



Appeal Decision

Site visit made on 3 July 2019

by E Brownless BA (Hons) Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 2 August 2019

Appeal Ref: APP/W3520/W/18/3217448

Green Farm, Barham Green, Barham, IP6 0QF

- 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 Hilary Lamplough c/o Alan Boyd Lamplough against the decision of Mid Suffolk District Council.
 - The application Ref: DC/18/02761, dated 18 June 2018, was refused by notice dated 27 September 2018.
 - The development proposed is the erection of 2 new dwellings.
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of 2 new dwellings at Green Farm, Barham Green, Barham IP6 0QF in accordance with the terms of the application, Ref: DC/18/02761, dated 18 June 2018, subject to the following conditions:
 - 1) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
 - 2) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plan: Site Location Plan Drawing Number 1; Existing Site Block Plan Drawing Number 2; Proposed Site Block Plan Drawing Number 3.

Procedural Matters

2. In light of correspondence received in relation to the appeal, the appellant specified above differs from that on the original application form.
3. The appeal is submitted in outline with all matters reserved for future consideration. Plans have been submitted showing the proposed siting and layout of the dwellings. I am advised that these are indicative only and accordingly I have considered the appeal on this basis.
4. The appeal site forms part of the wider garden curtilage of Green Farm. To one side lies an outbuilding which presently benefits from an extant planning permission¹ to convert the existing building into a number of units of holiday accommodation, among other things. Whilst the conversion and use of the

¹ Planning reference 2645/10

buildings has not been carried out, the permission is considered to be implemented by reason of the construction of a new garage building.

5. A signed unilateral undertaking (UU) has been submitted by the appellant. The Council have had the opportunity to comment on the UU and have raised no concern in respect of it. The UU would ensure the abandonment in perpetuity of the unimplemented change of use to holiday accommodation that is permitted by planning reference 2645/10. In my view, the obligations provided would comply with paragraph 56 of the Framework and the statutory tests contained in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

Main Issues

6. The main issues are:-

- i) whether the appeal site is a suitable location for residential development having regard to the settlement strategy of the development plan and the accessibility of services and facilities; and
- ii) the effect on the character and appearance of the countryside.

Reasons

Policy

7. The appeal site lies outside of any settlement boundary and therefore lies within the countryside for the purposes of planning policy. Policy CS2 of the Mid Suffolk District Core Strategy Development Plan Document (2008)(CS) seeks to limit development outside of settlement boundaries to uses that are appropriate to the countryside, however it has not been put to me that the proposal meets any of these exceptions.
8. It therefore follows that, in the absence of anything to suggest that the proposed dwellings would be consistent with countryside policies, the principle of development would clearly conflict with CS Policies CS1 and CS2, insofar as these policies specify the spatial strategy for the district and seek to direct new development to locations with good access to jobs and key services and restrict development within the countryside.
9. However, in light of national policy contained within the National Planning Policy Framework (the Framework) the matter does not end there. The Framework recognises that due weight should be given to relevant policies in existing development plans according to their degree of consistency with the Framework. The closer the policies in the plan to those in the Framework, the greater the weight that may be given.
10. The appellant draws attention to the findings of the Inspector who determined a recent appeal in relation to a proposed development in Woolpit². The Inspector determined that the effect of CS Policies CS1 and CS2 was to protect the open countryside for its own sake and that its limitations were contrary to the balanced approach that the Framework encourages. Furthermore, the Inspector went on to note that the Framework does not impose a blanket restriction on development outside of defined settlement boundaries, and neither does it prescribe the types of development that might be acceptable

² APP/W3520/W/18/3194926

there. In its place, a balanced approach is advocated where all material considerations have to be weighed in the balance.

11. I am mindful, in this regard, that the Planning Practice Guidance specifically makes the point that all settlements can play a role in delivering sustainable development in rural areas and that blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless supported by robust evidence.
12. The Inspector in the Woolpit appeal went on to conclude that CS Policies CS1 and CS2 were demonstrably inconsistent with the relevant up to date national policy. Whilst I note that the Framework has been revised since that appeal decision, these provisions remain relevant and there is nothing in the evidence before me that leads me to any different conclusion as to the inconsistency of CS Policies CS1 and CS2 with the Framework. Accordingly, I find that CS Policies CS1 and CS2 should be treated as out of date and that being outside of a settlement boundary is not a decisive matter in this appeal and other material considerations have to be weighed in the balance.

