
Appeal Decision

Site visit made on 30 October 2019

by I A Dyer BSc (Eng) MIHT

an Inspector appointed by the Secretary of State

Decision date: 26 November 2019

Appeal Ref: APP/W3520/W/18/3217433

Cadogan House, Long Thurlow, Badwell Ash IP31 3JA

- 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 Mrs M Diaper against the decision of Mid Suffolk District Council.
 - The application Ref DC/18/02804, dated 19 June 2018, was refused by notice dated 24 August 2018.
 - The development proposed is new dwelling with access onto the highway.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Mid Suffolk Joint Local Plan has been published but it has yet to be found sound or adopted, therefore it does not yet form part of the Development Plan. I have therefore given it limited weight.

Main Issues

3. The main issues are: -
 - Whether the site would be an appropriate location for a new dwelling, having regard to local and national policy for the delivery of housing and use of land;
 - The effect of the development on the character and appearance of the immediate area; and: -
 - The effect of the proposal on highway safety.

Reasons

Suitable location for a dwelling

4. The appeal site lies behind Cadogan House which fronts Long Thurlow Road in the village of Long Thurlow. In the vicinity of the site Long Thurlow Road is a single carriageway County road, lacking continuous footway provision and with sporadic street lighting, and is subject to a 30 MPH mandatory speed limit.
 5. There is no disagreement between the parties that the proposal lies outside any of the settlements identified within Policy CS1 of the Mid Suffolk District Core Strategy -2008- (the Core Strategy) as being preferred locations for development with access to services and more sustainable modes of transport.
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Outside of the identified settlements the land is classified as countryside. The appeal site therefore falls within designated countryside.

6. To protect the countryside for its own sake, Policy CS2 of the Core Strategy restricts development in the countryside to defined categories. The proposed development is not one of the defined categories. However, the policy is more restrictive in its approach to rural housing than that currently taken within the National Planning Policy Framework -2019- (the Framework). Policy H7 of the Mid Suffolk Local Plan -1998- (the Local Plan) states that "In the interests of protecting the existing character and appearance of the countryside, outside settlement boundaries there will be strict control over proposals for new housing. The provision of new housing will normally form part of existing settlements".
7. The aims of these policies are broadly consistent with the aims of the Framework, including Section 9: Promoting sustainable transport and Section 15: Conserving and enhancing the natural environment.
8. The Framework does not impose a blanket restriction on development outside defined settlements, nor does it explicitly prevent the use of such boundaries. The appeal site is located in close proximity to existing dwellings and is not isolated and so the countryside location does not conflict with paragraph 79 of the Framework. Paragraph 78 supports new housing where it will enhance or maintain the vitality of rural communities and so, whilst the site is outside the settlement boundary, this in itself does not persuade me that the site is in an unsustainable location.
9. I have limited evidence before me to demonstrate that Long Thurlow provides a range of services and facilities that would provide for the day-to-day needs of residents. Similarly, there is little information that such services exist in nearby villages. In any case, the intervening roads with their lack of street lighting, absence of continuous segregated footway provision and likely high vehicular speeds are such that they would deter pedestrians and cyclists, particularly after dark, with children or during inclement weather and so residents of the site would still rely heavily upon the private car for their day-to day needs.
10. I have limited evidence before me to demonstrate that public transport is available in the village to provide a viable alternative mode of transport to the private car by which the future occupants would be able to access services and facilities to cater for their day-to-day needs.
11. The Framework recognises that rural housing development in smaller settlements can support services in a village nearby and that sustainable transport solutions will vary between urban and rural areas. However, in this instance, there is no meaningful alternative to using the private car to satisfy the day-to-day needs of future occupiers. Further, I have no substantive evidence before me that the development would contribute meaningfully to the vitality of nearby villages and it is likely that the economic benefits will be mainly felt further afield.
12. Given the modest scale of development there is very limited scope to improve connections for walking, cycling or public transport, therefore dependency upon private motor vehicles would be likely to be almost total.

