



Appeal Decision

Site visit made on 14 October 2019

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 January 2020

Appeal Ref: APP/D3505/W/19/3233033

Land at Rotten Row, Newton, Sudbury, CO10 0QE

- 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 Devlin against the decision of Babergh District Council.
 - The application Ref DC/19/01636, dated 2 April 2019, was refused by notice dated 31 May 2019.
 - The development proposed is erection of detached dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was submitted in outline form with all matters except for access reserved for future consideration. I have therefore determined the appeal on this basis.

Main Issues

3. The main issues are the effect of the development on the character and appearance of the area, and whether the site is situated in a sustainable location.

Reasons

Character and Appearance

4. The appeal site is located on the south-eastern side of Rotten Row, almost opposite the access to Rotten Row Farm. The site itself is part of a field. The only other building within the immediate vicinity of the site is a stable building. To the north of the site Newton Green Golf Club, beyond this lies the existing built-up area of Newton. Given that there is little built up development in the immediate vicinity of the site, together with the site's distance to the built-up area of Newton itself, the site has a distinctly rural character and feel to it.
5. From the evidence before me, the site lies well outside of the defined built-up area of Newton. As such, in planning policy terms, it is located in the open countryside.
6. At my site visit I saw that the site is screened from the road by a hedgerow that runs around the field, limiting views from the road and golf course. However, this hedgerow is largely outside of the red line shown on the

proposed site plan. Its retention outside of the appeal site could not therefore be guaranteed if permission were to be granted.

7. Even if that was not the case, the site is visually isolated. The introduction of even a modest dwelling would result in an unacceptable intrusive form of development in this countryside location. Consequently, the introduction of a new dwelling would give rise to significant harm to the undeveloped and rural character of the site and its surroundings, and would be highly undesirable in this location.
8. The appellant has drawn my attention to Policy CS11 of the Babergh Local Plan 2011-2031 Core Strategy & Policies February 2014 (the CS), and its criteria for assessing the development proposed. Based on the evidence before me, whilst Policy CS11 permits a degree of flexibility in the location of new development, one of its criteria is whether a proposal is adjacent or well related to the existing pattern of development for that settlement. In this case the appeal site is divorced from the main built-up area, and as such I consider that Policy CS11 does not indicate that permission should be granted.
9. In addition to the above, my attention has been drawn to a number of appeal decisions¹ in support of the development proposed. However, it appears to me that none of these proposals relate to a comparable site to the current appeal site, especially given the undeveloped nature of the area. In any case, each appeal must be determined on its own merits.
10. For the above reasons the development would harm the rural character and appearance of the area in conflict with Policy CS15 of the CS, which amongst other criteria seeks to ensure that new development respects the landscape and makes a positive contribution to the local character of the area. It would also conflict with Policy CS1 of the CS, and the sustainable development aims of the National Planning Policy Framework (the Framework).

Location

11. At my site visit I saw that there is a church and pub in the village of Newton, together with bus stops on the A134. However, as noted above, the appeal site is located away from the built-up area of Newton.
12. Rotten Row in the vicinity of the appeal site is a narrow road. The appeal development would be accessed via a gated access opposite Rotten Row Farm. Newton Green Golf Club lies between the site and the village. Whilst there are paths across the golf course which link the appeal site to the main part of the village, I am conscious that the route is unlit and the roadway does not segregate pedestrian and vehicle traffic. Other than the route of the road I saw no paved paths between the appeal site and village during my visit.
13. Taking these factors into account, the likely routes that future occupiers would take to access the services within the village, including the bus stops on the A134, lead me to the view that walking would not be an attractive option, especially in the winter months, or for those of limited mobility. Given this, I consider that future occupiers of the site would invariably use private motor vehicles for such journeys, which is the least sustainable mode of transport.
14. In coming to this view, I acknowledge that the village itself has public transport links that provide an attractive alternative to the private car. While this is

¹ Planning Inspectorate references APP/D3505/W/18/3206160, APP/D3505/W/16/3159797, APP/D3505/W/17/3176540 and APP/D3505/W/19/3222941

clearly a significant factor in the sustainability credentials of the location of the village, it does not outweigh the harm I have found.

15. For the above reasons the appeal site is not in a sustainable location, and the future occupiers would be heavily reliant on the private motor car. The development proposed would therefore conflict with Policy CS15 of the CS, which amongst other matters seeks to minimise the need to travel by car.

Planning Balance

16. The Council has provided evidence that it has a five-year supply of housing land which is based upon the standard method of calculation as set out in national policy and guidance, as the strategic housing policies in the CS are more than five years old².
17. The appellant considers that the Council cannot demonstrate such a supply, and that the presumption in favour of sustainable development set out in paragraph 11(d) of the Framework should be engaged. However, the appellant has provided little evidence to demonstrate that the Council cannot demonstrate such a supply, and has relied on the conclusions of an appeal decision³ to conclude that the presumption should be applied. From the evidence before me, the appeal decision to which the appellant refers pre-dates the Council's latest position statement.
18. In the absence of any convincing evidence to the contrary I find that the Council can demonstrate a deliverable five-year supply of housing. The presumption in favour of sustainable development does not therefore apply.
19. However, even in the event that a five-year supply of housing land does not exist, I consider that the proposal would only provide very limited economic and social benefits. Whilst these benefits would be both temporary (economic benefits from the construction period) and permanent (from the ongoing occupation of the dwelling) these would be significantly and demonstrably outweighed by the environmental harms I have identified above.
20. The appellant has noted the absence of objections from third parties in relation to the proposed development. I note this, but the absence of any objections from third parties can only be a neutral consideration in the determination of this appeal. In any case it does not absolve any decision maker from undertaking their own assessment of the development proposed.
21. Taking all of the above factors into account, I can only conclude that the proposal cannot be considered to be sustainable development, nor are there any identified material planning considerations which would indicate that planning permission should be granted.

Conclusion

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

M Chalk

INSPECTOR

² From the Babergh District Council Housing Land Supply Position Statement September 2019

³ Planning Inspectorate reference APP/D3505/W/18/3206195