Accessibility of services and facilities

13. The Framework sets out that housing in rural areas should be located where it will enhance or maintain the vitality of rural communities. It also states that isolated homes in the countryside should be avoided unless there are special circumstances. This fits into the general planning principle of supporting thriving rural communities.
14. The appeal site lies within the garden curtilage to Green Farm, a residential farmhouse. In addition, by reason of there being clusters of dwellings within close proximity of the appeal site, I do not consider that it would be 'isolated' for the purposes of the Framework, since it cannot be said that it would be far away from other places, buildings or people, albeit the location is rural. The provisions of paragraph 79 are therefore not applicable in this instance.
15. However, it does not necessarily follow that a site that is not 'isolated' will be reasonably accessible to services when considered in the context of other requirements of the Framework. There are no services or facilities within Barham itself. However, the village of Henley, which contains a modest range of services and facilities, is situated approximately 1.5km away, taking the appellant's measurements, which have not been disputed by the Council. There are no bus stops within the immediate vicinity of the appeal site, albeit a number are available some 1.6kms from the appeal site which provide wider access to larger settlements including Ipswich town centre. There is limited detailed evidence before me as to the operation of that service, however, the appellant advises that it operates Monday to Saturday every two hours from early morning until evening. In addition, a more extensive range of services, including, a shop, pharmacy, secondary school, public house and business park are available at Claydon & Great Blakenham, some 3kms from the appeal site, again taking the appellants measurements, which have not been disputed.
16. Given the absence of a footpath safely connecting the appeal site to the neighbouring settlements, pedestrians would need to walk within the carriageway for appreciable lengths of the route. Even though there are verges that could provide refuge to pedestrians, in places they are narrow and difficult to walk upon due to being overgrown and uneven. As such, taking into account

the distance and nature of the route, I consider that future occupants of the proposed dwellings would not perceive the route as safe or convenient for walking to access the services and facilities in nearby settlements.

17. Notwithstanding the above, the distance is reasonably cyclable. Whilst comments have been provided concerning the excessive frequency of use of the local road network along with commercial vehicles and school/college buses, at the time of my site visit I observed these routes received a light flow of traffic. Furthermore, the route had good visibility despite a number of bends along its length and the presence of formal and informal passing areas would allow for the safe passing of vehicles and bicycles. Whilst I find that future occupiers of the dwellings would be largely reliant on the use of a private motor vehicle to access services and facilities, some trips could be undertaken by sustainable means of cycling. Moreover, the Framework recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. The number of trips generated as the result of two dwellings would be modest. Moreover, it would likely be no greater than the number of trips that would be generated if the holiday-let use were to be implemented.
18. Whilst future occupants of the proposed dwellings would be likely to depend on the use of a private motor vehicle to access services, facilities and employment opportunities available in nearby larger settlements, some day to day trips could be undertaken by sustainable means.
19. Overall, the site would not be in an optimum location to maximise the use of walking and public transport, however taking into account the number of trips generated as a result of the proposal would likely be modest in number and unlikely to be significantly greater than those generated under the extant planning permission for the holiday let accommodation. I therefore conclude that the proposal would not undermine the District's sustainable pattern for growth and would accord with Policy FC1.1 of the Mid Suffolk District Core Strategy Focused Review (2012)(CSFR) insofar as it requires development to demonstrate the principles of sustainable development and assesses development against the presumption in favour of sustainable development.

Character and appearance

20. The appeal site is a relatively large area of garden curtilage containing a dilapidated outbuilding to the rear of Green Farm. To its side and delineated from the appeal site by a post and rail fence is a small open paddock, that is itself surrounded to all other sides by mature and dense vegetation along its boundaries. Similar dense vegetation is also present along the rear and opposite side boundary of the appeal site. Given that the appeal site is set back some way from the highway and behind intervening vegetation and built structures, the appeal site is largely imperceptible from public views from the highway, the historic green, the wider countryside and from the majority of views from neighbouring dwellings.
21. The proposal would introduce greater built form than is existing at present. It would also likely have a more urbanised appearance due to the presence of boundary treatments subdividing the proposed dwellings, hardstanding areas and domestic outdoor paraphernalia. However, by reason of its relative seclusion and the existence of neighbouring dwellings, I consider that the proposal would relate well to the existing built forms and would not be viewed as an encroachment into the countryside, nor impact the nearby medieval

historic green. Moreover, a condition requiring the retention of the existing boundary vegetation and landscaping improvements would preserve the relative seclusion of the appeal site. Thus, I find the proposal would not be materially harmful to the landscape character of the countryside.

