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Your reference

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Our reference

T/APP/D3505/A/88/110112/P2

Date

10 JUL 89

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
 APPEAL BY VAUGHAN AND BLYTH (CONTRACTORS) LTD
 APPLICATION NO: B/933/88

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal against the decision of the Babergh District Council to refuse outline planning permission for residential development on land adjacent to Friends Field, Bures. I have considered the written representations made by you and by the Council and also those made by Tim Yeo MP and other interested persons and parties. I have also considered those representations made directly by the Bures St Mary Parish Council and other parties and interested persons to the Council which have been forwarded to me. I inspected the site on 23 May 1989.

2. The appeal relates to a rectangular shaped orchard having an area of a little over 1 ha and situated on the eastern side of the village of Bures. Agricultural land lies to the east of the site but it is otherwise largely adjoined by modern or recently completed housing. Access to the proposed development would be via Friends Field, a residential road, part of which terminates adjacent to the north-western boundary of the site. Friends Field joins Cuckoo Hill, (classified C733) further to the north. Although alternative illustrative housing estate layouts were submitted with your clients' application and your representations, I note that all matters of detail other than the means of access are intended to be reserved for subsequent approval. I am dealing with the appeal on this basis.

3. Having inspected the site and the surrounding area and considered the representations received, I am of the opinion that the main issue in this case is the effect of the appeal proposal on the character and appearance of the area and whether any material harm in this respect would be outweighed by housing need.

4. As part of the strategy of the Suffolk County Structure Plan (Alteration No 1) approved in February 1988, policy CS6 effectively restricts housing estate development to sites within or adjoining the built-up area of certain larger villages, subject to criteria concerned, among other things, with the adequacy of services and facilities in the village and the physical relationship of the site with the village and the countryside. Neither the structure plan nor the emerging Babergh Local Plan identifies Bures in this respect and policy LPH3 of the local plan effectively provides that estate development will not be permitted in Bures unless there is an exceptional local need. Policy H5 of the structure plan allows

for the development of groups of 4 or 5 dwellings within or abutting the built-up area of a village but the development envisaged in this case substantially exceeds these numbers.

5. The appeal site abuts the built-up area of Bures which appears to have a comprehensive range of facilities and services appropriate to a large village. I recognise that the site is not only largely adjoined on 3 sides by housing with access easily obtainable but as an orchard is different in character and appearance from the arable farmland at a higher level to the east. In landscape terms, therefore, it does not readily appear as part of the countryside and in my view the proposed development would not have a significant impact on the wider Special Landscape Area or potential Area of Outstanding Natural Beauty of which the site forms part and in which development is strictly controlled.

6. Nevertheless, the site lies within the Bures conservation area adjacent to its eastern edge and being densely planted with fruit trees it represents in my view an important visual feature and one which fulfills a worthwhile transitional function between the neighbouring housing and the open countryside. As such, it seems to me to be a determining element in the pleasant semi-rural character and appearance of an otherwise relatively unremarkable part of the conservation area and the village. In these circumstances I consider that each of the forms of housing envisaged would neither preserve nor enhance the character and appearance of the conservation area and would materially harm these qualities of this part of the village. Therefore, taking into account the policies I have referred to, I do not consider that the appeal proposal should be permitted unless an overriding housing need can be shown.

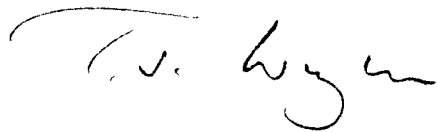
7. The Council contend that adequate land is available for residential development in the district to meet the identified needs of the Sudbury Policy Area as set out in the structure plan. On the other hand you argue that there is little or no opportunity for further development within the built-up area of Bures and you point to the Parish Council's view that smaller houses for first time buyers would fill a need in the village. Your later illustrative plan shows how part of the appeal site could be developed for this purpose. However, I note that, in addition to the recently completed sheltered housing to the south-west of the appeal site the Council have permitted not only 28 sheltered flats but 19 other flats on a site in the centre of Bures. Also, it appears likely from the information submitted that the occupation of the former development would release some units of general needs accommodation, albeit for letting. Considering these factors as a whole, I conclude that there is insufficient evidence of housing need to override the objection I have referred to in this case.

8. The Council also refer to the lack of adequate visibility in a north-easterly direction at the junction of Friends Field and Cuckoo Hill, the increased use of which they claim would cause traffic dangers. In this respect I accept your view that the north-easterly sight line could be sufficiently improved within the limits of the highway and that this is an appropriate matter for a negative planning condition. However, as you point out, this would require the removal of the roadside embankment and the erection of a retaining wall and I am not convinced in the absence of further information that this could be done without spoiling the rural appearance of this part of Cuckoo Hill, which I see as a further defect of the appeal proposal.

9. I have taken into account all the other matters referred to in the representations, none of which causes me to alter my conclusion on the main issue I have identified in this case.

10. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Sir
Your obedient Servant

A handwritten signature in cursive script, appearing to read 'T. J. Wright Arics', written in dark ink.

T J WRIGHT ARICS
Inspector