



Appeal Decision

Site visit made on 14 August 2017

by Graham Chamberlain BA (Hons) MSc MRTPI

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

Decision date: 23 August 2017

Appeal Ref: APP/J3530/W/17/3173405

Peddars Way, Halesworth Road, Chediston, Suffolk IP19 0AE

- 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 Mr & Mrs Chris & Hollie James against the decision of Suffolk Coastal District Council.
 - The application Ref DC/17/0237/FUL, dated 21 January 2017, was refused by notice dated 20 March 2017.
 - The development proposed is demolition of existing pergola and erection of timber clad shed for use as a dog-grooming parlour.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During my site visit I observed that the proposed timber clad shed has already been constructed. However, it is unclear whether a material change of use of this structure to a dog grooming parlour has occurred. The submissions suggest this is not currently the case with any existing activity being small in scale and possibly ancillary to the residential occupation of Peddars Way. To this end, it has been suggested that the proposal does not require planning permission. However, this is not a matter for me to determine in the context of an appeal made under Section 78 of the Town and Country Planning Act 1990. It is open to the appellant to apply to have the matter determined under Sections 191 and 192 of the Act. Any such application would be unaffected by my determination of this appeal.

Main Issue

3. The main issue in this appeal is whether the appeal site is an appropriate location for the proposed development with particular reference to relevant local policies and the proximity of defined settlements.

Reasons

4. The appeal site encompasses a small shed erected to the side of Peddars Way, which is a bungalow set back from the B1123 behind a front garden. Vehicular and pedestrian access is provided from a driveway shared with the neighbouring property. The appeal site is located in the countryside with the nearest discernible settlement to it being Chediston, a small village located to the east of the appeal site. There are very few facilities in Chediston and therefore it is considered an

'other village' within the settlement hierarchy set out in the CSDMP¹. As a consequence, it has no physical limits boundary. The nearest notable population centre is Halesworth, a market town located about 2 miles east of the appeal site.

5. Policy SP01 of the CSDMP seeks to reduce the overall need to travel by better relating housing to services. This is to be achieved in a number of ways. Policy SP07 of the CSDMP seeks to create new employment opportunities in the market towns and other settlement in accordance with the settlement hierarchy. Outside these areas only small scale farm and rural diversification enterprises will be encouraged. The settlement hierarchy is set out in Policy SP19 of the CSDMP and this states that minimal growth will take place in the countryside. Policy SP29 of the SCDMP restricts development in the countryside to that which needs to be there. This strategy was examined by an Inspector after the introduction of the National Planning Policy Framework² and was found sound. As such, there is no inconsistency between the development plan and Framework.
6. There is no pavement linking the appeal site to either Chediston or Halesworth and I have not been directed to any bus services. Nevertheless, I accept that it is unlikely a dog would regularly be walked or taken on the bus to be groomed. Cycling would also be impractical. Consequently, the business is likely to rely on customers travelling to the site by car. Given its isolated position from a settlement and the predisposition for customers to use private motorised transport, it is unlikely the scheme would support the Council's aim to reduce the overall need to travel by directing services and businesses in towns and other settlements.
7. In this respect, and in order to adhere to the requirements of the development plan, the proposal should be located where car journeys can be minimised and this would suggest a site within or very close to a settlement. I have not been presented with substantive evidence to suggest the appellant has sequentially considered business premises in relevant nearby settlements. Nor have I been presented with substantive evidence to suggest the business would reduce the need to travel to a market town or settlement, shorten trips or that most of the customer trips would be linked with other errands with the dogs dropped off on the way to somewhere else. These omissions are significant.
8. Nor is it clear that the business needs a rural location, especially so as the scheme before me would not result in dogs being kept on site for prolonged periods³ and the building can be sound insulated. These factors would reduce any noise impacts that would otherwise be undesirable in a built up area. Additionally, the proposal is not for a small scale farm and rural diversification supporting agriculture or tourism and it has not been demonstrated that it would be unviable for the business to operate from a settlement.
9. In reaching the above view I note that the appeal scheme would be providing a local service to the residents of Chediston following the retirement of a previous dog groomer. A dog grooming parlour is not an everyday service and therefore I share the Council's reservations in categorising the proposal as the provision of a key local service, the benefits of which may have otherwise outweighed the isolated location of the appeal site. Moreover, it is unclear what the catchment of

¹ Suffolk Coastal District Local Plan Core Strategy and Development Management Policies July 2013 (CSDMP)

² Including Paragraph 28 therein

³ The appellant's have indicated an intention to have a space for dogs to stay during the day but this does not form part of the appeal before me.

the business would be and therefore to what extent it would be a facility generated and sustained by the needs of the local community.

10. The isolated location of the appeal site and the sparsity of services nearby would reduce the opportunity for patrons to link trips, which could otherwise occur if the business were in a settlement. Linking trips can reduce the need to travel and support local service centres. Dispersing services into the countryside can undermine the role of market towns and settlements as service centres and therefore frustrate the aims of the CSDMP to reduce travel and encourage sustainable economic growth in rural areas.
11. The business may provide a pick up and drop off service. I accept that if all dogs were picked up and dropped off then the business would not provide the beneficial opportunities for patrons to link trips. Nevertheless it is unclear how the pick-up service would run and therefore whether it would reduce vehicle trips. In any event, the business would still be operating from a remote base with inadequate justification.
12. I therefore conclude that the appeal scheme would increase private motorised trips in a location away from defined settlements. This would harm the aims of the development plan to reduce the need to travel. The proposal would therefore be at odds with Policies SP1, SP7, SP19 and SP29 of the CSDMP.

Other Matters

13. I have carefully considered the submissions from interested parties in support of the appeal scheme but these have not altered my overall conclusion on the main issue for the reasons already given. The appeal scheme would not be injurious to highway safety, the landscape or the living conditions of neighbours. However, the absence of harm in respect of these matters does not outweigh the harm I have identified. I also note that the proposal would provide some economic benefits, but there is nothing of substance before me to suggest these benefits could not be secured if the business was more accessibly located in a way that would also adhere to the aims of the CSDMP. The Council's concerns were not raised at a pre application stage when advice was sought by the appellant. This is unfortunate but the advice given was not, and is not, binding on any subsequent decision maker. As such, the preceding points are not determinative matters in favour of the proposal.

Conclusion

14. The appeal scheme would be contrary to the development plan taken as a whole and material considerations do not indicate planning permission should be forthcoming in spite of this. Accordingly, for the reasons given above, and having regard to all other matters raised, I conclude the appeal should be dismissed.

Graham Chamberlain
INSPECTOR