
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: 1 April 2020

Appeal Ref: APP/W3520/W/19/3237126

Hartley Cottage, Mellis Road, Yaxley IP23 8DG

- 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 A Bloomfield against the decision of Mid Suffolk District Council.
 - The application Ref DC/19/02657, dated 30 May 2019, was refused by notice dated 23 July 2019.
 - The development proposed is the erection of two new single storey dwellings and garage to existing cottage. Creation of new access to Mellis Road.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. 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 indicative.
3. My attention has been drawn to a recent appeal decision¹. Both main parties have had the opportunity to comment on it. Consequently, no party is prejudiced by my taking it into account.
4. The Council refers to Policy H10 of the Mid Suffolk Local Plan 1998 (LP) in their decision notice. This policy deals with dwellings for key agricultural workers. There has been no evidence provided that this appeal relates to a dwelling for an agricultural worker, and as such, this policy is not relevant to the determination of this appeal. Thus, it can be set aside.

Main Issues

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

¹ APP/W3520/W/19/3239180

Reasons

Character and appearance

6. The appeal site comprises part of an agricultural field and part of the rear garden of Hartley Cottage, a two-storey detached property which fronts Mellis Road. Between Hartley Cottage and the junction with Thornham Road is another two-storey dwelling, Crossways. To the rear of Crossways, fronting Thornham Road is a new single storey dwelling which was nearing completion at the time of my site visit. A further single storey dwelling, the garden of which runs behind the appeal site, is located at the southern boundary of the new dwelling. This property also fronts Thornham Road.
7. This small cluster of dwellings is largely surrounded by agricultural land, with an equestrian establishment situated on the opposite side of Mellis Road. A footpath runs east and west along the south side of Mellis Road. The appeal site is well screened by existing native hedgerow, interspersed with trees, running along its western boundary. Intermittent hedgerow runs along the adjacent field's boundary with Mellis Road. The area has a semi-rural character.
8. The site is screened from the road by existing landscaping and has no direct frontage access. The proposed access would be sited to the west of Hartley Cottage beyond its existing boundary. The access would occupy the corner of the field, requiring a new break in the roadside hedgerow and the western boundary of the site. Whilst there are no highway safety objections to the proposed access, I consider that this layout would appear contrived and conspicuously at odds with the prevailing pattern of development, which is characterised by single points of access serving individual properties with direct road frontages.
9. Although the Council would have control over the appearance, scale, layout and landscaping of the development, the indicative plans suggest how a new landscaped area and hedgerow planting could screen it. The proposal would, nevertheless, result in a form of backland development that would be out of character with the surrounding pattern of development. The appeal scheme would be surrounded on three sides by other dwellings; however, these properties all front a road. The appeal properties would not do so and would sit significantly and harmfully away from the street frontage from which they would be accessed. Whilst existing landscaping could be supplemented by further planting as part of a reserved matters application, this would not overcome the harm to the area's character that I have just described.
10. I conclude that the proposed development would harm the character and appearance of the area. Therefore, it would be contrary to policies GP1 and H15 of the LP and policies CS1, CS2 and CS5 of the Mid Suffolk Local Development Framework Core Strategy Development Plan Document 2008 (CS). These policies, along with the National Planning Policy Framework (the Framework) seek to maintain or enhance the character and appearance of an area and to recognise the intrinsic beauty of the countryside.

Access to services and facilities

11. Yaxley is a designated Secondary Village under CS Policy CS1. The CS describes Secondary Villages as unsuitable for growth but capable of taking appropriate residential infill. The appeal site lies some distance outside the

settlement boundary and is within the countryside for planning policy purposes. Policy CS1 states that in the countryside, development is restricted to particular types of development as set out in Policy CS2 of the CS. The appeal scheme is not for any type of development supported by that policy and is therefore contrary to Policy CS2.

12. Although the proposed development would not be truly isolated, it is nonetheless situated away from the core of the village. Notwithstanding the existence of a footpath link into the centre of Yaxley and to the nearby primary school of Mellis, the services and facilities that could be assessed on foot would be limited. In addition, the route is unlit and therefore unlikely to be particularly attractive, especially in the winter months when daylight hours are reduced.
13. Many of the day-to-day needs of the proposed development's future occupiers could be met in the town of Eye. Local employment opportunities may be available at the business park located on the former Eye airfield. However, given the distance to Eye and its business park, and the nature of the route, I consider that future occupiers would be reliant on private motor vehicles to access the available services, facilities and opportunities. I further consider that the appeal proposal would result in a significant increase in the number of traffic movements from this location.
14. I therefore conclude that the proposal would not provide a suitable location for housing in respect of satisfactory access to services and facilities. 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 sustainable development.
15. 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.

Other Matters

16. I have been referred to pre-application advice provided by the Council. However, such advice is not binding on the Council, and whilst I have had regard to this, it does not lead me to a different conclusion on the suitability of the site based on what I have seen and read.
17. The appellant has directed me to an appeal decision, as referred to above, where a proposal for two dwellings in Yaxley was allowed. However, it is clear from the evidence provided that the circumstances in that case differ from the scheme before me. In any case, I have considered this appeal on its own merits.
18. I acknowledge that development has been permitted to the rear of Crossways, however that site has a frontage onto Thornham Road and does not therefore appear as backland development. In addition, although the Council considered

in that case that the location was sustainable, this was when balanced against the housing supply situation at that time.

19. The appellant has made reference to the Council's emerging Joint Local Plan with Babergh District Council, which has been published for consultation. This plan includes changes to the settlement boundary of Yaxley which would allow for further additional residential development in the village. The appellant considers the proposed changes demonstrate support for his proposal. However, the emerging plan is in its very early stages and thus carries limited weight in the context of this appeal. In any case, from the evidence provided, although the proposed changes would extend the current development boundary, the appeal site is neither included within nor in close proximity to it and would therefore remain within the countryside for planning policy purposes. This matter does not therefore alter my conclusions above.

Planning Balance

20. The Council has confirmed that its housing land supply position is set out in its position statement published September 2019, which demonstrates that it has a supply of 5.66 years. I have no substantive evidence before me to suggest otherwise. However, irrespective of the housing supply position, there is 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 of the Framework taken as a whole.
21. The proposal would have economic benefits in terms of creating short term employment opportunities during the construction phase and by the support for services by future occupiers. Although the appellant considers that the proposal would sustain and improve the vitality and viability of all the existing local services and facilities in Yaxley and adjoining settlements, I have no substantive evidence that this would be the case. In any event, the economic benefits would be very modest commensurate with the scale of development proposed. The proposal would boost the supply of housing as required by the Framework, but the contribution of two dwellings would be small and would not in this case contribute to any evidenced shortfall. I consider these benefits attract moderate weight.
22. Against these benefits the proposal would be harmful to the character and appearance of the area. In addition, the development would result in its future occupants being highly reliant on the use of private motor vehicles to access services and facilities. I acknowledge the Framework's stance, at paragraph 103, that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this should be taken into account. Nonetheless, this should not be taken to mean that a site with little access to alternatives to the use of the private car should be acceptable as a consequence. Particularly since paragraph 103 also states that the planning system should actively manage patterns of growth to support the objectives of paragraph 102 which includes identifying and pursuing opportunities to promote walking, cycling and public transport use. I attribute significant weight to the conflict with the most important development plan policies in this appeal.

23. Overall, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework when taken as a whole. Consequently, no material considerations justify a decision other than in accordance with the development plan in this case.

Conclusion

24. For the above reasons the appeal is dismissed.

S Tudhope

Inspector