



Appeal Decision

Site visit made on 20 June 2019

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 July 2019

Appeal Ref: APP/W3520/W/19/3220636

Land east of Fingal Street, Worlingworth, Woodbridge, Suffolk

- 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 Graham Chenery against the decision of Mid Suffolk District Council.
 - The application Ref DC/18/04820 dated 30 October 2018, was refused by notice dated 6 December 2018.
 - The development proposed is described on the application form as "the erection of 3 dwellings with garages, driveways and creation of new access".
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Decision

1. The appeal is dismissed.

Procedural matters

2. The proposal seeks outline planning permission with all matters reserved for future consideration.
3. Since the appeal was submitted, a revised version of the Framework has been published¹. I have determined the appeal in light of this, which is a material consideration that should be taken into account.
4. My determination of this appeal is against the policies of the Development Plan. Although the appellant makes reference to emerging Babergh and Mid Suffolk Local Plan, and the supporting evidence relating to this in the settlement hierarchy review topic paper, these documents have not yet been submitted for examination to the Secretary of State for Housing, Communities and Local Government. Given the uncertainties regarding the outcome of that process, I have given them limited weight. However, the settlement hierarchy review topic paper has nonetheless been useful in outlining the extent of shops, services and community facilities available in the village of Worlingworth, which has accordingly informed my assessment.

Main issues

5. Within the context of the Council's reason for refusal and the evidence in this case, the main issues are:
 - whether the development is in an appropriate location, with particular regard to the adopted development plan settlement hierarchy and access to

¹ National Planning Policy Framework, Ministry for Housing, Communities and Local Government, February 2019.

shops, services, community facilities and transport choices other than the private car;

- character and appearance, with particular regard to the landscape and spatial form of the settlement.

Reasons

Appeal site context

6. The appeal site is an irregularly shaped grass paddock partly enclosed by mature trees which separate it from New Road to the north and Fingal Street to the west. The southern boundary lies adjacent to a small cluster of houses which predominantly front onto Shop Street and Mill Road, with further grass paddocks to the east. The area is characterised by its edge of settlement location adjacent to a small woodland and open countryside.
7. Worlingworth Village has four distinct and separate areas of built form, one on Shop Street (the largest and central part of the village), two on Church Road and Church Street to the west of this, and the last on Mill Road (this area contains the appeal site).

Whether the development is in an appropriate location

8. The Council and appellant both agree that the site falls within the open countryside for planning purposes, directly adjacent to the settlement boundary for Worlingworth. Although none of the policies referred to by the Council in the reason for refusal relate to development in the countryside, the case officer report refers to Policies CS1 and CS2 of the Core Strategy² as being relevant to the consideration of the proposal.
9. Policy CS1 establishes a settlement hierarchy which directs the majority of new development to towns and key service centres, with some provision in primary and secondary villages. It also clarifies that the rest of the district will be designated as countryside and countryside villages and that development in this area will be restricted to particular types of development that supports the rural economy, meets affordable housing/community needs and provides renewable energy. Policy CS2 of the Core Strategy states that development in the countryside will be restricted to defined categories in accordance with other Core Strategy policies.
10. The development does not fall within any of the specified settlement types and neither would it (a) support the rural economy (such as a dwelling restricted to a rural-allied occupation); or (b) provide an affordable dwelling or meet a local community need. There is also no evidence that it would result in the provision of renewable energy for the wider area. Neither would it fall within any of the specified categories referred to in other Core Strategy policies. As a consequence, I conclude that the proposal would conflict with Policies CS1 and CS2 of the Core Strategy.
11. I recognise that the development would be in close proximity to other dwellings and not be physically isolated. However, this does not mean that it would be sustainable in terms of access to shops, services, community facilities and transport choices other than the private car, or that it should be approved.

² Core Strategy Development Plan Document, Adopted September 2008, Mid Suffolk District Council.

12. The Mill Road cluster of dwellings contains no day-to-day amenities, and the appeal site falls some distance away from the central Shop Street part of Worlingworth. Although this part of the village could be reached by cycling, there is no interconnecting footway to enable safe walking by future occupants. The appellant states that pedestrians could use New Road, followed by a footpath which heads south and exits by Tuckwell's, but the submitted evidence does not reveal the legal status of this path, exactly where it is and whether its surface would allow for a wide range of users, such as children in pushchairs or those with disabilities that rely on mobility scooters. Furthermore, I am not of the view that sharing a vehicular highway, even if lightly trafficked, and using an isolated unlit path would be attractive to future occupants on a day to day basis, especially at night. In any event, despite the central part of the village being the largest section, it contains an extremely limited range of facilities, which would as a consequence result in future occupants still being heavily reliant on a range of other rural towns and villages further afield for access to shops, services and community facilities.
13. The appellant has referred to the 3 larger villages of Framlingham, Stradbroke and Debenham, but there are no footways linking these settlements to the appeal site, and neither are they within reasonable walking distance. I recognise that it would be possible to cycle to these villages, but would only expect a small proportion of trips to be made in this way given the intervening distance and time it would take. I have noted the appellant's evidence relating to local bus services, but would not consider these to be sufficiently frequent to significantly diminish the reliance of future occupiers on the private motor car. There are also no details of how the dial-a-ride service operates in terms of hours of operation, its promptness in responding to service requests, or destinations.
14. I recognise that in rural locations access to sustainable rural transport solutions will be typically less than that of an urban area and that development in one village may support services in another nearby. However, in this case, I found the overall level of day-to-day access to shops, services and community facilities by walking, cycling and public transport to be of such a poor standard, and consequential reliance on the private motor car to be so high, that I consider the appeal site's location to be inappropriate.
15. The appellant states that the appeal site lies closer to the services of the village than some other dwellings within its settlement boundary. However, the existence of other dwellings with poor access to shops, services, community facilities and transport choices other than the private car should not be used to justify further unsustainable development.
16. I therefore find that the scheme would also conflict with Paragraphs 9 and 103 of the Framework as it would result in; (a) a planning decision not playing an active role in guiding development towards sustainable solutions; and (b) the planning system failing to actively managing patterns of growth in support of the transport objectives outlined in Paragraph 102; - namely, that it would be heavily car dependant and not promote walking, cycling and public transport.

