



Appeal Decision

Site visit made on 30 September 2019

by L Gilbert BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th December 2019

Appeal Ref: APP/W3520/W/19/3228421

Land North side of Ipswich Road, Offton, Ipswich, Suffolk IP7 7DA

- 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 & Mrs P Thompson Bates against the decision of Mid Suffolk District Council.
 - The application Ref DC/18/05464, dated 13 December 2018, was refused by notice dated 8 April 2019.
 - The development proposed is outline planning application (all matters reserved) residential development.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal seeks outline permission, with all matters reserved. Notwithstanding that the application form indicates 3 proposed dwellings, as this is not contained within the description of development the scale of the proposal would be one of the reserved matters to be determined at a future point.
3. The appellant highlighted that the original description of development was amended as it previously referred to roadside hedging. For clarification, I have taken the description of development from the application form dated 13 December 2018.
4. The application form states the site address as Naughton, which is located under the administrative area of Babergh District Council. The application was originally determined by this neighbouring District and then redetermined by Mid Suffolk District Council. The decision notice refers to the site as in 'Offton, Ipswich, Suffolk IP7 7DA'. I have used this address as it helps to clarify the District in which the site belongs.
5. The Council referred to Policies CS1 and CS2 in the Core Strategy Development Plan Document adopted September 2008 (CS), as CS01 and CS02. The Council has confirmed the policies are the same. To clarify, I have used the policy numbers as referred to in the CS.

Main Issue

1. Whether the site is an appropriate location for the appeal development.

Reasons

6. The appeal site is defined as countryside, with respect to the development plan. Policy CS1 of the CS protects the countryside for its own sake and development will only be permitted in exceptional circumstances. I have not been made aware of any exceptional circumstances with respect to this policy therefore the proposal would not meet Policy CS1 of the CS requirements. The appellant has referred to a lack of 5 year housing land supply and out of date development plan policies. This is dealt with in the Planning Balance below.
7. Policy H7 of the Mid Suffolk Local Plan adopted September 1998 (LP) sets out that in the interests of protecting the character and appearance of the countryside, outside settlement boundaries there will be strict control over proposals for new housing. As the proposal is within the countryside the appeal development fails to comply with this policy.
8. Policy CS2 of the CS lists acceptable types of development within the countryside. The appeal development for new residential properties, is inconsistent with this policy. Having found conflict with policies in the development plan, I will go on to consider the proposal in relation to other material considerations.
9. Paragraph 10 of the National Planning Policy Framework (the Framework) identifies that at the heart of the Framework is a presumption in favour of sustainable development, which comprises environmental, economic and social elements.
10. According to the appellant a request for an Ecological Statement was made after the case was decided and was in response to the Highways Authority's comments. As the visibility splays effect land outside the application site, the appellant argues it would be subject to a full planning application and they will look at alternative arrangements to extensive clearing. However, the nature of the proposal will require the removal of trees and vegetation to accommodate the new dwellings and visibility splays. A draft Ecological Statement has been provided. It is not clear when this was undertaken, nor if by a qualified professional. It provides limited information on what is present on site and the potential impacts of the proposal. The appellant considers there is nothing of significance on site; and landscaping is a reserved matter that could also be conditioned. I acknowledge these comments, however there is insufficient detail to assess the environmental impact of the appeal development and therefore the level of harm cannot be determined.
11. The site is a parcel of grassed land, bordered by trees and vegetation with a caravan on site. Some vegetation has been cleared. The appellant argues the proposed three units would comply with density policies. This may be the case, however the proposal would introduce built form and residential paraphernalia to the site and would require the loss of trees and vegetation from the site. The surrounding area contains small settlements and sporadic development, separated by fields. The site contributes to the wider area by providing a gap in development which would be lost with the introduction of up to three houses on site and the introduction of visibility splays. As the appeal is for an outline application, there is an absence of detail about how the development might appear. It is therefore not possible to assess the full impact of the proposal on the character and appearance of the area. However, notwithstanding the absence of detail, I am firmly of the view that the principle of residential

development in this location would result in harm to the character and appearance of the area. I therefore give this significant weight in the planning balance.

