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# Appeal Decision

Site visit made on 13 November 2018

**by L Fleming BSc (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 7<sup>th</sup> December 2018**

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**Appeal Ref: APP/D3505/W/18/3200532**

**Garden of Lamaria, Newman's Green, Acton, Sudbury 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 Mrs Susan Cushway against the decision of Babergh District Council.
  - The application Ref DC/17/05910, dated 27 November 2017, was refused by notice dated 19 January 2018.
  - The development proposed is erection of 1 no. single-storey dwelling (including vehicular access).
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. Since the submission of the appeal the revised National Planning Policy Framework (the Framework) has been published and I have therefore taken it into account in my decision. Both main parties have had the opportunity to comment on the implications for the appeal and I am satisfied that no interested party has been prejudiced by my approach.
3. The application was submitted in outline with all detailed matters reserved apart from the access. I have dealt with the appeal on that basis, treating the plans as illustrative except where they relate to the access.

## Main Issue

4. The main issue is whether the proposed development would amount to sustainable development having regard to the development plan and the Framework.

## Reasons

5. Policy CS2 of the Babergh Core Strategy & Policies (2014) (CS) makes clear that development will be directed sequentially to identified towns, urban areas, core villages and hinterland villages. Furthermore, it makes clear that outside of those areas, development will only be permitted in exceptional circumstances subject to a proven justifiable need. Policy CS15 of the CS seeks to ensure new development demonstrates the principles of sustainable development.

6. Sustainable development and directing housing development towards locations where services, facilities and employment can be easily accessed through a range of sustainable transport modes are overarching aims of the Framework. Thus Policies CS2 and CS15 of the CS are up to date and broadly consistent in this regard although it is accepted the Framework is more permissive of new housing in rural areas.
7. The appeal site forms part of a wider parcel of land attached to a detached bungalow. It is in a small cluster of mainly dwellings known as Newman's Green which is not identified as a town, urban area, core village or hinterland village. Thus, the proposed dwelling would be within the countryside and no exceptional circumstances or justified need has been demonstrated.
8. As such the proposed development is in direct conflict with Policy CS2 of the CS. There is no specific substantive evidence to suggest the proposal accords with Policy CS15 of the CS and given the conflict with Policy CS2 of the CS it follows the proposal is also in conflict with Policy CS15 of the CS.
9. However, it is contested whether the Council can currently demonstrate a five year supply of deliverable housing land in accordance with paragraph 73 of the Framework. I have considered the numerous appeal decisions<sup>1</sup> and the Council's evidence relating to this matter. However, I find the evidence with regard to housing land supply to be inconclusive.
10. Nevertheless, if I did accept the five year supply could not be demonstrated the proposal would need to be considered in accordance with the presumption in favour of sustainable development which means the Framework taken as a whole and the tilted balance engaged. That said should I find the proposal amounts to sustainable development within the terms of the Framework, this could be a material consideration which could indicate planning permission should be granted notwithstanding the development plan conflict.
11. Paragraph 78 of the Framework makes clear that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Furthermore, paragraph 79 of the Framework states decisions should avoid the development of isolated homes in the countryside.
12. The proposed dwelling being next to other dwellings in Newman's Green would not be isolated. If I were to accept the housing shortfall suggested by the appellant, a new dwelling and its small contribution to the shortfall would be a significant benefit. Furthermore, new customers and potential employees for local businesses and services and the construction of the development would also generate economic benefits.
13. However, given the scale of development these combined benefits would still be relatively modest. That said without any specific evidence to the contrary I find the proposal would have a negligible effect on the vitality of the rural community, even acknowledging that development in one village may support services in a village nearby.
14. Newman's Green contains limited services, facilities and employment opportunities. Although there is a bus stop nearby providing a bus connection to Acton and Sudbury where such can be found, I am not provided with any

