



Appeal Decision

Site visit made on 26 June 2019

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 17th July 2019

Appeal Ref: APP/D3505/W/19/3222384

Land to West of Oak Lodge, Bergholt Road, Bentley IP9 2DQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Damian Hearne against the decision of Babergh District Council.
 - The application Ref DC/18/03541, dated 6 August 2018, was refused by notice dated 4 December 2018.
 - The development proposed is use of land for the stationing of 28 holiday lodges and 1 lodge for site warden.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The National Planning Policy Framework was revised in February 2019 (the Framework) and this post-dates the Council's refusal notice. I have taken the Framework into account as part of the determination of this appeal.

Main Issues

3. The main issues are:
 - whether the proposed development would be in a suitable location having regard to the accessibility of services and facilities;
 - the effect of the proposed development on the character and appearance of the area; and
 - the effect of the proposed development on flood risk.

Reasons

Location

4. The site is located outside of the nearest village of Bentley and is therefore within the countryside in the terms of the Babergh Local Plan 2011-2031 Core Strategy & Policies February 2014 (CS).
5. Since the proposal is for self-catering holiday accommodation in the countryside, it is likely that tourists would travel to the site by car, as they would be likely to bring with them some domestic paraphernalia to meet their needs during their stay. Furthermore, as the 28 holiday lodges are proposed, albeit as a worst-case scenario, there could be 28 cars on the site at a time,

with each likely to result in some trips for domestic necessities that would be likely to be required in self-catering accommodation.

6. While the site may be within easy reach of a number of tourist attractions, given that the road lacks a pavement and streetlights, it is likely that future occupiers would be reliant on the private car for these visits. Although there is a bus service which runs through Bentley, from the evidence before me, it runs every two hours such that it would be unlikely to remove the reliance on the private car for access to services and facilities as well as to tourist attractions. Moreover, since the road lacks footpaths and streetlights, it would be likely to discourage use of the buses for users of the site thereby leading to likely further reliance on the car. Therefore, during periods of peak occupation, the proposal would be likely to result in significant adverse environmental effects in this regard. I acknowledge that the Framework recognises that sustainable transport solutions will vary between urban and rural areas, however, this does not override the significant harm identified above.
7. Consequently, the proposed development would not be in a suitable location having regard to the accessibility of services and facilities. It would therefore conflict with CS Policy CS15 which among other things requires development to that ensure an appropriate level of services, facilities and infrastructure are available or provided to serve the proposed development. It would also conflict with CS Policy CS17 in this regard which supports sustainable tourism and leisure-based businesses and compliance with CS Policy CS15. The proposal would also conflict with the Framework in this regard.
8. CS Policy CS1 is an over-arching policy related to the presumption in favour of sustainable development and while I have had regard to it, since I have found conflict with the Policies identified above, it has not been determinative in my findings on this main issue.
9. CS Policy CS11 relates to development within Core and Hinterland Villages, and since the development is not within a defined settlement boundary, it is not directly relevant to this main issue.

Character and appearance

10. The appeal site is a largely undeveloped grassed field with remains of a green house and associated redundant structures to one side. It lies adjacent to a nursery to the west, and a residential property to the other side with a riding school nearby. To the rear lies agricultural land and there is a wooded area across the road from the site. The wider area is characterised by sporadic ribbon development of detached dwellings on large plots that gives the area a spacious rural feel. Therefore, while the site is near to built development, and is enclosed by tall conifers that would largely screen views from outside the site, since it is largely a green field in a sparsely developed countryside location, it nevertheless forms part of a green and pleasant landscape.
11. The proposal for the holiday lodges would not only involve the erection of buildings, but also would include significant areas of new road, and be likely to lead to the introduction of domestic paraphernalia that would substantially alter the landscape character of the site. While the trees surrounding the site largely screen views of the proposal from outside the site, there can be no guarantee even with good management that they would remain for the life time of the development such that they would continue to screen the site. A condition

requiring retention of the trees such that they continue to screen the site would be difficult to enforce. Regardless of the position of the lodges as shown on the layout plan, given the significant number of buildings on a largely undeveloped site, they would nevertheless have an urbanising effect thereby detrimentally affecting the open rural character of the area.

