



Appeal Decision

Site visit made on 2 June 2020

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd June 2020

Appeal Ref: APP/X3540/W/19/3240324

Plough Inn, Main Road, Sutton IP12 3DU

- 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 and Mrs T and R Healey and Margey (Public Inns Partnerships) against the decision of East Suffolk Council.
 - The application Ref DC/19/2643/FUL, dated 27 June 2019, was refused by notice dated 14 August 2019.
 - The development proposed is described as the "erection of two pairs of semi-detached dwellings with associated garaging, formation of vehicular access to Main Road and reorganisation of public house car park".
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant refers to amended drawings that were submitted to the Council for consideration during the determination of the planning application. I have considered drawings 5885/3B and 5885/5A and am satisfied that, taking into account the principles established under *Wheatcroft*¹ that the drawings do not change the development to such a degree that to consider it would deprive those who should have been consulted on any changes, the opportunity of such consultation.

Main Issues

3. The main issues are:
 - whether the location of the development is suitable having regard to the Development Plan and the National Planning Policy Framework (the Framework);
 - the effect of the development on the character and appearance of the area and the Suffolk Coasts and Heaths Area of Outstanding Natural Beauty (AONB);
 - the effect of the development on the living conditions of future occupiers with particular regard to noise and disturbance;
 - whether the development would result in the loss of a key facility; and,
 - the effect of the development on European Designated Sites.

¹ *Bernard Wheatcroft Ltd v SSE & Harborough DC* [1982] P&CR 233

Reasons

Location

4. Policy SP1 and SP1A of the Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Policies 2013 (the Core Strategy) applies the presumption in favour of sustainable development set out in the Framework and the broad approach to delivering sustainable development in the District. Policy SP1 (b) states that to achieve sustainable development a defined Settlement Hierarchy based upon sustainability principles has been created and applied. Policy SP1 (g) also seeks to reduce the overall need to travel.
5. Policy SP19 of the Core Strategy sets out the Settlement Hierarchy for the District and identifies Sutton as an 'other village' which are settlements that have few or minimal facilities. An 'other village' also has no physical limits and there are very limited opportunities for development save for those types as set out within Policies DM3 and DM4 of the Core Strategy, none of which have been advanced by the appellants.
6. I accept that, taking into account the Braintree judgment² and paragraph 79 of the Framework, the development would not result in isolated dwellings in the countryside. However, Sutton itself offers little in the way of facilities for day-to-day living and I have not been provided with any information relating to the accessibility to public transport in the area. The nearest Key Service Centres are Hollesley and Melton, which are some 5km and 6km distance from the appeal site respectively. Thus, it is inevitable that the future occupiers of the dwellings would be heavily reliant on the private car to access services and facilities, which is contrary to the aims of Policy SP1 of the Core Strategy in seeking to promote sustainable forms of development by, amongst other things, reducing the need to travel.
7. Furthermore, there is no evidence before me to demonstrate that the vitality of neighbouring villages is under threat or that the development would support particular services in the nearby villages of Shottisham, Aldeton, Hollesley and Bawdsey as noted by the appellant. That said, I appreciate that the development seeks to support the PH and is a matter that I consider later within this decision letter.
8. For the reason given above, I conclude that the proposal would be in conflict with the development plan as it would not be an appropriate location to access day-to-day services and facilities. Thus, it would be in conflict with Policies SP1, SP1A, SP19, SP29, DM3 and DM4 of the Core Strategy and the Framework which seek, amongst other things, to direct development to sustainable locations of the District.

Character and Appearance/AONB

9. The appeal site is the Plough Inn Public House (the PH) which lies within the village of Sutton. The area is rural in character and Sutton itself has a pleasing sense of uniformity which is formed by the regular pattern of linear development that exists along Main Road. To the rear of the PH is an area of grassed land that contained children's' play equipment and a parking area for visitors to the PH, leading on to the open countryside. The proposal seeks to develop part of the car park and grassed area and erect two pairs of semi-detached dwellings along with two double detached garages to provide a single garage for each dwelling.

