for residential development on this site contrary to local, regional and national planning policy.

### **The principle of development**

22. The key policies in this case are HS02 and HS04 of the Babergh Local Plan Alteration No.2 (2006). Policy HS02 limits new housing development in villages to sites within the built up area boundary and policy HS04 prevents residential development in the countryside, stating that new housing will be integrated into the defined areas of towns and villages. In the countryside outside of towns and villages it is intended that existing land uses will remain undisturbed.
23. The village of Assington has two separate defined built up area boundaries and the application site lies to the south, and outside, of the northern-most settlement boundary. This boundary lies along the southern boundary of the property 'Wistons', being inside the built up area, and the application site and domestic curtilage of 'Centuries' further south being outside. Assington is characterised by predominantly linear frontage development and by the existence of two separate built up areas. 'Wistons' on the east side of The Street and no.1 Woodfield on the west side are the southern-most properties of this built up area. As such, the built up area boundary has been drawn along the southern boundaries of these properties to preclude new residential development in the areas that lie between the northern and southern defined built up areas of Assington, which are classed as countryside. As such, this boundary serves an essential planning purpose.

24. As the application site is situated outside of any defined built up area boundary, it lies within the countryside where there is a firm presumption against further residential development. It should be noted that no justification has been made that the proposed dwellings are for key personnel to be employed in agriculture, horticulture or forestry, nor is the site cited as an 'exceptions' site for local needs housing. Accordingly, the proposal is for additional dwellings in the countryside, contrary to both national planning guidance and adopted Development Plan policies. Approval of this application would set a serious and undesirable precedent for similar developments in the locality, to the detriment of the countryside, the character of Assington, and the District in general.
25. A unilateral planning obligation has been submitted with the application which states that the current side garden to 'Centuries' "*shall be deemed to be subject to an enforceable restriction against residential development in perpetuity and enforceable as such by the Local Authority.*" The obligation could not in fact prevent the submission of further applications for residential development on this site, and therefore does not mitigate the risk of precedent outlined above.
26. The applicant has stated that the proposal would constitute appropriate infill development. The Local Plan defines infill in paragraph 3.30 as 'the filling of a small undeveloped plot in an otherwise built-up frontage'. The application site is to the north of 'Centuries', a detached dwelling with a domestic curtilage of approximately 0.4 hectares. 'Centuries' and Willow Tree Farm Shop to the south are the only properties on the east side of The Street between the two built up areas of the village, and are well spaced and distanced from each other. It is clear that the proposal does not comply with the above definition of infill development, as the area cannot be described as having an otherwise built-up frontage given the spatial characteristics of the locality and significant gaps between individual properties.

#### **Other material planning issues**

27. The site has a history of two previous refusals B/07/00376/FUL and B/07/02003/FUL. The first application was refused by the Development Committee in May 2007 and subsequently dismissed at appeal. The second application B/07/02003/FUL was also refused by the Development Committee in February 2008. These elements of the planning history are material in consideration of this scheme, which is identical to that submitted under reference B/07/02003/FUL.
28. Further Members' attention is drawn to the inspector's conclusions in dismissing application B/07/00376/FUL at appeal. In particular the inspector noted at paragraph 4 of his decision that "The built up area boundary has been drawn to prevent the gradual erosion by development of land between the separate parts of the village which would, in my view, be seriously detrimental to the fundamental character of the settlement and to prevent the gradual encroachment of built development into the surrounding countryside. I am satisfied that the alignment of the built up area boundary has been properly drawn up in the vicinity of the appeal site, and serves an essential planning purpose in this respect". The inspector goes on to conclude that the appeal proposal is not appropriate infilling and that the proposal conflicted with policies HS04 and CR02.
29. A planning approval for two dwellings outside of the built up area of Brent Eleigh (B/03/01119/RES) is cited by the applicant in support of this proposal. The principle of development in this case was first established with outline permission (B/02/00520/OUT) granted on appeal. It should be noted however that the proposal was assessed against policies of the Babergh Local Plan Alteration No.1 (1995), being the adopted plan at that time. Policy LP7 of the plan allowed for groups of dwellings abutting the built up area of villages under certain circumstances. Policies within the Babergh Local Plan Alteration No.2 (2006), against which the proposal must be assessed, contains no such provision for housing developments abutting settlement boundaries.

30. The planning approval for a dwelling outside of the built up area at Stanstead Lodge (B/06/01479/FUL) is also cited by the applicant as having set a precedent for similar development. Whilst it is acknowledged that planning permission was granted for a dwelling at Stanstead Lodge, this case was judged on its merits and this in itself is not a reason to approve an additional dwelling in the countryside in this location contrary to local, regional and national planning policy.

### **RECOMMENDATION**

Refuse planning permission - Inappropriate development outside of the built up area boundary, harmful to the open character of the countryside and its Special Landscape Area setting, thereby contrary to the objectives of PPS3 and PPS7 and policies CN01, HS02, HS04, CR01 and CR04 of the Babergh Local Plan Alteration No.2 (2006).