



Appeal Decision

Site visit made on 12 March 2020

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 May 2020

Appeal Ref: APP/W3520/W/19/3236296

Ashleigh Farm, Helmingham Road, Ashbocking, Ipswich, IP6 9JS

- 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 and Mrs M Sargent against the decision of Mid Suffolk District Council.
 - The application Ref DC/19/00029 dated 24 December 2018, was refused by notice dated 1 March 2019.
 - The development proposed is described on the application form as "Demolition of existing commercial buildings and erection of 9 dwellings and construction of access road with associated vehicle parking, drainage and landscaping".
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Decision

1. The appeal is dismissed.

Procedural matter

2. The proposal seeks outline planning permission with all matters reserved for future consideration. Accordingly, I have treated the submitted site plan as illustrative only.

Main issues

3. The main issues are:
 - the effect of the proposed development on the settlement pattern and character of the village;
 - whether the site is no longer appropriate for an employment purpose;
 - whether the development is in an appropriate location, with particular regard to access to shops, services and community facilities and transport choices other than the private car.

Reasons

Appeal site context

4. The appeal site fronts onto Helmingham Road and lies adjacent to a small cluster of dwellings a short distance to the north of the main settlement of Ashbocking. It is rectangular in shape and consists of a variety of commercial buildings used for joinery, retail, office, storage and café purposes, although

some of these are now vacant. The area is characterised by its edge of settlement location and falls within the open countryside for planning purposes.

Settlement pattern and character of the village

5. The existing cluster of dwellings that lie adjacent to the appeal site is primarily characterised by properties fronting directly onto the highway in a single file, with varying plot depths. The proposed development would be heavily at odds with this settlement form as it would result in the creation of an unsympathetic suburban cul-de-sac-style arrangement and intensify the concentration of development on the northern outskirts of the village where the settlement form currently thins out. As a consequence, the proposed development would be discordant and harmful to the established character of the area.
6. Although the appellant has referred to Nelsons Close at the southern end of the village as an example of development which is not confined to the site frontage, it is my view that this does not relate well to the character and appearance of the area and should not as a consequence be used to justify further erosion of the area's character.
7. The appellant also states that the scheme would result in an improvement to the appearance of the area. However, the existing buildings on-site are of an agricultural character and consistent with its rural location. Furthermore, there is no evidence before me that they are in structurally poor condition and I found their overall external appearance to be reasonable and not harmful to the character and appearance of the area. As a consequence, the site's current visual appearance does not justify the harm identified with the proposed development.
8. In view of the above, whilst I recognise that the appeal site could physically accommodate 9 new dwellings, it is my view that the development would be harmful to the settlement pattern and character of the village. The proposal would therefore conflict with Policies GP1 and H15 of the Local Plan¹, which collectively seek to ensure, amongst other things, that new development maintains and is consistent with the pattern and form of development in the neighbouring area.
9. I also find that the development conflicts with Paragraph 127 of the Framework² which seeks to ensure, amongst other things, schemes that establish or maintain a strong sense of place using the established pattern of buildings, streets and spaces.

Whether the site is no longer appropriate for an employment purpose

10. Policy E4 of the Local Plan seeks to refuse proposals for development that would prejudice the continued use of employment sites for industrial or commercial purposes and Policy E6 states that a significant benefit to the surrounding environment will be expected where redevelopment of an existing site to a non-employment use is considered.
11. Paragraph 2.5.17 of the Local Plan defines "industrial and commercial development" and "business(es)" as Classes B1 'Business', B2 'General Industrial', and B8 'Storage or Distribution' in Part B of the Schedule to the

¹ Local Plan, Adopted September 1998, Mid Suffolk District Council.

² National Planning Policy Framework, Ministry for Housing, Communities and Local Government, February 2019.

Town and Country Planning (Use Classes) Order 1987 (as amended). It also states that uses described in Parts A, C and D of the Schedule to the Order are not included within the term "business(es)".

