



Appeal Decision

Site visit made on 30 July 2019

by D Peppitt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd October 2019

Appeal Ref: APP/D3505/W/19/3229375

Land East of Woodview, Stackwood Road, Polstead CO6 5BA

- 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 S French & Mrs K Thain against the decision of Babergh District Council.
 - The application Ref DC/19/00389 dated 25 January 2019, was refused by notice dated 25 March 2019.
 - The development proposed is erection of a detached one and a half storey dwelling and cartlodge together with alterations to existing vehicular access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the development provided by the appellants state the proposed dwelling to be a 1.5 storey detached dwelling with a cartlodge. The proposal is in outline with only access considered at this stage. The submitted drawing 2607/03 is therefore indicative in respect of scale, appearance, layout and landscaping. I have determined the appeal on this basis.

Main Issues

3. The main issues are:
 - whether the proposed development would be in an appropriate location, having regard to the accessibility of services and facilities; and
 - whether it is necessary to demonstrate a need for the proposed dwelling, in relation to paragraph 79 of the National Planning Policy Framework.

Reasons

4. The appeal site comprises a parcel of grazing land located to the east of Stackwood Road, a rural road that links the village of Polstead Heath with Hadleigh Heath. The site is in the countryside, within a loosely defined ribbon of existing development on the periphery of the village of Polstead Heath. The site currently contains an existing stable and what appears to be the footings of a proposed haystore and barn, which are the subject of a separate and already approved planning application¹.
5. The appeal site is located outside any defined settlement limits, the nearest being Polstead Heath. The appellants and the Council agree that whilst the

¹ Planning permission reference B/11/00182

appeal site is close to Polstead Heath, with the boundary approximately 500 metres away, it is not a part of it, as such it is classified as countryside. Policy CS2 of the Babergh Local Plan 2011-2031 Core Strategy and Policies (CS) states that development in the countryside will only be permitted in exceptional circumstances, subject to a proven justifiable need. The CS does not provide a definition of what constitutes an exceptional circumstance.

6. The appellants state that they need to live on site for the welfare and security of their horses. However, the horses were not present on the site at the time of my site visit and the appellants have confirmed that they have been relocated. I note that the proposal would enable the appellants daughter to live in close proximity to her places of work and look after her own horses. I also note that there was an issue of crime on the site, whilst I sympathise with the appellants on this, I do not consider the reasons above to be a basis to justify the development. I am not satisfied that substantive evidence of a need to live on the site has been demonstrated.
7. The lack of services and facilities within Polstead Heath would mean that future occupiers of the proposed dwelling would need to travel to Polstead and other settlements to meet their day to day needs. Polstead is located approximately 1.8 miles away and there is a lack of interconnecting footpaths and external lighting. This would likely discourage pedestrians or cyclists using this route, particularly if there was a lack of daylight. Consequently, future occupants would be largely dependent on the use of a private vehicle for access to services and facilities.
8. Paragraph 78 of the National Planning Policy Framework (The Framework), states that housing should be located where it will enhance or maintain the vitality of rural communities, and where there are groups of smaller settlements, development in one village may support services in a village nearby. Although Polstead Heath has a lack of services, the provision of a further dwelling could help contribute to the services and facilities in the nearby villages of Polstead and Boxford albeit it in a limited form from a single dwelling.
9. The appellants have referred me to a number of permissions² and appeals³. I have only been provided with extracts from these appeals, as such I can only deduce some similarities with the appeal scheme in terms of their countryside location and distance to other settlements with shops and services. In relation to the full appeal decision⁴ that has been presented to me, I note that the Inspector found that the use of a private car would not be harmful to a level that would render the proposed development unacceptable, therefore, I afford this some weight. However, the existence of these other developments does not automatically mean this appeal should be allowed and I must consider the appeal scheme on its own merits.
10. The Council has provided me with an appeal on Stackwood Road⁵, in which the Inspector found that the site in that case would represent unsustainable

² Planning permission reference B/16/00761/FUL (new dwelling on Land South of Wood Hall Farm, Stackwood Road) dated 24 August 2016

³ APP/W3520/W/18/3221579 18 June 2019, APP/W3520/W/18/3204723 14 February 2019, APP/W3520/W/17/3176324 23 October 2017, APP/W3520/W/17/3174838 2 October 2017, APP/W3520/W/17/3175002 1 September 2017 and APP/W3520/W/17/3152003

