



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: 21st January 2020

Appeal Ref: APP/W3520/W/19/3225625

Walnut Tree Farm, Hoxne Road, Syleham IP21 4LT

- 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 and Mrs Halil against the decision of Mid Suffolk District Council.
 - The application Ref DC/18/05358, dated 3 December 2018, was refused by notice dated 5 February 2019.
 - The development proposed is 5 new dwellings with garages.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal seeks outline permission relating to access, with all other matters reserved. The drawings include elevations and block plans of the proposed houses. However, scale, layout and design are reserved matters to be determined at a future point. As such I have determined the appeal on this basis, treating the submitted plans as illustrative only.

Main Issues

3. The main issues are:
 - Whether the proposal is consistent with the objectives of local and national policies relating to the location of housing in rural areas, with particular regard to the accessibility of local services and facilities;
 - The effect on the character and appearance of the area, including the effect in respect of light and whether it would preserve or enhance the setting of a listed building;
 - The effect on highway safety; and
 - The effect on agricultural land.

Reasons

Location of housing in rural areas

4. Policy H7 of the Mid Suffolk Local Plan (1998) (LP) states that in the interest of protecting the existing character and appearance of the countryside, outside settlement boundaries there will be strict control over proposals for new housing. The provision of new housing will normally form part of existing

settlements. Whilst detailed matters relating to character and appearance are dealt with in a later main issue, the proposal would not meet the principle of this policy requirement because the site is designated as countryside and outside of the development boundary of the established countryside village of Syleham.

5. According to Policy CS2 of the Core Strategy Development Plan Document (2008) (CS), in the countryside development will be restricted to defined categories. Market housing does not fall within these categories and the proposal also fails to comply with this policy. In that context, the National Planning Policy Framework (the Framework) seeks that planning policies should avoid isolated new homes (unless proposals fall within listed exceptions) and that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the viability of rural communities. As such the approach of Policies H7 of the LP and Policy CS2 of the CS are more restrictive than the Framework and therefore, not entirely consistent with it.
6. The appellant referred to the High Court Judgement (Braintree District Council v Secretary of State for Communities and Local Government & Greyread Ltd & Granville Developments (2017)). I am aware of this case and in my view, the appeal proposal does not constitute isolated homes in the context of paragraph 79 of the Framework. This is because the proposed outline development would be near to existing houses and are therefore would not be physically isolated.
7. Notwithstanding the above, the accessibility of the proposal to local services and facilities is a pertinent factor to the consideration of whether the proposal would constitute sustainable development in rural areas for the purposes of Policy FC1 of the Mid Suffolk Core Strategy Focused Review (2012) (CSFR) and the Framework. The appellant argues the site is not functionally isolated as Eye and Diss are located approximately 5 miles away and Stradbroke is 2.5 miles away. Syleham has a village hall, place of worship and good broadband connection, according to the appellant. However, there are limited facilities and services in the village. Hoxne Road is a single-track lane with no footpath or street lighting, which would not encourage pedestrian use in bad weather or when light is limited. The appellant mentions a bus service serves Syleham and links to larger settlements, however, the Council disputes this as they argue there is no access to public transport. I also did not see a bus stop in the village during my site visit.
8. I acknowledge private vehicle use is more common in a rural setting and some services and facilities may not be too far away by private vehicle. However, it has not been demonstrated to me that the future occupiers of the five new houses would have viable alternative options to access services and facilities or to commute. Therefore, there would be a heavy reliance on private vehicles, which would be a disadvantage in environmental and social terms. Consequently, based upon the evidence before me and my own observations, I find that the proposal is in a location with substandard accessibility to local services and facilities, which would result in a harmful increase in journeys by less sustainable modes of travel.
9. Accordingly, I conclude that the proposal is inconsistent with the objectives of local and national policies relating to the location of housing in rural areas, with particular regard to the accessibility of local services and facilities. I, therefore,

conclude that the development would fail to accord with Policies FC1 and FC1.1 of the CSFR, Policy H7 of the LP, Policy CS2 of the CS and The Framework.