12. The site is close to the Grade II listed buildings known as 'Cottage Owned by Mr E Woolar, Thatched Cottage.' These listed cottages are located on the opposite side of Wallow Lane. The appeal site is set back from the junction with Wallow Lane which helps provide some separation between the sites. However, as the application is for outline permission, it is unclear as to the scale and position of the proposed houses, or the extent of vegetation removal required. Therefore, it is difficult to assess whether there would be harm to the setting of these nearby listed properties. However, it is unlikely the proposal would cause substantial harm due to the distance between them.
13. The closest facilities are located within Nedging with Naughton which is made up of Nedging, Nedging Tye and Naughton. The appellant highlights that between them the three settlements have a public house, village hall, petrol station, churches, beauty parlour and industrial estate. There is also a restaurant within 1.5km and RAF Watisham is located nearby.
14. There is a 40mph speed limit and no streetlighting along Ipswich Road outside the site. There is a lack of footpaths and there are narrow verges by the site and along Ipswich Road leading to nearby settlements. The appellant has seen pedestrians use the route, however the lack of footpath, streetlighting and the speed of travelling vehicles, would in my view discourage regular pedestrian use. I do not consider the proposed visibility splays would greatly encourage pedestrian use as it affects a small section of the route. The Officer's Report highlights a public right of way pedestrian route to Naughton which is located around 800 metres away, however this crosses agricultural fields. I acknowledge future occupiers could use this route, however it would be limited to daylight hours as it is unlit and restricts those with mobility issues as it crosses fields. Therefore, this would offer modest benefits.
15. Cyclists could realistically cycle to the nearby settlements part of Nedging with Naughton, as Naughton is around 600m away and Nedging Tye is around 1 kilometre away. These offer a modest number of services and facilities.
16. The site is located 17m and 36m away from two bus stops that serve nearby towns, according to the appellant. I have been provided with a bus timetable that shows weekday bus services that reach Ipswich for 8:25 and return from Ipswich at 17:40. It could therefore be used by commuters, although it is not a frequent service. The bus services operate up to seven times a day but do not run Sundays or Bank Holidays. The appellant highlights that these nearby bus services were deemed acceptable by the Council for two nearby developments. I note these comments and consider it realistic that future occupiers would use the bus service to reach facilities and services and possibly to commute. However, due to the number of services operating it is unlikely all future occupiers would heavily rely on this service, although I acknowledge it is a social and environmental benefit.
17. The appellant argues electric and hybrid cars and car sharing could be utilised. I accept these are options, although they cannot be enforced. Future occupiers are likely to use cars due to the site location, however this is not uncommon in a rural location.

18. The appellant highlights the High Court case of *Braintree v SSCLG* with respect to the definition of isolation. Paragraph 79 of the Framework relates to physical isolation. The site is near to other properties and therefore I do not consider it is physically isolated in this context. The Council argues the site is functionally isolated. In some respect this is the case due to its rural location and it is not easy to walk to services and facilities. However, I find it is accessible with respect to being close to bus services that serve nearby towns and there are options to either walk albeit via a public right of way, or cycle to the nearest settlements.
19. The economic benefits as highlighted by the appellant include supporting local businesses and providing more workers for the local area. There are also social benefits through the provision of new homes for the local area. I acknowledge these points and consider they would bring modest benefits to the local area.

Planning Balance

20. The appellant argues that the Council is unable to demonstrate a deliverable 5 year supply of housing land. Furthermore, Policies CS1 and CS2 of the CS and Policy H7 of the LP are only partially consistent with the Framework. Policies CS1 and H7 are more restrictive than the Framework in that they seek to protect the countryside for its own sake. Policy CS2 restricts the type of new dwellings in the countryside. They are therefore not fully consistent with Paragraph 170 of the Framework which seeks to 'recognise the intrinsic character and beauty' of the countryside. It is my view, that these policies can be afforded moderate weight in determining this appeal. As such Paragraph 11 of the Framework is of relevance whereby permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
21. The proposal gives a potential of up to 3 dwellings which would make a modest contribution to the housing land supply. The appellant argues that the site is windfall and does not compromise agricultural land; it is in a sustainable location; located close to bus services; is within walking and cycling distance to nearby settlements with services and facilities; that the site doesn't contain anything ecologically significant; a separate planning application can deal with visibility splays on land outside the site; environmental considerations can be dealt with through reserved matters or be conditioned; it supports local businesses and provides workers; the site is not isolated; lack of 5 year housing land supply; and relevant policies are out of date. However, there is a lack of information on the environmental impact of the appeal development and I am not persuaded that the environmental, social and economic benefits identified, would outweigh the potential environmental harm to the character and appearance of the area or to the site's ecology, caused by the introduction of up to three new dwellings. The appeal development would therefore fail to comply with Paragraph 10 of the Framework as I am not convinced it would constitute sustainable development.
22. Even if there is a shortfall in 5 year housing land supply as suggested by the appellant and that the most important policies for determining the proposal should be considered out-of-date, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits highlighted above.

23. Accordingly, I find that the site is not an appropriate location for the appeal development.

Other Matters

24. I note the appellant's concerns regarding the Council's assessment and processing of their planning application. However, I have assessed the appeal development on its own merit and the Council's processing of the application is outside the scope of this appeal.

Conclusion

25. Consequently, for the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

L Gilbert

INSPECTOR