12. The existing site contains a variety of commercial uses and despite a number of the units being vacant and falling outside the B1, B2 and B8 Use Classes, there is no evidence before me that the appellant has had difficulty in using, letting or selling the property within the B Use Classes for employment purposes. In the absence of such evidence, I am unable to conclude that there is no current or long-term demand for the retention of these employment uses. I am also of the view that such small sites in the District, when taken cumulatively, make a not-inconsiderable contribution to meeting its overall employment needs, which is reinforced by the lack of any evidence before me which indicates that such sites are no longer needed.
13. Neither am I of the view that the existing employment use is harmful or incompatible with the area – in particular, whilst I recognise that one of the units is a B2 General Industrial Use, there is no evidence before me of it causing any harm to the living conditions of neighbouring occupiers and I am satisfied that controls exist under other legislation to deal with a statutory noise nuisance in the event that a replacement and more intensive B2 use occupied the site. In any event, I cannot be certain that such a B2 use would cause harm to the living conditions of neighbouring occupiers given the intervening distances between the employment buildings and neighbouring residential properties.
14. As a consequence, I am not of the view that redevelopment of the site for the scheme before me would result in a significant environmental benefit in terms of the living conditions of neighbouring occupiers or highway safety. I do nonetheless recognise that if the site was found to be contaminated, the development would result in it being remediated, but there is no evidence before me clarifying how much pollution it has given rise to, or the extent to which this has harmed the area or human/ecological health; - I do not as a consequence consider this to be a significant benefit of the scheme.
15. The appellant states that the existing employment use is in an unsustainable location, but to my mind, such small sites on the edge of villages offer a very sustainable location for employment of people local to the village and surrounding area. Neither is there any evidence before me that the site, even if fully occupied and used intensively, would result in a substantial amount of car and HGV traffic that would be harmful to the living conditions of neighbouring occupiers, or that the proposed development of 9 dwellings would result in significantly less traffic, particularly as I consider that future occupants would be heavily car dependant for the reasons outlined below relating to its location.
16. The appellant states that much of the site could be converted to residential units as a result of permitted development rights. However, I have no substantive evidence to indicate that there is a significant probability that this would occur should this appeal be dismissed. This limits the weight that I can attach to it as a fallback position. In any event this type of permitted development is not comparable in scale, form and quantum to the one before me.
17. In view of the above, I conclude the scheme would conflict with Policies E4 and E6 of the Local Plan, which seek, amongst other things, to refuse developments

within existing employment sites that would prejudice their continued use for such purposes and expect significant environmental benefits where alternative non-employment uses are considered.

18. Despite the Council having referred to Policies E5 and E7 of the Local Plan in its reason for refusal, none of these relate to the redevelopment of employment sites for residential development and neither is there any evidence before me that the existing activities are, or have become, inappropriate to their surroundings.

Whether the development is in an appropriate location, with particular regard to access to shops, services and community facilities and transport choices other than the private car

19. The Council's first reason for refusal does not identify any conflict with development plan policy in terms of its spatial strategy and location requirements for new residential development. I have as a consequence considered this main issue against other material considerations in the evidence before me.
20. I recognise that the development would be in close proximity to other dwellings and not be physically isolated. However, this does not mean that it would be sustainable in terms of access to shops, services, community facilities and transport choices other than the private car, or that it should be approved.
21. Ashbocking contains extremely limited day-to-day amenities, and future occupants would be heavily reliant on a range of other rural towns and villages further afield for access to shops, services and community facilities. There are no footways linking these other settlements to the appeal site, and neither are they within reasonable walking distance. I recognise that it would be possible to cycle to these other settlements, but would only expect a small proportion of trips to be made in this way given the intervening distance and time it would take. There is also no evidence before me detailing the extent and frequency of public transport that might be available, which would otherwise diminish the reliance of future occupiers on the private motor car.
22. I recognise that in rural locations access to sustainable rural transport solutions will be typically less than that of an urban area and that development in one village may support services in another nearby. However, in this case, I found the overall level of day-to-day access to shops, services and community facilities by walking, cycling and public transport to be of such a poor standard, and consequential reliance on the private motor car to be so high, that I consider the appeal site's location to be inappropriate.
23. In view of the above, I conclude that the scheme would conflict with Paragraphs 9 and 103 of the Framework as it would result in; (a) a planning decision not playing an active role in guiding development towards sustainable solutions; and (b) the planning system failing to actively managing patterns of growth in support of the transport objectives outlined in Paragraph 102; - namely, that it would be heavily car dependant and not promote walking, cycling and public transport.

Other matters

24. Natural England has raised concerns in respect of the impact of the scheme on nearby Special Protection Areas and Ramsar sites and advised that a

contribution to the emerging Suffolk Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) will be needed to mitigate this. However, given that I am dismissing the development for other reasons, it has not been necessary for me to carry out an appropriate assessment of the scheme and consider the requested contribution and condition as it would not alter the outcome of the appeal.

