The Planning Inspectorate

Appeal Decision

Site visit made on 18 September 2019

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2019

Appeal Ref: APP/D3505/W/19/3229105
Maltings Farm, The Street, Shimpling IP29 4HS

- 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 Ms C Mapus-Smith against the decision of Babergh District Council.
- The application Ref DC/18/04395, dated 2 October 2018, was refused by notice dated 28 February 2019.
- The development proposed is erection of single detached dwelling.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council, during the determination of the appeal, submitted late evidence in the form of the Babergh and Mid Suffolk Joint Annual Monitoring Report 2018-2019 (September 2019) and the Babergh District Council Housing Land Supply Position Statement 2019/20-2023/24 (September 2019) (the HLSPS). The appellant was given the opportunity to make observations with respect to any implications for this case. I am thus satisfied that no party with an interest in this appeal is unfairly prejudiced by me accepting this evidence and taking it into account in my decision.

Main Issues

3. The main issues are:

   - The effect upon the character and appearance of the area; and
   - Whether the site represents an appropriate location for housing, with particular regard to access to facilities and services.

Reasons

Character and appearance

4. Shimpling Street is defined as a Hinterland Village in local planning policy terms. It is a relatively small village that is predominantly linear in layout, with development situated on either side of The Street. Indeed, the position of the village's Built Up Area Boundary (the BUAB) is largely reflective of this linear pattern of development. There are however examples of development at depth, particularly to the southern side of The Street, that are contained within

the BUAB. It is also relevant to note that the site is located within the Dedham Vale and Stour Valley Special Landscape Area (the SLA).

5. Policy CS2 of the Babergh Core Strategy and Policies (February 2014) (the Core Strategy) states that in the countryside, outside of settlement boundaries, development will only be permitted in exceptional circumstances subject to a proved justifiable need. However, the National Planning Policy Framework (February 2019) (the Framework) does not imply that protection from development be given to the open countryside in its totality, rather that valued landscapes be protected and enhanced and that recognition be given to the intrinsic character and beauty of the countryside. Policy CS2 is a restrictive policy that is not wholly consistent with the Framework such that, as indicated by the Council, the fact that the site is located outside the BUAB is not a determinative factor in this case.

6. Of greater relevance here is Policy CS11 of the Core Strategy, which instead sets out to provide some flexibility in the location of new housing development in rural areas and allows for development outside of settlement boundaries (BUABs) where certain provisions are met. These provisions include criteria related to design, scale, layout and character setting and to the relationship to the existing pattern of development in the particular settlement under consideration. In a supporting document[1] it is confirmed that Policy CS11 will apply to proposals for development 'for' Core and Hinterland Villages rather than 'in'.

7. The appeal site itself is located outside, but in proximity to, the BUAB. It is formed of residential garden land and contains a tennis court. Gents Lane runs parallel to The Street and already provides access to the site as well as to several of the village's dwellings. Whilst Gents Lane exhibits rural characteristics, there are also residential and domestic influences in place. Perhaps most pertinently, these include two large detached dwellings on the site situated directly to the west. Also, domestic gardens occupy land situated to the east.

8. The proposal would have a close relationship with the existing settlement and, considering the modest nature of the proposal and the precise makeup of the site and its immediate surroundings, would not appear as a harmful excursion into the open countryside. It is also relevant to note that existing planting that is situated to the perimeter of the site is proposed to be retained, which would assist in limiting the visual effects of development and help to ensure that a semi-rural character is maintained along Gents Lane. I am also satisfied that the development, owing to its proposed modest scale and relatively discreet siting, would maintain the special landscape qualities of the SLA.

9. It is my understanding that the two recently constructed detached dwellings to the west replaced an agricultural barn that was formerly in existence and could potentially have been developed/converted without the need for planning permission. Nevertheless, these dwellings are now in place and influence the character and appearance of their surroundings. I have taken this influence into account in my considerations.

