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## Appeal Decision

Site visit made on 4 February 2020

**by Andrew Smith BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17 February 2020**

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**Appeal Ref: APP/D3505/W/19/3239726**

**Old Oaks, Lavenham Road, Acton CO10 0BH**

- 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 P Mortimer against the decision of Babergh District Council.
  - The application Ref DC/19/03488, dated 20 July 2019, was refused by notice dated 17 September.
  - The development proposed is detached two-storey dwelling and garage.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The appeal proposal is for outline planning permission with access only to be determined at this stage and with appearance, landscaping, layout and scale reserved for future approval. Whilst not formally part of the scheme, I have treated the details relating to the matters reserved for future approval submitted with the appeal application as a guide to how the site might be developed.
3. The emerging Babergh and Mid Suffolk Joint Local Plan (the JLP) has been referred to in the evidence before me. Nevertheless, it is my understanding that the JLP is at a relatively early stage such that its policies and designations currently carry limited weight. I shall consider the appeal on this basis.

### Main Issue

4. The main issue is whether or not the site represents an appropriate location for housing, having particular regard to access to facilities and services.

### Reasons

5. The appeal site is located outside of any defined settlement boundary and is thus designated as countryside in local planning policy terms. The closest settlements are Long Melford to the west, which is designated as a Core Village and contains a relatively wide range of facilities and services including shops, public houses and a primary school, and Acton to the east, which is designated as a Hinterland Village and contains a narrower range of such amenities.
6. Notwithstanding the presence of a public right of way close to the southern edge of the site, the most direct route from the appeal site to the centre of either Long Melford or Acton incorporates a stretch of Bull Lane (the Lane).

Significant extents of the Lane are not served by footway or any specific facilities for cyclists (such as a defined cycle lane) and I observed it to accommodate frequent and relatively fast-moving traffic flows. Whilst an image of cyclists using Lavenham Road at its approach to the Lane has been provided in the evidence before me, the Lane would be unlikely to appear attractive (to future occupiers of the proposal) to navigate either on foot or by cycle. This is not least due to the lengthy distances involved in order to reach either of the nearest settlements.

7. I have been made aware of a local bus service that runs along the Lane and between the towns of Sudbury and Bury St Edmonds offering access to various settlements in between (including Long Melford and Acton). This, I understand, is supplemented by a further limited service that runs through local villages. From the evidence before me, services run at approximately hourly intervals (in either direction) from Monday to Saturday from morning hours through to early evening hours. However, the nearest listed bus stops are located opposite Acton Place Industrial Estate to the west. The route to these stops, which is along often narrow grassed verges, does not promote safe and convenient access on foot.
8. Brief correspondence from the local bus company, Hedingham Buses, and from a local occupier appears in the evidence before me, which indicates that it is possible to board/alight buses at a local garden centre and at a local garage. However, these are not signposted stops and they do not appear on the bus timetable. The potential usability of these informal stops may not be widely known, and it has not been clearly demonstrated that their availability can necessarily be continually relied upon. In any event, particularly with respect to the local garage, these locations would still require future occupiers of the development to navigate not insignificant stretches of a well-trafficked route that is not served by footway.
9. Several appeal decisions relating to sites elsewhere have been either provided or referred to in the evidence before me, which I have given due attention to. One of these decisions, where the appeal was allowed in December 2018, relates to an additional dwelling at an existing cluster of development at Mannings Farm, Groton<sup>1</sup>. In that case the Inspector found that, although a dwelling in that particular location would be very likely to encourage private car use, the likely traffic generation from a single dwelling would be minimal and not unexpected in a rural area.
10. I accept that the National Planning Policy Framework (February 2019) (the Framework) recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, the Framework also indicates that opportunities to promote walking, cycling and public transport use should be identified and pursued. I also note that the proposed dwelling under consideration here would be sited in proximity to existing development such that it would not occupy an isolated location in a purely physical sense. However, I must consider the proposal before me upon its own individual merits and whilst taking into account the particular site circumstances and material considerations to hand.

