



Appeal Decision

Site visit made on 13 August 2019

by David Spencer BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 August 2019

Appeal Ref: APP/D3505/W/19/3228510

Shepherds Rest, Pond Hall Road, Hadleigh IP7 5PS

- 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 & Mrs R Mann against the decision of Babergh District Council.
 - The application Ref DC/18/02771, dated 18 June 2018, was refused by notice dated 10 January 2019.
 - The development proposed is erection of 1 no. one storey, 3 bedroom dwelling (associated to guest house) and associated parking.
-

Decision

1. The appeal is dismissed.

Main Issue

2. Whether or not the proposal would provide a suitable site for housing, having regard to the principles of sustainable development.

Reasons

3. The appeal site is located in countryside approximately two kilometres by road from the edge of the town of Hadleigh and a similar distance from the edge of the village of Hintlesham. In both directions along Pond Hall Road, development is scattered, with sporadic farmsteads, dwellings and occasional commercial premises interspersed by appreciable gaps of countryside. There is no strong clustering of development to form any kind of coherent settlement or tangible sense of a rural community at the appeal location. This is exemplified by the small scattering of buildings at the appeal site, and the small number of immediately neighbouring buildings at Hill Farm, in an otherwise wider patchwork of surrounding fields. It is an isolated location.
4. The isolation is reinforced by the lengthy distance to any community facilities or local services. The site is well beyond a reasonable walking distance to Hadleigh. The sinuous nature of Pond Hall Road, which is at the national speed limit, with many lonely stretches, and without footway to the edge of Hadleigh, would not be an attractive route for either cyclists or pedestrians. There is no evidence before me of public transport providing a link from the appeal site to Hadleigh. Occupants of the appeal proposal, therefore, would be highly reliant on use of the private car.
5. Accordingly, the appeal site would not provide a suitable site for housing. Its isolated location distant from services and facilities would be contrary to Policy CS15 of the Babergh Local Plan 2011-2031 Core Strategy & Policies (2014)

(the Local Plan) which sets out the local principles of sustainable development in a Babergh context. This includes at criterion (xviii) minimising the need to travel by car.

6. The appellant refers to the case law¹ on isolated dwellings in a case commonly known as *Braintree*. This relates to paragraphs 78 and 79 of the National Planning Policy Framework (NPPF) which state: (i) that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities (para 78); and (ii) planning decisions should avoid the development of isolated homes in the countryside unless it meets one of the exceptions identified (para 79). The appeal proposal would not qualify against one the exceptions listed at paragraph 79 of the NPPF.
7. Paragraph 78 of the NPPF states that rural settlements or communities are to be regarded as the preferred location for new housing development in rural areas and thus consistent with the objective of securing an over-arching pattern of sustainable development in rural areas. Whilst, the *Braintree* case is a material consideration, it does not justify the particular circumstances of the appeal location given the site is isolated in the countryside and not part of any evident rural settlement or community.
8. The appellant draws upon a number of recent appeal decisions that reference paragraph 103 of the NPPF and its distinction that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. The thrust behind paragraph 103 is the planning system actively managing patterns of growth. This will vary depending on local characteristics and it should be recognised that "rural areas" is a wide term that could include sparsely populated countryside through to larger villages.
9. Some rural locations might be situated where there are some basic services, or where there is a degree of bus service² or be within reasonable walking and cycling distances³ to such community facilities. However, those circumstances do not apply here. Overall, there is little comfort in construing NPPF paragraphs 102 and 103 as providing a *carte blanche* for remote housing in the countryside simply by virtue of being within an easy driving distance of a local town. That would not be consistent with the objectives of the NPPF to promote sustainable transport and mitigate climate change.
10. The appellant asserts that the Local Planning Authority (LPA) cannot demonstrate a five-year supply of deliverable housing land, albeit by only a modest margin. Whilst the LPA disputes this matter it nonetheless provides very little evidence to refute this. The recent Capitol Stud Farm officer report in 2019 appears to confirm the appellant's submission. Both parties to some extent submit that the five-year supply matter would not be determinative in itself, such that the crux of this appeal is whether or not the appeal proposal would be sustainable development. However, sustainable development is a multi-layered matter, such that it can embody elements of harm as well as benefit. Accordingly, given the weight of evidence points to a marginal lack of deliverable housing land supply, paragraph 11(d) of the NPPF applies in that I am required to tilt my assessment towards granting planning permission unless

