The Planning Inspectorate

# Appeal Decision

Site visit made on 18 February 2020

**by S Tudhope LLB (Hons) MSc MRTPI**

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

**Decision date: 31 March 2020**

**Appeal Ref: APP/W3520/W/19/3238025**
**Acorn Cottage, Earlsford Road, Mellis IP23 8EA**

- 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 B Holmes against the decision of Mid Suffolk District Council.
- The application Ref DC/19/03181, dated 4 July 2019, was refused by notice dated 14 August 2019.
- The development proposed is Outline Planning Application (Access to be considered) - Erection of 2no. dwellings (following demolition of existing garage).

## Decision

1. The appeal is dismissed.

## Procedural Matter

2. The description of development in the banner heading above is taken from the Council's decision notice. While the appeal form indicates that the description of development has not changed from that stated on the application form, the above description which more fully describes the proposed development was nevertheless entered on the appeal form and I have determined the appeal on that basis.

3. Outline planning permission is sought with the matter of access to be determined at this stage and I have had regard to the access details provided and have determined the appeal on that basis. I have treated all other submitted information as illustrative.

## Main Issues

4. The main issues are whether the proposal would be an appropriate form of development in this location, with particular regard to whether it would provide satisfactory access to services and facilities and its effect on the character and appearance of the area.

## Reasons

*Access to services and facilities*

5. Mellis village is designated as a secondary village by CS Policy CS1. Secondary villages are considered unsuitable for growth but capable of taking appropriate residential infill. However, the appeal site is situated outside of the designated settlement boundary and therefore is within the countryside. CS Policy CS1 states that in the countryside, development is restricted to particular types of development listed in Policy CS2 of the CS. The appeal scheme is not for any

type of development supported by that policy and therefore is contrary to Policy CS2.

6. Although the proposed development would not be isolated, the cluster of dwellings to which it would link, is itself disconnected from the core of the village, such as there is one. With the exception of a public house and a primary school, the site is remote from services. The surrounding roads are narrow, unlit and without footpaths. Accordingly, the opportunities to walk or cycle to access services and facilities would not be convenient or realistic, particularly after dark or in inclement weather.

7. The nearest town of Eye is some 3 miles away where shops and other services can be accessed. It is highly likely that a significant number of journeys of future residents would be even further afield, to settlements such as Diss, in order to access a full range of services, facilities and employment opportunities. I am advised that there is a bus service from the village, but I do not have details of the level of provision and I cannot be certain that it would provide a genuine alternative to the use of private transport.

8. Given the location of the proposed dwellings, future occupiers would therefore be highly likely to be required to travel regularly by private motorised transport to access secondary education, retail, employment and healthcare. I consider that the addition of two dwellings in this location would generate a significant number of traffic movements.

9. I therefore conclude that the proposal would not provide a suitable location for housing in respect of satisfactory access to services and facilities. Thus the proposal conflicts with LP Policy H7, Policies CS1 and CS2 of the CS and Policies FC1 and FC1.1 of the Mid Suffolk Local Development Framework Core Strategy Focussed Review (CSFR). These policies jointly seek, amongst other matters, to control development in the countryside, direct development to high order settlements which have a greater range of services and facilities and define the types of development that would be appropriate in the countryside and support the presumption in favour of development.

10. For the same reasons it would also fail to promote walking, cycling and public transport use as advocated by the Framework and would conflict with paragraph 103 of the Framework which seeks to maximise sustainable transport solutions whilst recognising that these will vary between urban and rural areas.

*Character and appearance*

11. The appeal site forms part of the large garden area of Acorn Cottage. This property is one of a pair of semi-detached dwellings situated at the end of a small cluster of other residential properties that are arranged in a fairly linear fashion, fronting Earlsford Road. The remaining garden of this property would extend behind the site. Beyond the rear boundary of the donor property, to the side and opposite the site lies open, flat, agricultural land. A field access is situated close to the side boundary of the site and a public footpath runs along the opposite side of this access. The site is in part bounded by rough hedgerow and post and rail fencing. For the purposes of planning policy, the site lies within the countryside.

12. The proposal would extend the built form along this part of the road and the introduction of dwellings in this location would alter the character and appearance of the site. This would include a more extensive use of the site and result in an increase in associated domestic paraphernalia. However, the visual effects would be localised, would be capable of following the existing pattern of development, and would not extend beyond an existing domestic curtilage.

13. When viewed from the public footpath, which has a degree of separation from the site, the proposed development would be read within a backdrop of the existing cluster of dwellings. I, therefore, do not consider that scheme would alter the character and appearance of the area to such a degree as to unacceptably harm the enjoyment of users of this footpath.

14. While all matters other than the access are reserved for future consideration, from the indicative drawings before me, and having regard to the above context, I consider that the proposed development would not harm the character and appearance of the area.

15. I therefore find no conflict with Policy CS5 of the Mid Suffolk Local Development Framework Core Strategy Development Plan Document 2008 (CS), or Policies GP1 and H15 of the Mid Suffolk Local Plan 1998 (LP). Together and amongst other matters, these policies seek to ensure that new development is consistent with the existing pattern and form of development in the neighbouring area, conserves landscape qualities and maintains or enhances the character and appearance of its surroundings.

**Planning Balance**

16. There is no dispute that the Council can demonstrate a five-year supply of deliverable housing sites. However, there is also no dispute that Policy FC1 of the CSFR and MSCS Policies CS1 and CS2 are out of date because of their inconsistency with the latest version of the Framework. In that circumstance, the Framework indicates 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 the Framework taken as a whole.

17. Small sites can make an important contribution towards the housing requirement in an area, and the appeal proposal for two dwellings would likely be able to be built out quickly after approval of reserved matters. The proposal would have economic benefits in terms of creating short-term employment through the construction phase and by the support for services by future occupiers. However, as it is for only two dwellings the economic benefits would be very modest. The proposal would comply with the Framework policy to boost the supply of housing, but the contribution would be limited and would not in this case contribute to any evidenced shortfall. In addition, the lack of harm to the character and appearance of the area is a neutral factor in the overall balance.

18. The appellant has referred me to other appeal decisions, including a number within the same Council area as the appeal scheme, where Inspectors have considered that harm arising out of reliance on private motor vehicles might not be sufficient on its own to restrict the granting of planning permission. These decisions were made in the context of the particular circumstances of the

cases, and I note that the Councils in the decisions referenced, were unable to demonstrate a 5 year housing land supply at the time of those decisions.

19. The Framework places emphasis on managing patterns of growth to support objectives which include opportunities to promote walking, cycling and public transport use, and mitigating any adverse environmental impacts of traffic. I have found that the location of the proposed dwellings would be unsuitable for housing in terms of accessibility to shops, services and facilities. Future occupants would therefore be highly reliant on the use of private motor vehicles, resulting in negative environmental effects, to which I attach significant weight.

20. Overall, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits and so the proposal would not represent sustainable development. Consequently, no material considerations justify a decision other than in accordance with the development plan and for the reasons set out the appeal must fail.

**Conclusion**

21. For the above reasons the appeal is dismissed.

*S Tudhope*
Inspector