



Appeal Decision

Site visit made on 22 May 2019

by I A Dyer BSc (Eng) MIHT

an Inspector appointed by the Secretary of State

Decision date: 8 July 2019

Appeal Ref: APP/D3505/W/18/3215195

Land fronting north-east side of Gents Lane, Gents Lane, Shimpling, Bury St. Edmunds IP29 4HP

- 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. Deeks and Mrs. P. Hawes against the decision of Babergh District Council.
 - The application Ref DC/18/00581, dated 7 February 2018, was refused by notice dated 10 May 2018.
 - The development proposed is erection of 5 residential units to include two single-storey dwellings, with associated garages, parking, roads and construction of accesses to Gents Lane.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is for outline permission with all matters reserved for later determination. The description of development limits the permission to five houses. A sketch site plan (Drawing 17/89/03 rev A) and an isometric site plan (Drawing 17/89/04 rev A) have been submitted with the application. For the purpose of this appeal I have taken the details shown on these drawings as indicative only. I have determined the appeal on this basis.
3. The appellants have provided a unilateral undertaking to provide affordable housing within the site. The Council has had the opportunity to comment upon this matter during the course of this appeal. But have not. However, there is nothing before me to indicate it is not duly executed and I have therefore taken it into account in my decision.
4. Following the Council's determination of the application, a revised version of the National Planning Policy Framework (the Framework) was published in July 2018. The parties have had the opportunity to make comments on the revisions to the Framework as part of the appeal process. Whilst the Government made further revisions to the Framework in February 2019, those changes have no particular bearing for the determination of this appeal.

Main Issue

5. The main issue is whether the site would be an appropriate location for residential development having regard to development plan and national planning policies.

Reasons

6. Shimpling Street is a small, predominantly linear village developed along The Street, but with side streets providing some clusters of deeper development. The site is located outside the Built Up Area Boundary (BUAB) for the village of Shimpling Street, but is contiguous with the BUAB. The site is an open field surrounded on all four sides by mature hedges, with those boundaries facing Gents Lane also having a ditch along them. Facing the site across Gents Lane on these two sides lie dwelling houses of varying size and design, whilst the other two boundaries are also shared with dwellings. The site is considered to be in the countryside, where policy restricts the development of new housing.
7. Shimpling Street has a church, public house and village hall and is identified as a "hinterland village" within Policy CS2 of the Babergh Local Plan 2011-2031 Core Strategy & Policies -2014- (the Core Strategy). Policy CS2 identifies a settlement hierarchy and seeks to direct development principally to more sustainable locations in larger towns and villages, with successively lesser development as the size of settlement decreases, down to Hinterland Villages. This policy is in general accord with the aims of the Framework in seeking to focus new development in sustainable locations. However, it is more restrictive than the proactive approach taken in the Framework which does not impose a blanket restriction on development outside defined settlements or stipulate that the requirement for any 'special circumstances' has to be met by all development in the countryside.
8. The refusal notice refers to Policy CS11 of the Core Strategy which provides criteria for allowing development in Core and Hinterland Villages. Whilst, when viewed against the policies in the Framework that encourage a more proactive approach to housing provision, the criteria identified within CS11 are more restrictive overall. The policy identifies the requirement that development must be in or adjacent to Hinterland Villages, and that development must be well related to the existing settlement. However, both Policies CS2 and CS11 have a requirement that development in Hinterland Villages meets a proven local need such as affordable housing or targeted market housing identified in an adopted community local plan/neighbourhood plan. In this respect the policy is more in accordance with policies and aims in the Framework seeking to achieve sustainable development whilst providing protection to the countryside.
9. In regard to demonstrating a proven local need, the appellant has failed to provide an assessment to demonstrate evidence that the proposal would satisfy an identified need for either affordable or targeted market housing within the Hinterland Village or the functional cluster within which it sits, referring instead to Core Strategy allocations for Core and Hinterland villages and the five year housing land supply.
10. In this case the location shares a boundary with the BUAB and is well related to the existing development pattern. It is within a pocket of deeper development, infilling a field surrounded on all sides by existing residential development. The site constitutes a logical extension to the village. At this stage the appellants are applying for outline permission, and layout and other aspects of detailed design are matters reserved for determination at a later date. However, there is little evidence before me that the detailed design of the proposal would not relate to the existing character and appearance of the area.

