
Appeal Decision

Site visit made on 4 July 2017

by Zoe Raygen Dip URP MRTPI

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

Decision date: 8 August 2017

Appeal Ref: APP/D3505/W/17/3167354

Land adjacent to Station Yard, Lower Road, Glemsford CO10 7QR

- 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 Albion Business Services against the decision of Babergh District Council.
 - The application Ref B/16/00839/FUL/GP, dated 17 June 2016, was refused by notice dated 4 August 2016.
 - The development proposed is erection of 9 No dwellinghouses and detached cartlodge building.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are:
 - whether or not the site represents an acceptable site for housing with particular regard to its location
 - whether or not the proposed mix of housing provides for a locally identified need.

Reasons

3. Policies CS2 and CS3 of the Babergh Local Plan 2011 – 2031 Core Strategy and Policies 2014 (CS) sets out the spatial strategy for the sustainable development of Babergh, which supports a hierarchical pattern of growth directing most new development sequentially to the towns / urban areas, and to the Core Villages and Hinterland Villages. Glemsford is designated as a Core Village. However the appeal site is located outside of the defined built up area boundary (BUAB) of Glemsford, as defined in the saved Policies of the Babergh Local Plan Alteration No 2 2006, and therefore is classed as being in the open countryside where Policy CS2 states that development will only be permitted in exceptional circumstances subject to a proven justifiable need.
 4. Nonetheless, Policy CS11 of the CS provides greater flexibility for appropriate development beyond the BUAB, for identified Core and Hinterland villages subject to specified criteria. This policy provides the strategy for the provision of 1050 dwellings identified in Policy CS3 to be located in Core and Hinterland villages and is linked to Policy CS15 of the CS for implementing sustainable
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development. This strategy is explained further in the Rural Development and Core Strategy Policy CS11 Supplementary Planning Document 2014 (the SPD).

5. To be considered under Policy CS11 the SPD states that development proposals within Core Villages should be well related to the existing settlement with the starting point being whether or not the site adjoins the BUAB. The appeal site does not adjoin the BUAB of Glemsford, being some distance from it separated by mostly open fields and farmland with some limited sporadic built development. It would not therefore represent a logical extension to the built up area of Glemsford.
6. As a result, the appeal site is located a significant distance from the services available in Glemsford including the primary school and the village hall and library. While there is some dispute as to the exact distance, even if I were to use the appellant's figures they are significantly beyond the desirable walking distance of 400m and the preferred maximum of 1200m recommended in the SPD based on Department for Transport Local Transport Note 1/04.
7. The most obvious route to these facilities would be along Skate Hill a narrow, unlit rural road with no footway or cycleway for much of its length until reaching the built up area of Glemsford. Given the distance involved and the specific conditions I have identified it is unlikely to provide an attractive or realistic alternative for pedestrians or cyclists particularly in winter months or inclement weather.
8. I saw at my site visit that there is a bus stop on Skate Hill opposite the appeal site. I have been supplied with details of two bus services. One operates between Haverhill and Sudbury with seven services per day and the other between Clare and Bury St Edmunds operating only four services in one direction and five in the other. Neither service operates after 1800. To access the bus stop though future residents would need to cross the busy A1092 where I saw no convenient crossing point. This, together with the limited number of services throughout the day and none in the evening, means that in my opinion, the bus service is limited and inconveniently placed for future residents of the appeal site.
9. I acknowledge that there is a large factory within a short distance of the appeal site which would provide some local employment opportunity. However, my attention has not been drawn to any convenient or safe means for future occupants of the houses to access the factory on foot from the appeal site.
10. As such, while the houses would be located adjacent to existing dwellings and in this respect would not be physically isolated within the countryside, I find that the proposed development would be functionally isolated in the countryside due to its remoteness from everyday services and facilities. It would leave future occupants of the proposed dwelling largely reliant on private vehicles with limited travel choices. It would also undermine the aims of paragraphs 7 and 17 of the National Planning Policy Framework's (the Framework) of locating new dwellings in rural areas close to services and facilities as a means of reducing unnecessary travel by car, with its associated carbon emissions, as one measure to cumulatively limit the effects of climate change.
11. Whilst I recognise that there is generally a greater reliance on the private car in more remote rural areas, it remains the case that there would be a lack of

sustainable transport choices available to enable future residents to conveniently access services and facilities. In this respect the dwellings would be functionally isolated.

