
Appeal Decision

Site visit made on 12 December 2016

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

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

Decision date: 9th January 2017

Appeal Ref: APP/W3520/W/16/3154709

Red House Farm, Ashbocking, Suffolk IP6 9LD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant [outline] planning permission.
 - The appeal is made by Mr Justin D'Arcy against the decision of Mid Suffolk District Council.
 - The application Ref 2812/15, dated 7 August 2015, was refused by notice dated 1 February 2016.
 - The development proposed is the erection of three replacement dwellings following demolition of existing buildings.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the site is a suitable location for residential development having regard to local and national policy.

Reasons

3. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. However, it is agreed that the policies within the Mid Suffolk Core Strategy 2008 (CS) as well as policies in the Core Strategy Focused Review 2011 (CSFR) and the Mid Suffolk Local Plan 1998 (LP) relating to housing are considered to be out of date in terms of paragraph 49 of the National Planning Policy Framework (the Framework).
 4. Consequently, Paragraph 14 of the Framework applies and I have approached this appeal on the basis that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
 5. To promote sustainable development in rural areas, paragraph 55 of the Framework is clear that new housing should be located where it will enhance or maintain the vitality of rural communities, and isolated new homes in the countryside should be avoided unless there are special circumstances. One of the core planning principles of the Framework is also to actively manage patterns of growth to make fullest possible use of public transport, walking and cycling (Paragraph 17). New residential development should not therefore be detached from being part of a viable and vibrant rural community, where there would be access to day to day facilities without the need to travel.
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6. In setting out a settlement hierarchy for the District, CS Policy CS1 seeks to focus growth in towns and main villages where there is accessibility to services and facilities. Due to its location, the appeal site is considered to be within the open countryside. Such development is only permitted where it would, among other things, support the rural economy, meet affordable housing, meet community needs or form a replacement dwelling, in accordance with Policy CS2. Accordingly, while these are housing policies which are out-of-date, I consider that their objectives are broadly consistent with the Framework and, as part of the adopted development plan, they carry some limited weight, in accordance with paragraph 215 of the Framework.
7. The village of Ashblocking is located less than 1km away from the appeal site, however this settlement has only a Church and a café. There are no educational, retail, health or other social facilities. The nearest settlements with a wide range of services and facilities are at Witnesham, around 2 miles away and Otley, around 2.5miles away. I therefore find that the appeal site would be isolated for planning purpose insofar as it would be remote from key facilities required for day to day living, and would be in conflict with paragraph 55 of the Framework.
8. Access to these settlements is via the B1078, B1077 and B1079. These are rural roads which are at the national speed limit, are unlit and have no footpaths running along their length. The distances involved and the conditions of these roads are as such that I do not consider that occupants would readily walk or cycle between the appeal site and these service centres. There is also no evidence that the site is served by public transport. Consequently, occupants of the proposed dwellings would be almost entirely reliant on the private car to access services and facilities, contrary to paragraph 17 of the Framework.
9. The appellant contends that significant weight should be attached to a fallback position in respect of the current use of the buildings and wider appeal site and it has been put to me that this would amount to a special circumstance whereby isolated dwellings are supported in accordance with paragraph 55 of the Framework.
10. Specifically, there is an existing two-bedroom flat on site, as confirmed by a Lawful Development Certificate (Reference 1946/09). Prior Notification Approval for two 1-2 bed dwellings is also in place (Reference 0751/14) for conversion of the B1a Office use to C3 residential. While they are vacant, the remainder of the buildings on site would continue to benefit from a B2 use. There is also a Caravan Club site to the rear with 5 pitches.
11. I accept that the existing and extant number of residential units on the site is equal to the number of residential units as proposed. However, permitted development rights for conversion do not apply a test in relation to sustainability of location, whereas this forms a relevant consideration of planning applications. I do not therefore consider that the purpose of the prior approval process would provide tacit approval for all development in the countryside. Moreover, in seeking to avoid isolated new houses in the countryside, paragraph 55 of the Framework does indeed recognise the re-use of redundant or disused buildings where this would lead to an enhancement of the setting as a special circumstance.
12. Furthermore, the conversion of the 2 units under permitted development has not yet been implemented and this approval only remains extant until April

2017. While it is understood that an application for building regulation consent was submitted in July 2016, the timescales for implementation are short when account is taken of tendering and employing building contractors to undertake the work.