10. The site's access, albeit currently grassed in surface, is already in place. The proposed plans before me indicate that a modest extent of works would be

[1] Rural Development & Core Strategy Policy CS11 Supplementary Planning Document (August 2014)

required in order to upgrade the access and to provide turning and parking areas on-site. This is particularly noting that the access would not be shared and is only needed to be designed to a specification suitable to serve a single dwelling. The provision of an upgraded access in this case, even if hard-surfaced for its initial extent adjacent to Gents Lane, would not be detrimental to the Lane's character.

11. For the above reasons, the proposal would not cause harm to the character and appearance of the area and would accord with Policies CS11 and CS15 of the Core Strategy in so far as these policies require that development is well designed and appropriate in size/scale, layout and character to its setting and to the village and that proposals for development must respect the local context and character of the different parts of the District.

Access to facilities and services

12. Shimpling Street, being a Hinterland Village, contains only a limited array of facilities and services. These include a public house, a church and a village hall. Residents of the village are thus required to travel elsewhere in order to serve their day-to-day needs. The roads leading away from the village are generally typified by being narrow, unlit and not served by footway/cycleway. Not least due to the distances involved, either walking or cycling to larger settlements in the area in order to serve day-to-day needs would not represent a realistic option for future occupiers of the development.

13. It is my understanding that Shimpling Street is served by two bus routes, which include a single weekly service to and from Sudbury and weekday services to and from Bury St Edmonds as well as local primary/secondary schools. However, whilst bus stops located on The Street are accessible on foot from the site (albeit via a route that is in-part not pathed), the services are infrequent. I also note that any other services stopping at Thorn Court Corner would not be straightforward to reach due to their notable separation from the village. It would thus be unlikely that future occupiers of the development would seek to, or be conveniently able to, depend on the bus services to serve their day-to-day needs. The proposal's location would promote private modes of transportation.

14. The Framework states that sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making. Indeed, the wider area is predominantly rural such that car travel would often be essential and, at times, unavoidable for local residents. I also note that merely a single dwelling is proposed in proximity to Shimpling Street's BUAB. However, the Framework also indicates that opportunities to promote walking, cycling and public transport use should be identified and pursued. The site's location does not promote sustainable transport choices.

15. A number of appeal decisions and officer reports relating to sites elsewhere have been provided in the evidence before me that are relevant to this main issue of the appeal. Whilst any proposal must be considered on its own individual merits, I have given due consideration to them. Several of the decisions and reports before me relate to sites in different settlements and are thus of limited relevance to my considerations here.

16. A recent 2018 planning permission[2] relating to the development of a three-bedroom property on the Street has been referred to by the appellant. It was found by the Council's case officer that the level of car dependency was not fatal to the proposal, albeit that there would be some limited environmental harm. Whilst relevant to my considerations, I note that some harm was identified and that the site in question does not have an immediate physical relationship with the appeal site such that specific site circumstances vary. It is also the case that an outline scheme allowed at appeal[3] for a single detached dwelling at The Bush is located at a different part of the village when compared to the appeal site. Indeed, that site has an immediate relationship to The Street and, when compared to the appeal site, is better related to the village's bus stops and public house.

17. The Council has referred to two appeal decisions[4] with respect to other nearby sites that sit adjacent to Gents Lane. With respect to both these schemes, it was found that future occupiers would be heavily reliant on private car trips to access facilities and services such that the proposed locations for residential development would not be appropriate/suitable. Both decisions related to more significant proposed developments of 5 dwellings, as opposed to a single dwelling, which would have led to cumulative adverse effects in an accessibility context. I again note that each proposal must be considered on its own individual merits. Nevertheless, these appeal decisions, being recent and related to sites very closely located to the appeal site here, are relevant material considerations that strongly indicate that the location is not appropriate for housing.

18. For the above reasons, the scheme would cause harm by virtue of the site not representing an appropriate location for housing, with particular regard to access to surrounding facilities and services. The proposal conflicts with Policy CS15 of the Core Strategy in so far as it requires that all new development shall seek to minimise the need to travel by car using the following hierarchy: walking, cycling, public transport, commercial vehicles and cars, thus improving air quality.