12. Leading on from this I do not consider there to be special circumstances to justify the erection of an isolated dwelling, including those cited in paragraph 55 of the Framework namely that it would be essential for a rural worker; would secure the future of a heritage asset; would re-use a redundant or disused building or would be of exceptional quality or design.
13. The appellants refer to appeal decision APP/D3505/W/14/3001593 where, according to the appellants, the Inspector allowed the conversion of a barn a similar distance from Glemsford as the site before me now. However, I have not been advised of the exact location of the barn and I note that the Inspector considered it to be in walking distance of the facilities within Glemsford which I have found is not the case in the appeal before me.
14. The Council refers to appeal decision APP/D3505/W/14/3001593 in support of its decision. However this decision relates to a proposal near to a settlement designated as a Hinterland village. As Glemsford is designated as a Core village the two proposals are not directly comparable.
15. Policy CS11 of the CS also states that the site location and sequential approach to site selection needs to be addressed to the satisfaction of the local planning authority. Within its reason for refusal the Council refers to the availability of sites that may be sequentially preferable to the appeal site as they are in a more favourable location, in terms of its relationship to the main part of the village and the services upon which it relies.
16. Within a recent legal judgement¹ it is stated that "the sequential approach means that sites in descending order of categories of suitability must be considered in sequence". The Council refer to site GLE01 which is included within its Strategic Housing Land Availability Assessment and abuts the settlement boundary, is in single ownership and estimated for delivery within 1-5 years. It concludes that the site would therefore be sequentially preferable to the application site as it is sited nearer to the BUAB. The appellant disputes the availability of the site and I have seen no substantiated evidence to demonstrate that it would come forward or is available for development. Nevertheless, this would not in itself justify the appeal proposal given its distance from the services and facilities located in Glemsford.

¹ *R (on the application of East Bergholt Parish Council) v (1) Babergh District*

Council, (2) Paul Bernard Aggett, (3) Sarah Jane Aggett [2016] EWHC 3400 (Admin) (the East Bergholt judgement).

17. The appellant refers to the site as being brownfield with an existing access. The site is approached via an existing access which also serves housing to the east and an industrial building to the west. However, the site itself is grassed with two small areas of concrete and limited footings relating to an extant planning permission for a building to provide sports facilities, reception and a store (B/90/00387). Even if I were to consider the site as brownfield, and thereby its development would contribute to the brownfield reuse target of 45% in the Local Plan, that would not be sufficient to outweigh the distance of the site from local facilities. I note in this respect, while the SPD states that preference will be given to brownfield sites, this would be where they are well located. I have not found this to be the case in this instance.
18. I acknowledge that the site could be developed via the extant planning permission referred to above. However, this would provide sports facilities rather than housing. Therefore the extant permission carries limited weight in my decision.
19. For the reasons above I conclude that the site would not represent an acceptable site for housing with particular regard to its location. The proposal would therefore be contrary to Policies CS2, CS11 and CS15 of the CS, paragraphs 7,17 and 55 of the Framework and the SPD.

