
Appeal Decisions

Site visit made on 30 October 2019

by I A Dyer BSc (Eng) MIHT

an Inspector appointed by the Secretary of State

Decision date: 27 November 2019

Appeal A Ref: APP/D3505/W/19/3229387 Hillcrest, Bull Lane, Acton CO10 0BE

- 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 Mr & Mrs M Bloomfield against the decision of Babergh District Council.
 - The application Ref DC/19/00780, dated 15 February 2019, was refused by notice dated 10 April 2019.
 - The development proposed is the creation of improved site entrance, new access driveway and erection of 1 no detached 2 storey dwelling and garage.
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Appeal B Ref: APP/D3505/W/19/3229388 Hillcrest, Bull Lane, Acton CO10 0BE

- 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 Mr & Mrs M Bloomfield against the decision of Babergh District Council.
 - The application Ref DC/19/00781, dated 15 February 2019, was refused by notice dated 10 April 2019.
 - The development proposed is erection of detached 2 storey dwelling & garage.
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Decisions

Appeal A Ref: APP/D3505/W/19/3229387

1. Appeal A is dismissed.

Appeal B Ref: APP/D3505/W/19/3229388

2. Appeal B is dismissed.

Procedural Matters

3. As set out above there are two adjacent appeals at this address. The sites are on adjacent, but separate plots. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
 4. Subsequent to the submission of their statement, the Council have adopted a Housing Land Supply Position Statement identifying a supply of 5.67 years. The appellants have had the opportunity to comment on this.
 5. 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.
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Main Issues

6. The main issue, for both appeals, is whether the site would be an appropriate location for residential development having regard to development plan and national planning policies.

Reasons

7. The appeal sites lie adjacent to a small cluster of dwellings fronting Bull Lane, an outlier of Acton. The sites are located outside the Built Up Area Boundary (BUAB) for any settlement identified within the Babergh Local Plan 2011-2031 Core Strategy & Policies -2014- (the Core Strategy). The sites subdivide an open field surrounded by mature hedges, except on the side facing Hillcrest, which is more open. Facing the sites across Bull Lane and to the North and East of the sites lies open countryside. The sites are considered to be in the countryside, where policy restricts the development of new housing.
8. The closest BUABs to the site are located around the settlements of Acton, to the south-east, and Long Melton, to the west. The facilities provided by Long Melford are reflected in its status as a "Core Village" within Policy CS2 of the Core Strategy, whilst Acton is identified as a "Hinterland Village". Policy CS2 identifies a settlement hierarchy and seeks to direct development principally to more sustainable locations in larger towns and villages, with successively lesser development as the size of settlement decreases, down to Hinterland Villages.
9. This policy is in general accord with the aims of the National Planning Policy Framework -2019- (the Framework) in seeking to focus new development in sustainable locations. However, it is more restrictive than the proactive approach taken in the Framework which does not impose a blanket restriction on development outside defined settlements or stipulate that the requirement for any 'special circumstances' has to be met by all development in the countryside. However, Policy CS2 has a requirement that development in the countryside meets a proven local need such as affordable housing or targeted market housing identified in an adopted community local plan/neighbourhood plan. In this respect the policy is more in accordance with policies and aims in the Framework seeking to achieve sustainable development whilst providing protection to the countryside.
10. The refusal notices refer to Policy CS11 of the Core Strategy which provides criteria for allowing development in Core and Hinterland Villages. The policy identifies the requirement that development must be in or adjacent to Hinterland Villages. The appeal sites lie outside the built up area boundary of Acton and therefore CS11 is not relevant, the proposals therefore do not benefit from the fulfilment of criteria within the policy supporting development.
11. In regard to demonstrating a proven local need, the appellant has failed to provide an assessment to demonstrate evidence that the proposal would satisfy an identified need for either affordable or targeted market housing within the Hinterland Village or the functional cluster within which it sits.
12. The appeal sites are located in close proximity to existing dwellings and are 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.