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<sup>1</sup> APP/D3505/W/18/3201905

11. I have also noted recent appeal decisions from November 2019 at Hillcrest<sup>2</sup>, which, when compared to the Mannings Farm decision, are of greater relevance to my considerations here. This is because Hillcrest is situated only a short distance away from the appeal site and on the Lane. The Hillcrest Inspector, in dismissing the appeals, found that the bus service would be unlikely to cater for all the day-to-day needs of future occupiers, whom, he suggested, would remain heavily reliant upon the use of private motor vehicles. This is consistent with my own findings at the appeal site here.
12. For the above reasons, the scheme would cause harm by virtue of the site not representing an appropriate location for housing, with particular regard to access to surrounding facilities and services. The proposal conflicts with Policies CS2, CS11 and CS15 of the Babergh Core Strategy (February 2014) (the Core Strategy) in so far as these policies state that development in the countryside will only be permitted in exceptional circumstances and that all new development shall seek to minimise the need to travel by car using the following hierarchy: walking, cycling, public transport, commercial vehicles and cars, thus improving air quality.
13. Policy CS11 requires proposals for development at Core Villages to address, amongst other provisions, site location and the sequential approach to site selection, and requires development proposals at Hinterland Villages to demonstrate a close functional relationship to the existing settlement. The appeal site's location is distinctly separate from both Long Melford and Acton such that the proposal is in clear conflict with the policy. Whilst I have noted the appellant's assertion that Policy CS11 is not engaged due to the site's separation from the nearest settlements, I consider that the policy is of relevance to the determination of this appeal in the sense that it sets out a clear strategy for the expected location of new housing development away from the District's towns and urban areas.

### **Other Matters**

14. I have noted that concerns have been raised by the Parish Council, including with respect to the effect of the proposal upon the character and appearance of the area. However, as I have found the proposal to be unacceptable for other reasons, it is not necessary for me to explore these concerns further here.

### **Planning Balance**

15. I have identified conflict with Policy CS2 of the Core Strategy. However, this is a restrictive policy that offers support to development in the countryside only in exceptional circumstances. It is not wholly consistent with the Framework in terms of its approach to rural housing. Indeed, the Framework is less restrictive and sets out that housing should be located where it will enhance or maintain the vitality of rural communities. Thus, the fact that the site is located outside of any defined settlement boundary is not a determinative factor in this case and I apportion limited weight to the proposal's conflict with Policy CS2.
16. However, I have identified conflict with Policy CS11 of the Core Strategy, which offers some flexibility in terms of the expected location of new housing

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<sup>2</sup> APP/D3505/W/19/3229387 & APP/D3505/W/19/3229388

development in rural areas, and with Policy CS15 of the Core Strategy, which is broadly consistent with the Framework in terms of its aim to promote walking, cycling and public transport use. For the avoidance of doubt, I find that the policies most important for determining this appeal, when taken as a whole, are not out-of-date. I have not therefore applied the presumption in favour of sustainable development as set out in paragraph 11 of the Framework and Policy CS1 of the Core Strategy.

17. Whilst the Council has confirmed that it is currently able to demonstrate a 5.67 year supply of housing land and the appellant has not challenged this assertion, it would deliver an additional housing unit that would be anticipated to be delivered quickly within a District where the housing land supply surplus is marginal. Indeed, the Framework reaffirms the Government's objective of significantly boosting the supply of homes and promoting an effective use of land. Nevertheless, only a single additional unit is proposed, and I apportion this benefit of the scheme only limited weight.
18. In terms of further scheme benefits, the dwelling would create jobs during the construction phase and provide support to the local economy and local community facilities once occupied. Furthermore, some biodiversity/ecological improvements could be encouraged by additional soft landscaping and the provision of log piles and bird boxes. However, these benefits would be limited given the scale of the development under consideration.
19. I note that the appellant has raised personal circumstances relating to established work and family connections in the local area and uncertainty that is associated with the continued maintenance and upkeep of the Old Oaks site. However, these circumstances do not provide clear justification for the creation of an additional unit of living accommodation in this countryside location. Indeed, maintenance could be carried out by persons not living on site.
20. Thus, the contributions associated with the delivery and subsequent occupation of a single dwelling would be modest and would not outweigh the identified policy conflict and associated considerable harm that would be caused by virtue of the site's lack of accessibility to local facilities and services. The development conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

## **Conclusion**

21. For the reasons set out above, the appeal is dismissed.

*Andrew Smith*

INSPECTOR