



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: 2nd March 2020

Appeal Ref: APP/W3520/W/19/3238974

**Land to the East of Park Hall Cottages, Plot 1, Wetherup Street,
Wetheringsett-Cum-Brockford IP14 5QF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr J Johnson (Johnson & Keeble) against the decision of Mid Suffolk District Council.
 - The application Ref DC/19/02413, dated 17 May 2019, was refused by notice dated 17 July 2019.
 - The development proposed is residential development consisting of two single storey dwellings and associated garaging.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the site represents an appropriate location for housing, having regard to the development plan and access to shops, services and facilities.

Reasons

3. The land comprising the appeal site is to the southern side of Wetherup Street, between the street frontage and two recently erected dwellings to the south. There are other dwellings to the north, east and west. The access to the site is shared and also serves as a public footpath.
4. For the purposes of planning policy, the appeal site is situated within the countryside as defined by Policy CS1 of the Mid Suffolk Local Development Framework Core Strategy Development Plan Document 2008 (CS). This policy suggests that development is directed to Towns and Key Service Centres. In the countryside, development is restricted to particular types of development to support the rural economy, meet affordable housing, community needs and provide renewable energy. Policy CS2 of the CS also restricts development to defined categories in accordance with other CS policies. The appeal scheme is not for any of the types of development listed under these policies.
5. I have been referred to a new settlement boundary proposed in the emerging Joint Local Plan (the JLP) which would include Wetherup Street, Park Green and Wetheringsett-Cum-Brockford. As the JLP is not at an advanced stage of preparation, 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.

6. In light of the above, the proposed development would be contrary to the spatial strategy in Policies CS1 and CS2 of the CS, as it would encompass housing outside a defined settlement boundary. Whilst the appeal site is situated within an area of countryside, in terms of whether the dwellings would be 'isolated' in the language of the National Planning Policy Framework (the Framework) and the recent Court of Appeal judgement¹, it is important to have regard to the site's relationship to existing built development as well as accessibility to services and facilities. Paragraph 78 of the Framework seeks to restrict housing in rural areas to locations where housing will enhance or maintain the vitality of rural communities.
7. Taking the physical dimension of isolation first, the proposed dwellings would be located fairly close to other dwellings situated to either side of Wetherup Street. The proposal, therefore, could not be said to be isolated from other dwellings. Nonetheless, they would do little more than add to existing development in the open countryside, some distance away from the nearest Town of Stowmarket, Key Service Centre of Debenham and Secondary Villages of Stonham Aspal and Wetheringsett. There are no facilities and services available in the immediate vicinity. The reality is therefore that future residents would be obliged to travel further to these settlements, where there are a greater range of facilities and services available, particularly Stowmarket where rail services are available to London.
8. In terms of accessibility, the appeal site is poorly located. Paragraph 103 of the Framework suggests that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. There are no shops or community facilities or bus transport facilities² within a reasonable and convenient walking distance of the site. The local road network lacks street lighting and pedestrian footways. Accordingly, the opportunities to walk or cycle to the services and facilities available nearby would not be convenient or realistic ones, particularly after dark or in bad weather.
9. Given the location of the proposed dwellings, future residents would therefore be highly likely to be required to travel regularly by private motorised transport to access education, retail, employment and healthcare. The proposal would not, of itself, generate a large number of traffic movements. Furthermore, a greater dependency on car use is inevitable in more rural locations and there are existing residential properties in the immediate vicinity. However, the cumulative effect of allowing developments in locations such as the proposal would be likely to increase the amount of unsustainable journeys made.
10. I appreciate that the proposed dwelling could be constructed to high environmental standards incorporating energy and water efficiency. Nonetheless, in light of the above, I conclude that the site would not represent an appropriate location for housing, having regard to access to shops, services and facilities. Hence, the proposal would conflict with Policies CS1 and CS2 of the CS and paragraphs 78 and 103 of the Framework.

¹ *Braintree DC v SSCLG* [2018] EWCA Civ. 610

² The bus stop is on Station Road, some distance along Wetherup Street to the west.

Other Matters

11. I note that development of the appeal site, along with land to the south on which two dwellings have been constructed, was subject of a dismissed appeal³ for four dwellings and the Council subsequently approved two dwellings⁴. I have had regard to these decisions, in so far as they are relevant to the appeal before me but, in any event, I have determined the appeal having regard to the individual merits of the current appeal scheme.

Planning Balance

12. 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.
13. The development plan for the area comprises the LP, CS and the Mid-Suffolk Core Strategy Focused Review 2012 (the CSFR), all of which predate the current 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.
14. I have been referred to recent appeal decisions⁵ in the District which address the consistency of development plan policies with the Framework. However, it is the Woolpit decision that is of greatest relevance and found Policies CS1 and CS2 of the CS to be out-of-date and thereby, carry reduced weight. I have little reason to disagree with this view and the Council also does not dispute this position. I therefore attach only moderate weight to the conflict of the proposal with these policies, which lessens the significance of that conflict.
15. The Council has identified that it can demonstrate five-years supply of deliverable housing land within the district, which the appellant does not dispute. However, the policies that are most important for determining the appeal are out-of-date, in this case Policies CS1 and CS2 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 benefits, when assessed against the policies in this Framework taken as a whole (paragraph 11(d)(ii) of the Framework).
16. In the context of paragraphs 59 and 68 of the Framework, I note the contribution that would be made to the supply of housing by this small site, particularly as it could be built-out relatively quickly. 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 two 3-bedroom homes, which would contribute to the overall housing mix in the District. However, as the contribution to the supply of housing would be minor in its extent it would only be afforded moderate weight.
17. I am mindful of the emphasis in the Framework on giving substantial weight to the value of using suitable brownfield land within settlements for homes. In the

³ Appeal Ref: APP/W3520/W/15/3135468 which relates to Planning Reference: 1468/15.

⁴ Planning Reference 2784/16.

⁵ Appeal Refs: APP/W3520/W/18/3194926 (Land on East Side of Green Road, Woolpit) and APP/W3520/W/19/3227419 (The Croft, Earls Green Road, Bacton); and Appeal Refs (part): 3200941 (Norwich Road, Ipswich), 3209219 (Bacton), and 3214324 (Popular Hill, Stowmarket).

case of the appeal site, it is not within a settlement. Furthermore, even if I was to determine that the site is Previously Developed Land by virtue of the operations of Rose Brothers, the Framework is clear that making efficient use of land should include taking into account the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use.

18. Some economic benefits would arise from, for example, employment and procurement of materials during the construction period. Future occupiers would also contribute to the local economy through expenditure but they would be likely to do so by utilising private motorised transport. Furthermore, the proposals would provide only two additional dwellings, such that these benefits would be limited in scale and kind, and consequently carry moderate weight.
19. In terms of harm, the proposed development would not comply with development plan policy in respect of its location. 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. Overall, I find that the adverse impacts of the proposal are matters of significant and overriding weight against the grant of planning permission.
20. The adverse impacts identified would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Such circumstances do not indicate that the proposal should be determined other than in accordance with the development plan.

Conclusion

21. 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