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<sup>1</sup> Appeal Decision APP/D3505/W/17/3168591, APP/W3520/W/18/3194926 & APP/D3505/W/18/3196882

- substantive evidence which allows me to be able to assess the frequency of that service.
15. The routes to Acton and Sudbury would be along narrow rural roads which are mainly unlit and without footpaths for the majority of the routes. Vehicles travel at some speed along those routes and with the absence of any substantive evidence the contrary I find they would not be attractive for future occupiers to walk or cycle along, particularly at night and in poor weather.
  16. I have noted the proposed Chilton Woods scheme which when implemented would bring the built up area of Sudbury must closer to Newman's Green. I also note the services, facilities and employment opportunities which would be provided as part of that development close to the appeal site. However, there is no substantive evidence before me to demonstrate how or if the route from Newman's Green to Sudbury or even into the Chilton Woods scheme would be altered or improved. There is also no substantive evidence before me to demonstrate when this scheme would be delivered.
  17. I acknowledge that opportunities to maximise sustainable transport will vary between urban and rural areas. However, on the basis of the evidence before me I find that future occupiers of the proposed dwelling would have no reasonable transport choice other than to rely on private motorised transport to access services, facilities and employment. Furthermore, there is no substantive evidence before me to indicate that any opportunities to promote sustainable transport have been considered as part of this proposal.
  18. Whilst a single dwelling would only give rise to a small number of private motorised vehicle trips, private motorised transport is the least sustainable transport mode and the proposed development would still therefore result in environmental harm.
  19. In reaching these conclusions I have fully considered the appeal<sup>2</sup> allowed relating to a site in Newman's Green nearby. However, that proposal related to two dwellings whereas the proposal before me only relates to one dwelling. Furthermore, I am not aware of the detailed evidence provided in support of that proposal particularly any evidence as to how that proposal would maintain or enhance the local community and how the occupants of those dwellings would be able to access services, facilities and employment through a choice of transport modes. Whilst I have taken this decision into account I have determined the appeal on merit and on the basis of the evidence submitted.
  20. I have also considered the appeal decisions<sup>3</sup> and the decisions<sup>4</sup> made by the Council relating to housing in rural areas. However, the full details of all those cases are not before me and none relate to sites in Newman's Green and are not therefore directly comparable.
  21. Overall, having regard to all matters raised, in this case when all of the benefits are combined there is no substantive evidence to suggest that the proposal would have any significant influence on the vitality of the local community.

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<sup>2</sup> Appeal Reference APP/D3505/W/18/3196882

<sup>3</sup> Appeal Reference APP/D3505/W/17/3182786, APP/W3520/W/17/3174838, APP/W3520/W/17/3176324, APP/D3505/W/17/3170002, APP/W3520/W/17/3175002 & APP/D3505/17/3176540

<sup>4</sup> Council Reference DC/17/03469, B/16/00542/FUL, B/16/00084/FUL, B/15/00052/FUL, B/13/01448/FUL, B/15/00813/FUL, B/16/00328/FUL, B/17/00113/FUL, DC/17/04086 & DC/17/00475

22. I recognise the overall national objective to boost the supply of housing. However, even though I attach substantial additional weight to the benefit of housing and the contribution to the housing shortfall suggested by the appellant's, the combined benefits are still relatively modest such that they are in my view, significantly and demonstrably outweighed by the harm arising from the dependence on the private car.
23. Consequently the proposed development would not amount to sustainable development and does not therefore benefit from the presumption in favour of sustainable development. For the reasons given, on balance the proposal would not therefore accord with the development plan or the Framework.

### **Other Matters**

24. In reaching these conclusions I have noted the comments in support of the proposal. I also note the comments of the Parish Council in support of a settlement boundary for Newman's Green. However, these matters or any others raised do not alter my conclusions.

### **Conclusion**

25. For the reasons set out above and with regard to all other matters raised, I conclude that the appeal should be dismissed.

*L Fleming*

INSPECTOR