
Appeal Decision

Site visit made on 24 January 2017

by R W Allen B.Sc PGDip MRTPI

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

Decision date: 08 February 2017

Appeal Ref: APP/W3520/W/16/3163111

Oaklands, Rattlesden Road, Buxhall IP14 3DP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr Graham Mitchell-Rowlands against Mid Suffolk District Council.
 - The application Ref MSDC 2900/16, is dated 29 June 2016.
 - The development proposed is outline planning with all matters reserved for 1.5 storey dwelling.
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Decision

1. The appeal is allowed and outline planning permission is granted for 1.5 storey dwelling at Oaklands, Rattlesden Road, Buxhall IP14 3DP in accordance with the terms of the application, Ref MSDC 2900/16, dated 29 June 2016, subject to the conditions set out in the Schedule of Conditions at the end of this decision.

Preliminary Matter

2. The appeal proposal is in outline form, with all matters reserved for subsequent approval. Any other details shown which would be a reserved matter, such as the layout, I shall treat as being indicative only.

Main Issue

3. The main issue is whether the proposal would amount to sustainable development for the purposes of the National Planning Policy Framework (the Framework) taken as a whole, having specific regard to the site's rural location and access to local services and facilities.

Reasons

Policy context

4. The development plan for the area comprises the Mid Suffolk Core Strategy 2008 (Core Strategy); the Mid Suffolk Core Strategy Focused Review 2012 (Focused Review); and the Mid Suffolk Local Plan 1998 (Local Plan). The main parties agree that the appeal site lies outside of a settlement boundary and that Buxhall is defined in the Core Strategy as a 'countryside village'.
 5. The Council states that it cannot demonstrate a five-year supply of deliverable housing land. Accordingly, paragraph 49 of the Framework is engaged, and dictates that relevant policies for the supply of housing should not be
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considered up-to-date. In my judgement, Core Strategy policies CS1 and CS2, and Local Plan policy HS7, all of which are cited by the Council in its objection to the scheme, are such relevant housing policies and are out-of-date. However, because these policies are an expression of sustainable development in the borough, and the approach is supported by one of the core planning principles set out in paragraph 17 of the Framework which requires planning be genuinely plan-led, I have attached moderate weight to them in my decision.

Whether sustainable development

6. The appeal site is a parcel of land which the Council says, and is not disputed by the appellant, is in agricultural use albeit that its character reflects that of a large domestic garden. The site is enclosed on all sides with planting and trees, and is visually divorced from the adjoining open countryside. Access is via an existing hardstanding road which also leads to a camping site to the rear of the appeal site.
7. Paragraph 55 the Framework states that in promoting sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. The appellant identifies very few local services and facilities in the village, none of which are shops or other convenience facilities, although I acknowledge that it could be said that local public house situated a short distance may benefit from increased patronage.
8. Paragraph 55 of the Framework also states that isolated new homes in the countryside should be avoided unless special circumstances arise. Undeniably the appeal site is detached from the settlement area of Great Finborough, which the Council states lies a 2km distance away and is the closest location for any meaningful services and facilities to the appeal site. However, I do not find this distance to be significant such that the location of the proposed property would be isolated from it. The proposed property would read as part of, and be associated with the adjoining properties and the loose collection of buildings in this part of the village, and I am satisfied that the proposed dwelling would not appear visually isolated. I do not therefore find conflict with paragraph 55 of the Framework.
9. I note that a bus service operates nearby, and it would not necessarily be an insurmountable for the future occupiers of the proposed property to commute, walk or cycle the distance to access local services and facilities. However, I find that the road conditions, which I observed are rural in character and largely unlit along much of its length, are such that it is highly unlikely that anything other than use of the private motor car would be the desirable means of transport, particularly having regard to the those persons carrying shopping or taking and collecting children from the school, who would experience considerably longer commuting times, or particularly at time of inclement weather or dark conditions. In my judgement, the future occupiers would be highly reliant on the use of the private motor car to access local services and facilities, albeit that the drive would be a relatively short one.
10. Reliance on the private motor car would not accord with one of the key planning principles set out in paragraph 17 of the Framework, additionally discussed in paragraph 35 of the Framework, which requires development to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling. However, having regard to the scale of the

proposed development and the relatively little traffic that would be generated by it, I find this level of harm would not be significant.