13. Paragraph 8 of the Framework identifies three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: an economic objective, a social objective and an environmental objective.
14. Policy CS15 of the Core Strategy sets out criteria for proposals to be assessed as sustainable development, including the need for new development to respect the landscape and make a positive contribution to local character; and to seek to minimise the need to travel by car. As such the policy would be in accordance with the aims of the Framework to conserve and enhance the natural environment and promote sustainable transport through the maximising of use of more sustainable modes.
15. In this case the location shares a boundary with the existing cluster. However, whilst building within an existing domestic curtilage, it would extend the built form further along Bull Lane, urbanising the landscape. Given the location and relationship of the sites to existing development, this urbanisation would result in harm to the rural spaciousness of the locality.
16. Only very limited services are present within and close to the cluster, requiring residents to travel further afield for their day-to-day needs. However, to the south west of the sites lies a business park, known as Acton Place Industrial Estate. Bus stops are located at this business park, and the local bus company, Hedingham Buses, has confirmed that, although there is no formal bus stop located closer to the site, they pick up and drop off from locations in close proximity.
17. The unlit nature of the intervening roads, with their lack of footways, vehicular speeds and the distances involved would be likely to deter pedestrians and cyclists, particularly in adverse weather conditions and during the hours of darkness, and so residents of the site would almost certainly rely heavily on the private car to meet their day to day needs. There is a bus link to Bury St Edmunds and other settlements providing employment opportunities and a full range of services and this runs an hourly service during the day. However, this service does not run through the evening. On the basis of the information before me, although the bus service could make a contribution to satisfying the travel needs of future occupiers of the proposals it is unlikely to cater for all of their day-to-day needs and so the future occupiers would still remain heavily reliant upon the use of private motor vehicles.
18. The Framework recognises that sustainable transport solutions will vary between urban and rural areas and that rural housing development in smaller settlements can enhance or maintain the vitality of rural communities. Given the proximity of the Core and Hinterland Villages, the appeal sites are likely to use services in those villages to provide for their day-to-day needs. Thus, the developments are likely to contribute to the vitality of those villages. However, such a contribution would be limited by the scale of the developments.
19. I therefore conclude that the proposed developments, whilst not isolated, and therefore not contrary to the aims of paragraph 79 of the Framework, would not be an appropriate location for residential development having regard to development plan and national planning policies. The proposal is therefore in conflict with Policies CS2 and CS15 of the Core Strategy which, amongst other

things, seek to direct new development sequentially to the towns/urban areas, and to the Core Villages and Hinterland Villages, unless there is a proven need for the development, and seek to ensure that development can be served by an appropriate level of services, facilities and infrastructure and minimises the need to travel by car. Similarly, the developments would be contrary to paragraph 8 of the Framework in as much as they would fail to contribute to protecting and enhancing the natural environment.

20. I have found that, as the appeal sites lie well outside a Hinterland Village, Policy CS11 is not relevant.

Other Matters

21. There is dispute between the parties as to whether the Council is able to demonstrate a five year supply of housing land. Further, the appellants have suggested that, as the Core Strategy has not been reviewed for 5 years since its adoption, the policies within it are out of date. However, these policies still attract weight, based upon their degree of accord with the policies and aims of the Framework. I have found that these policies are broadly in accordance with the aims set out in the Framework, and so I give them moderate weight.
22. The appellants have brought my attention to various recent Council and appeal decisions. However, I have insufficient details of the case upon which to make any meaningful contextual comparison and I have, in any case, determined these appeals on their own merits.

Planning Balance – Appeals A and B

23. Each development would provide benefits in terms of delivering an additional home to boost housing which, although modest, is recognised in Paragraph 68 of the Framework as having the potential to make a meaningful contribution to meeting housing needs in the area. 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 proposed developments lie adjacent to existing development and would become part of the settlement. Taken together, and given the scale of the developments, these benefits carry limited weight.
24. Given the location of the site, the lack of access to safe walking and cycling routes and limited public transport to provide for day-to-day needs it is likely that future occupants of the developments would be heavily reliant on private motor vehicles to access local shops and services. This, together with the harm that I have found by virtue of the urbanisation of the countryside, the undermining of the adopted settlement strategy set out within the Core Strategy and the lack of proven need for the developments are significant factors weighing against the scheme.
25. In conclusion, even if I were to accept the appellants view that the Council is unable to demonstrate a five year housing land supply, 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

26. For the reasons given, and having taken into account all other matters raised, I conclude that Appeal A and Appeal B should be dismissed.

I Dyer

INSPECTOR