

# Appeal Decision

Site visit made on 21 May 2019

**by J Bell-Williamson MA MRTPI**

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

**Decision date: 12<sup>th</sup> June 2019**

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## **Appeal Ref: APP/W3520/W/18/3217366**

### **Tudor Lodge, Elmswell Road, Great Ashfield IP31 3HH**

- 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 Calderbank against the decision of Mid Suffolk District Council.
  - The application Ref DC/18/02660, dated 11 June 2018, was refused by notice dated 6 August 2018.
  - The development proposed is erection of detached dwelling.
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### **Decision**

1. The appeal is dismissed.

### **Preliminary Matter**

2. The application is for outline planning permission with only access to be considered at this stage. The other matters – layout, appearance, landscaping and scale - are reserved for subsequent approval.

### **Main Issues**

3. The main issues are:
  - the effect of the proposed development on the character and appearance of the appeal site and surrounding area;
  - whether occupants of the proposed dwelling would have adequate access to services and facilities without undue reliance on private vehicle use; and
  - the effect on protected species.

### **Reasons**

#### *Character and Appearance*

4. The appeal site is currently open, undeveloped land next to Tudor Lodge, the last in a line of detached dwellings that runs to the south of the site with frontages on Elmswell Road. The surrounding area is predominantly open countryside, with land also in agricultural use. The site forms part of a larger managed and fenced area laid to grass to the north of Tudor Lodge. A small group of dwellings is visible to the north.
  5. The group of dwellings that includes Tudor Lodge is one of a number of similar groups that exist to the north and south along Elmswell Road and Ashfield
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- Road. These are typically small groups of dwellings, linear in form and well-separated, with properties sited either side of the road. Due to their limited extent in the otherwise rural setting, I agree with the Council that the open countryside provides the dominant character and appearance of the area.
6. The countryside to the west of the appeal site comprises undulating land and areas of woodland that provide a visually attractive backdrop to the appeal site. The site itself and larger grassed area is physically separated from the surrounding countryside setting by the fence surrounding it, but due to it being open and undeveloped it is nonetheless visually associated with the surrounding area.
  7. Both Tudor Lodge and Lyndhurst, the neighbouring detached dwelling to the south, extend beyond the group of dwellings either side of the road. Consequently, the appeal site is directly opposite open fields to the east on the other side of the road and, consequently, it has open land on three sides.
  8. I acknowledge that the proposed dwelling would be sited relatively close to Tudor Lodge and the effect on this property is a matter more appropriately considered through the reserved matters stage. Nonetheless, the proposal would result in development of an open area of land that currently contributes to the character and appearance of the area, and which would also impinge on some views of the countryside setting immediately beyond the appeal site. Furthermore, it would extend the linear built form on one side of the road into this open setting and harmfully reduce the characteristic extent of separation between existing built development in the form of Tudor Lodge and the property known as Evansleigh to the north.
  9. I note the appellants' reference to other development proposals that were permitted in the same defined landscape area as the appeal site. However, the Council's Landscape Guidance 2015 has not had a direct bearing on my consideration of this issue, which I have considered on its individual merits. Moreover, the other examples referred to appear to be closer to main settlements than the appeal site. As such, they are not directly comparable.
  10. Accordingly, for the above reasons, I conclude that the proposed development would have an unacceptably harmful effect on the character and appearance of the appeal site and surrounding area. As such, it is contrary to Policy H15 of the Mid Suffolk Local Plan, which requires development to reflect local characteristics. While the existing pattern and form of development is linear, and the proposed development would be a continuation of this, the predominant character of the area is open countryside and I have found that the extended linear built form would have harmful effects with regard to intrusion into open land, visual effects on the open landscape and coalescence between groups of dwellings. As such, the proposal would result in material harm to the character of its setting, contrary to Policy H15. This policy is consistent with the Framework, particularly section twelve concerning well-designed places, and therefore I find that the proposal is in conflict with the Framework also.
  11. I agree with the appellants that Policies GP1 and H13 of the Local Plan, which both concern design and layout, are less relevant given that this is an outline application. Policy SB2 is also not directly relevant as it concerns development

within settlement boundaries. I agree also that Local Plan Policy H7, which restricts development unrelated to the needs of the countryside, is not consistent with the Framework, which does not place the same restrictions on residential development outside defined settlements.