Character and appearance

17. I recognise that the existing paddock forms part of the area's countryside character. However, the scheme would be set against the backdrop of existing housing on Shop Street, be positioned opposite a recently constructed

residential development on Fingal Street and not project beyond New Road. It would also retain the majority of boundary trees, which would as a consequence help maintain the site's edge of settlement rural character.

18. In view of the above, I conclude that the development would not be harmful to the landscape character of the area and would relate sufficiently well to its settlement form. The proposal would therefore accord with Policies GP1, H13, H14, H15 and H16 of the Local Plan³, Policy CS5 of the Core Strategy and Policies FC1 and FC1.1 of the Core Strategy Focused Review⁴, which collectively seek to ensure, amongst other things, that new development maintains the character and appearance of the area and protects important natural features such as existing trees.
19. Despite the Council having referred to Policies H17, T9 and T10 of the Local Plan in its reason for refusal, none of these relate to landscape character and settlement form. Furthermore, the scheme does not fall within a settlement boundary as required by Policy SB2 of the Local Plan and neither it is identified as a visually important space on the Proposals Map as required by Policy SB3. I am as a consequence satisfied that the scheme is not in conflict with these policies.

Other matters

20. Given my conclusion on the main issues that the development is unacceptable, the other matters raised by interested parties have not been central to my decision. Accordingly, there is no need for me to consider them further as it would not alter the outcome of the appeal.
21. The appellant has also drawn my attention to another decision made by the Council for 26 dwellings. However, I consider there to be a considerable difference between this scheme and the appeal proposal in that it is sited directly adjacent to the separate central part of the village where the primary school, playing field and community centre is located. As a consequence, it has considerably better access to these facilities by walking and its future occupants would not be as reliant on the private motor car as is the case for the appeal scheme. The existence of this other decision does not therefore set a precedent in this case.

Planning balance

22. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that the determination of applications should be made in accordance with the development plan unless material considerations indicate otherwise. This is reflected in Policy FC1 of the Core Strategy Focused Review.
23. Although the Core Strategy is over 10 years old, Paragraph 213 of the Framework states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework and that due weight should be given to them according to their degree of consistency with the Framework.
24. Policies GP1, H13, H14, H15 and H16 of the Local Plan, Policy CS5 of the Core Strategy and Policies FC1 and FC1.1 of the Core Strategy Focused Review are

³ Local Plan, Adopted September 1998, Mid Suffolk District Council

⁴ Core Strategy Focused Review, Adopted December 2012, Mid Suffolk District Council

generally compliant with the Framework insofar as they relate to the main issues of this case. Although I consider the first part of Policy CS1 to be consistent with the Framework in that it seeks to concentrate new development in larger urban areas and villages where there are a wide range of services and facilities, the latter part of this policy and all of Policy CS2 adopts a restrictive approach to development in the countryside which does not fully accord with the more balanced and open position of the Framework.

25. In view of the above, and despite me attaching only moderate weight to the scheme's conflict with Policies CS1 and CS2 in this balancing exercise, I am nonetheless satisfied that the proposal conflicts with the development plan when taken as a whole.
26. However, the appellant states that the Council does not benefit from a 5-year housing land supply and that the Framework's presumption in favour of sustainable development applies. In support of this they have drawn my attention to a recent appeal decision.
27. I recognise that the scheme would result in a range of social, environmental and economic benefits, namely; - (a) the provision of a quickly-deliverable additional single dwelling on a site of less than 1 hectare; (b) a contribution towards the Council's housing land supply, which has been found in a recent appeal decision to be deficient; (c) future occupiers contributing to local shops, services, clubs and community organisations; (d) the utilisation of renewable energy and high-speed broadband to reduce the scheme's carbon footprint; and (e) local employment during construction.
28. However, even if the Council did not have a 5-year housing land supply, it is my view that when considered collectively, these benefits would be of modest social, environmental and economic value, and that the adverse environmental and social impacts of the scheme identified above would significantly and demonstrably outweigh these benefits, when assessed against the policies in the Framework taken as a whole.
29. Despite the appellant referring to the payment of the Community Infrastructure Levy and Council tax as a benefit in favour of the development, I have given these limited weight as Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must only have regard to a local finance consideration insofar as it is material to the application. In this particular instance, the above financial payments are not considered to be material to the decision as they would not make the development acceptable in planning terms and neither is there any evidence that they would mitigate its impact.

Conclusion

30. All representations have been taken into account, but no matters, including the benefits of the development and the scope of possible planning conditions, have been found to outweigh the identified harm and policy conflict. For the reasons above, the appeal should be dismissed.

Robert Fallon

INSPECTOR