Character and appearance, including the setting of a listed building

10. The appeal site lies adjacent to Hoxne Road and consists of two separate parcels of land divided by a Village Hall. It, therefore, forms part of the more sporadic forms of development on the south eastern side of the road which is interspersed by open land and contrasts with the more linear pattern of development on the opposite side of the road. In that context, the site contributes to the evident transition to the more open character of surrounding countryside and the wider rural setting beyond the main built envelope of Syleham.
11. With regard to the above, although the appeal proposal seeks outline planning permission, it is reasonable that the introduction of five new dwellings and associated residential paraphernalia such as driveways and boundary treatments would erode the perception of openness provided by the expansive frontages of the appeal site on the south-eastern side of Hoxne Road. The proposed development would create a linear pattern of development, which is more in keeping with the north-western side of the street. I find the introduction of built form and associated domestic paraphernalia would distinctly alter the rural character and appearance of the appeal site and would erode a distinctive gap in development along Hoxne Road. This in turn would harm the intrinsic character and beauty of the countryside and therefore is not consistent with Paragraph 170b of the Framework. The appellant has highlighted conditions could be used to restrict permitted development rights and to deal with boundary treatment, however this would not overcome the harm identified to the character and appearance of the area.
12. The appellant refers to the Joint Babergh and Mid Suffolk Landscape Guidance (August 2015) which finds Syleham located within the Plateau Claylands character area. Whilst the full detail of that document is not before me, reference was made to the relationship of the proposal with the overall settlement character which is defined as ranging from farmstead, clustered development and ribbon development. Although those features of the settlement are evident in the wider area and are somewhat similar to the proposal before me, their presence does not justify the harm arising upon the character and appearance of the site and its countryside setting that would arise from the development as proposed in this particular location.
13. In addition to the above, the Grade II Listed Old White Horse building is located opposite the northern part of the appeal site. The listing refers to the building as a former public house, probably originally a farmhouse. I have taken into account that as part of the reserved matters the proposed dwelling could be set back into its plot and landscape treatments could be added to assist visual separation. Furthermore, the design and materials of the building could also be addressed at reserved matters stage. However, in my view the openness of the southern side of the street adds to the setting and significance of the listed building.
14. The loss of openness as a result of the proposed development would harm the setting of the listed building. The degree of separation between the heritage asset and the site would limit the vantage points from which the site would be viewed and experienced as part of the setting of the listed building, resulting in

less than substantial harm to the significance of the setting of the listed building. The public benefit suggested is the provision of five family houses, future occupiers would contribute to the retention of local services and facilities and construction jobs, proposed road improvements, small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly, the site is not functionally isolated and land would be made available to the village hall for parking. However, the public benefits in that respect would be limited based on the scale of development proposed and do not outweigh the great weight given to the conservation of the Grade II listed Old White Horse building and the less than substantial harm to its setting and significance that I have identified.

15. Concerns have been raised over light pollution from the new dwellings. The site is near to the settlement boundary and opposite several houses. There are also existing buildings along the south-eastern side of Hoxne Road close to the appeal site. The proposed drawings suggest hedging would be provided along several site boundaries, although this would be dealt with through reserved matters. I consider appropriate boundary treatments would help to defuse some light emitted from the buildings and vehicles associated with these properties. I therefore, find that the proposal would not be detrimental to the character or appearance of the countryside or nearby listed building or residential amenities with respect to light pollution. However, the absence of concern in that respect is a neutral factor and does not override or justify the harm I have previously identified.
16. I conclude that the proposal would harm the character and appearance of the area. The proposal, therefore, conflicts with Policies FC1.1 of the Mid Suffolk Core Strategy Focused Review (2012), Policy CS2 of the Mid Suffolk District Core Strategy Development Plan Document (2008) and Policies GB1, SB2 and HB1 of the Mid Suffolk Local Plan (2008). The policies, when taken together and amongst other things, seek that proposals maintain or enhance the character and appearance of their surroundings, seeks to conserve and enhance the local character of different parts of the district including the countryside, and place a high priority on protecting the character and appearance of all buildings of architectural or historic interest. There is associated conflict with the Framework in those respects.