Other Matters

19. The emerging Babergh and Mid Suffolk Joint Local Plan (the JLP) has been referred to in evidence, which is expected to set out what and where development will take place up to 2036. I have been provided with the latest Place Map for Shimpling Street, which continues to depict the appeal site (as well as land situated to the south of nearby School House) outside of the village's settlement boundary (or the BUAB, as it is currently referred to). Nevertheless, given the early Preferred Options stage of the JLP, its policies and designations currently carry limited weight.

20. A provision of Policy CS11 is that development in Hinterland Villages are required to meet a proven local need, such as affordable housing or targeted market housing identified in an adopted community local plan/neighbourhood plan. I am unaware of any recently produced document or plan setting out local housing need specific to Shimpling Street and note there is no legal requirement for a community to prepare a neighbourhood plan. It is also the

[2] DC/18/00267
[3] APP/D3505/W/18/3196511
[4] APP/D3505/W/18/3215195 and APP/D3505/W/18/3204252

case that the contents of neighbourhood plans elsewhere in the local area are of limited relevance.

21. In this case, the proposal is for a relatively large detached dwelling of one and a half stories. Depending on whether one of its first-floor rooms is used as a study or as a bedroom, it would provide a substantial three or four bedroomed unit of accommodation. A specific proven local need has not been clearly demonstrated by the appellant for the proposed dwelling. Furthermore, in District-wide terms the Council claims to be able to demonstrate a 5-year supply of deliverable housing land such that, in such circumstances, an existing local need for the proposed dwelling could not be argued based on an outstanding District-wide need.

22. The HLSPS submitted by the Council entirely supersedes all previously published land supply position statements set out by the Council and calculates a housing land supply (HLS) figure by comparing the anticipated supply of new homes within the District over a 5-year period against the Council's housing requirement. This housing requirement has been established by using the standard method set out in Planning Practice Guidance (the Guidance). Taking account of the most recent Housing Delivery Test result for the Borough, a 5% buffer is currently applicable to the calculation of supply in the District.

23. The HLSPS sets out a checklist of the various provisions for calculating HLS as laid out in the Guidance. It also contains a site-specific housing trajectory and a detailed rationale wherever sites with outline planning permission have been included in this trajectory. Indeed, accompanying statements of common ground / deliverability signed by developers and relating to prominent sites in the trajectory appear as appendices to the HLSPS. All sites contained within the trajectory have planning permission. The Council, on the basis of the HLSPS, consider that they can demonstrate a housing land supply of 5.67 years. Having considered all submissions before me, I have taken the Council's position as the best available evidence.

24. I find conflict with Policy CS11 in so far as it states that development in hinterland villages will be approved only where a proven local need is met. This failure to meet a local need would cause harm, which I shall factor into my planning balance.

25. I have noted objections raised by interested parties with respect to other matters including highway safety. However, as I have found the proposal to be unacceptable for other reasons, it is not necessary for me to explore these matters further here.

Planning Balance

26. For the avoidance of doubt, I consider that the policies that are most important for determining this appeal, when taken as a whole, are not out-of-date. I have not therefore applied the tilted balance in favour of the proposal as set out in paragraph 11 of the Framework. Nonetheless, I acknowledge that the proposal would deliver an additional housing unit and that the Framework reaffirms the Government's objective of significantly boosting the supply of homes.

27. In terms of further scheme benefits, the proposed dwelling would create jobs during the construction phase and provide support to the local economy once

occupied. This occupation would also support the community in a social sense, including facilities such as bus services and the village's pub. However, these benefits would be limited given the scale of development under consideration.

28. Thus, the contributions associated with the delivery and subsequent occupation of a single dwelling would be modest and would not outweigh the harm and policy conflict identified by virtue of the site not representing an appropriate location for housing and the scheme not satisfying a proven local need. The development conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conclusion

29. For the above reasons, the appeal is dismissed.

Andrew Smith

INSPECTOR