
Appeal Decision

Site visit made on 10 July 2019

by M Chalk BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 August 2019

Appeal Ref: APP/D3505/W/19/3227519

Lynwold, Old Bury Road, Alpheton CO10 9BT

- 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 and Mrs Butler against the decision of Babergh District Council.
 - The application Ref DC/18/00454, dated 30 January 2018, was refused by notice dated 14 January 2019.
 - The development proposed is erection of 4 no dwellings with associated vehicular access.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The application was submitted in outline form with only appearance reserved for future consideration. I have determined the appeal on this basis, treating the appearance on the submitted plans as illustrative only.
3. During the determination of the planning application the proposed vehicular accesses were reduced from 4 to 2. I have determined the appeal on the basis of the 2 vehicular accesses as shown on drawing ref 1647/17/01 revision i.

Main Issues

4. The main issues are:
 - whether the appeal site is an appropriate location for new residential development, and
 - the effect of the proposal on highway safety

Reasons

Location

5. The appeal site is part of the garden of Lynwold, a detached house in the settlement of Alpheton. Alpheton is not one of the main settlements in the district, rather being a cluster of predominantly residential properties sited along the A134. The immediate area is domestic in character, with the appeal site and its neighbours comprising a lineal form of development along Old Bury Road. The wider area is open countryside, although this is less apparent from within the appeal site due to the extensive and mature landscaping on the boundaries.
6. Policy CS15 of the Babergh Local Plan 2011-2031 Core Strategy & Policies (Part 1 of New Babergh Local Plan) February 2014 (the Core Strategy) sets out a

- range of criteria against which all new development must be assessed. Among the criteria specified in CS15 are requirements that new development should consider the aspirations and level and range of support, access to services and the wider needs of an aging population and also those of smaller rural communities and that it should seek to minimise the need to travel by car.
7. Development in one settlement can support services in another, as recognised at paragraph 78 of the National Planning Policy Framework (the Framework). Alpheton does not presently have services such as a doctor's surgery, shops, public house or similar services that would serve the day to day needs of residents. No cogent evidence has been provided to me to show that such services are readily available within Alpheton or nearby settlements. Residents are therefore likely to be dependent on travelling to other settlements on a regular basis for their day to day needs.
 8. Any access must be taken via the A134. This is a well-used single carriageway, unlit and with a narrow footpath on one side allowing pedestrians to walk within Alpheton, but which does not extend beyond the settlement. Opportunities for walking or cycling are therefore limited, and while there is a limited bus service that links Alpheton to other nearby settlements, I have not been provided with any evidence that this provides ready access to services to meet the day to day needs of residents. Based on these considerations I do not doubt that the great majority of trips beyond the village are carried out using private cars. Any future residents would be similarly dependent.
 9. I do not therefore consider that the appeal proposal would represent sustainable development in this location. The harm arising from a new development so heavily dependent on private car travel, and which would be in a settlement almost completely lacking in access to day to day services, would outweigh the limited benefit from supporting such services in other settlements. The proposal is therefore contrary to policies CS1 and CS15 of the Core Strategy, and the requirements of the Framework. These policies collectively seek to ensure the provision of sustainable development in accessible locations which minimise the need to travel by car.

Highway safety

10. The appeal site lies at the junction of Old Bury Road and the A134, with vehicles turning onto Old Bury Road having to navigate a blind bend around the appeal site. The road is unlit, with no footpath on either side of the road, and the boundary to the appeal site is heavily planted with mature landscaping.
11. Two new vehicle accesses are proposed to the appeal site onto Old Bury Road. The blind bend on the approach to the appeal site from the A134 limits vehicle speed. However, the extensive mature planting along the frontage of the appeal site could create visibility issues for vehicles entering Old Bury Road. This is by contrast to the dwellings on the opposite side of the road, which are much more open. Consequently, vehicles entering and exiting these other dwellings have much greater visibility than would be the case for the appeal development.
12. However, the boundary planting to the appeal site is not protected and could be removed or reduced. Based on the evidence provided to me, the principle of new accesses in this location is not unacceptable. The visibility of vehicles entering or leaving the site is a highway safety concern, but one that could be addressed through the provision of additional information secured by a suitable planning condition had I been minded to grant planning permission. As such

the appeal proposal would not conflict with paragraphs 108, 109 and 110 of the Framework.

Other matters

13. I have reviewed appeal decisions brought to my attention by both parties which to varying degrees deal with similar issues to those under consideration here. However, I have not been provided with the full details of any of the appeals, and in any event each case must be determined on its own merits.
14. The Preliminary Ecological Appraisal submitted with the appeal concludes that the development would not cause harm to protected species, subject to precautions, and I see no reason to disagree.

Planning Balance and Conclusion

15. It is not disputed that the Council cannot demonstrate a deliverable 5 year housing land supply. While the shortfall is modest, nonetheless the identified supply is less than the 5 years required in accordance with paragraph 73 of the Framework. As such paragraph 11 of the Framework applies to the determination of this appeal and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
16. Policy CS2 of the Core Strategy seeks to focus new development in the Core and Hinterland Villages and states that development in the countryside will only be permitted under exceptional circumstances or where there is a proven justifiable need. Such a blanket approach to countryside development is not in accordance with the revised Framework, and both parties have suggested that the weight afforded to policy CS2 should therefore be reduced in determining this appeal.
17. Policy CS1 recognises the presumption in favour of sustainable development. Policy CS15 sets out criteria against which proposals will be assessed to determine whether they amount to sustainable development. In determining this appeal I find that both these policies accord with the current Framework, which seeks to locate new rural housing where it will enhance or maintain the vitality of rural communities.
18. The location of the appeal site in a countryside settlement lacking services to meet the day to day needs of residents means that the proposed development would fail to accord both with local and national planning policies. I have not found harm to highway safety.
19. I have considered the points raised by all parties, and recognise that there would be some benefit in providing additional housing when the Council cannot demonstrate a five year supply of housing land. However, I conclude that the harm arising from the development would significantly and demonstrably outweigh these benefits.
20. Therefore, for the reasons set out above, I dismiss the appeal.

M Chalk

INSPECTOR