



Appeal Decision

Site visit made on 18 June 2019

by D. Szymanski, BSc (Hons) MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th July 2019

Appeal Ref: APP/W3520/W/19/3224996

Land at Cay Hill, Mendlesham Green, Mendlesham, IP14 5RD

- 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 G Mudd against the decision of Mid Suffolk District Council.
 - The application Ref: DC/18/05243 dated 27 November 2018, was refused by notice dated 24 January 2019.
 - The development proposed is the erection of 2 detached dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application is submitted in outline with the access arrangements set out on the application plans for consideration. All other detailed matters are reserved for a subsequent reserved matters application. I have therefore taken the submitted Indicative Layout Plan 1:500 to be indicative only.

Main Issue

3. The main issue is whether the proposed development is located in a suitable location having regard to the accessibility of services and facilities.

Reasons

4. The appeal site lies to the north west of the village of Mendlesham Green on a verdant triangular parcel of land shared with a cottage, set within an attractive rolling landscape of arable fields, mature hedgerows and trees. A number of rural roads converge forming the triangular parcel and so it is bound by the public highway on each side. This part of Mendlesham Green is characterised by a small number of dwellings and businesses within large plots, off the road into the main part of the village.
5. The appeal site lies in open countryside outside a designated settlement boundary, not in a location where Policy CS1 of the Mid Suffolk Core Strategy (2008) (the MSCS), Policy H7 of the Mid Suffolk Local Plan (1998) (the MSLP) or Policy MP1 of the Mendlesham Neighbourhood Plan (the MNP) seeks to direct development. The proposal has not been advanced as a type of development supported by Policy CS2 of the MSCS or Policy H10 of the MSLP. It is therefore contrary to these policies. However, MSCS Policies CS1 and CS2 are out of date because they are not consistent with the more nuanced approach to

housing development set out in the National Planning Policy Framework (the Framework).

6. I would concur with the Council's and appellant's view that the proposed dwellings would not be in an 'isolated' location in the meaning of paragraph 79 of the Framework, having regard to the conclusions of the Braintree Case¹. In terms of accessibility Mendlesham Green is the nearest village but offers very little in the way of facilities.
7. Mendlesham is classed as a Key Service Centre by Policy CS1 of the MSCS, providing a limited range of facilities (including doctor's surgery; primary school; pre-school; community centre; place of worship; convenience store; hot food take-away; hairdressers; public house; and, post office). Mendlesham can be accessed via approximately 2.5km of unlit national speed limit highway, without a hard-surfaced footway, making walking and cycling both unattractive and inconvenient. The frequency and routeing of buses means that it would be impractical for these services to form either a desirable or frequent substitute for the private motor vehicle.
8. For the reasons set out above, the future occupants would have a heavy dependence upon the private motor vehicle, such that the site is not considered to be in a sustainable or accessible location. Therefore, the development is not considered to be supported by the Framework which seeks to ensure that the majority of new development is located so as to conserve natural resources and to ensure accessible services and facilities.

Other Matters

9. At the time of determining the application the Council could not demonstrate a deliverable five-year housing land supply, a point referenced by the Council and the appellant. Both parties reference the findings of appeal reference APP/W3520/W/18/3194926 where the Inspector found the Council could demonstrate a supply of 3.4 years, at that time. The Council has subsequently advised that it believes it had a supply of 5.06 years on 1 October 2018 (set out in the *Housing Land Supply Position Statement 2018/19 (March 2019)*). 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. At the same time, the appellant has not provided any evidence to counter the Council's position, and thus I cannot be certain whether there is a 5-year housing land supply, or if not, what the extent of the short fall might be.
10. Moreover, there is insufficient evidence before me to allow me to gauge whether paragraph 14 of the Framework, which deals with the implications of a conflict with a Neighbourhood Plan, is engaged. Even if the provisions of paragraph 11 d) of the Framework apply, the proposal would make only a small contribution towards housing supply in the District. There would be other modest benefits associated with the development (e.g. increasing local employment through construction, the social benefits of supporting strong, vibrant and healthy communities through the supply of housing). However, in this instance the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

¹ Braintree District Council v SSCLG & Ors [2017] EWHC 2741 (admin)

11. The Parish Council and a local resident raised concerns about the appearance of the proposal, but, having regard to the context of the site close to other dwellings, this concern does not add to my reasons for dismissing the appeal.

Conclusion

12. Therefore, for the reasons set out above, and having regard to all other matters raised, I find that the proposal conflicts with the development plan as a whole and conclude that the appeal should be dismissed.

Dan Szymanski

INSPECTOR