The Planning Inspectorate

Appeal Decision

Site visit made on 2 October 2018

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th October 2018

Appeal Ref: APP/D3505/W/18/3196882
Land to the east of Appleshaw, Mills Lane, Newman's Green, Suffolk CO10 0AB

- 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 Suffolk County Council Corporate Property against the decision of Babergh District Council.
- The application Ref DC/17/03990, dated 31 July 2017, was refused by notice dated 11 October 2017.
- The development proposed is erection of two detached two storey dwellings, formation of two vehicular accesses and associated hard/soft landscaping.

Decision

1. The appeal is allowed and planning permission is granted for erection of two detached two storey dwellings, formation of two vehicular accesses and associated hard/soft landscaping at land to the east of Appleshaw, Mills Lane, Newman's Green, Suffolk CO10 0AB in accordance with the terms of the application, Ref DC/17/03990, dated 31 July 2017, subject to the conditions set out in the attached Schedule.

Procedural Matter

2. The application was made in outline with all detailed matters reserved for later consideration apart from access. I have dealt with the appeal on this basis treating the site layout in drawing no. 16-0422 A02 – 01 as indicative, other than in respect the proposed entrances and passing bay.

Main Issue

3. Whether the proposal would amount to sustainable development having regard to development plan and national policies.

Reasons

4. The development plan comprises the Babergh Local Plan Core Strategy and Policies 2014 (CS) and the saved policies in the Babergh Local Plan Alteration No.2 2006 (LP). Policy CS2 directs most new development to the larger centres, including Core and Hinterland Villages, with development in the countryside allowed only in exceptional circumstances or where there is a proven justifiable need.

5. The proposal relates to a site within the small settlement of Newmans Green, which is located between the town of Sudbury and the Hinterland village of

Acton. There is no settlement boundary defined for Newmans Green and so it is classed as countryside for the purposes of development plan policy. The refusal notice refers to Policy CS11 which does not appear relevant as this just provides criteria for allowing development in Core and Hinterland Villages.

6. Policy CS15 sets out considerations for new development to be assessed as being sustainable, including the need to make sure proposals are served by an appropriate range of services and minimise the need to travel by car by encouraging walking, cycling and public transport. Saved LP Policy CN01 requires all new development proposals to be of appropriate scale, form, detailed design and choice of materials for the location and Policy HS28 establishes criteria for the refusal of residential infilling.

7. As shown by the indicative layout this proposal would result in a development that would fit in with the general grain and pattern of surrounding development. The Council provides little reasoning over any harm found to the character and appearance of the settlement and refers just to the permanent loss of the open characteristics of the site. As this proposal is in outline in respect of all details apart from access I find no material conflict with LP Policy CN01, which is capable of being complied with through appropriate reserved matters.

8. The proposal for two dwellings would not comprise over-development in relation to the size of site and the Council has provided no substantiation over why the land should remain open as an important feature in visual or environmental terms. Subject to satisfactory reserved matter details there would be no conflict with LP Policy HS28.

9. The Council's decision centres on the location of the two dwellings and their relative remoteness from services. Newmans Green contains no facilities, although there is a bus stop nearby which would provide occupiers of the development a somewhat infrequent means to access those in either Acton or Sudbury. These centres would not be a convenient walking distance and the connecting roads are unlit and without footpaths. I agree that future occupiers of the houses would be largely dependent on private car use to meet their daily needs.

10. The proposal would therefore conflict with policies CS2 and CS15 insofar as these seek to promote sustainable development through resisting new housing in locations without services and which would result in an undue reliance on private car journeys to meet regularly-required needs.

Other Matters

11. Consideration has been given to the further concerns raised by interested parties at the application stage. I would not differ from the view of the local highway authority which has not substantiated a highway safety objection to the small amount of vehicular movements generated by this relatively modest scheme for two dwellings. The effects on the living conditions of neighbouring occupiers, including over privacy and outlook, are matters that can be addressed through the consideration of reserved matters over appearance, landscaping, layout, and scale.

12. Water supply, foul and surface water drainage and nature conservation considerations are all matters that would not weigh decisively against the

principle of development and could be addressed at the reserved matters stage.

Planning Balance and Conclusion

13. The starting point remains the development plan with the National Planning Policy Framework (the Framework) a material consideration in this decision. The policies of the CS generally conform with the aims of the Framework to promote sustainable transport through walking, cycling and public transport by actively managing patterns of growth in support of this, whereby significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

14. However, the Framework objectives for sustainable development include delivering a sufficient supply of homes. Since the decision on this case the Council's July 2018 Annual Monitoring Report indicates that Babergh can demonstrate at least the five year housing land supply required by paragraph 73 of the Framework. I am not aware of this position having been independently tested and this written representation appeal would not provide the appropriate means to carry out such an exercise. Therefore, there are not the grounds on which to find the Council's policies as out-of date in respect of housing supply and so it is not necessary to apply the 'tilted balance' of Framework paragraph 11. This would have been to consider whether any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the Framework policies taken as a whole.

15. Nevertheless, meeting the requirements of paragraph 73 is not intended as a ceiling on further housing, where the Framework continues to support Government's objective to significantly boost the supply of homes. The two dwellings would be within the built-up part of this small settlement and reserved matter control could ensure there would be no material harm to its character and appearance or to the living conditions of nearby residents. The location would not comprise the development of isolated homes in the countryside which paragraph 79 of the Framework seeks that decisions avoid.

16. On the contrary, the proposal would gain support through Framework paragraph 78. This states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and where this will support local services, recognising that where there are groups of smaller settlements, development in one village may support services in a village nearby. Although future occupiers would be mainly dependent on private car journeys to nearby Acton or Sudbury these would be relatively short drives and there remains the option of using the bus service. In any case, the Framework requires that decisions take into account that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.

17. Although there would be some degree of harm through this proposal running contrary to the adopted settlement strategy of the CS this would be off-set by the national policy considerations set out above. The contribution to housing supply from two dwellings would be quite limited but the Framework recognises in paragraph 68 that small sites can make an important contribution to meeting the requirement of an area, and are often built-out relatively quickly.

18. An even planning balance would weigh in favour of this proposal and material considerations would exist to indicate approval would be justified other than in full accordance with the development plan. Therefore, the proposal would amount to sustainable development and I conclude that the appeal should be allowed. This is subject to the standard conditions for outline applications and others which specify the plans approved and the need for agreement over access specifications, for reasons of certainty and highway safety respectively.

Jonathan Price

INSPECTOR

SCHEDULE OF CONDITIONS

1) Details of the 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 3 years from the date of this permission.

3) 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.

4) The development hereby permitted shall be carried out in accordance with the following approved plans: A02 – 01 site layout plan in respect to access, A02 – 02 site location plan.

5) Prior to the occupation of either of the dwellings hereby allowed the access arrangements approved shall be constructed in accordance with detailed specifications that shall have had the prior written approval of the local planning authority and thereafter be maintained as agreed.

---End of Conditions---