
Appeal Decision

Site visit made on 2 December 2019

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 January 2020

Appeal Ref: APP/W3520/W/19/3236366

Land adjacent to Church Road, Battisford IP14 2HQ

- 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 Mrs Gillian Hawes against the decision of Mid Suffolk District Council.
 - The application Ref DC/19/02332, dated 17 May 2019, was refused by notice dated 29 July 2019.
 - The development proposed is described as "Erection of a single storey dwelling with improved vehicular access from Church Road (including change of land use)".
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was submitted in outline form with all matters reserved for future consideration. I have determined the appeal on this basis, treating the submitted plans as illustrative only.

Main Issue

3. The main issue is whether the appeal site is an appropriate location for new residential development.

Reasons

4. The appeal site falls outside of any of the defined settlements identified in Policy CS 1 of the Mid Suffolk District Core Strategy Development Plan Document September 2008 (the CS). The policy directs the majority of new development to these defined settlements to support existing communities and support sustainable patterns of development. In policy terms the site therefore lies in the countryside, where development opportunities are limited to the exceptions set out in Policy CS 2 of the CS. The appeal proposal is not any of these exceptions.
5. The appeal site lies within a cluster of residential dwellings. The development proposed would not therefore be an isolated home for the purposes of paragraph 79 of the National Planning Policy Framework (the Framework). However, the site is more than 1 mile from the nearest settlement, Battisford Tye. Based on the evidence before me, Battisford Tye is also a settlement in the countryside, which offers limited services to meet the day-to-day needs of residents of the development proposed. As such, future residents would have to travel to settlements further away in order to access shops, services,

employment and education. The nearest larger settlement which would provide a number of services and facilities to meet day-to-day needs is Needham Market, around 3 miles from the site along a mostly narrow and winding road.

6. Paragraph 103 of the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. The appellant has referred to the potential for the development to support facilities in neighbouring villages, which is recognised in paragraph 78 of the Framework. However, the appeal site is particularly remote from services and facilities to support the day to day needs of residents, other than the nearby parish church. Church Road is an unlit rural lane, with no pavement or separate cycle path in the immediate vicinity of the site and with significant changes in topography along its length. I consider that it does not encourage walking or cycling from the appeal site to reach day-to-day services and facilities, and there is no access to public transport available in the immediate vicinity of the site. Due to the distances involved, I consider that most trips to Battisford Tye or the larger, more distant, settlements are likely to take place by car.
7. The appellant has referred to permissions granted by the Council and on appeal for new dwellings in the countryside within the District, including a scheme approved by the Council which included additional parking space for the Punch Bowl Inn. However, I do not have in evidence before me the full details that led to these schemes being considered acceptable. In the evidence before me none of the sites is said to be as far from day-to-day services as the appeal site, and in one case a shortfall in the Council's housing land supply was identified which is not identified in this appeal. These differences limit the weight that I can give these other decisions in the determination of this appeal. In any case each appeal must be determined on its own merits, and this is what I have done.
8. The appellant refers to a housing needs survey carried out by the Parish Council which highlighted a need for smaller dwellings in the area. However, I have not been provided with a copy of the survey and it is not suggested that the appeal site is the only location in the parish that would be suitable for such housing. Accordingly, I can only afford this very limited weight in determining this appeal, and in any case a single dwelling would also only have very limited impact on local housing need.
9. The appellant has suggested a condition requiring the installation of an electric vehicle charging point at the site. However, it would not be possible to enforce the use of electric vehicles on future occupiers of the property. I do not consider therefore that such a condition would overcome the harm identified, or that it would be reasonable in this instance.
10. For these reasons I therefore conclude that the appeal site is not an appropriate location for new residential development. The proposed development conflicts with Policies CS 1 and CS 2 of the CS and Policy H7 of the Mid Suffolk Local Plan September 1998, which when taken together form the planned approach to direct the distribution and scale of new housing development to existing settlements with access to services.

Other Matters

11. Paragraph 11 of the Framework states that where the policies which are most important for determining the application are out-of-date permission should therefore be granted unless policies in the Framework provide a clear reason for refusal, or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in

the Framework as a whole. The Council acknowledges that the most important policies for determining this proposed development are more restrictive than the Framework, and therefore paragraph 11 applies.

12. Except for the parish church, the appeal site is too far from its nearest services and facilities for the use of sustainable transport measures to be likely on a regular basis. While vehicle movements associated with a single dwelling may be small in number, trips to and from the site would be likely to be of significant distance given the particularly remote location from services and facilities. I afford this substantial weight in determining this appeal.
13. Set against this harm, I see that the Council has considered that the development proposed would contribute towards the Council's housing needs. The development would deliver temporary economic benefits during the construction period and contribution towards the Community Infrastructure Levy, as well as ongoing benefits from council tax payments and support for local businesses from the custom from residents. In addition, the appellant refers to a perceived need for smaller dwellings in the Parish to which the development proposed could contribute and suggests that the development would deliver highway safety improvements. As well as this, the development proposed would ensure the ongoing maintenance of the site and improve the vehicle access. Collectively, I attach moderate weight overall to these benefits, as the economic and social benefits of a single dwelling are limited, and the Council does not have an identified housing land shortfall.
14. The appellant contends that the development proposed would be of an appropriate scale and design so that it would not have a harmful effect on the landscape character of the area or on the living conditions of neighbouring occupiers, subject to approval of reserved matters. I also note that no objections have been raised in relation to highways, the landscape, flood risk or contamination. However, the absence of harm is only a neutral factor in the overall planning balance.
15. I therefore find that the harm arising from the proposed development would significantly and demonstrably outweigh the benefits. The proposal would therefore not be a sustainable form of development, when considered against the Framework as a whole.
16. The appellant has noted a reference in the suggested reason for refusal in the Council's delegated report to 'three additional dwellings' rather than the single dwelling proposed in this scheme. This is not present in the reason for refusal on the decision notice, and I am satisfied based on the rest of the delegated report that the Council based their decision on the development proposed.

Conclusion

17. For the reasons given above I conclude that the appeal should be dismissed.

M Chalk

INSPECTOR