² Braintree District Council v SSCLG [2017] EWHC 2743 (Admin)

10. The site for the proposed dwellings is currently undeveloped and I consider the openness of the car park to make a positive contribution to the rural setting of the village, which is clearly visible as one passes the PH. The construction of two pairs of dwellings would have a suburbanising impact on the site and would erode the rural setting at this part of the village. While I accept that in-depth development exists in the area, such as Plough Cottages located to the north of the proposed dwellings, the area on the whole follows a linear pattern of development with very little in-depth development. The erection of the dwellings into the rear of the site would introduce a form of development that is out of keeping with the prevailing character of the area. Moreover, the presence of development elsewhere does not represent an appropriate reason to find in favour of a scheme that is otherwise harmful.
11. Furthermore, the Framework also states at paragraph 172 that great weight should be given to conserving and enhancing the natural beauty of AONB's. The development would be a stark, urbanising and incongruous feature that is out of keeping with the prevailing rural character of the area, and thus harmful to its appearance. Whilst the proposal may make more efficient use of an underutilised area of land to the rear of the PH, this benefit has to be balanced against the impact of the proposal on the visual amenity of the area. The proposed development would fail to reinforce the locally distinctive pattern of development and would have a detrimental impact on the character and appearance of the area and the AONB in which it is set.
12. Thus, the development would be in conflict with Policies DM3, DM21 and SP15 of the Core Strategy which seek, amongst other things, to ensure that development proposals preserve or enhance the existing character of an area, secure high quality and inclusive design and protect and enhance the AONB.

Living Conditions – Future Occupiers

13. I acknowledge that it is common in villages (and elsewhere for that matter) for dwellings to be sited close to public houses, and both appear to happily co-exist. However, the development proposes a garden area to the rear of the PH, which would be used by patrons for sitting out and drinking and would be sited very close to the proposed dwellings. I consider that significant levels of noise and disturbance would be experienced by future occupiers of the dwellings, through the movement of people and the general chatting of patrons using this area.
14. In addition, parking spaces are proposed to the front of the dwellings. The comings and goings of vehicles and the slamming of doors, from both patrons and staff vehicles, and general chatting would result in noise and disturbance to future occupiers of the dwellings. Moreover, as the PH is likely to be open seven days a week and into the evening, the noise and disturbance would be experienced during anti-social hours.
15. While I accept that the Council's Environmental Protection Officer did not object to the development, there is nothing in the consultation response, which deals with matters relating to potential contaminated land, to suggest that the matter of noise and disturbance is indeed acceptable. I also acknowledge that an acoustic wall or other boundary treatment could limit any noise issues arising from the PH. However, no details of such treatments have been provided to demonstrate that it would overcome the harm that I have identified.
16. Thus, in this regard, the development would be in conflict with Policy DM23 of the Core Strategy and the Framework which seek, amongst other things, to ensure

that development proposals do not have unacceptable effects on residential amenities of future occupants.

Key Facilities

17. The Council refer to Policy DM10 of the Core Strategy which seeks the protection of employment sites. However, this would usually be applied to traditional premises for employment, such as those uses under B1 and B2, rather than a public house. Therefore, the policy is not directly relevant to the appeal proposal before me.
18. However, Policy DM30 of the Core Strategy seeks to protect key facilities, which specifically includes public houses, from redevelopment or change of use. This is consistent with paragraph 83 d) of the Framework which, in supporting a prosperous rural economy, promotes the retention of local services and community facilities in villages, such as public houses.
19. The Council argue that the loss of parking and amenity space at the site would harm the future operation of the PH which ultimately may result in its demise. Thus, the development would be in conflict with Policy DM30 of the Local Plan. However, Policy DM30 seeks to protect key facilities from a change of use or redevelopment and there is no evidence before me to suggest that the appellant seeks such an operation. Moreover, Suffolk County Council as the Local Highway Authority were satisfied that the level of parking proposed would be sufficient to serve the PH, and from the information before me, I have no reason to disagree with that assessment.
20. Therefore, I conclude that the development would not be in conflict with Policy DM30 of the Core Strategy and the Framework which seek, amongst other things, to protect key services from redevelopment or a change of use.