13. Whilst I find that the location of the appeal site does not conflict with paragraph 79 of the Framework, I find that the site is not a suitable location for a new dwelling, having regard to local and national policy for the delivery of housing and use of land. The development would therefore be contrary to CS1 and CS2 of the Core Strategy and Policy H7 of the Local Plan. It would also be contrary to the aims and objectives of the Framework which seek to locate development in locations that promote sustainable travel and limit future car use, support a prosperous rural economy and protect the intrinsic character and beauty of the countryside.

Character and appearance

14. In the vicinity of the site Long Thurlow Road is fronted on both sides by substantial dwellings set back off the road. The dwellings immediately surrounding the site are set within extensive plots with large rear gardens. This provides a sense of space to the rear of the buildings and makes a positive contribution to the character of the area.
15. The site is an open area, laid to grass, lying behind Cadogan House. To the east is the garden of Woodside Cottage and to the west, open land behind Manor House. On the boundaries to the north and west is mature planting, whilst the boundary to the west is a low fence. Further East, beyond Woodside Cottage lies Willow Drive, a residential development lying behind the dwellings fronting Long Thurlow Road. To the north lies open countryside.
16. The proposal would introduce a substantial two storey dwelling with a detached garage to the site. Access is proposed by means of a new drive leading from Long Thurlow Road, running between Cadogan House and Manor House. A new access to the public highway is proposed, between the existing accesses for Cadogan House and Manor House.
17. Policy CS5 of the Core Strategy requires that development should be of a high quality design that respects the local distinctiveness and the built heritage of Mid Suffolk, enhancing the character and appearance of the district.
18. Similarly Policies H13 and H15 of the Local Plan require, amongst other things, that new development should achieve a high standard of design and be of a scale and density appropriate to the site and its surroundings. Proposals for residential development are expected, in their design and layout, to take account of the character of the proposal site and the relationship of the proposed development to its surroundings. Further it is required that design should complement the scale, form and materials of traditional building in the area.
19. Policy GP1 of the Local Plan, amongst other things, requires that proposals should maintain or enhance the character and appearance of their surroundings, and respect the scale and density of surrounding development, use or be compatible with traditional materials and finishes and respect local architectural styles where appropriate.
20. These policies are in general accordance with those parts of the Framework whose aim is to achieve well-designed places.
21. The scale and materials of the proposed dwelling are not dissimilar from those of the neighbouring dwellings. However, the plot within which it would lie is significantly smaller than those of its immediate neighbours, whilst the

- position, although reflecting the positioning of dwellings further east on Willow Drive, is not a direct continuation of this line. The substantial gap formed by the plot of Willow Cottage breaks that pattern of development. Woodside Cottage, itself a backland plot, is located further to the south and relates to the group around Willow Drive, forming a link between that cluster and the frontage development on Long Thurlow Road, whilst the proposed dwelling would appear to stand apart from its neighbours in more open land.
22. This intrusion into the open land to the rear of the existing development would reduce the sense of space which I have identified above and be at variance with the character of the immediate vicinity. This reduction in space would be readily apparent from the dwellings fronting Long Thurlow Road, particularly Manor House, with its more open boundary and, in this instance, that reduction in spaciousness would result in significant harm to the character and appearance of the immediate area.
23. The drive, as proposed, and its relationship to the host dwelling would not be dissimilar to that of Woodside Cottage in regard to Cleeve House. It is separated from Cadogan House by a moderate distance, sufficient that it could, subject to planning condition, be landscaped to provide suitable mitigation of its presence. I find that, in respect to the proposed driveway, the proposal is not out-of-keeping with the character of the surrounding area and its effect upon the host dwelling could, were I minded to allow this appeal, be made acceptable by imposition of a suitable planning condition.
24. I conclude that the proposal would result in harm to the character and appearance of the immediate area. The proposal would therefore be contrary to Policies GP1, H13 and H15 of the Local Plan and Policy CS5 of the Core Strategy. The proposal is also contrary to paragraph 127 of the Framework, in as much as it is not sympathetic to local character, including the surrounding built environment and landscape setting.