12. Furthermore, during periods of peak occupation, there would be likely to be a significant number of vehicles parked on the site. While a condition relating to landscaping could be imposed, since there is no evidence such as detailed landscaping plans before me, there is no certainty that it would mitigate the harm identified. Therefore, for all of the foregoing reasons, the proposal would have a discordant effect on the spacious green character and appearance of the area.
13. The site lies within a Special Landscape Area (SLA) where CS Policy CR04 states that development will only be permitted where it maintains or enhances the special landscape qualities of the area and harmonises with the landscape setting. Given the harm to the character and appearance of the area identified above, the proposal would conflict with this Policy.
14. Consequently, the proposed development would harm the character and appearance of the area. Therefore, it would conflict with CS Policy CR04 which relates to SLAs. The proposal would also conflict with the Framework in this regard, particularly paragraph 127 which requires developments to be sympathetic to local character among other things.

Flood risk

15. The site lies outside of Flood Zones 2 and 3 and is therefore not likely to be subject to unusual or significant flood events. However, given the number of holiday lodges proposed it is likely that there may be some exposure of people to flooding and a degree of displacement of flood water in the event of flooding. Furthermore, the Framework states that in Flood Zone 1, an assessment should accompany all proposals involving sites of 1 hectare or more. Since the appeal site area is stated as 1.5 hectares in the application form, this requirement applies in this case.
16. A document entitled 'Sitecheck Flood' was submitted with the appeal planning application. While it contains some useful information particularly for a prospective purchaser of the site, it does not appear to be a flood risk assessment in the terms envisaged by the Framework. Therefore, while the report concludes the property to be at minimal or no risk of flooding, the evidence does not appear sufficiently comprehensive, such that it has not been a demonstration that sustainable drainage may be achieved and there would not be any adverse effect on flood risk.
17. I note the comments of the Inspector for the case at Norton. However, there are limited details before me of the circumstances of that case and in any event, each case must be assessed on its individual merits. Since there has not been a demonstration that any adverse effects on flood risk could be mitigated, there is no certainty that a condition would be effective.
18. On this basis there is a reasonable prospect that the proposal would have an adverse effect on flood risk and would conflict with CS Policy CS15 which among other things requires developments to minimise the exposure of people

and property to the risks of all sources of flooding by taking a sequential risk-based approach to development. It would also conflict with the Framework in this regard.

Other Matters

19. CS Policy CS2 states that development in the countryside, outside the towns / urban areas, Core and Hinterland Villages will only be permitted in exceptional circumstances subject to a proven justifiable need and is therefore more restrictive than the Framework which requires that developments recognise the intrinsic character and beauty of the countryside. While I acknowledge that the proposal is for rural holiday accommodation, there has not been a demonstration that there are exceptional circumstances and a proven justifiable need for this type of development in this location.
20. I note the economic benefits of the proposal including providing trade and income to nearby services such as the public house and riding school. While I also note that the proposal may provide jobs on site, including for a site warden, there is no other evidence before me of other employment opportunities the site would generate. I note that it is intended that holiday accommodation would be provided for most of the year, however, the level of occupation of the holiday lodges would be likely to fluctuate according to seasonal demands such that the economic benefits outlined above would be moderate. I also acknowledge the social benefits that future tourists would contribute to the local community. Overall, the proposal would carry moderate benefits.
21. Therefore, even if conflict with CS Policy CS2 is attributed limited weight and the tilted balance in the terms of paragraph 11(d) of the Framework is applied, given the significant adverse environmental effects that would be likely to result from the proposal, the adverse impacts would significantly and demonstrably outweigh the benefits of the proposal.
22. I note local concerns including highways safety, noise and light pollution and wildlife. However, these and the other matters raised have not altered my overall conclusions on the main issues.

Conclusion

23. For the reasons given above, the appeal is dismissed.

R Sabu

INSPECTOR