
Appeal Decision

Site visit made on 6 November 2017

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

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

Decision date: 13th November 2017

Appeal Ref: APP/D3505/W/17/3180004

Holly Cottage, Old London Road, Copdock, Ipswich, IP8 3JD

- 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 and Mrs Gavin Bridges against the decision of Babergh District Council.
 - The application Ref B/16/01410/OUT, dated 12 October 2016, was refused by notice dated 12 January 2017.
 - The development proposed is the erection of 2 No dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 2 No dwellings at Holly Cottage, Old London Road, Copdock, Ipswich, IP8 3JD in accordance with the terms of the application, Ref B/16/01410/OUT, dated 12 October 2016, subject to the conditions set out in the attached schedule.

Procedural matters

2. The proposal seeks outline planning permission, with all matters reserved for future consideration. Accordingly, I have treated the submitted plans as illustrative only.
3. The development description on the application form does not fully describe the proposed development. I have therefore amended it to that shown on the decision notice and appeal form and considered the scheme on this basis.

Main issue

4. Within the context of the Council's reason for refusal and the evidence in this case, the main issue is considered to be whether the proposed development is in an appropriate location.

Reasons

Appeal site and development context

5. Old London Road is primarily characterised by its surrounding farmland and countryside, and has a significant range of mature trees and hedgerows that line its highway boundary. It is also characterised, albeit to a lesser extent, by its dual carriageway road and a ribbon of small sporadic clusters of residential and commercial development that line both sides of the highway between the village of Copdock and Washbrook and its junction with the A12. This built form has considerable variation in its design, scale, form, plot size and maturity.

6. The appeal site lies on the western side of Old London Road and to the south of Holly Cottage, a mature 2-storey semi-detached dwelling. It consists of a mixture of paddock land and garden land to Holly Cottage and is enclosed by a hedgerow to Old London Road and its rear boundary. To the south of the site lies a vehicular access to a paddock to the west, followed by 4 residential dwellings.
7. Although the application is in outline form, the submitted plans illustrate a pair of detached dwellings set back from the road with detached garages between them and the highway. Access is illustrated as being via a large crossover at the front of the site.

Whether the proposed development is in an appropriate location

8. The Council and appellant both agree; (a) that the appeal site falls outside the settlement boundary for Copdock and Washbrook, which is identified as a Hinterland Village in the Core Strategy¹; and (b) that for planning purposes, it falls within the countryside. Paragraph 2.1.4 of the Core Strategy states that Hinterland villages tend to be small with limited facilities, so are dependent on nearby larger Core Villages or urban areas for their everyday needs.
9. Policy CS2 of the Core Strategy states that in countryside, development will only be permitted in exceptional circumstances subject to a proven justifiable need. Given that there is no definition provided for this in the Core Strategy, I have formed the view that this would depend upon a number of different factors, such as; (a) whether the dwelling was necessary to carry out a rural-allied occupation; (b) whether it would secure the optimal reuse of a heritage asset; (c) whether it would result in the reuse of redundant buildings and enhance the immediate setting; (d) whether it would be of an exceptional quality or innovative design; and (e) whether housing supply met identified need.
10. The Council has confirmed that its 5-year housing land supply is currently 4.1 years on the basis of its Core Strategy and 3.1 years on the basis of its more recent Strategic Housing Market Assessment (SHMA). Both figures illustrate a significant undersupply of housing land, which I have concluded would qualify as exceptional circumstances subject to a proven justifiable need in the context of Policy CS2 of the Core Strategy.
11. The proposed dwellings would be sited within an established cluster of houses connected via a public footway to the hinterland village of Washbrook and Copdock, with accompanying primary school, public house, village hall, sports facilities, a service station with shop and modest bus service. I also noted from my site visit and the appellant's statement that there are some limited additional shops, services and employment facilities which can also be accessed by public footway on the Old London Road. The appeal site would also be in relatively close proximity to the large urban centre of Ipswich and its extensive range of shops, services and public transport facilities.
12. Many of the above facilities within Washbrook and Copdock and on Old London Road would however not be within short walking distance of the appeal site. Although I would not consider this distance to be so excessive as to discourage walking completely, I would not expect a high proportion of trips to be made via this method. Such facilities would however be within easy reach via cycling. Overall, having considered the opportunities for more sustainable modes of transport, I have concluded that the development's location in the countryside would not minimise the need to travel by car for everyday needs.