Highway safety

25. The access to the site would join Long Thurlow Road on a straight section of carriageway. Long Thurlow Road, in the vicinity of the site has numerous existing accesses similar in form to that proposed. The proposal incorporates turning facilities within the site to allow vehicles to enter and leave the site in forward gear.
26. The Highway Authority have required visibility splays to provide 90 metres of visibility at a setback of 2.4 metres from the edge of the carriageway, but have provided no supporting reasoning for this requirement. This would accord with the requirements for visibility set out in the Design Manual for Roads and Bridges (DMRB). However, Manual for Streets 2 -2010- (MfS2) is the starting point for the design of roads and streets that are not Trunk Roads, and a presumption in favour of applying the standards set out within that document would normally be appropriate unless local context demands otherwise.
27. The number of accesses and visibility of the dwellings fronting Long Thurlow Road provide active frontages and, in this location, the "movement" and "place functions" of the road as referred to in MfS2 are balanced more in favour of the "place" function. At the time of my site visit, albeit that this only provides a snapshot in time, vehicle speeds were low, and there is a 30 MPH mandatory

- speed limit in place. I would, therefore, consider that the design guidance contained within MfS2 would be appropriate for this instance.
28. Long Thurlow Road has a verge on its northern side where the access is proposed. This provides some visibility for emerging vehicles. However, it is likely that vehicles will edge forward onto the running carriageway until drivers consider that they are able to pull clear of the access. This would mean that the bonnet of the vehicle would intrude into the carriageway during the egress of the vehicle.
29. The protruding bonnet of a vehicle would be clearly visible to approaching drivers on the road, and I am mindful of the advice given in paragraph 10.5.8 of MfS2 regarding the acceptability of such circumstances. I therefore conclude that the proposal is unlikely to result in a significant additional risk of accident to highway users in regard to the visibility provision at the proposed access.
30. The Highway Authority have raised concerns about the proposal being served by a separate access in close proximity to existing accesses. At the time of my site visit I observed other accesses nearby in close proximity to one another and this arrangement is not an unusual feature where accesses to residential properties occur.
31. I have no substantive evidence before me of a record of personal injury accidents associated with these accesses and so I conclude that the proposed additional access would be unlikely to result in a significant overall increase in risk to highway users.
32. I therefore find that the proposal would not result in harm to highway safety. The proposal is therefore in accordance with Policy T10 of the Local Plan which states that the Council will have regard to, amongst other matters, the provision of safe access to and egress from the site. Similarly, the proposal would accord with paragraph 109 of the Framework which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Planning Balance

33. There is dispute whether the Council is able to demonstrate an effective five year housing land supply. Further, the appellant asserts that the development plan is old and pre-dates the Framework and that therefore its policies are out-of-date. However, the policies in the Core Strategy and Local Plan relating to housing land supply and design are broadly consistent with the aims and policies set out in the Framework and so moderate weight can be applied to them.
34. The development would provide benefits in terms of delivering an additional home to boost housing supply albeit that, irrespective of any shortfall in supply, a single home would only have a limited benefit. There would be minor benefits to the local economy in terms of short term employment in the construction industry and longer term support to shops and businesses. The long term support to shops and businesses would be mainly felt elsewhere, rather than supporting rural villages and so together these benefits carry limited weight.
35. Given the location of the site and the lack of access to safe walking and cycling routes or public transport to provide for day-to-day needs it is likely that future

occupants of the development would be heavily reliant on private motor vehicles to access local shops and services. This, together with the harm that I have found the development would cause to the character and appearance of the area, are significant factors weighing against the scheme.

36. In conclusion the identified harm would significantly and demonstrably outweigh the limited benefits provided by the scheme when considered against development plan policies and the Framework when read as a whole.

Conclusion

37. For the reasons given above the appeal is dismissed.

I Dyer

INSPECTOR