
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: Friday, 26 July 2019

Appeal Ref: APP/D3505/W/19/3225876

Aldham Mill Road, Aldham, Ipswich, Suffolk IP7 6LH

- 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 Len Betts against the decision of Babergh District Council.
 - The application Ref DC/18/05091, dated 31 October 2018, was refused by notice dated 16 January 2019.
 - The development proposed is erection of a single storey dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. While I note that the address is different on the appeal form and decision notice, since the address stated in the header above is from the application form, the appeal proceeds on this basis.
3. I have consulted the main parties regarding the Housing Delivery Test and no comments were received.

Main Issues

4. The main issues are:
 - the effect of the proposed development on highway safety;
 - whether the proposed development would provide a suitable location for housing with particular regard to the accessibility of services and facilities; and
 - the effect of the proposed development on the character and appearance of the area.

Reasons

Highway safety

5. The proposal seeks to use an existing crossover for access to the site. Aldham Mill Road bends at the junctions in the road at either side of the site. While the road is subject to the national speed limit, it is common ground between the main parties that since there are two bends in the road, vehicles would be likely to be travelling at around 30mph. The visibility to the west of the access would be limited by the bend in the road and the dwelling and associated boundary treatment to the west. The visibility of vehicles approaching from the

bend in the road to the east of the site across the field to the south is also limited and is across third party land.

6. There has not been a demonstration that adequate visibility splays could be provided to ensure that motorists approaching from the bends to the west and east of the site would be able to see vehicles exiting the access and vice versa. Consequently, it is likely given the lack of visibility around both bends near the site, that the risk of collisions would be increased by the proposed development such that there would be an unacceptable impact on highway safety.
7. I acknowledge that there are accesses to the existing adjacent dwellings either side of the site, and motorists familiar with the area may be aware of their presence. However, the risk to motorists unfamiliar with the area would remain.
8. I note that the proposed access would be in close proximity to the access to the property to the east of the site, and that visibility from the proposed access may be better than the existing access to the west of the site. I also acknowledge that there may not have been any recorded incidents or accidents in the vicinity of the site. However, these points do not override the increase in risk of collisions that would be likely to occur as result of the proposed development. Furthermore, each case must be determined on its individual merits.
9. Consequently, the proposed development would have an unacceptable impact on highway safety and would conflict with paragraphs 108 and 109 of the National Planning Policy Framework (Framework) which requires safe and suitable access to the site for all users and states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Location

10. The site lies outside of the settlement of Hadleigh and therefore is within the countryside in the terms of the Babergh Local Plan 2011-2031 Core Strategy & Policies (Part 1 of New Babergh Local Plan) February 2014 (CS).
11. The site lies adjacent to existing dwellings and would therefore not be isolated in the terms of the Framework. There is no footpath or street lights on Aldham Mill Road and the nearest villages with a reasonable level of services and facilities is a substantial distance away such that it would not remove entirely a reliance on the private car for daily requirements. However, since the proposal is for one dwelling only, the number of trips generated from the proposal would be limited and Hadleigh, with a wider range of services and facilities, would be a short distance away, such that the length of car journeys would be likely to be limited and the environmental harm in this respect would not be significant. Therefore, refusal of planning permission on this ground alone would not be justified.
12. I note the comments of the Inspector for the case at Mannings Farm¹ which was also for a single dwelling in the same district. I also acknowledge the comments of the Inspector for the case at Woolpit², however, this case was in a different district with a different development plan and is therefore not

¹ Appeal Ref: APP/D3505/W/18/3201905

² Appeal Ref: APP/W3520/W/18/3194926

directly comparable with this appeal. I also note the cases in Norton³ and Newman's Green⁴. There are limited details before me of the circumstances of these cases and in any event, each case must be assessed on its individual merits.

13. Consequently, the proposed development would be in a suitable location for housing with particular regard to the accessibility of services and facilities and would therefore not conflict with CS Policy CS15 which seeks to minimise the need to travel by car.
14. 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, it has not been determinative in my findings on this main issue.

Character and appearance

15. The site is an undeveloped plot that lies on the bend of the road between existing single and two storey semi-detached properties. While the group of dwellings may be at a higher ground level than the surrounding farmland, other than its position at the bend of the road, from the evidence before me, the site is no more prominent than the other dwellings in the immediate vicinity. The semi-detached dwellings are moderately spaced and surrounded by open countryside such that the area has an open rural feel.
16. The proposed dwelling would be single storey and roughly in line with the property to the east of the site. While it would be larger in footprint than the other dwellings, there would be moderate space between the proposed house and the adjacent buildings such that the open rural character of the area would be retained. There would also be sufficient space for the garden and parking area such that the building would not appear overly large for the size of the plot.
17. The proposed dwelling with pitched roofs would be in keeping in terms of height and form with the adjacent dwelling to the east. Given the varied use of materials on the neighbouring properties, the proposed materials would be in harmony with the adjacent buildings in this respect. Since the property to the west is two-storey, the proposed dwelling would not appear more prominent or incongruous compared to the neighbouring buildings.
18. Consequently, the proposed development would not harm the character and appearance of the area. It would therefore not conflict with Policy CN01 of the Babergh Local Plan Alteration No.2 Adopted June 2006 (LP) which requires proposals to pay particular attention to the scale, form and nature of adjacent development and the environment surrounding the site.

Other Matters

19. I note local concerns including previous planning history related to the site, water and sewage and electricity supply. However, these have not altered my overall decision.

³ Appeal Ref: APP/W3520/W/18/3207786

⁴ Appeal Ref: APP/D3505/W/18/3196882

20. CS Policy CS2 states that in the countryside, outside the towns / urban areas, Core and Hinterland Villages, development 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. Since the proposal is for market housing, there has not been a demonstration that there are exceptional circumstances and a proven justifiable need for this type of development in this location. Therefore, the proposal would conflict with this Policy.
21. The proposal would contribute one dwelling to the local housing supply and there would be temporary economic benefits during the construction phase. Future occupiers of the dwelling may also provide social benefit by contributing to the local community. However, given the small scale of the development, I attribute limited weight to these benefits.
22. I acknowledge the comments of the Inspector for the case at Holbrook⁵. 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. 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 that the proposal would have an unacceptable impact on highway safety, the adverse impacts would significantly and demonstrably outweigh the benefits of the proposal.

Conclusion

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

R Sabu

INSPECTOR

⁵ Appeal Ref: APP/D3505/W/18/3206195