



Appeal Decision

Site visit made on 7 January 2020

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 January 2020

Appeal Ref: APP/W3520/W/19/3237673

Land Between Taylors Farm & Playing Field, Straight Road, Battisford, Stowmarket IP14 2NB

- 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 Peter Rushbrook against the decision of Mid Suffolk District Council.
 - The application Ref DC/19/01794, dated 8 April 2019, was refused by notice dated 21 May 2019.
 - The development proposed is change of use from agricultural to residential and erection of up to 8 no. dwellings and associated vehicular access.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Peter Rushbrook against Mid Suffolk District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
4. The application was submitted in outline with all matters reserved for future consideration. I have assessed the appeal on this basis and treated the site layout plan as being submitted for indicative purposes.
5. The emerging Joint Development Plan Document for Babergh and Mid Suffolk District Councils and the Neighbourhood Plan for Battisford are at an early stage of production. As such, I give them limited weight in my assessment.

Main Issues

6. The main issues are (i) whether the proposal would be in a suitable location having regard to the National Planning Policy Framework (the Framework), local planning policies and accessibility, (ii) the effect on the character and appearance of the area, (iii) whether there is sufficient information in respect of ground pollution, and (iv) the effect on highway safety in regard to visibility.

Reasons

Suitability of location

7. Battisford is not in the list of settlements under policy CS1 of the Mid Suffolk District Core Strategy Development Plan Document 2008 (CS). Consequently, under the terms of the policy, the site falls within the countryside. Also, as the proposal would not be one of the identified developments permissible in the countryside, it would be contrary to CS policy CS2. The development would not be isolated housing and the site has been identified in a Council assessment as having potential to provide housing, but these factors fail to address the conflict with the identified CS policies.
8. Battisford contains no school or shops, but only a limited range of services that are unlikely to support day to day living. As such, occupiers of the proposed dwellings would need to travel to other settlements some distance away to access facilities. I have been provided with no information on the frequency of local bus services but given the small size of Battisford and its rural location, it is unlikely that these would be so regular to offer an attractive, convenient travel option for most trips to and from the proposed development.
9. The limited range of local facilities, distance to larger settlements and heavy reliance upon car travel would mean that occupiers of the proposed dwellings would not have good access to jobs and key services, contrary to the aims of the CS settlement hierarchy. For the same reasons, it would also fail to promote walking, cycling and public transport use as advocated by the Framework.
10. The appellant suggests a planning permission granted by the Council for housing at Bowl Road, Battisford¹ sets a precedent for this appeal. However, the need to address an identified housing land supply shortfall was a significant factor in the Council's decision to grant permission, which is not applicable with this appeal. Also, insufficient details have been submitted on the relationship of the 2 dwellings allowed at Baking and Ringshall² to local services to allow comparisons with this appeal proposal. As such, the referred to planning permissions fail to affect my views on this main issue.
11. For these reasons, I conclude that the site would not provide a suitable location for the proposal having regard to accessibility and to saved policies CS1 and CS2 of the CS, policy FC1.1 of the Mid Suffolk Local Development Framework Core Strategy Focused Review 2012 (CSFR) and the Framework. These all aim, amongst other things, to locate development where there is good access to services and to minimise the need to travel. CS policy CS5 and CSFR policy FC.1 are referred to in the Council's first refusal reason but contain no provisions that are relevant to this main issue.

Character and appearance

12. The site forms part of a larger field which is clearly visible from the adjacent highway. A hedgerow and fields lie on the opposite side of the road whilst a wooded area to the east separates the site from a nearby play area. These features result in the site appearing as part of attractive, open countryside that is distinct from the adjacent built up part of the village.

¹ Council ref. no. DC/18/05259.

