



Appeal Decision

Site visit made on 3 September 2019

by P Mileham BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 November 2019

Appeal Ref: APP/W3520/W/19/3232511

Land adjacent to Whiston, All Saints Road, Creeting St. Mary, Ipswich IP6 8PJ

- 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 D Hepple against the decision of Mid Suffolk District Council.
 - The application Ref DC/19/01566, dated 29 March 2019, was refused by notice dated 28 May 2019.
 - The development proposed is described as the erection of a single dwelling including forming new vehicular access from highway.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single dwelling including forming new vehicular access from highway at land adjacent to Whiston, All Saints Road, Creeting St. Mary, Ipswich IP6 8PJ in accordance with the terms of the application, Ref DC/19/01566, dated 29 March 2019, subject to the following conditions:
 - 1) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
 - 2) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
 - 3) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

Procedural Matter

2. The application was submitted in outline with all matters reserved for future consideration. I have considered the appeal on this basis.

Main Issue

3. The main issue is whether the proposed development is in a suitable location for new housing having regard to access to services and facilities.

Reasons

Planning Policy

4. The appellant has indicated that policies CS1 and CS2 of the Mid Suffolk Core Strategy (2008) (the MSCS) and policy FC1 of the Core Strategy Focussed Review (2012) (the CSFR) are out of date. These policies were considered, as part of an appeal¹ in 2018, and found to be out of date.
5. The MSCS was adopted prior to the publication of the 2012 version of the National Planning Policy Framework (the Framework). Even so, the MSCS remains part of the Development Plan. Policy CS1 sets out the settlement hierarchy for the District, and Policy CS2 seeks to restrict development in the countryside and countryside villages to certain categories. CSFR policies FC1 and FC1.1 were adopted after the 2012 version of the Framework and essentially repeat the contents of paragraph 14 of that document. Policy FC1 and FC1.1 are broad policies, with FC1.1 adding a requirement for development to conserve and enhance local character. As such, these are up to date but provides no other criteria or guidance in respect of the location of development. However, having regard to the current version of the Framework (2019), Policy CS1 seeks to restrict development in the countryside to particular types, and Policy CS2 goes on to specify those categories of development via a closed list. As such, these restrictions result in the policies being inconsistent with the Framework.
6. A number of policies from the Mid Suffolk Local Plan (1998) (the MSLP) remain saved as part of the Development Plan. Policy H7 of the MSLP seeks to restrict housing development that is unrelated to the needs of the countryside. Policy H7 has a more restrictive approach to development in the countryside than the Framework, and as such, is inconsistent with it in this regard.
7. Policy H10 of the MSLP deals with dwellings for key agricultural workers. There has been no evidence provided that this appeal relates to a dwelling for an agricultural worker, and as such, this policy is not relevant to the determination of this appeal. Thus, it can be set aside.
8. Therefore, with the exception of Policy H10, all of the above policies are relevant to the determination of the appeal. In the context of the main issue, they are also the policies most important for determining the appeal scheme. I note that the Council indicates that it can demonstrate a 5.06 year supply of deliverable housing sites, based on their latest land supply update. While this has been disputed by the appellants, there is no substantive evidence before me to suggest why this is the case. Even though the extent of the supply is marginally above the five years required, I have no reason to disagree with the Council's figures.

Suitable location

9. The appeal site is an area of former garden adjacent to 'Whiston' which is a detached single storey dwelling. The site is currently overgrown with some mature trees to the borders and native hedging along its front boundary with the road. The site slopes gently to the north and there are long views from the rear of the site into the surrounding countryside.