22. As the application is in outline form with all matters reserved, the scale of the proposed dwellings is not known at this stage. However, I consider that the proposed dwellings could be accommodated on the site, they would not be out of keeping in this location and would form part of the existing settlement of Barham. Consequently, I conclude there would be no material harm to the character and appearance of the countryside. Thus, the proposal would conform with Policy H7 of the Mid Suffolk Local Plan (1998) insofar as this policy seeks to protect the existing character and appearance of the countryside.

Other Matters

23. I have carefully considered the various other matters raised, including a number of letters of objection to the proposal, many of which relate to the main issues above. I note the concerns in relation to traffic generation and safe access onto the highway. However, I am not persuaded on the evidence before me that a scheme of this scale would lead to significant impacts on highway safety, nor that safe access to and egress from the site is not achievable. In any event, the Highway Authority has raised no objection to the residential use of the access or increased burden on the local road network on highway safety grounds. Accordingly, I find no reason to disagree with that professional assessment.
24. Reference has also been made to disruption caused from the use of the access to the side of existing dwellings positioned along its length. However, the Council do not raise any issue in this regard. I am mindful that the proposal makes use of an existing access and as such, I do not consider that there would be any greater harm caused than is presently capable of being caused in accordance with the established and permitted uses of the appeal site. Issues relating to the living conditions of neighbouring occupiers in terms of privacy are matters that will be better understood at the reserved matters stage of the application process and cannot be fully appreciated in terms of this outline application.

Conditions

25. The Council have suggested a number of conditions. However, the precise detail of these conditions has not been provided by the Council. Accordingly, for consistency and clarity I have amended these. In doing so I have had regard to the advice in the Framework and Planning Practice Guidance.
26. As the application was made in outline, I impose the standard conditions relating to the submission and approval of reserved matters. In addition to the standard time limit, a condition specifying the approved plans is necessary as this provides clarity.
27. The Council have requested conditions relating to access and landscaping, however, it would be overly onerous to impose such conditions as these will be dealt with pursuant to any future reserved matters application submitted to the Council.

Planning balance and conclusion

28. The starting point in weighing the various factors is that the proposal would conflict with CS Policies CS1 and CS2. However, I have found these policies to be out of date and inconsistent with the provisions of the Framework. As such, this conflict carries limited weight.
29. The appeal proposal should therefore be assessed using the approach in paragraph 11(d)(ii) of the Framework. The effect of this is that the planning balance shifts in favour of the grant of consent and only if the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole, should consent be refused. Policy FC1 of the Mid Suffolk Core Strategy Focused Review (2012)(CSFR) repeats these provisions of the Framework and Policy FC1.1 recognises that development will be required to demonstrate sustainable principles and will be assessed against the presumption in favour of sustainable development. As such, I do not find the proposal to be in conflict with these policies.
30. The appeal site lies outside of any settlement boundary. However, in my judgement this is not a decisive matter. In addition, I have concluded that there would be no material harm to the character and appearance of the countryside.
31. Albeit modest in terms of providing two additional dwellings, the proposal would contribute to the economic and social dimensions of sustainability through the cost of construction, increased expenditure by future occupants within services and facilities in nearby settlements and social benefits of additional residents within the community.
32. Whilst the appeal site is not well located in relation to public transport and local services and facilities, there would be some opportunities for sustainable travel through cycling and the number of trips generated as the result of the proposal would be modest and unlikely to be significantly greater than those generated under the extant planning permission for the holiday let accommodation, which is intended to be abandoned as a consequence of being granted planning permission. It therefore follows that any minor adverse impact of granting the proposal in terms of the proposal's conflict with Policies CS1 and CS2 would not significantly and demonstrably outweigh the benefits. Therefore, the proposal benefits from the presumption in favour of sustainable development.
33. The Council asserts that it is presently able to demonstrate a five-year supply of deliverable housing sites. This is contrary to the appellant's position. However, since I have concluded that the presumption in favour of sustainable development is engaged for other reasons, I have not been required to consider this matter any further.
34. I consider the material considerations in this instance are of sufficient weight to outweigh the limited conflict with the development plan. For the reasons given above and taking all other matters raised into account, I conclude that the appeal should be allowed subject to the conditions within the schedule.

E Brownless

INSPECTOR