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## Appeal Decision

Site visit made on 20 January 2020

**by Paul Thompson DipTRP MAUD MRTPI**

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

**Decision date: 2<sup>nd</sup> March 2020**

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**Appeal Ref: APP/W3520/W/19/3239632**

**Land to the North of A1120, Pettaugh Road, Stonham Aspal, Stowmarket IP14 6AT**

- 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 Andrew Turnbull against the decision of Mid Suffolk District Council.
  - The application Ref DC/19/00973, dated 16 February 2019, was refused by notice dated 12 September 2019.
  - The development proposed is described as "erection of 36 No. dwellings and associated garaging and parking (affordable housing elements to be agreed as per LPA policy). New vehicle access to highway. New pedestrian pavement link to village and adjacent Stonham Barns (via Stonham Barns Section 106 agreed route)".
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. Despite the description of development set out above, which is taken from the Application Form, I consider the description found on the Appeal Form better reflects the scheme that is before me and that which the Council considered. The development proposed is therefore for 'Erection of 34 No. dwellings and associated garaging and parking (affordable housing elements to be agreed as per LPA policy). Creation of vehicular access to highway and pedestrian pavement link to village and adjacent Stonham Barns (via Stonham Barns Section 106 agreed route)'. I have therefore dealt with the appeal on this basis.
3. Outline planning permission is sought but with appearance, landscaping and scale reserved for future consideration. I have therefore determined the appeal on the basis of the layout and access arrangements shown on the application drawings. Moreover, whilst the Council's first reason for refusal relates to the bulk and mass of the proposal. I have dealt with the 3D Massing Model (Drawing Number 07) and the landscaping shown on the other accompanying drawings as indicative when considering the likely impact of the proposals on the matters I have set out in the main issues below.
4. I have been referred to the proposals for the expansion of Stonham Aspal as a 'core village' through the emerging Joint Local Plan (the JLP). Although this proposes to allocate land to the east of the village, which would not include the application site, the JLP is not at an advanced stage of preparation. Therefore,

emerging policies and site allocations are not matters that have a significant bearing on my consideration of the merits of this appeal, particularly as there may be unresolved objections to contend with. Therefore, in accordance with the requirements of Paragraph 48 of the Framework, the JLP has attracted very limited weight in my consideration of the merits of the appeal.

## **Main Issues**

5. The main issues are:-

- the effect of the proposed development on the character and appearance of the area; and
- whether the proposed development makes provision for safe and suitable pedestrian access.

## **Reasons**

### *Character and appearance*

6. The appeal site is a roughly rectangular parcel of relatively flat agricultural land on the edge of Stonham Aspal and shares common characteristics with the varied field pattern that envelopes the village. It is situated to the northern side of the A1120 and extends north towards East End Road, which is bound by a continuous hedgerow. The eastern boundary is relatively open, so the site continues almost seamlessly into the next field. The backdrop of the western extent of the site is one of mature trees situated to the rear of dwellings in East End Road. The frontage boundary to the A1120 is also open.
7. The built edge of the settlement is very clear and terminates distinctly at the junction of the A1120 with Crowfield Road. This aligns with the settlement boundary defined by the Council's development plan and defines what is more urban and rural in form. To the east of the settlement, to the northern side of the A1120, the grain of development is more loosely spaced with houses set within mature landscaped plots, particularly toward East End Road. Development becomes increasingly sparser with a greater propensity for open and undeveloped fields.
8. Taken together these stated features, particularly the openness and visual break in development provided by the site, give rise to a clear and distinct, pattern of development. This makes a significantly positive contribution to the rural setting of the village edge, and therefore the character and appearance of the area.
9. Both main parties have referred to the Suffolk Design Guide, which alludes to the assessment of existing settlement character and the layout of new development. However, I have carried out my own assessment of the individual merits of the appeal scheme having regard to the established character of the village and its surroundings.
10. The proposal would, by virtue of its spatial distinction from the eastern edge of the settlement, stand alone and be arranged to a comparatively high density of some noticeable depth. This would jar with the established grain of low density and linear development to this edge of the settlement and would be visually separated from the denser forms of development within the settlement to the

west. Accordingly, it would blur how the village currently blends more naturally into the wider rural landscape.