European Designated Sites

21. The appeal site falls within the 13km zone of influence of the Sandlings Special Protection Area (SPA) and Ramsar site, and the Deben Estuary SPA and Ramsar site which are European Protected sites. It is established that any development, without avoidance measures, would be likely to have a significant effect on the SPAs within the meaning of the Conservation of Habitats and Species Regulations 2010. This effect principally derives from identified atmospheric pollution and recreational pressures on the SPA.
22. However, as the appeal is being dismissed on other substantive issues, it is not necessary to look at this matter in detail and had I been minded to allow the appeal, I would have explored the necessity for undertaking an Appropriate Assessment and the requirement for any payments to off-set the impact of the development on the SPA. Moreover, the fact that the appellant has agreed to pay towards mitigation measures would not alter the outcome of this appeal.

Other Matters

23. The appellants have provided details of the trading history of the PH and the amount they have invested into the business. They also confirmed that insurance of the PH did not provide adequate cover for damage caused by a fire last year, resulting in the appellants having to invest more money to rebuild the PH. It is also argued that the PH requires more investment to compete with other "*establishments within tourist destination villages that have better unique selling points*". Thus, the receipts from the dwellings would help sustain the PH.

24. I have carefully considered the appellants arguments, and indeed the need to realise funds for the business and for improvements to the building and its grounds. However, I have not been provided with any mechanism to ensure that the funds from the sale of the properties would be channelled back into the business. Furthermore, there are inherent issues that I cannot be certain will be solved through a short term injection of funds to support the yearly profit of the PH which, from the appellants own admission, has seen the business failing for a number of years with a high turnover of tenants resulting in bad debt.
25. Furthermore, there is no plan before me for the long term future of the PH and only scant details of the improvements that would enable the PH to compete with other establishments in the vicinity, such as replacement windows and decorating the premises. The viability of the PH may well be no different in five years' time when the yearly profit subsidy no longer assists the business. Thus, the weight I afford this is limited.
26. The appellant refers to appeal decisions at Crondall³ and Woolpit⁴. However, these appeals relate to proposals in other districts and under different development plans. Therefore, they are not directly relevant to this case.
27. The appellant also refers to the allocation of land on the west side of Main Road for the development of approximately 12 dwellings and that the first draft of the Council's emerging plan placed a settlement boundary around the village which included the appeal site. However, as the appellant confirms, the Council has since deleted this from the current version of its emerging plan and notwithstanding its initial intentions, the appeal site remains within the countryside.
28. The site was the subject of pre-application advice. However, such advice is not binding upon a Council and this does not alter my decision.

The Planning Balance

29. The development would result in social benefits through the delivery of additional homes to boost the supply of housing in the district to meet the needs of present and future generations. Furthermore, the development would support the construction industry and deliver some economic benefits. I also accept that the design of the dwellings is acceptable and that suitable materials could be employed. The development could also provide additional support for the public house. However, it is my view that when considered collectively, these benefits would be of limited value given the quantum of development proposed, and when taken cumulatively would not outweigh the harm I have identified above.
30. I also acknowledge that the Planning Practice Guidance states that the blanket use of policies to restrict development in one area and preventing settlements from expanding should be avoided unless their use can be supported by robust evidence. The appellant states that Policy SP2 of the Core Strategy, which controls the supply of housing, has been accepted by the Council as being out of date. Moreover, Policies SP19, SP29 and DM3 of the Core Strategy adopt a restrictive approach to development in the countryside which does not fully accord with the more balanced and open position of the Framework. Consequently, these are considered to be out of date as well. In such circumstances, the presumption in favour of sustainable development espoused in paragraph 11 of the Framework is engaged.

³ APP/N1730/W/17/3185513

⁴ APP/W3520/W/18/3194926

31. However, the site lies within an AONB and pursuant to footnote 6 of the Framework, the application of policies in the Framework that protect areas of particular importance provide a clear reason for refusing the development. Therefore, in this particular case, the presumption in favour of sustainable development does not apply.

Conclusion

32. I have found that the proposal would not result in the redevelopment or change of use and subsequently the loss of the PH. However, I have found that the scheme would have an unacceptable impact on the character and appearance of the area which includes the AONB and would cause harm to the amenities of future occupiers of the proposed dwellings. Therefore, for the reasons given above, and having regard to the development plan when read as a whole, and all other material considerations, I conclude that the appeal should be dismissed.

Graham Wyatt

INSPECTOR