⁴ APP/D3505/W/18/3201905 Allowed 7 December 2018

⁵ APP/D3505/W/18/319478 Dismissed 23 November 2018

development in terms of its heavy reliance on car travel, as well as its potential impact on protected species. The Inspector concluded that exceptional circumstances subject to a proven justifiable need for a dwelling in this countryside location did not exist and that the provision of one additional dwelling would not be sufficient to constitute an exceptional circumstance. I consider the circumstances presented in this appeal are comparable to the one that is before me. No substantive evidence has been put forward to demonstrate that factors have changed in relation to accessibility or services and facilities. As such, I give this nearby appeal decision significant weight.

11. At the time of the previous appeal the Council could demonstrate an up-to-date 5-year housing land supply, therefore, the presumption in favour of sustainable development was not engaged. However, as there was disagreement around the 5-year housing land supply, the Inspector still undertook a planning balance in his conclusion. He considered that even if the Council did not have an up-to-date housing land supply, the scheme's environmental harm would significantly and demonstrably outweigh its economic and social benefits and would conflict with Policy CS1 of the CS.
12. Paragraph 79 of the Framework states that isolated homes in the countryside should be avoided unless they fall within a number of exceptions. The appeal site is located within an area of ribbon development extending from the village, with other dwellings nearby that follow a linear pattern of development. The Council and the appellants agree that appeal site is not physically isolated. From my own assessment I see no reason to disagree.
13. Consequently, as the proposed dwelling would not represent an isolated home in the countryside, it is therefore, as the Council's reason for refusal suggested, not necessary for the proposal to have to meet the requirements of paragraph 79 a) of the Framework. I note that the Council has accepted this point in their appeal statement.
14. Accordingly, I find that there is no substantive evidence to demonstrate an exceptional circumstance subject to a proven justifiable need in this countryside location. Therefore, the proposed development would not be in an appropriate location having regard to the accessibility of services and facilities due to its reliance on the private car. It would be contrary to Policies CS2 and CS15 of the CS. These policies, amongst other things, seek to set out a sustainable development strategy by directing development to the settlements listed in Policy CS2 and to minimise the need to travel by car.

Other Matters

15. It has been suggested to me that the land on which the application is sought has been bought illegally. However, the issue of landownership is not a planning matter and it has not been relevant to my decision. The issue of living conditions was also raised, however, due to the location of the neighbouring property in regard to the proposal, I do not consider that any harm would arise.

Planning Balance and Conclusion

16. The Council has confirmed that it cannot currently demonstrate a 5 year housing land supply as required by paragraph 73 of the Framework, with its land supply currently being 4.86 years and represents a shortfall of 62

dwellings. Therefore, the relevant policies of the development plan are considered to be out-of-date. As a consequence, the presumption in favour of sustainable development as outlined in Paragraph 11 of the Framework is engaged.

17. The amount of weight to be given to development plan policies is a matter of planning judgement for the decision maker. Being out-of-date does not mean that a policy carries no weight. Policy CS2 takes a more restrictive approach to development in the countryside compared to the Framework, which could be affecting the delivery of housing. The presumption in favour of sustainable development indicates that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
18. I acknowledge the point raised by the appellants that the proposed development would provide an additional house and a social benefit. As well as there being economic investment from both its construction and subsequent occupation. Although, the nature of these benefits is limited due to only one dwelling being proposed. In terms of addressing the council's housing land supply shortfall, the proposal would only have a limited impact. However, there would be environmental harm caused from the reliance on the private motor vehicle due to the accessibility of shops and services.
19. I conclude that the location of the proposed development would be contrary to Policies CS2 and CS15 of the CS, due to the heavy reliance on the use of a private vehicle and the aspirations to seek new development to demonstrate the principles of sustainable development. As a consequence, the proposal would conflict with Policy CS1 of the CS which sets out, amongst other things, how proposals should be considered if the relevant policies of the development plan are out of date. Therefore, taking into account all matters, I conclude that the adverse impacts of the development would significantly and demonstrably outweigh the benefits, and as such, the proposed development would not constitute sustainable development.
20. For the reasons set out above and having had regard to all matters raised, I conclude that the appeal should be dismissed.

D Peppitt

INSPECTOR