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# Appeal Decision

Site visit made on 2 May 2019

**by C J Leigh BSc(Hons) MPhil MRTPI**

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

**Decision date: 28<sup>th</sup> May 2019**

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## **Appeal Ref: APP/D3505/W/19/3219950**

### **Highlanders Farmhouse, Mills Lane, Long Melford, Sudbury, CO10 0EQ**

- 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 & Mrs J Riley against the decision of Babergh District Council.
  - The application Ref DC/18/04312, dated 27 September 2018, was refused by notice dated 16 November 2018.
  - The development proposed is the erection of a single dwelling.
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### **Procedural matters**

1. The application was made in outline with approval sought for access.

### **Decision**

2. The appeal is dismissed.

### **Main issues**

3. The first main issue in this appeal is whether the proposed development would be suitably located having particular regard to the accessibility of services and facilities, and to the settlement pattern. The second main issue is the effect on the landscape character of the area.

### **Reasons**

#### *Accessibility of services and facilities*

4. Policy CS2 of the Babergh Local Plan 2011-2031 Core Strategy & Policies (Part 1 of the New Babergh Local Plan) February 2014 ('CS') sets out the settlement strategy policy for the District: development will be directed sequentially to towns/urban areas, 'core villages' and 'hinterland villages'. In the countryside, outside those areas, development will only be permitted in exceptional circumstances subject to a proven justifiable need.
  5. The overall strategy for growth and development is set out further in Policies CS3 and CS15, which look to direct growth within the existing settlement pattern and to demonstrate the principles of sustainable development. Section 2.1 of the CS further explains the Council's strategy of targeting housing development as an approach that sees 'functional clusters' of settlements. It is evident to me that this broad strategy for development is largely consistent with the National Planning Policy Framework's objective to seek sustainable development.
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6. For this reason I do not accept the appellant's submission that Policy CS2 should be considered out of date. Policy CS2 read as a whole does not purely seek to impose a blanket restriction on development in the countryside: it is part of a hierarchy of where development is to be targeted in order to comply with the CS's whole strategy, and so the general restriction on housing in the countryside is part of that strategy. Paragraph 78 of the Framework says that planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services, and Policy CS2 read as a whole provides that. I acknowledge, though, that there is some tension between the policy and the Framework, as the latter does not stipulate the requirement for any 'exceptional circumstances' for development in the countryside and so does not contain the balanced approach of the Framework, hence the weight attached to Policy CS2 is reduced in this regard.
7. The appeal site is an undeveloped area of land lying to the east of Highlanders Farmhouse. There is open land to the north, east and south, with Highlanders Farmhouse lying in a small grouping of properties. The proposed development would see a detached house erected on this land.
8. Mills Lane is narrow, unlit and winding. The site is poorly related to any local services, shops or public transport options. I have very little doubt that future occupiers of the proposed house would not chose to walk or cycle to reach other destinations and therefore be reliant on the private car.
9. The appellant has stated that the proposal would contribute to enhancing and maintaining services in Acton, Long Melford and Sudbury. The appeal site is located between those sizeable settlements which, in the case of Sudbury, I am informed has permission for a large amount of housing. On the basis of the evidence presented to me on this matter, and observations at the site visit, I am not persuaded that the one house in the location proposed would lead to any appreciable enhancement or maintenance of services in those three existing settlements. I therefore place little weight on this matter.
10. The house would therefore be poorly situated with regards to the accessibility of services, and would not be well located in the context of nearby settlements and so housing on the site would conflict with the settlement pattern and the strategy for development, as set out in Policies CS2, CS3 and CS15.
11. Paragraph 79 of the Framework seeks to avoid isolated homes in the countryside unless certain circumstances apply. Relevant case law has determined that 'isolated' connotes a dwelling that is physically separate or remote from a settlement, and whether a proposed new dwelling isolated will be a matter of fact and planning judgment<sup>1</sup>. Whilst the appeal site would adjoin a short row of other houses, I concur with the Council that the site is isolated: it is reached down a narrow rural road, it is realistically only reached by car, there are no services or facilities in close proximity, and it is set away from settlements (and that would still be the case even with the proposed extension to Sudbury).
12. In any event, even if the site were not to be considered isolated that would not mean the proposal accords with the development plan; as set out above, the sequential strategy of the CS sees other locations for housing in the District

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<sup>1</sup> *Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd* [2018] EWCA Civ 610

before considering countryside locations such as this. The conflict with the development plan therefore remains.

13. On the first main issue it is therefore concluded that the proposed development would not be suitably located having regard to the location of the site and the accessibility to services and facilities. The proposed dwelling would also not have regard to the settlement pattern and the strategy for growth and development as set out in the CS and with the Framework's objective in supporting a built environment with accessible services.

#### *Landscape character*

14. The proposed development would see the erection of a dwelling on currently open land, together with the formation of a new access to Mills Lane that would necessitate the removal of a section of existing mature vegetation. Although the outline application states that appearance, layout, scale and landscaping of the dwelling are for future consideration, the Council's decision notice objected to the harm caused to the character of the area and the openness of the countryside.
15. I note that the Council's Delegated Report stated that the removal of the vegetation would not lead to unacceptable landscape harm. However, the potential for harm to character comes from more than just the removal of that vegetation. I consider that the erection of a dwelling on the land would materially reduce the openness of the area to a degree that would be harmful to the undeveloped and rural appearance of the landscape. This would be harmful to character of this countryside area. Thus, there would be conflict with Policy CS15 of the CS, which seeks to ensure development respects the local context and character of the District, including the landscape, and with the Framework's objective of ensuring development is sympathetic to its landscape setting.

#### *Planning balance and conclusion*

16. For the reasons given, the proposed development would have an adverse impact due to the conflict with the relevant development plan policies and with the Framework.
17. The Council state that they can demonstrate a 5 year supply of housing. The appellant has disputed this, and has drawn my attention to an appeal decision in neighbouring Mid Suffolk District Council that disagreed with that Council's housing land supply figures<sup>2</sup>. As that was for a different local planning authority area, where the site specific circumstances of the case would be different, that decision is of limited relevance to my current decision. However, even if I were to conclude with the appellant that there is a shortfall in the five-year housing land supply, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of granting permission for the dwelling.
18. I acknowledge the appellant's wish to provide a new house to remain on their land for health and personal reasons. However, I must consider that against other matters of acknowledged importance and the conflict with the development plan outweigh these personal circumstances.

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<sup>2</sup> Ref APP/W3520/W/18/3194926

19. The proposed development therefore is not in accordance with the development plan and Framework, and there are no material considerations that indicate permission should be granted. The appeal is dismissed.

*C J Leigh*

INSPECTOR