11. Policy CS15 of the Core Strategy sets out criteria for proposals to be assessed as sustainable development, including the need for new development to seek to minimise the need to travel by car using the following hierarchy: walking, cycling, public transport, commercial vehicles and cars. As such the policy would be in accordance with the aims of the Framework to promote sustainable transport through the maximising of use of more sustainable modes.
12. Only very limited services are present within the village, requiring residents to travel further afield for their day-to-day needs. The nearest settlements that would provide for these needs are beyond normal walking or cycling distance, whilst the bus service provides only a limited service. I have limited information regarding the location of bus stops in the vicinity of the appeal site. However, the unlit nature of the intervening roads, with their lack of footways and vehicular speeds would be likely to deter pedestrians and cyclists, particularly in adverse weather conditions and during the hours of darkness, and so residents of the site would almost certainly rely heavily on the private car to meet their day to day needs. There is a bus link to Bury St Edmunds and other settlements but, on the basis of the information before me, this is a very restricted service and, therefore, would not provide an effective alternative to substantially reduce the reliance on private motor vehicles.
13. The Framework recognises that sustainable transport solutions will vary between urban and rural areas and that rural housing development in smaller settlements can enhance or maintain the vitality of rural communities. However, the appeal site lies in an area where nearby settlements are generally small and only provide very limited services requiring, in all likelihood, a trip into the local town to satisfy their day to day needs. Thus, it could not be said that the development would contribute meaningfully to the vitality of villages outside the town.
14. I therefore conclude that the site would not be an appropriate location for residential development having regard to development plan and national planning policies. The proposal is therefore in conflict with Policies CS2, CS11 and CS15 of the Core Strategy which, amongst other things, seek to direct new development sequentially to the towns / urban areas, and to the Core Villages and Hinterland Villages, unless there is a proven need for the development and seek to ensure that development can be served by an appropriate level of services, facilities and infrastructure and minimises the need to travel by car.

Other Matters

15. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in making decisions on planning applications that may affect a Listed Building or its setting, special attention is paid to the desirability of preserving the building or its setting. In addition, Paragraph 193 of the National Planning Policy Framework requires, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
16. There are two Grade II Listed Buildings with frontages to Gents Lane, The Ramblers, and 8/9 Gents Lane. The significance of these buildings relates to their architectural and historic interest in regard to their age, architectural design, construction and character which is representative of contemporaneous fashion. These lie to the west of the site, separated by a substantial hedge, and there is little evidence before me to suggest that the proposal would have an

unacceptable impact upon the listed buildings, although I note that the Council feel that careful consideration must be given to the layout and design of the proposal at reserved matters stage to ensure that the development would respect the heritage assets.

17. There is dispute between the parties as to whether the Council is able to demonstrate a five year supply of housing land. Further, the appellants have suggested that, as the Core Strategy has not been reviewed for 5 years since its adoption, the policies within it are out of date. However, these policies still attract weight, based upon their degree of accord with the policies and aims of the Framework. I have found that these policies are broadly in accordance with the aims set out in the Framework, and so I give them moderate weight.
18. The appellants have brought my attention to recent appeal decisions. In the case of Ref APP/W3250/W/18/3194926 I do not consider this decision relevant to the case before me in that the appeal site lies within what was another Council's administrative area at the time of determination and I have no information regarding the policy background. In regard to Ref APP/D3505/W/17/3170002, I have insufficient details of the case upon which to make any meaningful contextual comparison.
19. Whilst the appeal site considered under Appeal Ref APP/D3505/W/18/3196511 is located on The Street in Shrimpling Street, it lies fronting the main road at the opposite end of the village. There is little information provided regarding the evidence upon which the Inspector assessed availability of alternative transport modes to reduce reliance upon the private car or the services in nearby settlements that would be supported by the development. I have, in any case considered the proposal on its own merits and the evidence before me.
20. My attention has been drawn to a development for two dwellings on a site fronting Shimpling Street. Very limited information is available upon which to form a contextual comparison with the proposal under my consideration and so I give this matter little weight.

Planning Balance

21. The development would provide benefits in terms of delivering five additional homes to boost housing including an affordable home which, although modest, is recognised in Paragraph 68 of the Framework as having the potential to make a meaningful contribution to meeting housing needs in the area. There would be minor benefits to the local economy in terms of short term employment in the construction industry and longer term support to shops and businesses. The long term support to shops and businesses would be mainly felt in the local town, rather than supporting rural villages and so together these benefits carry limited weight.
22. The appeal site lies within existing development and would, physically, be part of the village and the effect of the proposal on the character and appearance of the area, wildlife and the environment could be safeguarded through the reserved matters applications.
23. It has been suggested that the field is a 'brownfield site', in which case the development would constitute redevelopment of previously developed land, which is supported by the Framework. However, no evidence has been

provided of previous development or use of the land other than for agriculture. Nevertheless, it could be argued that the proposal represents more efficient use of the land, which would be supported by the Framework. Taken together, and given the scale of the development these benefits carry moderate weight.

24. Given the location of the site and the lack of access to safe walking and cycling routes or public transport to provide for day to day needs it is likely that future occupants of the development would be heavily reliant on private motor vehicles to access local shops and services. This, together with the harm that I have found by virtue of the proposal undermining the adopted settlement strategy set out within the Core Strategy and the lack of proven need for the development are significant factors weighing against the scheme.
25. In conclusion, even if I were to accept the appellants view that the Council is unable to demonstrate a five year housing land supply and the shortfall is as suggested by the appellant, the identified harm would significantly and demonstrably outweigh the limited benefits provided by the scheme when considered against development plan policies and the Framework when read as a whole.

Conclusion

26. For the reasons given, and having taken into account all other matters raised, I conclude that the appeal should be dismissed.

I Dyer

INSPECTOR