



Appeal Decision

Site visit made on 16 December 2019

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th December 2019

Appeal Ref: APP/W3520/W/19/3237247

Land serving Little Farm, Park Bungalow, Flowton Road, Somersham, Suffolk IP8 4LN

- 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 John Schwarz against the decision of Mid Suffolk District Council.
 - The application Ref DC/18/03681, dated 20 August 2018, was refused by notice dated 24 July 2019.
 - The development proposed is described as 'erection of three new dwellings and access'.
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Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issues

2. The planning application was submitted in outline with all matters of detail reserved for future consideration save for the 'access' into the appeal site. That said, plans have been submitted indicating the layout of the proposal and the landscape strategy for the site entrance. The plans are not annotated as being indicative or illustrative and therefore I have considered them as detailing reasonably firm proposals. The main issue in this appeal is whether the appeal site is a suitable location for the proposed development, with particular reference to development plan policies concerned with housing in rural areas and the accessibility of services and facilities.

Reasons

Development plan policies

3. In order to support existing communities by guiding development to settlements with the greatest range of services and facilities, Policy CS1 of the Mid Suffolk Core Strategy 2008 (CS) sets out a settlement hierarchy which defines and categorises the villages and towns in the district. Somersham is the nearest identified settlement to the appeal site and is categorised as a Primary Village. However, the appeal site is not within the defined boundary of this village or any other settlement identified in the hierarchy. It is therefore located in the 'countryside' as defined by Policy CS1.
4. Policy CS2 of the CS flows from Policy CS1 and is specifically concerned with development in the countryside. It states that development in the countryside will be restricted to defined categories such as rural exception sites, the re-use of buildings and replacement dwellings. The appeal scheme would not fall

under any of the defined categories of development listed in Policy CS2 of the CS. There is a negative corollary that development which is not listed in the policy is not to be ordinarily permitted.

5. Policy H7 of the Mid Suffolk Local Plan 1998 (LP) exercises strict control over development in the countryside and states that new housing will normally form part of an existing defined settlement. The proposed dwelling would not be located within an existing settlement boundary and would therefore not form part of an existing settlement. The proposal would therefore be at odds with Policy H7 of the LP. Thus, in conclusion, the proposal would be at odds with, and harmfully undermine, the adopted spatial strategy for rural housing in the development plan and the consistency and relative certainty that should flow from a planning system that is genuinely plan led.

The accessibility of services and facilities

6. The appeal site is located approximately 0.6 miles north of Flowton, but this settlement encompasses a small cluster of houses with the only apparent facility being a church. As such, the nearest collection of services and facilities to the appeal site is found in Somersham. The site is about 0.8 miles from the southern edge of this village and around 1.2 miles from the centre, where there are services such as a school, shop, pub and recreation ground.
7. The appellant suggest that it would take around 17 – 22 minutes to walk to Somersham along Flowton Road or via a nearby public footpath. This is broadly consistent with an average walking trip as measured by the Department for Transport (DfT). However, a trip into Somersham and back to the appeal site would double the average walking time. A walk with young children or by someone with mobility difficulties would be longer, particularly as the route is undulating in places. Therefore, whilst walking is not impossible the distance would make it highly unlikely as a regular mode of travel, particularly in the winter months when daylight would be shorter and the weather inclement. In such circumstances it would take admirable determination for future residents of the appeal scheme to travel regularly on foot to Somersham.
8. There is a bus service that passes through Somersham and operates Monday – Saturday from around 0745 – 1805. It links Somersham with Ipswich and other surrounding villages. This provides a connection with services beyond the village. A bus trip from Somersham to Ipswich takes around 35 minutes, which is slightly below the average of 39 minutes suggested by a DfT study. However, future residents of the appeal scheme would have to walk over 20 minutes to just get to the bus stop, which would considerably add to the time of the overall journey. Future residents of the appeal scheme could drive to the bus stop but once in their car there would be little benefit in catching the bus. Thus, bus travel is not a convenient alternative to private motorised transport.
9. There is a bus service to Flowton, but the Council suggests this only operates on a Thursday to Ipswich and I have no reason to disagree. This is therefore a very limited service. A school bus travelling to Claydon High School stops outside the appeal site, but this is only of use to secondary school children. Therefore, even when accounting for the rural location of the appeal site, where opportunities to maximise sustainable transport will be inherently more inhibited than urban areas, the appeal site is not well placed to access services and facilities by walking or public transport.

