The Planning Inspectorate

Appeal Decision

Site visit made on 10 February 2020

by Andre Pinto BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date:24 April 2020

Appeal Ref: APP/D3505/W/19/3241314
Woodside Luxury Boarding Cattery, Old London Road, Copdock and Washbrook, Ipswich IP8 3JH

- 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 Claire Bartley from Airestead Property Developments Ltd against the decision of Babergh District Council.
- The application Ref DC/19/04213, dated 4 September 2019, was refused by notice dated 24 October 2019.
- The development proposed is residential development consisting of 3 no. new dwellings forming new vehicular access of London Road, Copdock.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. It is understood that an application has been submitted which concerns the subdivision of the existing Woodside Cottage. Nevertheless, the site subject of this appeal relates only to the land located to the side of Woodside Cottage and the outbuildings linked to the cattery business.

3. The appeal will also affect the setting of a Grade II listed building, Woodsend and No 1 Woodsend. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that, when considering whether to grant planning permission for development which affects the setting of a listed building, special regard should be had to the desirability of preserving its setting. As this has not been listed as a reason for refusal, I have taken it into consideration, as per my statutory duty, under the Other Matters heading below.

Main Issue

4. The main issues are:

   - Whether the proposal would promote sustainable patterns of development, particularly in regard to location and its relationship with designated settlements, its accessibility to local services and facilities by sustainable modes of transport;
   - The effect of the development proposal on highway safety;
   - Whether options to retain the site in an employment use have been sufficiently explored.

Reasons

Sustainable patterns of development

5. The appeal site lies in a countryside location, adjacent to Woodside Cottage, close to the junction between Roman Road and London Road. The site is located outside of a defined settlement boundary, although relatively close to a cluster of dwellings, located 100m to the North and which are part of Copdock Village, although the main village is located 1.5 miles North.

6. The appeal site is a cattery and is associated with Woodside Cottage, a two storey semi-detached dwelling fronting onto London Road. The proposal is to demolish the existing cattery buildings and construct one detached and two semi-detached two storey dwellings and new vehicular access.

7. Policy CS2 and CS11 of the Babergh Core Strategy (2014) (The Core Strategy) jointly set out the settlement hierarchy and the strategy for the location of new development. These Policies allow some flexibility for new development outside of the prescribed settlement boundary, subject to a close functional relationship to the existing designated settlement and justifiable need having been demonstrated.

8. Policy CS2 of the Core Strategy is not wholly consistent with the current version of the National Planning Policy Framework (The Framework) and therefore should not be given full weight. However, the Council's approach in terms of requiring development to take into consideration its context, being of an appropriate scale and design for its location and take into account local infrastructure, is in line with the objectives of sustainable development as set out in The Framework.

9. It is noted, from both the appellant's and the Council's statements, that a planning application for the construction of 9 dwellings adjacent to the appeal site has been approved. In addition to this, in close proximity to the site, two further development proposals have been allowed, one for 3 dwellings and another one for 7 dwellings, both to the north of the site.

10. These proposals, if built, will alter the immediate spatial context of the appeal site, intensifying the urban form of the immediately surrounding area and visually creating a much closer functional link between the appeal site and the existing cluster of dwellings further up London Road.

11. Nevertheless, although the appeal site is geographically fairly close to the start of the hinterland urban expansion of the village of Copdock, it is still located outside of a defined settlement boundary and fails to clearly demonstrate justifiable need for the development, particularly considering the Council can demonstrate a 5 year housing land supply.

12. While the appeal site is in close proximity to a bus stop, it is likely that future occupants would be heavily dependent on car use, given the spatial detachment from services located along Old London Road and the distance to services and amenities of the village of Capel St Mary and the village of Copdock. Although there is a dedicated pedestrian and cycle route from the site to Copdock, there is no continuous pedestrian dedicated route linking the site to Capel St Mary and the distance to both is considerable.

13. For the reasons above, I find that the proposal can demonstrate some functional relationship to an existing settlement but fails to demonstrate justifiable need and, in that regard, the proposal is in conflict with Policies CS1 which aims to promote sustainable development objectives, CS2 which aims to direct development to towns, urban areas, core and hinterland villages, CS11 which sets out the strategy for development for core and hinterland villages and CS15 on implementing sustainable development of the Babergh Core Strategy (2014) and the Framework.

Road safety and highways

14. The site is currently served by an existing small access linking it to Roman Road, which is in close proximity to another T junction connecting Roman Road with London Road. All proposed parking provision in relation to the appeal site would be served by the present entrance and exit point.