#### *Access to Services and Facilities*

12. The appeal site is located outside any settlement boundary defined in the development plan and the Council's concern in this regard is the distance from services and facilities.
13. With regard to housing in rural areas, the Framework states that policies and decisions should avoid the development of isolated homes in the countryside, unless particular circumstances apply, which is not the case here (paragraph 79). As such, the Framework does not preclude any development of the type proposed here outside settlement limits.
14. The nearest main settlement is Elmswell, which appears to be well served by services and facilities, including a railway station, and lies not a significant distance to the south of the appeal site, with direct access along the Elmswell and Ashfield Roads. I acknowledge that the conditions between the appeal site and Elmswell are not particularly favourable for walking or cycling, and I am not aware that public transport is available nearer to the appeal site.
15. Given the existing dwellings near to the appeal site and its relative proximity to the good range of services and facilities in Elmswell, it cannot reasonably be said to be an isolated location in the terms of the Framework. While the Framework stresses the importance of provision of sustainable transport modes and travel choice, it also recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making (paragraph 103).
16. It is to be expected, therefore, that some travel by private vehicle is likely in rural areas such as this. While there appears to be no opportunities to access Elmswell by public transport from the appeal site, the settlement is not so distant that long car journeys would occur to gain access to services necessary for day-to-day living, and to apparently good public transport connections. Moreover, due to the existing dwellings nearby, the addition of a single dwelling would not significantly add to the journeys that already occur from this location.
17. Therefore, taking these findings as a whole, I conclude that the location would not be unsuitable for the proposed development with regard to whether occupants of the proposed dwelling would have adequate access to services and facilities without undue reliance on private vehicle use. Consequently, there is no conflict with Policies FC1, FC1.1 or FC2 of the Council's Core Strategy Focussed Review, concerning sustainable development and the distribution of housing; or with relevant guidance in the Framework, as described above.

#### *Protected Species*

18. The main parties take different views on the likelihood of protected species being on or near to the appeal site and so the proposed development having

potential effects on these. I have had regard to the balance of views, including the holding objection from the ecology officer due to the lack of current information. While I acknowledge the appellants' views on the nature and condition of the nearby pond, given the open rural nature of the site and surroundings and evidence of a number of protected species being present in the wider area, it would be appropriate for the avoidance of doubt to require an ecological survey of the site. This could be required by condition and would enable a survey to be undertaken before submission of reserved matters.

19. With such a condition in place I conclude that the Council's reason for refusal with regard to protected species would be overcome. Consequently, there is no conflict with Local Plan Policies CL8 and CL9 concerning the protection of wildlife habitats and areas.

### **Other Matters**

20. The Council's final reason for refusal concerns the sustainability of the proposed development. There is overlap in this regard with the second main issue addressed above and the Framework says that the three objectives for achieving sustainable development are not criteria against which every decision can or should be judged (paragraph 9). Nonetheless, I have had regard to other matters raised by the parties in this respect.
21. The appellants assert that the Council cannot demonstrate a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing, as required by the Framework (paragraph 73). This includes by reference to an appeal decision<sup>1</sup>. However, this pre-dates more recent evidence provided by the Council that it can now demonstrate the requisite housing supply. The Framework also requires consideration of whether policies which are most important for determining the application are out-of-date (paragraph 11d). I have found that Local Plan Policy H7, which the Council relies on to support its reasons for refusal and which is therefore important, is not consistent with the Framework and so, consequently, is out-of-date<sup>2</sup>.
22. For this reason, while I have found that other development plan policies which are important in this case are consistent with the Framework, I have nonetheless considered the proposed development against the provisions of paragraph 11d) ii. of the Framework. This requires that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
23. Although the proposal would provide an additional dwelling, would provide some economic benefits from its construction and would support local services in nearby settlements, it would also have an unacceptably harmful effect on the character and appearance of the appeal site and surrounding area. Consequently, it is contrary to Policy H15 of the Local Plan and section 12 of the Framework. I consider that such an adverse impact would significantly and demonstrably outweigh the benefits of this proposal, as assessed against the

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<sup>1</sup> APP/W3520/W/18/3194926 dated 28 September 2018.

<sup>2</sup> In accordance with paragraphs 212 and 213 of the Framework, which state that the Framework is a material consideration and which require an assessment of existing policies for their consistency with the Framework.

Framework as a whole. Hence the presumption in favour of sustainable development, as set out at paragraph 11 of the Framework, does not apply.

24. I have had regard to representations made by interested parties in support of the proposal. These do not, however, outweigh the harm that has been found and do not therefore lead me to reach a different overall conclusion.

### **Conclusion**

25. I have found in the appellants' favour with regard to two main issues, concerning accessibility and protected species. However, this is not sufficient to outweigh the unacceptable harm that has been found with regard to the effect on character and appearance, and the conflict with the development plan and the Framework. The presumption in favour of sustainable development does not apply and there are no other material considerations that outweigh the conflict with the development plan. Accordingly, it is concluded that the appeal should be dismissed.

*J Bell-Williamson*

INSPECTOR