11. The landscaping scheme for the site is indicative. Whilst I have no doubt that this would be reflective of the planting that exists to other boundaries, it would not be integral to the layout of the appeal scheme or provide enhancement to the rural landscape. In particular, the boundary to the A1120 would be largely open and the indicative landscaping of the eastern boundary would appear as a screen to the proposed development. In any event, clear views of the appeal site are available from the road, particularly on the approach to the village from the east, and the indicative landscaping would be unlikely to have a meaningful effect for some time. In any case, I do not subscribe to the notion that development that would be visually harmful would be acceptable if it can be hidden and the presence of mature landscaping of itself would appear somewhat incongruous in the context of its more open surroundings to the east. The proposal would therefore have a significantly detrimental effect on the character and appearance of the area.
12. I am mindful of the approved development to the corner of the A1120 and Crowfield Road<sup>1</sup>. Whilst that site is also beyond the settlement, its scale and clustered layout would be read in the context of development that has evolved to the south and east, particularly at the Stonham Barns. Its siting behind existing screening would also lead to continued appreciation of the defined soft edge to the southern side of the A1120. Accordingly, that development would have more of an integrated effect, whereas the appeal scheme would appear as a visually intrusive extension into the countryside.
13. I accept there are instances of development in the village arranged around accesses perpendicular to the highway, including Walnut Tree Meadow, Wingfield Meadows, and those consented to which I have been referred<sup>2</sup>. However, these do not project beyond the furthest extent of the rear gardens of neighbouring frontage properties or intrude into the open fields surrounding the village. Furthermore, the appeal site is located a discernible distance beyond these and its own surroundings are distinctly rural rather than built up.
14. I appreciate that the proposed dwellings could be constructed to high environmental standards but, for the reasons outlined above, I conclude that the appeal scheme would have a significantly detrimental effect on the character and appearance of the area. Hence, the proposal would not accord with Policy CS5 of the Mid Suffolk Local Development Framework Core Strategy Development Plan Document 2008 (CS). The policy requires that development is consistent with conserving the district's overall character, so it should be of high-quality design that respects the local distinctiveness of Mid Suffolk, enhancing the character and appearance of the district.
15. There would also be an associated conflict with Policies CS1 and CS2 of the CS, in terms of the site being designated as countryside and the restrictions on the particular types of development imposed by these policies. However, I acknowledge that such matters are more relevant to the principle of development than character and appearance.

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<sup>1</sup> Planning Reference: 4847/16 for ten units at Crowfield Road;

<sup>2</sup> Planning References: 0595/17 (for three units accessed between Privet Cottage and Oakdene) and for five units accessed between Orchard Farm and Longshaw.

16. The proposal would also conflict with paragraph 130 of the National Planning Policy Framework (the Framework) which requires that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
17. I have not found against Policy FC1 of the Mid-Suffolk Core Strategy Focused Review 2012 (the CSFR), or paragraphs 11 and 124 of the Framework in relation to this main issue, as they are not relevant to the consideration of the impact of the proposal. Moreover, the Council appears to have referred to the policies in the context of whether the proposal would amount to sustainable development, which I shall address within the Planning Balance.

*Pedestrian access*

18. Paragraph 108 of the Framework requires that safe and suitable access to a development can be achieved for all users. The proposal would provide pedestrian access to the southeastern edge of the site and a crossing point across the A1120, from which a new footway would be provided along the southern side of the road. This would terminate at the northwestern corner of Stonham Barns and join a footway that is proposed to be provided as part of development at Stonham Barns. This in turn would stop short of the junction of the A1120 with East End Road, where it is proposed to join a shared surface to be provided within the development consented at the corner of Crowfield Road.
19. Whilst the full details of the other footways are not before me, they are shown on the application drawings. Furthermore, the appeal is supported by a signed legal agreement which covenants the site owner to contribute to the delivery of new and improved public footways and rights of way serving, and in the vicinity of, the proposed development.
20. Based on the evidence that is before me, it is clear that efforts have been made and included in the legal agreement, to provide a pedestrian connection between the proposed development and the village. However, there is no guarantee that the footway would be provided in a timely manner to serve dwellings occupied within the proposed development as the legal agreement does not covenant the Highway Authority to do so. The Council's evidence also raises doubts that there would be no immediate prospect of the pedestrian link within the Crowfield Road development being provided, as the outline planning permission is due to expire soon without the agreement of Reserved Matters. Given that the proposed pedestrian link would be delivered by virtue of three separate developments, the footway proposed through this appeal may well not link up with any onward footway.
21. It is therefore clear that a highway scheme that would bring about safe and suitable pedestrian access for all persons has not been properly resolved between the main parties. The consequences of failing to provide a suitable transport link would be to the safety of the passage of pedestrians along the A1120 toward the village and greater dependency on the use of private vehicles and thereby the extent of such journeys made from this location.