¹ Babergh Local Plan 2011-2031, Core Strategy & Policies, February 2014

13. The Council states that the development fails to accord with Paragraph 55 of the Framework² insofar as it would represent an isolated new home in the countryside where new housing should be avoided unless special circumstances dictate otherwise. However, given that the Framework and National Planning Practice Guidance provide no definition of what constitutes an isolated dwelling, I have formed the view that this would depend upon a number of different factors, such as (but not exclusively); (a) its physical proximity to other dwellings and whether it fell within an otherwise built-up cluster or frontage; (b) its proximity to the built-up areas of nearby settlements; (c) its 'sense' of remoteness; and (d) its proximity to shops, services and public transport and whether sustainable modes of transport (walking and cycling) could be used to access them.
14. Set against the above context, the proposed development would be situated in the centre of an existing small cluster of housing extending from Nos 1 and 2 Elm Cottages to Rose Cottage and be in reasonably close proximity via cycling to a range of local facilities in Washbrook and Copdock, the Old London Road and more extensive facilities in Ipswich. The development would not harm the intrinsic character of the countryside or appear particularly remote in its context. I am as a consequence satisfied that the development would help to maintain and enhance the vitality of Washbrook and Copdock and not constitute an isolated dwelling.
15. Although the Council has drawn my attention to a planning appeal for 7 dwellings³, this was in a location that would involve crossing a dual carriageway, was larger in scale and was not in the centre of an existing cluster of dwellings. Furthermore, there was no reference to the Council's 5 year land supply position for the Inspector to consider as part of his wider assessment. In terms of the second appeal referred to by the Council for one dwelling⁴, I have no reason to disagree with the conclusions raised by the Inspector in that case, but its relevance in support of the Council's case is based on the 7-dwelling appeal decision above. I have nonetheless given limited weight to both appeal decisions in my assessment, but in any event, I must consider the appeal scheme on its own merits.
16. In view of the above, I have concluded that there exist exceptional circumstances subject to a proven justifiable need for development in this countryside location. The proposal would therefore comply with Policy CS2 of the Core Strategy which sets out a sustainable development strategy to meet the needs of the district. However, by reason of its countryside location, the development would not minimise the need to travel by car and would therefore fail to comply with Policy CS15 of the Core Strategy which requires new development to demonstrate the principles of sustainable development.
17. I have also concluded that the scheme would not be in an isolated location and would therefore accord with Paragraph 55 of the Framework. However, by reason of its countryside location, it would conflict with Paragraph 17 (bullet point 11) of the Framework which states that planning should actively manage patterns of growth to make the fullest use of public transport, walking and cycling.

Planning balance

18. It is agreed by both parties that the Council does not have a 5 year housing land supply as required by Paragraph 47 of the Framework. In view of this, and in accordance with Paragraph 49 of The Framework, I have concluded that; (a) the relevant policies for the supply of housing are out-of-date; and (b) that the shortfall in housing supply is sufficient to trigger the presumption in favour of

² National Planning Policy Framework, Communities and Local Government, March 2012

³ APP/D3505/W/15/3133257

⁴ APP/D3505/W/16/3164556

sustainable development as outlined by Policy CS1 of the Core Strategy and Paragraph 14 (bullet point 4) of the Framework. In particular, I have considered whether the adverse impacts of allowing the appeal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

19. Paragraph 17 (bullet points 3 and 11) of the Framework states that planning should; (a) seek to deliver the homes the country needs; and (b) actively manage patterns of growth to make the fullest use of public transport, walking and cycling. The development would, by reason of its countryside location, be more reliant on the need to travel by car and therefore result in a modest amount of environmental harm. Nevertheless, I have concluded that the adverse effects of this would not significantly and demonstrably outweigh the social and economic benefits of providing 2 new homes towards the Council's significant housing land supply shortfall and to a lesser degree, helping to sustain local community facilities and the provision of local employment opportunities during construction.

Conditions

20. The Council and appellant have suggested conditions which I have considered in the light of the National Planning Practice Guidance. I have made some amendments to clarify certain details or where the submitted information is unclear. Conditions requiring development to be in accordance with the approved plans and the submission of all reserved matters details are needed in the interests of proper planning. The reserved matters condition clarifies that the landscaping submission should include details of boundary treatment, to ensure it is compatible with the rural character of the area.
21. Conditions have not been imposed for external materials and parking as these would be addressed by the reserved matter submissions relating to appearance and layout. The Council has also requested a condition for foul and surface water drainage, but in the absence of advice from the Lead Local Flood Authority or any other evidence, I cannot be certain that this is necessary. It has not therefore been imposed.

Conclusion

22. I have found that the appeal proposal would not comply with the development plan insofar as it would not minimise the need to travel by car and fully demonstrate the principles of sustainable development. However, having taken into account; (a) the Council's inability to demonstrate an up-to-date 5-year housing land supply; (b) its location within an existing cluster of dwellings; and (c) its proximity to local facilities, I have concluded that other material considerations outweigh the provisions of the development plan and that the adverse impacts of the development would not significantly and demonstrably outweigh its benefits when set against the Framework as a whole. In view of this, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Robert Fallon

INSPECTOR

Schedule of Conditions

- 1) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 2) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans:- Drawings Nos 30-2016-01, 30-2016-02, 30-2016-03, 30-2016-04 and 30-2016-05. For the avoidance of doubt, the proposed drawings are illustrative only.
- 4) 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 thereafter be carried out in accordance with the approved details. For the avoidance of doubt, the landscaping reserved matters shall include details of boundary treatments, to include materials, colours and finishes.

End of schedule