11. Paragraph 47 of the Framework requires local planning authorities to boost significantly the supply of houses. Because the Council does not have a five year housing land supply, paragraph 14 of the Framework is engaged, which states that a presumption in favour of sustainable development exists and where relevant policies for the supply of housing are out-of-date, planning permission should be granted 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.
12. The proposed development would have social and economic benefits in providing a new dwelling to meet the needs of the appellant but also for future generations and would contribute to the Council's housing supply figures. There are also potential construction jobs that may arise as well as increased local patronage for the village public house as I have already mentioned. I acknowledge that the proposal is only for one dwelling, and as such these benefits are only likely to be small. Nevertheless, in the absence of a five year housing supply and having regard to the Framework's requirement to significantly boost housing supply, I find that even these small benefits must have considerable weight attached to them.
13. The Council does not identify any other environmental harm from the proposed development including the effect of the proposed development on the character and appearance of the area. The proposed dwelling would only be relatively modest in height and having regard to the site's enclosed and screened nature, I am not persuaded that the proposed development would be a prominent feature or amount to a significantly harmful incursion into the countryside.
14. The proposed development would not accord with Core Strategy policies CS1 and CS2 and Local Plan policy HS7. These state that Buxhall as a countryside village and that development will be restricted to particular types of development to support the rural economy for agriculture or forestry needs, or where a rural exception exists such as agricultural workers dwellings is needed; and that there will be strict controls of new housing in the countryside normally fall part of existing settlements. However, for the reasons given above, only moderate can be attached to these policies.
15. I find that the conflict with the development plan in respect of the construction of a dwelling in the countryside, and the limited harm caused by the reliance of the future occupiers of the proposed property on the private motor car would not be capable of significantly and demonstrably outweighing the considerable benefits of the provision of a dwelling which I have identified above. I find that the proposed development would therefore amount to sustainable development when applying the Framework as a whole, and as such the balance lies in favour of the scheme.
16. The proposed development would also accord with Focused Review policies FC 1 and FC 1.1. These state that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the Framework, and that proposals will be required to demonstrate the principles of sustainable development and will be assessed against that presumption which must conserve and enhance the local character of the different parts of the district. Local Plan policy H10, also cited by the Council in its objection to the

scheme, is not particularly relevant as it concerns dwellings for agricultural workers specifically.

Other Matters

17. The Council cites concerns in respect of the ecological value of the site and an absence of benefits from the proposed development on biodiversity. However, the Council has not cited this as a reason for refusal in its decision notice, or has it substantiated its concerns as to the harm that would be caused by the proposed development on this matter. The appellant states that such matters could be controlled by planning condition and I have no obvious reason before me to disagree. I will therefore take a precautionary approach and impose a condition requiring an ecology survey and measures to improve biodiversity on the site.

Conditions

18. I have considered the conditions suggested by the Council against paragraph 206 of the Framework and have made changes necessary to comply with those requirements. I have specified the approved plans for the avoidance of doubt and in the interests of proper planning. An ecology condition is necessary for the reasons given above.

Conclusion

19. For the reasons given above I conclude that the appeal should be allowed.

R Allen

INSPECTOR

Schedule of Conditions

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following unnumbered approved plans entitled: Existing Settlement Boundary; Proposed Settlement Boundary; Block Plan – Existing; Block Plan – Proposed; and Location Plan – Existing.
- 5) No development shall take place until an ecology survey of the site including measures to incorporate biodiversity enhancement has been submitted to the Local Planning Authority for approval in writing. Development shall be carried out in accordance with the approved details.