13. There can be no doubt that any current and future occupants of the extant residential use of part of the site would be isolated from services and facilities and would be likely to regularly use the private car to access these. However, the proposed dwellings would comprise of 3 and 5 bedroomed detached dwellings with generous areas of living accommodation. The scale of accommodation to be provided therefore represents a significant increase over the extant residential offer. In turn, this would be likely to generate greater numbers of journeys by unsustainable modes of transport than the permitted residential use of parts of the site.
14. In order to achieve sustainable development, the Framework identifies that economic, social and environmental gains must be sought jointly and simultaneously. In environmental terms, while the Council found that the development would not accord with LP Policy H7, which also seeks to preserve the character and appearance of the countryside, I am satisfied that there would be no harm to character and appearance as the development would be well screened and on previously developed land which would be remediated. I note the energy efficient design of the dwellings which also weighs in favour of the proposed development. There would also be some economic benefit during the construction of the development, although this would be temporary. The residential developments permitted are also a material consideration, and on balance of all of the abovementioned considerations, I give the fallback position moderate weight.
15. The proposed development would entail the cessation of the use of the B2 commercial buildings and the Caravan Club site. Therefore there would be a reduction in the volume of journeys associated with these uses. However, I am mindful that the use of the Caravan Club site and any journeys generated are likely to be intermittent and seasonal and while I note the appellant's comments in respect of the condition and suitability of the buildings for continuing the commercial use, the loss of rural enterprise and tourism in itself would weigh against the proposal.
16. The appellant also cites that the removal of the B2 buildings would be a benefit as it would conflict with the residential uses on site. However, I am mindful that the existing residential use on the site appears to exist in harmony with the extant use of the overall site. Furthermore any conflict between commercial and residential use is conditional of the prior notification regime and the Council would have satisfied themselves that no adverse impacts arising from neighbouring uses will have existed. The weight I can attach to this environmental and social benefit is therefore restricted.
17. Furthermore, in giving the fallback position moderate weight, I am also not persuaded that the development would contribute to the housing supply of the area, as there would be no net increase in residential units created. I also have no information relating to housing need in respect of size and housing mix. The economic and social benefits in respect of housing land supply, and rural economy would therefore be negligible.
18. Any benefits of the proposal in respect of enhancing and maintaining the vitality of nearby rural communities are only likely to be limited over and above

any support generated by the fallback position. There is also no evidence before me to support claims that the development would offer ecological enhancements which limits the weight I can attach to this.

19. Taken as a whole, I consider that the balance of considerations in respect of the existing use of the site and the fallback position in respect of the permitted residential units, would not justify making a decision which is not in accordance with the Framework. Accordingly, the fallback position would not amount to a special circumstance for which isolated development would be permissible.
20. I therefore conclude that the erection of wholly new dwellings in such an isolated location of the appeal site would be in clear conflict with the social and environmental objectives which underpin the Framework in respect of transport (paragraph 17) and accessibility (paragraph 55). The harm I have identified in respect of the suitability of the location for development significantly and demonstrably outweighs the benefits of the development. The proposals cannot therefore be considered sustainable development for which the Framework presumes in favour. The proposal would also conflict with CS Policy CS1 and CS2 and CFSR Policies FC1 and FC1.1 which seek to deliver sustainable development.

Other Matters

21. I appreciate that Inspector for the Moat Farm Barns appeal decision¹ in Barking Tye arrived at a different conclusion in respect of the balance of paragraph 14 however, I understand that this appeal site was two small scale dwellings which are located around 1/2km away from two settlements with services and facilities. While the site subject to this appeal is closer to Ashblocking, this settlement has no such facilities and the nearest settlement of Witnesham is around 2 miles away.
22. Accordingly the frequency and length of journeys made by unsustainable modes of transport as well as the isolation of the site is materially different. I have also found that the location of housing would not maintain or enhance the vitality of rural communities through supporting these services and facilities to any significant degree and I have found that there is no net gain in terms of the contribution to the supply of housing. Thus, I do not accept that the comparisons are clear and compelling in respect of the harm I have identified. In any event I have assessed the appeal proposal on its own merits and on the basis of the information before me.
23. I note that positive pre-application advice was given by the Council, however I have no reason to consider that the advice was anything other than informal. Moreover, under section 78 of the Town and Country Planning Act 1990, it now falls to me to determine the appeal.

Conclusion

24. For the reasons above, taking into account all other matters raised, the appeal should be dismissed.

C Searson
INSPECTOR

¹ APP/W3520/16/3144431