



Appeal Decision

Site visit made on 15 August 2019

by Nick Palmer BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th August 2019

Appeal Ref: APP/J3530/W/19/3227592

Part land east of Beacon Oaks, Martlesham Road, Little Bealings, Woodbridge, Suffolk IP13 6LX

- 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 Booth Homes Ltd against the decision of Suffolk Coastal District Council.
 - The application Ref DC/19/0309/FUL, dated 20 January 2019, was refused by notice dated 15 March 2019.
 - The development proposed is residential development.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are:
 - i) the effect of the proposal on the character and appearance of the area;
 - ii) the accessibility of the proposal to services and facilities by sustainable means; and
 - iii) the effect on European designated habitats.

Reasons

Character and Appearance

3. Martlesham Road passes through woodland and has a verdant character. There are detached houses which are set well back from the road and other houses that are closer to the frontages. Beacon Lane is an unmade road which extends north from Martlesham Road and serves a number of dwellings which are to the rear of the frontage development. Although there is residential development along both sides of the road, the density of development is for the most part very low and the wooded character prevails. Overall the road has a rural character.
4. Beacon Oaks is a bungalow which is at the eastern end of the residential development north of the road. The site forms part of the large garden to the side of that dwelling. There is further garden land to the east of the site, beyond which is the A12 dual carriageway which is at a lower level. The wooded embankment of that road adjoins the south-eastern part of the site where it narrows adjacent to the Martlesham Road frontage. To the rear of the

site there is a railway line which is in a cutting. The front part of the site is level, but it slopes down towards the rear.

5. The proposed development would consist of four bungalows and garages in a linear layout perpendicular to the road and set back from it. This layout would differ from the pattern of development in the area, which although informal, fronts onto Martlesham Road. The density of the proposed development would also be high in relation to the existing development. In these two respects the proposal would not be in keeping with the established pattern of development.
6. The site is visually contained to some extent by the existing tree belt along the A12, trees within the rear garden of the host property and woodland on the other side of the railway. However, I saw on my visit that there are quite extensive views from the site across the River Fynn valley to the north-east. The development would thus be visible across the wider landscape as well as from Martlesham Road. In the context of the rural character and the adjacent river valley landscape, the development would be intrusive. Because the development would be out of character and intrusive in the countryside, it would not accord with Policy DM21 of the Suffolk Coastal District Local Plan (2013) (LP) which requires that development does not seriously detract from the character of its surroundings.
7. Policy DM3 of the LP allows for housing in the countryside comprising minor infilling within clusters of dwellings that are well related to sustainable settlements. Policy DM4 of the LP states that infilling should be by no more than two dwellings, that the cluster should be no more than 150m from the edge of a sustainable settlement and that there is no harm to character and appearance. The proposal would not amount to minor infilling as it would extend the existing cluster of dwellings and would exceed the maximum number in Policy DM4. Furthermore, the cluster is stated by the Council to be over 700m from Martlesham. For these reasons the proposal would not accord with the requirements of Policies DM3 and DM4 of the LP.
8. The Draft Local Plan (2019) has been submitted for examination. Policy SCLP5.4 of that plan allows for up to five dwellings in a cluster of at least ten dwellings, but that policy also requires the development to be within an identifiable gap and not to extend built development into the countryside. That policy can only be given limited weight as it has not been adopted, but in any case, the proposal would not accord with it. For the reasons given the proposal would unacceptably harm the character and appearance of the area.

Accessibility

9. The site is about 700m away from Martlesham which has a number of services and facilities, including a shop, post office, primary school and public house. There is a footpath to the village, but I saw that this is unsurfaced and unlit. I have doubt that occupiers of the proposed development would use this at all times and in all weathers.
10. There are bus services in Martlesham which provide access to Ipswich and Woodbridge and there is a rail station in Woodbridge. However, access on foot to those services is limited for the reasons given. The Council refers to the nearest bus stop being 0.7 mile away with no footpaths and limited services.

11. For these reasons, accessibility on foot to local services and facilities is limited and residents would be highly dependent on the private car for transport. I conclude on this issue that there would be opportunities to use sustainable means of transport to access services and facilities but that there are limitations in this respect. This factor neither weighs in favour, nor against, the proposal.

Planning policies

12. Development plan policies define physical limits boundaries for sustainable settlements and direct development to those settlements with a presumption against development in the countryside, except in specified circumstances. Policy SP19 of the LP sets out the settlement hierarchy and Policy SP29 of the LP sets out the strategy for development in the countryside. Policy SSP2 of the Suffolk Coastal Site Allocations and Area Specific Policies Development Plan Document (2017) re-states the policy of the LP in these respects. As the site is clearly outside the physical limits boundaries of any sustainable settlement and the proposal does not meet the exceptions stated in Policies DM3 and DM4, the proposal would not accord with the above policies. The effect of the policies is to allow for some development to take place in the countryside and this approach is consistent with the National Planning Policy Framework.

Effect on European Designated Sites

13. The Council, together with other Suffolk Councils commissioned a report which sets out a Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). This report is dated 23 May 2019 and post-dates the Council's decision on the application, but it is part of a developing strategy for securing mitigation measures in connection with Habitats Regulations Assessments at plan and project levels. The Council has been requiring contributions via unilateral undertakings since October 2018.
14. The strategy set out in the report is to seek financial contributions from residential development within a defined zone of influence in respect of European designated sites. This is based on analysis of recreational pressure on such sites, the amount of planned new housing development and the mitigation measures required. The zone of influence uses a distance of 13km from designated sites which is the area within which the majority of visitors to the designated sites live.
15. The appeal site is within 13km of the Deben Estuary Special Protection Area (SPA) and Ramsar site, the Sandlings SPA and the Stour and Orwell Estuaries SPA and Ramsar site. Indeed, it is very much closer than this to the nearest part of the Deben Estuary SPA and Ramsar. The RAMS states that "Zones of influence are areas from which it is deemed there will likely significant effect arising from recreation undertaken by additional residents living within the zone (*sic*)."
16. Policies SP14 and DM27 of the LP require protection and enhancement of biodiversity and that any adverse effects, alone or in combination with other development, on the integrity of internationally designated sites are considered

in accordance with the Habitats Regulations¹. For the above reasons, in the absence of a planning obligation securing a contribution to RAMS mitigation measures and in the absence of evidence to the contrary I find that the proposal would not protect biodiversity and would not accord with Policies SP14 and DM27.

17. I have found that the proposal would conflict with planning policies concerning the location of residential development and that there would be harm which leads me to conclude that the appeal should be dismissed for reasons other than the effect on European designated sites. On this basis I shall not consider the requirements of the Habitats Regulations further.

Other Matters

18. I have taken into account the stated benefits of the scheme in terms of providing needed housing and economic benefits from construction and spending by new residents, but these do not alter my conclusions.

Conclusion

19. For the above reasons I conclude that the appeal should be dismissed.

Nick Palmer

INSPECTOR

¹ The Conservation of Habitats and Species Regulations 2017