15. The main safety issue, as raised by the Council, is that drivers emerging from the existing access point and onto Roman Road, in order to join the dual carriageway, would need to turn left and then, to join the A12(T) for most destinations, would need to make a U turn at the first safe opportunity, a few meters further up the road. The Council has raised concerns that drivers will be tempted to travel the wrong way along the dual carriageway and risk a head on collision with northbound drivers on the Old London Road.

16. Nevertheless, any other vehicle accessing the dual carriageway from Roman Road would be using the same access point and therefore facing the same issues as occupiers and users of the proposed development. There is no substantive evidence to indicate how the proposed development would worsen the safety conditions of the existing junction. Accordingly, I am satisfied that the proposed development would not cause material harm to highway safety.

17. The Highway Authority has also suggested that the existing access should be upgraded to allow all vehicles to enter the highway via the dropped kerb to the south west and that parking area for plots 1, 2 and 3 should be relocated to the south to allow safer access. If I were minded to allow this appeal, then a condition could be imposed in order for such access improvements to be considered and agreed with the Council.

18. Nevertheless, as I am dismissing the appeal on different grounds as highlighted elsewhere in my decision, there is no further need to consider the imposition of such a condition.

19. For the reasons set above, I find that the proposal would not cause material harm to highway safety and therefore, in that regard, would accord with paragraphs with paragraphs 108 and 109 of The Framework, which amongst other things indicate that safe and suitable access to the site can be achieved for all users and that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road would be severe.

Exploration of employment options

20. The appeal site is, at present, in an employment generating use and, as per Policy EM24 Babergh Local Plan Alteration No.2 (2006) (the Local Plan), the

Council seeks to protect and retain such uses as to provide employment and small business opportunities to the local community.

21. Evidence of the marketing information and the marketing strategy developed for employment use has not been submitted. Alternatively, Policy EM24 the Local Plan does state that evidence clearly demonstrating that the site is inherently unsuitable or not viable for all forms of employment related use would need to be submitted. Although the appellant states that there is an oversupply of similar uses in the area and that investment is needed to bring the appeal buildings up to an attractive standard for other employment uses, clear evidence has not been submitted in order to adequately satisfy the Policy's requirements.

22. The Council has requested that marketing of the property is undertaken at a realistic price that excluded the dwelling. The appellant claims that such marketing is not realistic considering the appeal site's proximity to residential uses and the impact that an independent business would have on the living conditions of occupants.

23. Nevertheless, despite the restriction of the site in terms of form and height of development due to the existence of power lines across the site, I see no reason why it would necessarily be inherently unsuitable or unviable for all forms of employment related use. Other employment uses, such as boarding for other animals or storage and distribution uses, for instance, might also be able to function from the site.

24. In any case, the absence of clear evidence on either the site not being suitable for employment uses at a realistic price or that it is inherently unsuitable or not viable for all forms of employment related use, fails to substantiate the claim that the loss of the employment site is not avoidable.

25. In conclusion and for the reasons set above, I find that the proposal is in conflict with Policy EM24 of the Local Plan which aims to retain employment sites in employment use.

Other Matters

26. Historic England listing describes the grade ll listed building as a house from circa 1500 and later, extended and restored 1980's with exposed timber frame and plain tile roofs. The hall (Woodsend) is close studded to the front and has a large framing to rear. The crosswing (No 1 Woodsend) is rendered to rear ground floor and is a close studded building to front, with large framing to rear.

27. The views from both Woodsend and No 1 Woodsend are an important part of the setting of this historic building and special regard should be had to the desirability of its preservation. The appeal site is located at a considerable distance from the listed building and also on the opposite side of a dual carriageway. In addition to this, a building of significant proportions and clearly visible from the listed building already exists on the appeal site. Therefore, I do find that the present proposal would be sufficiently set away from the listed building and would not intrude upon key views, therefore not having an adverse impact on its significance.

Conclusion

28. I have found that the proposed development would not have a significant detrimental impact on road safety and highways and, in that regard, would accord with paragraphs with paragraphs 108 and 109 of The Framework. However, the proposal is in conflict with the Policies CS1, CS2, CS11 and CS15 of the Core Strategy and the Council's objectives to promote sustainable development objective to pursue sustainable patterns of growth, and Policy EM24 of the Local Plan by failing to provide clear evidence that employment options for the site have been sufficiently explored as to retain employment land in employment use.

29. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

Andre Pinto

INSPECTOR