¹ *Braintree District Council v Secretary of State for Communities and Local Government and others* [2018] EWCA Civ 610

² As per the Great Bardfield decision (3148072) provided by the appellant

³ As per the Tharston decision (3197272) provided by the appellant

any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. I deal with this in the 'planning balance and conclusion' section below.

Other Matters

11. The appellant states that appeal proposal would provide on-site accommodation for the appellants enabling them to manage the approved guest house and holiday accommodation. Since the planning application for the appeal was submitted the LPA has subsequently approved a degree of residential occupation of the guest house to enable the operator of the business to live on-site. There is no substantive evidence before me that this arrangement would adversely affect the commercial viability of the overall holiday accommodation business. Whilst I am sympathetic to the circumstances of the appellant's terminal diagnosis I am not persuaded that any seclusion provided by the appeal proposal would be markedly different to that accommodation provided by the recently amended occupancy condition at the site. Overall, I find there are no exceptional personal or business-related reasons to justify a permanent new dwelling at the appeal site.
12. The appellant has provided appeal decisions where housing has been allowed in rural locations elsewhere in East Anglia. I have sought under the main issue to identify where there are clear distinctions between those decisions and the circumstances here. More generally I do not have sufficient information about these decisions, albeit a number would appear to be situated at the edge of defined rural villages and communities or have particular site-specific conditions. This limits the degree of relevance and applicability to the circumstances in the appeal proposal before me. In any event I have determined the appeal on its own merits and its degree of isolation and connectivity to services and facilities.
13. Particular reference is made to developments at the adjacent Capitol Stud Farm on Pond Hall Road. A copy of an officer report recommending approval for a barn conversion to a dwelling at this site is provided together with a more recent officer report recommending approval for a manager's dwelling including holiday and visitor accommodation. Again, I have limited information about these proposals at Capitol Stud Farm but note the latest officer assessment (2019) that they consider the site not to be isolated at 1.2 miles from the edge of Hadleigh. I appreciate consistency is anticipated from the planning system but the limited information about the Capitol Stud Farm proposals does not lead me to alter my professional judgement about the isolation and poor sustainability of location of the appeal site.

Planning Balance and Conclusion

14. The scheme would deliver one additional dwelling which would make a very modest contribution to meeting housing need. There would also be a modest and temporary economic benefit during the construction of the dwelling. I give these benefits only moderate weight.
15. On the other the hand, the appeal site would be remote from services and facilities, would not be part of any settlement or tangible rural community and due to poor connectivity by foot, cycle and bus, future occupants of the dwellings would be heavily dependent on the car. This would not be consistent with the objectives of mitigating and adapting to climate change and would

therefore result in significant and demonstrable conflict with the environmental strand of achieving sustainable development as set out at Paragraph 8 of the NPPF. The appeal proposal would also not align with the social objective of sustainability at paragraph 8 of the NPPF. It would not help to build a strong, vibrant and health community and future occupants of the dwelling would be socially remote with very few neighbours within a proximate distance.

16. Paragraph 9 of the NPPF affirms that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so, should take local circumstances into account. Whilst Babergh is a rural district there is no persuasive basis that the appeal proposal by virtue of its isolated situation would represent a locally sustainable housing solution.
17. Consequently, the very limited social and economic benefits of the proposal would be significantly and demonstrably outweighed by the environmental and social harm arising from its unsustainable location. Accordingly, the appeal proposal would not amount to sustainable development for which there is a presumption for at paragraph 11(d) of the NPPF and Local Plan policy CS1. Nor would it accord with Local Plan policy CS15 on the need to minimise travel by car. Overall, the material considerations identified, including the NPPF, do not warrant a decision other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

David Spencer

Inspector.