Housing mix

20. Policy CS18 requires that the mix, type and size of housing development will be expected to reflect the established needs in the District. Furthermore, Policy CS11 states that housing should meet a locally identified need. Such requirements are broadly in accordance with paragraph 50 of the Framework which in order to widen opportunities for home ownership and create sustainable, inclusive and mixed communities requires local planning authorities to identify the size, type and range of housing that is required in particular locations reflecting local demand. The appellant's application form states that the nine houses proposed would all have three bedrooms and in their statement they suggest that there is a demand across the district for three bed roomed dwellings.
21. The Balancing Housing Markets – Housing Stock Analysis of 2008 identified a shortfall of 118 three bedroom market housing in the Babergh West Area where the appeal site is located, the largest shortfall of the five subareas. The 2014 Suffolk Housing Survey shows that across the district 12% of all existing households contain someone looking for their own property over the next three years and they are interested in flats, apartments and smaller terraced or semi-detached houses. Two and three bed properties are most sought after by existing households looking to move.
22. However, the Council report that the parish profile for Glemsford shows that there are 636 three bedroom properties in the village which at 43.5% is higher than the Babergh average of 42% and there is a lower proportion of one bed and four bed properties. While these figures have not been disputed by the appellant I have not been advised that they reflect a locally identified need within the village but merely demonstrate the existing housing mix. I note in the East Bergholt judgement it was found that "under the core strategy the approach to the distribution of new dwellings was to be driven by the function of the villages, their role in the community, and the capacity for a particular

level of growth.” As a result it was concluded that that local housing need in CS11 could only mean the need within the relevant core village and its cluster.

23. From the evidence before me I have seen nothing to suggest that there is a locally identified need for three bedroom houses, particularly given the relatively high proportion of existing three bedroom properties in Glemsford.
24. For the reasons above, while the proposed development would meet a district wide need and in this respect comply with Policy CS18 I have seen no evidence to suggest that the proposal would meet a locally identified need. The proposal would therefore be in conflict with Policy CS11 and paragraph 50 of the Framework.

Planning Balance and Conclusion

25. There would be economic benefits of the scheme both while the houses were being constructed and resulting from future residents using the local facilities contributing to the local economy. However, given that the economic benefits related to construction would be temporary and that I have found that it is likely that residents would be largely reliant on the car to access services outwith the village, it is likely that many of the economic benefits would be received outside of Glemsfield. I therefore give limited weight to these benefits.
26. The appellants state that the houses would be sustainable due to the use of modern construction methods. However this is not a benefit of the scheme but a requirement of good design and therefore would be neutral in the planning balance.
27. There is no dispute between the parties that the Council is unable to demonstrate a five year supply of housing. On this basis the relevant policies for the supply of housing land cannot be considered up-to-date. In these circumstances, and in relation to decision taking, paragraph 14 of the Framework advises that 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 taken as a whole, or specified policies in the Framework indicate that development should be restricted.
28. I therefore give limited weight to Policies CS2, CS3 and requirements in relation to the BUAB of Policy 11 of the CS, and thus, the provision of 9 houses would contribute towards helping address the identified significant undersupply of housing. However, I have found that the site would not be an accessible location to accommodate the proposed number of houses. Furthermore, I have been unable to conclude that the proposed housing would meet a locally identified need. As a result the proposal would not accord with the social and environmental roles of planning and I give this considerable weight in my decision.
29. Given the undersupply of housing the appellant considers that limited weight should be given to Policy CS18. However, as this policy relates to the mix and type of dwelling I do not consider it to be a housing supply policy. Furthermore I have also found it be in accordance with the requirements of the Framework and therefore have given it full weight in my decision.

30. The appellant has referred me to appeal decisions APP/J3530/A/14/2216234, APP/W3520/16/3144431 and APP/W3520/W/16/3152003 where the Inspectors considered even though there would be some reliance on the car, the proposals would not generate significant movements and the harm would not outweigh the benefit of the proposed houses given the undersupply of housing in each case. However, I note that the schemes are for a limited number of dwellings, whereas in the case before me nine houses are proposed, which would be likely to create more traffic movements than the proposals within the appeals referred to. In any case I have determined the appeal based on its own merits.
31. All in all, I consider that the totality of the harm that would be a consequence of the significant adverse impacts I have identified would significantly and demonstrably outweigh the limited benefits referred to above when assessed against the policies in the Framework when taken as a whole. Therefore, the proposal does not constitute sustainable development for which the Framework carries a presumption in favour. For this reason, and having regard to all other matters raised, including the support of the Parish Council, I conclude that the appeal should be dismissed.

Zoe Raygen

INSPECTOR