25. The appellant referred to Policy HM01 of the emerging Local Plan which promotes development within hamlets (such as Ashbocking) and clusters of 10 or more dwellings in the countryside. However, because this document is at an early stage and not yet been subject to examination, I have given this policy limited weight in my assessment. In any event, it does not overcome the harm I have identified to the settlement pattern and character of the village and loss of employment land. The appellant has also referred to a site identified in the Strategic Housing and Economic Land Availability Assessment (SHEELA) as suitable for up to 15 dwellings in Ashbocking, but this does not address the harm identified for similar reasons.
26. The appellant refers to a scheme approved by the Council at Red House Farm which involves the loss of B1(a) floorspace – but in that case the Council considered the buildings to be of a poor quality and that the new development would result in an improvement to the appearance of the site. I do not therefore consider it comparable to the scheme before me.
27. I also note that the appellant asserts that there is a fallback position under Paragraph 79 of the Framework which supports the conversion of redundant buildings. However, this policy does not apply to the site as it is not isolated.

Planning balance

28. The appeal site constitutes suitable Brownfield land in accordance with Framework's definition and I have accordingly given substantial weight to the value of using it for a new home in accordance with Paragraph 118. However, I have not given great weight to the benefits of the scheme in accordance with Paragraph 68 of the Framework as I do not consider it to be a suitable small site for residential development for the reasons referred to above and below. Neither am I of the view that the existing employment site represents underutilised land or an ineffective use of the site as it has not been demonstrated that there is no demand for these employment units. In view of this the development would not represent an effective use of land in accordance with Paragraph 117 of the Framework, which refers to meeting the need for homes and other uses. I also note that the appellants reference to Paragraphs 11 and 60 of the Framework that housing targets are a minimum, but this does not overcome the harm identified above and below.
29. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that the determination of applications should be made in accordance with the development plan unless material considerations indicate otherwise. This is reflected in Policies FC1 and FC1.1 of the Core Strategy Focused Review³ which are referred to in the Council's first reason for refusal.
30. Although the Local Plan is over 10 years old and the Core Strategy Focused Review is approaching 8 years old, Paragraph 213 of the Framework states that

³ Core Strategy Focused Review, Adopted December 2012, Mid Suffolk District Council.

existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework and that due weight should be given to them according to their degree of consistency with the Framework.

31. Policies GP1, H15, E4 and E6 of the Local Plan, and Policies FC1 and FC1.1 of the Core Strategy Focused Review are generally compliant with the Framework insofar as they relate to the main issues of this case and I therefore consider them to be up-to-date. In particular, I do not consider the environmental benefit test referred to in Policy E6 to be incompatible with the Framework, but in any event, my view on this matter relates to the overall basket of policies before me. Furthermore, the Council has also provided evidence asserting that since the application was determined, it has now achieved an up-to-date 5-year housing land supply, which is not disputed by the appellant. I do not as a consequence consider there to be any inconsistency between my assessment of these policies and those made by other Inspectors which were referred to by the appellant, which were made at different times and relate to different policies.
32. I recognise that the scheme would result in a range of social, environmental and economic benefits, namely; - (a) a contribution towards the Council's housing land supply; (b) future occupiers contributing to local shops, services, clubs and community organisations; (c) the remediation of any contamination on-site, including the disposal of asbestos; (d) enhanced landscaping and biodiversity; and (e) local employment during construction.
33. However, even if the Council did not have a 5-year housing land supply and/or its policies were out of date, it is my view that when considered collectively, these benefits would be of modest social, environmental and economic value, and that the adverse impacts of the scheme identified above would significantly and demonstrably outweigh these benefits, when assessed against the policies in the Framework taken as a whole.
34. Despite the appellant referring to the payment of the Community Infrastructure Levy as a benefit in favour of the development, I have given this limited weight as Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must only have regard to a local finance consideration insofar as it is material to the application. In this particular instance, the above financial payments are not considered to be material to the decision as they would not make the development acceptable in planning terms and neither is there any evidence that they would mitigate its impact.
35. Whilst I recognise that there may be scope on the site for a different quantum, layout and form of residential development that reflects the rural character of this edge-of settlement location, I cannot be certain of this on the basis of the indicative site plan and my assessment on the ground. Furthermore, in the absence of it being demonstrated that a high quality design and layout is possible in this location, I am unable to conclude whether such a development would give rise to other material considerations that would outweigh the policy conflict I have identified.

Conclusion

36. All representations have been taken into account, but no matters, including the benefits of the development and the scope of possible planning conditions, have been found to outweigh the identified harm and policy conflict. For the reasons above, the appeal should be dismissed.

Robert Fallon

INSPECTOR