Highway safety

17. The Council has raised concerns with reliance on private vehicle and congestion caused to the rural highway network. Hoxne Road is a single track road and the introduction of five households would add to traffic along this and surrounding roads. However, I did not witness congestion along this road or surrounding roads when I visited the site, although I accept they may be busier at peak travel times. Based on my observations and the information before me, I consider the rural network would be able to in principle, accommodate the additional traffic associated with five additional households without causing unacceptable levels of congestion.
18. Although, it does not form part of the reason for refusal, in drawing number 5950 01D the appellant has tried to address the concerns raised by the Highway Authority in relation to the suitability of the access and road improvements. The drawing illustrates proposed visibility splays, passing bays along Hoxne Road, and widening of the access road into Walnut Tree Farm.

Based on the information before me it appears that each of those alterations consist of elements that would be outside of the appeal site boundary. I, therefore, could not reasonably impose a condition to secure their delivery, as there is no evidence before me that the land is otherwise under the ownership of the appellant or there are any legal agreements for such works to take place. I have concerns that without these road improvements there would be an increased risk of accidents between vehicles and pedestrians due to the need for greater manoeuvring in the road and reduced visibility along the road. Therefore, highway safety has not been satisfactorily addressed.

19. The Council's Rights of Way Team object to the proposal, although it is not part of the reason for refusal. The concerns relate to the proposed widening of the road affecting a Public Right of Way which runs along this route. It would affect the route but it does not appear that public access would be denied. Therefore I do not consider the proposal would be harmful to the Public Right of Way. However, the absence of concern in that respect is a neutral factor and does not override or justify the harm I have previously identified.
20. Accordingly, I conclude that the proposal would have a harmful effect on highway safety. The proposed development, therefore, in that respect fails to accord with the Framework in so far as it seeks that the potential impacts of development on transport networks can be addressed.

The effect on agricultural land

21. The site includes grades 1, 2 and 3a of the Agricultural Land Classification according to the Council. Paragraph 170(b) of the Framework refers to planning decisions contributing to and enhancing the natural and local environment by recognising the benefits of the best and most versatile agricultural land. Footnote to Paragraph 171 of the Framework, highlights where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. It is unclear the extent of the appeal site that falls within these high quality agricultural land classifications. There is no evidence before me that would lead me to consider that there is a shortfall of grade 1, 2 or 3 agricultural land in Mid Suffolk. In any case, the extent of loss of agricultural land would not, in my view, be significant in the context of the Framework. As such, the loss of agricultural land would reflect only a minor adverse effect in the planning balance.
22. I conclude that, based on the evidence before me, the development would not result in significant harm to agricultural land, with only a minor adverse effect arising from its loss. The Framework seeks only that the economic and other benefits of best and most versatile agricultural land are recognised and taken into account in decision making.

Planning Balance

23. The Framework does not change the statutory status of the development plan as the starting point for decision making. I have found harm and associated conflict in terms of policies relating to the location of housing in rural areas with particular regard to accessibility and the effect on highway safety. I have also found harm in terms of the character and appearance of the area, including less than substantial harm to the setting and significance of a Grade II listed building.

24. The appellant considers the most important Policies CS2 of the CS, FC1.1 of the CSFR and H7 of the LP to be out of date in terms of the provision of housing in rural areas and that they are inconsistent with the Framework. It is also a matter of dispute between the parties as to whether the Council can demonstrate a five year housing land supply, with the appellant having referred to an appeal decision (APP/W3250/W/18/3194926) which identified a 3.4 year supply within the District and referred to more recent Council evidence of 5.06 year supply being based on overly optimistic assumptions. The appellant also referred to appeal decisions APP/L2630/W/18/3209464 and APP/K2610/W/18/3205832 but has not provided full details of those decisions. In any case, even if I were to accept the appellants views in those respects and were to consider the proposal against paragraph 11(d) of the Framework, it falls under footnote 6 for the purposes of 11d(i). In that regard, based upon my previous findings, the application of policies in the Framework relating to designated heritage assets provide a clear reason for refusing the application. Consequently, the presumption in favour of sustainable development does not apply in this case.
25. Including the benefits arising from the provision of five houses and that future occupiers would contribute to the retention of local services and facilities and construction jobs. I also acknowledge Paragraph 68 of the Framework refers to small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly, the site is not functionally isolated, and land would be made available to the village hall for parking and associated benefits in that respect. However, the conflict with the development plan and the Framework when taken as a whole, and the associated harm identified are significant and overriding factors. Consequently, the material considerations in this case, do not indicate that the application should be determined otherwise than in accordance with the development plan.

Conclusion

26. 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