¹ Ref: APP/W3520/W/18/3194926

10. The site is located a significant distance from the main part of the village of Creeting St. Mary, which has a limited range of services and facilities. The settlement of Needham Market is around 2.6 miles from the main village and contains further schools, facilities and employment. The part of All Saints Road in the vicinity of the appeal site is a small rural road which does not have a footpath, streetlights or cycle ways. The road itself is relatively lightly trafficked, however, the national speed limit of 60 miles per hour applies in this area meaning that traffic would be likely to pass the site at speed. I have not been made aware of any regular public transport services in the area that would enable access to higher order settlements with a greater range of services and facilities. As a result, these factors detract from the attractiveness of the route for pedestrian and cycle use into the village and beyond.
11. I consider that future occupiers of the proposed dwelling would be unlikely to undertake any journeys to access services and facilities in the village or other service centres by non-vehicular modes of transport. However, paragraph 103 of the Framework considers opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Therefore, although the proposed development would be divorced from services and facilities, the site's location would still be harmful in terms of its access to services and facilities. However, the level of harm arising from the movements generated from a single dwelling to access services and facilities would be limited.
12. The site would be located outside of the village settlement boundary but be adjacent to an existing dwelling. Paragraph 79 of the Framework seeks to avoid the development of isolated new homes in the countryside. Given the adjacent property, the proposed development would not result in the creation of an isolated dwelling as set out in the Framework.
13. My attention has been drawn to, amongst other examples, a number of recent planning permissions granted by the Council in the village. Whilst I do not have full details of these cases before me, the schemes at 'Land adjacent 1 Red Houses' and 'Lyndale Lodge' are closer to the main part of the village than the appeal site. The main part of the village also has footways that provide pedestrian access through to Needham Market. These schemes are slightly closer to the village than the appeal site, and there are also no footways between these sites and the village. The relative distance from the appeal site and these examples is limited, and as such, they have similar locational circumstances. Therefore, having regard to these schemes, the location of the appeal site is not significantly different and would have the same reliance on private cars as the schemes referred to, and this reduces the level of harm to being limited. Therefore, given the limited level of harm identified, I afford this significant weight.
14. A number of appeal decisions elsewhere have been cited that by the appellant that they suggest are relevant to this appeal. Although full details of these appeals have not been provided, in regards to the decisions at Finningham Road Old Newton, Barnacre and Arden House, Little Blakenham referenced in the appellant's statement that identified policies as being out of date and the tilted balance engaged, this was at a time when the Council acknowledged it was unable to demonstrate a five year land supply. Whilst the Council can now demonstrate a five year land supply, this does not alter the inconsistency of the policies with the Framework.

15. In light of the above, I conclude that the proposed development would not be in a suitable location for new housing having regard to access to services and facilities. The proposal would be contrary to policy H7 of the MSLP, policies CS1 and CS2 of the MSCS, and policies FC1 and FC1.1 of the CSFR which jointly seek to, amongst other things, control development in the countryside, direct development to settlements in the hierarchy with a greater range of services and facilities, define the types of development that would be appropriate in the countryside and support the presumption in favour of sustainable development.

Planning Balance

16. For the reasons that I explained earlier, there are a number of relevant Development Plan policies that are most important to the determination of this appeal that are not consistent with the Framework. This means that the tilted balance set out in Framework paragraph 11 d) is engaged.
17. A range of economic, social and environmental benefits have been highlighted by the appellants. Although the creation of construction jobs and the supply of materials has an economic benefit, I consider this to be limited and temporary as the proposal is only for a single dwelling. However, a single dwelling would be capable of having a limited benefit in supporting the enhancement and maintenance of local facilities. The proposal would also result in the creation of an additional dwelling which would add to the supply of homes in the area, providing a limited benefit.
18. In terms of biodiversity, improvements have been offered in terms of log piles, swift bricks and bird boxes. However, these measures would have a neutral effect on biodiversity, as they would offset the loss of a verdant undeveloped site that could otherwise support biodiversity. In terms of other environmental benefits, whilst the proposal would be built to current building regulations including appropriate renewable energy provision, this would be a requirement of all new development. As such, these matters carry neutral weight.
19. Meadow Cottage, a grade II listed building, is to the east of the site beyond Whiston. Whilst all matters are reserved for future consideration, a new residential dwelling on the appeal site would reflect the number of residential dwellings near to the site. As such, the proposal would have a neutral effect on Meadow Cottage. There is also no reason why a dwelling could not be suitably designed to ensure that it would have a neutral effect on the significance of Meadow Cottage and its setting. This matter carries neutral weight in the planning balance.

Conditions

20. The Council has identified conditions which the appellant has had the opportunity to comment on. I have considered these against the advice in the Framework and the Planning Practice Guidance and have only imposed them where I consider them to meet the tests, amending them where necessary for the sake of clarity, precision and enforceability.
21. I have imposed the standard condition requiring the submission and approval of reserved matters, and a condition requiring commencement of the development within the prescribed period following approval of the final reserved matters.

22. The Council has suggested imposing a condition requiring details of parking and visibility splays. However, as all matters have been reserved for future consideration, these details would have to be submitted to the Council in any event. The adjoining land to the west of the site is in the control of the appellant, and to the east of the site there are unobstructed views for a considerable distance. There is no indication that adequate visibility cannot be achieved via land in the appellants control and highway land. As such, it is not necessary to impose a separate condition to this effect beyond that requiring details of the reserved matters.
23. A further condition has been suggested with the Council's internal comments relating to unexpected contamination. However, there is no evidence to suggest that contamination might be found and is therefore precautionary. As such, it is not necessary to make the development acceptable in planning terms and as a result, it is not imposed.

Conclusion

24. Although the proposal would be contrary to the relevant policies in the Development Plan, due to their inconsistency with the Framework, they are considered to be out of date. As such, whilst I have identified some limited harm in respect of the location of the proposal against the Development Plan, the adverse effect of this would not significantly and demonstrably outweigh the benefits of granting planning permission when assessed against the policies in the Framework taken as a whole.
25. For the reasons given above I conclude that the appeal should be allowed.

P Mileham

INSPECTOR