



Appeal Decision

Site visit made on 26 November 2019

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd January 2020

Appeal Ref: APP/D3505/W/19/3236288

Land at Squirrels Hall, Stubbins Lane, Holton St Mary CO7 6NT

- 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 Roger Balmer Design against the decision of Babergh District Council.
 - The application Ref DC/19/02405, dated 17 May 2019, was refused by notice dated 10 July 2019.
 - The development proposed is described as the “erection of a single storey 3 bedroom dwelling along with associated landscaping”.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application form does not contain details of the applicant. However, the application form indicates that the agent is acting on behalf of the appellant and is referred to in the second bullet point in the banner above.

Main Issue

3. The main issue is whether the appeal site is an appropriate location for the development having regard to the Development Plan and the National Planning Policy Framework (the Framework).

Reasons

4. The appeal site forms a parcel of land that is roughly rectangular in shape and is laid to grass and contains a number of trees. The area is distinctly rural and has a spacious and verdant character. To the east of the site lies a property known as Squirrels Drey with three further dwellings located to the east. This results in a small cluster of dwellings that are otherwise surrounded by open countryside and agricultural land.
5. Policy CS1 of the Babergh District Council Local Plan 2011-2031 Core Strategy and Policies 2014 (the Core Strategy) advocates the presumption in favour of sustainable development and Policy CS15 addresses the implementation of sustainable development. This includes, amongst other things, ensuring an appropriate level of services, facilities and infrastructure are available or provided to serve the development, seeking to minimise the need to travel by car and protecting or enhancing local services.
6. Policy CS2 of the Core Strategy defines Holton St Mary as an “Hinterland Village”. These are villages that are able to accommodate some development to help meet the needs within them and will be assessed against Policy CS11 of the Core

Strategy, which includes ensuring that a development is adjacent or well related to the existing settlement as well as meeting the other criterion set out therein. The development should also “*score positively when assessed against Policy CS15*”.

7. The appeal site lies some 300m to the south of Holton St Mary which has a church and a village hall in terms of services and facilities. The appellant argues that the appeal site is not poorly related to Holton St Mary but is part of a cluster of properties that are offset to the bulk of the village. While I accept that the site lies adjacent to existing dwellings and in that sense is not isolated, I remain unpersuaded that it has a “*close functional relationship to the existing settlement*” or is “*well related to the existing pattern of development*” as required by Policy CS11 of the Core Strategy as the site is clearly separated from the settlement by the intervening fields and the countryside that surrounds it.
8. Turning to accessibility, access to Holton St Mary would be via Stubbins Lane which is single track and does not have a pavement or lighting. Although the appellant states that Stubbins Lane has large verges, I am not persuaded that they are suitable as a refuge for certain groups of people such as users of mobility scooters and other people with mobility issues, blind or partially sighted persons and people with prams. Furthermore, although the appellant has provided details of a public footpath to Holton St Mary, this is located along the fringes of farmland which itself would not be suitable for those groups of people mentioned previously and would nonetheless, still require navigation of part of Stubbins Lane.
9. In addition, the footpath leads to Holton St Mary where very few facilities exist. Occupiers of the dwelling would need to visit East Bergholt, Caple St Mary or other larger settlements for day to day living. Notwithstanding the availability of bus routes in the area, occupiers of the proposed dwelling would still be required to walk or cycle down an unlit public footpath and Stubbins Lane which would not only deter many pedestrians from using the local bus services, especially those laden with shopping or during the winter months and inclement weather, but would also deter occupiers from cycling to the local villages. It is highly likely that the future occupiers of the dwelling would rely heavily on the private car to access services and facilities. Furthermore, I have not been provided with any substantive evidence that the development would meet a proven local need and having regard to paragraph 78 of the Framework, the addition of one dwelling at the site would only have limited impact on the vitality of rural communities.
10. Thus, the development of the site for the proposed dwelling is unacceptable in principle in this location. It would be in conflict with Policies CS1, CS2, CS11 and CS15 of the Core Strategy and the Framework which seek, amongst other things, to ensure that developments are adjacent or well related to the existing pattern of development, maintain or enhance the vitality of rural communities, reduce the need to travel by private car and are served by an appropriate level of facilities, services and infrastructure.

Planning Balance

11. The appellant has referred to a recent planning application¹ that has been granted in Holton St Mary for a single dwelling. Although the appellant has provided quotes from the officer’s report, I have not been provided with sufficient details, such as the location of the site in relation to the settlement, to enable me to make a direct comparison to the development before me. Nevertheless, while the officer’s report states that the proposal would support local amenities, services and facilities available within Holton St. Mary, I am not persuaded that such services exist for

¹ DC/19/02506

day to day living. This is consistent with the findings of another Inspector who, when dismissing a development of nine dwellings in Holton St Mary², agreed that while the proposal would not conflict with Policy CS11 of the Core Strategy, it would nonetheless be in an unsustainable location.

12. Moreover, the appellant has also referred to a raft of appeal decisions that are considered to be similar to the appeal proposal. However, some of these decisions are not within Babergh District and therefore would have been considered against a different development plan and thus are of limited relevance to my considerations as part of this appeal. From those decisions that are within Babergh District, none of the sites are within Holton St Mary and while I accept that they are indeed material considerations, each site will have a different relationship to the village or settlement that it relates to and it must be recognised that each application has to be considered on its own individual merits which is a fundamental principle that underpins the planning system. That said, I acknowledge that there is a debate over the consistency of policies of the development plan including the ability of the Council to demonstrate a five year housing land supply and whether the tilted balance at paragraph 11 of the Framework is engaged.
13. The Council accepts that Policy CS2 of the Core Strategy is not wholly consistent with the Framework in that it seeks to restrict development within the countryside unless in exceptional circumstances and thus, cannot be given full weight. In contrast, the Framework has a more nuanced and refined approach stating that the intrinsic beauty of the countryside should be recognised while allowing development that would enhance or maintain the vitality of rural communities. While I accept this position, I do not consider it necessary for me to contribute to the debate over the weight to be attributed to Policy CS2 because even if I were to find that it carries reduced or even no weight, it would not outweigh the harm that I have identified and its conflict with Policies CS11 and CS15 of the Core Strategy in seeking to direct developments to the more sustainable parts of the district.
14. Furthermore, I have found that the proposed development would be contrary to the development plan in that the site is not within a location where it has accessibility to employment, shops and a choice of a means of transport, to which I afford significant weight. Consequently, even if the Council is unable to demonstrate a five year housing land supply and whether or not the policies in the Framework which are most important for determining the appeal are out-of-date, the harm I have found is serious and, in my view, that significantly and demonstrably outweighs the benefits of the scheme when assessed against the policies in the Framework taken as a whole. As such the presumption in favour of sustainable development as envisaged by the Framework does not apply in this case. There are no other material considerations that indicate a decision other than in accordance with the development plan.

Conclusion

15. For the reasons given above, and having regard to the development plan when read as a whole, I conclude that the appeal should be dismissed.

Graham Wyatt

INSPECTOR

² APP/D3505/W/18/3205344 dated 19 June 2019