10. Cycling would be an option as a mode of travel from the appeal site because Somersham would be a 6-minute ride along a quiet country lane, which is apparently safe when considering accident data. However, Somersham is unlikely to be the end of most journeys, particularly as there appears to be limited employment opportunities. That said, DfT data referred to by the appellants suggest that cycling can be an option when the journey is between 1km and 8km, which would open up other settlements to this mode of transport. The proximity of National Cycle Route No 40 would aid this further. However, it cannot be relied upon that future occupants of the appeal scheme would have the high levels of confidence, fitness and proficiency to regularly cycle such distances, with parts of such journeys being along busy routes.
11. Moreover, I have not been presented with evidence demonstrating that cycling is a popular mode of transport amongst existing residents, which could otherwise be an indicator that cycling is a locally realistic alternative to car travel for trips such as commuting to work and school. As such, the evidence before me does not demonstrate cycling would likely provide a regular alternative to car use. Instead, it should be considered as complementing walking and public transport, which in this instance provide a poor substitute to car travel, rather than being relied upon as the primary alternative.
12. Given the foregoing, the appeal site is not well placed for future residents to conveniently access services and facilities other than by using a car. In fact, they would probably need to use a car for all but very occasional journeys, making them car dependent in practice. Trips to Somersham would be short but the number of trips and cumulative miles travelled by three households would soon add up over the life of the development with the associated carbon emissions. The appellant also raises the issue of isolation and transport poverty that can occur when residents do not have access to sustainable modes of travel. These harmful impacts would conflict with the spatial strategy in the CS of encouraging sustainable transport.

Other Considerations

13. Policies CS1, CS2 and H7 are the most important policies for determining the appeal. However, these policies set a more restrictive approach to rural housing than the National Planning Policy Framework (the 'Framework'). In particular, the CS actively seeks to prevent housing in rural settlements and villages not listed in the settlement hierarchy, removing settlement boundaries in order to do this. Thus, as a collective basket the policies are out of date, but they are not irrelevant and cannot be disapplied given s38(6) of the Planning and Compulsory Purchase Act 2004. Thus, Paragraph 11 d) of the Framework is relevant and states that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when considered against the policies in the Framework.
14. As an adverse impact, the location of the appeal scheme relative to services and facilities would do very little to promote regular walking, cycling and public transport use. It would therefore fail to promote sustainable transport and the health benefits associated with such modes of travel. These are important aims of the Framework. Moreover, Policies CS1, CS2 and H7, although out of date overall, outline a spatial strategy that chimes with these objectives.
15. The foregoing is a point of note because the appeal scheme would not glean direct support from Paragraphs 78 of the Framework, which seeks to deliver

rural housing where it would enhance or maintain rural communities and settlements or provide an opportunity for a village to grow and thrive. This is because in this instance, the appeal site, although near a couple of dwellings, is not physically part of a discernible settlement, rural community or village, the nearest being Flowton and Somersham. Thus, in the context of this appeal, the development plan is not preventing housing that would otherwise be permitted by the rural housing policies of the Framework. This is a different situation to the two appeal decisions¹ referred to by the appellant, where the infilling schemes permitted would be within discernible rural hamlets. Conversely, the appeal site could not be infilled, being open to most sides.

16. Weighed against this, the spend from future residents may modestly support businesses and services in Somersham, such as the local pub. There is a national trend of pub closures but there is little evidence before me to suggest three additional households would have a notable effect in a local context. For example, evidence has not been provided to suggest the local pub (or any other local business) is suffering for lack of patronage. Moreover, concentrating housing in settlements better assists the economy of service provision, such as public transport, rather than dispersing homes in the countryside². The latter would be the outcome of the proposal. There may be some support to the local Primary School, but this has not been quantified and is not likely to be significant as only three homes are proposed. Similarly, the support to the construction industry would be limited in scale and short lived.
17. The provision of three dwellings would benefit housing land supply. However, the Council has provided an updated Housing Land Supply Position Statement indicating that it can demonstrate a five-year housing land supply. This postdates the appellant's statement of case. The appellant has not sought to challenge this in a rebuttal. As such, the most up to date evidence before me would seem to suggest the Council can demonstrate a housing land supply and is therefore significantly boosting the supply of housing. Nevertheless, even if I were to accept the appellant's original proposition on this matter, the delivery of three homes would at best amount to a moderate benefit. The adverse impacts of the proposal would still significantly and demonstrably outweigh its overall benefits in such a scenario. This does not indicate that the appeal should be determined other than in accordance with the development plan.
18. The Council have suggested that the appeal scheme would have a significant adverse effect on the Stour and Orwell Estuaries Special Protection Area. However, given my overall conclusion, the proposal would have no effect on the SPA and therefore I have not considered this matter further.

Conclusion

19. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Graham Chamberlain
INSPECTOR

¹ APP/W3520/W/18/3217448 and APP/W3520/W/19/3223075

² The appellants refer to a Campaign for Better Transport report that explains that low population densities make practical and affordable public transport difficult to provide.