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## Appeal Decision

Site visit made on 14 August 2019

**by R Norman BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 27 August 2019**

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**Appeal Ref: APP/W3520/W/19/3227419**

**The Croft, Earls Green Road, Bacton IP14 4SA**

- 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 & Mrs Abbott against the decision of Mid Suffolk District Council.
  - The application Ref DC/18/05436, dated 11 December 2018, was refused by notice dated 5 February 2019.
  - The development proposed is the erection of a four bedroom detached property with garage.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application form.

### Main Issues

3. The main issues are:
  - whether the development would be in an appropriate location for new housing;
  - the effect of the development on the setting of the nearby Listed Buildings; and
  - the effect of the development on highway safety.

### Reasons

#### *Appropriate Location*

4. The appeal site is located on Earls Green Road, and currently comprises residential garden land. It is bounded to the road by dense mature hedging and trees. There are a few dwellings nearby on Earls Green Road, The Street and

Rectory Road. Beyond the appeal site the character of the area becomes one of rural countryside.

5. The proposed development is in outline with the matters of external appearance, layout, scale and landscaping reserved for consideration at a later date. Only the access arrangements are committed at this stage. Accordingly, I have taken the layout, except for the access, and the elevations shown on the submitted plans to be indicative only at this stage.
6. The main settlement of Bacton is located within 1 mile of the appeal site. Within the centre of the village there are some services including a car garage, small shop, surgery, Church, primary school and public house, as well as bus stops.
7. Earls Green Road has little by way of practical pedestrian facilities, with no footpaths or street lights present and only a grass verge. On reaching the adjoining road, The Street, there is also an absence of footpaths, which I find would discourage pedestrians from accessing the nearby facilities by foot. I find as a result of the detached nature of the site, the distance to some of the services and the lack of pedestrian facilities, it would be reasonably likely that the village would be accessed via private car rather than by cycle or on foot, particularly during the winter months. I also have limited information before me regarding the bus services and their frequency to be able to conclude that this would sufficiently discourage further use of the private car.
8. The Appellant has identified a recent appeal decision<sup>1</sup> which concluded that the Council could not demonstrate a five year supply of deliverable housing sites. The Council have not disputed this, and they consider that Policies H7 of the Mid Suffolk Local Plan (1998) (Local Plan), CS1 and CS2 of the Mid Suffolk District Core Strategy (2008) and FC2 of the Mid Suffolk District Core Strategy Focused Review (2012) are out of date and therefore carry reduced weight. I have little reason to disagree with this view. Nevertheless, the National Planning Policy Framework (2019) (the Framework) aims to focus new housing where it will enhance or maintain the vitality of rural communities (paragraph 78) as well as identifying and pursuing opportunities to promote walking, cycling and public transport use (paragraph 102). I therefore find that whilst the proposed development would provide one new unit of housing, this would make a very limited contribution to the five year housing land supply and would not be sufficient to outweigh the conflict with the aims of the Framework.
9. Consequently, I find that the appeal site would not provide an appropriate location for new housing in relation to its connectivity to nearby facilities and services. It would therefore fail to comply with the requirements of paragraphs 11, 78 and 102 of the Framework.

#### *Listed Buildings*

10. The appeal site is located in proximity to two Grade II Listed Buildings, the closest of which is Coppings Corner which sits to the south of the appeal site. Coppings Corner is a timber framed, former farmhouse and would have historically been set amongst agricultural land, with nearby buildings having a

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<sup>1</sup> APP/W3520/W/18/3194926

sporadic and rural character. This character has been retained along Earls Green Road.

11. The introduction of the proposed dwelling into the rural landscape would result in the loss of the adjoining rural, undeveloped land associated with the historic pattern of development. This would have the effect of intensifying the level of residential development and subsequently eroding the rural character of the setting of the nearby listed building. Although this would result in less than substantial harm, the Framework, in paragraph 196, states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimal viable use. Little information has been put forward by the appellant to identify public benefits of the development which would sufficiently outweigh this less than substantial harm.
12. The proposed development would therefore fail to accord with the provisions of policies HB1 and SB2 of the Local Plan which give high priority to protecting and avoiding adverse effects on the setting of Listed Buildings. It would also fail to comply with Section 16 of the Framework.

#### *Highway Safety*

13. Access is detailed for consideration as part of the appeal proposal and would be located to the side boundary of the site. This would provide a vehicular access onto Earls Green Road.
14. Although the proposed access would be on to a reasonably straight section of the road, the appeal site is in proximity to two bends in the road which reduce visibility from the site. In addition, Earls Green Road is narrow and has a speed limit of 60 miles per hour. I note that the Council accept that vehicles would be likely to be travelling at significantly lower speeds at this point in the road and that the highway concerns could potentially be overcome by the submission of additional information. However, I do not have this additional information before me and cannot therefore conclude that the proposed development would not result in harm to the highway safety of future occupiers or other users of the road.
15. Consequently, the development would not comply with paragraphs 108 and 109 of the Framework which require development to provide safe and suitable access for all users and avoid unacceptable impacts on highway safety.

#### *Other Matters*

16. The appeal proposal is in outline which gives scope for alterations to the layout and design of the dwelling. However, alterations in this regard would not outweigh the harm in terms of the location of the appeal site.
17. I note the examples of similar applications that have been approved locally. However, I have been provided with limited information to identify the reasons for approving these or the nature of their surroundings. I cannot reasonably conclude that these are comparable to the appeal proposal and I therefore give these examples limited weight in my consideration of the proposal.

18. I note the responses of the statutory consultees and the lack of objection from the Environmental Health teams. However, these in themselves do not outweigh the harm I have identified above.

**Conclusion**

19. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

*R Norman*

INSPECTOR