22. Having regard to all of the above and the particular circumstances of this case, I must conclude that there is insufficient evidence before me that safe and suitable pedestrian access to the site would be provided as part of the proposed development with links to the wider pedestrian network so as to accord with the aforementioned requirements of the Framework.

### **Other Matters**

23. The appellant has referred to the Council's decision-making, particularly the decision taken by the Planning Committee to refuse permission contrary to their officer's recommendation and the subsequent evidence provided as part of the appeal to defend the reasons for refusal. I note that the decision of the Council's Planning Committee differs to the recommendation made by the case officer, but Members of Committee's are entitled to come to different conclusions. In any event, I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.

### **Planning Balance**

24. The Framework states that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise. The Framework is a material consideration.
25. The development plan for the area comprises the LP, CS and the CSFR, all of which predate the Framework. However, the Framework makes it clear that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them according to their consistency with the Framework.
26. I have been referred to an appeal decision at Woolpit<sup>3</sup> in the District which addresses the consistency of the development plan policies relevant to the determination of this appeal. It is clear that Policies CS1 and CS2 of the CS and Policy FC1 of the CSFR are out-of-date and thereby carry reduced weight. In particular, the latter only unnecessarily duplicates what was in paragraph 14 of the 2012 Framework. I have little reason to disagree with this view and the Council also does not dispute this position. I have not found in relation to Policy FC1 of the CSFR, however, I address whether the proposal would amount to sustainable development below.
27. In the above appeal, the Inspector also found Policy CS5 of the CS out-of-date regarding its requirements in relation to the historic environment. Although the Council did not find harm in respect of heritage, a policy should be assessed as a whole. Accordingly, the policy is out-of-date, for the purposes of the Framework.
28. The Council has referred to their latest Housing Land Supply Position Statement. It is suggested that this demonstrates five-years supply of deliverable housing land within the district. Other than pointing to the fragility of the situation, the appellant accepts this position. However, the policy most important for determining the appeal is out-of-date, in this case Policies CS1, CS2 and CS5 of the CS. In such circumstances paragraph 11 of the Framework is engaged. This requires that permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the

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<sup>3</sup> Appeal Ref: APP/W3520/W/18/3194926 (Land on East Side of Green Road, Woolpit).

benefits, when assessed against the policies in this Framework taken as a whole (paragraph 11(d)(ii) of the Framework).

29. I note the contribution that would be made to the supply of housing by this site. Whilst there is no threshold for the assignment of weight to the quantity of proposed dwellings within the planning balance, the appeal before me would deliver 34 sustainable homes, with a variety of single and two-storey dwellings. This would make a meaningful contribution to the overall supply and mix of housing in the District. Given the scale of development proposed, I afford this benefit moderate weight.
30. The legal agreement supporting the appeal seeks to provide 35 per cent of the proposed dwellings as affordable housing (75% affordable rent, 25% shared ownership). This would be commensurate with the Council's policy position. The legal agreement would also include provisions for financial payments for the maintenance and management of open space within the development, towards school travel for secondary school-aged pupils residing on the proposed development. Furthermore, notwithstanding my concerns regarding the effectiveness of the off-site highway works referred to in the second main issue, the legal agreement would also make some provisions in this respect. Whilst these contributions and provisions would be beneficial, they clearly respond to policy provisions that exist to mitigate an impact. In this case, that of the erection of 34 dwellings. Thus, they would have a neutral benefit, so would neither weigh in favour or against the appeal.
31. Some economic benefits would arise from, for example, employment and procurement of materials during the construction period and future occupiers would also contribute to the local economy through expenditure, which would carry moderate weight.
32. I also recognise that the proposal could be said to make more efficient use of the site. However, the Framework is clear that making efficient use of land should include taking into account the desirability of maintaining an area's prevailing character and the importance of securing well-designed, attractive and healthy places.
33. The proposed development would not comply with development plan policy in respect of the harm to the character and appearance of the area. Whilst the development plan policies most important for determining this appeal are out-of-date, the proposal would not amount to sustainable development under the terms of the Framework, particularly in respect of the visual harm that would result, as expressed by paragraphs 124 and 130. Overall, the adverse impacts of the proposal are matters of significant weight against the grant of planning permission and the absence of harm in respect of other planning issues relevant to the consideration of the development would neither weigh for nor against the appeal scheme.
34. The adverse impacts identified would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. This does not indicate the proposal should be determined other than in accordance with the development plan.

## **Conclusion**

35. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, I conclude that the appeal should be dismissed.

*Paul Thompson*

INSPECTOR