² Appeal ref. no. APP/W3520/16/3144431

13. Whilst limited details of the development are before me for consideration, it is inevitable that the proposal would markedly change the appearance of the site and would significantly curtail views from the road of the wider countryside. Adjacent housing and woodland would provide partial screening, but the site has a wide frontage and so the development would be seen from a significant stretch of the highway. Intervening woodland and the low-key nature of the play area would prevent the proposal appearing as an in-fill between clusters of development, but instead it would read as an encroachment of the built up area into the adjacent field. The site is not subject to any national landscape safeguard, but nevertheless, the resulting change in its appearance and character would diminish the intrinsic beauty of the countryside.
14. The aforementioned housing at Bowl Road is opposite bungalows and so does not encroach as markedly into countryside compared to the appeal scheme. As such, the Bowl Road housing fails to alter my opinion of the appeal proposal in respect of this main issue.
15. For these reasons, I conclude the development would cause significant harm to the character and appearance of the area and so, in this regard, it would not accord with saved policy CS5 of the CS and the Framework. These aim, amongst other things, to maintain or enhance the character and appearance of an area and to recognise the intrinsic beauty of the countryside.

Contaminated land

16. The appeal site is currently used for agriculture. However, no evidence has been provided to support the claim that the land has not previously been developed or that there have been no historic uses nearby that could have contaminated the site. Without such evidence, I am uncertain whether the site may be subject of soil pollution that would cause a risk to the occupiers of the proposed houses, or whether any such risk could be properly addressed through the imposition of planning conditions.
17. For these reasons, I conclude that there is insufficient information in respect of potential ground contamination affecting the site. Consequently, and in this regard, the proposal would not accord with the Framework which aims, amongst other things, to prevent new development being put to an unacceptable risk from soil pollution.

Highway safety

18. The Council has advised that visibility splays for the proposed access shown on the site layout plan are inadequate, although access details are reserved for future consideration and the layout plan is submitted for indicative purposes. Visibility to the west would be partially restricted for drivers leaving the development by a bend in the road and nearby vegetation. However, the site has a wide frontage and so the access could be positioned further eastwards than shown on the indicative plan, thereby allowing greater visibility to the west. As the road is straight, sufficient visibility to the east is clearly achievable. Furthermore, traffic passing the site is subject to a 30 mph speed limit and on my visit was not travelling particularly fast. As such, I am satisfied sufficient visibility could be provided to allow safe egress from the proposal.
19. For these reasons, I conclude that the development would not cause harm to highway safety due to inadequate visibility. Consequently, and in this regard, it

would accord with policy T10 of the Mid Suffolk Local Plan 1998 and the Framework which aim, amongst other things, to ensure development has a safe egress and does not cause unacceptable harm to highway safety

Other matters

20. Bevants Farmhouse is a nearby grade II listed building, although it is not seen from the site due to intervening buildings and vegetation. Due to the lack of inter-visibility, no harm would be caused to the setting or character of the listed building and no other heritage assets would be affected by the proposal.
21. The appellant does not dispute the Council's claim that it can demonstrate in excess of a five year supply of housing land. However, reference is made to an appeal decision³ in which the Inspector states that CS policy CS1 is out of date. In such circumstances, paragraph 11 d) of the Framework states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework.
22. The development would conflict with the Framework policies that seek to promote sustainable transport and to recognise the intrinsic character and beauty of the countryside. I give significant weight to the harm caused in these respects. The potential risk of harm by reason of soil pollution is also contrary to the Framework and attracts modest weight. I have found that the proposal would not cause harm to highway safety.
23. The proposal would be built to reduce carbon emissions, energy usage and water consumption, although acceptability in this regard is a neutral factor in my assessment. The scheme would have economic benefits in terms of creating construction jobs and by future occupiers supporting local businesses. However, as it is for only 8 dwellings, the economic benefits would be modest. The proposal would comply with the Framework policy to boost the supply of housing, but it is not required to address an identified under-supply of housing land and so I attach moderate weight to this benefit.
24. Overall, the harm arising from the proposal would significantly and demonstrably outweigh the benefits of the scheme when considered against the policies of the Framework. As such, the presumption in favour of granting permission as set out at paragraph 11 of the Framework does not apply.

Conclusion

25. For the reasons given above, I conclude the proposal would conflict with the development plan when read as whole and that there are no circumstances that justify a decision otherwise. As such, the appeal is dismissed.

Jonathan Edwards

INSPECTOR

³ Appeal ref. no. APP/W3520/W/18/3194926