The Planning Inspectorate

Appeal Decision

Site visit made on 29 June 2020

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th July 2020

Appeal Ref: APP/W3520/W/19/3243146
Land South West of Fairview, Circular Road, Baylham, Ipswich, Suffolk IP6 8LE

- 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 Michael Heathcote against the decision of Mid Suffolk District Council.
- The application Ref DC/19/04496, dated 19 September 2019, was refused by notice dated 20 November 2019.
- The development proposed is described as 'building of eco home timber framed residential property to allow living and servicing of horses, grazing and agricultural land owned by applicant. Including change of use of parcel of agricultural land to recreational garden as part of the dwelling house'.

Decision

1. The appeal is dismissed.

Preliminary Matter and Main Issues

2. In the interests of consistency, I have taken the appeal site address from the appeal form as this corresponds with the decision notice.

3. The main issues in this appeal are:

   - Whether the appeal site is a suitable location for the proposed development with reference to the spatial strategy for housing in the development plan;
   - The effect of the proposed development on the character and appearance of the area, including Baylham Common; and
   - Whether any harm would be outweighed by other material consideration.

Reasons

Development plan policies

4. In order to support existing communities by guiding development to settlements with the greatest range of services and facilities, Policy CS1 of the Mid Suffolk Core Strategy (CS) sets out a settlement hierarchy which defines and categorises the villages and towns in the district. The policy directs development to defined settlements listed as towns, service centres and villages and explains that the rest of the district, including settlements not listed in Policy CS1, is designated as countryside where development will be restricted to particular types.

5. Baylham is the nearest discernible settlement to the appeal site but it is not listed in Policy CS1. Even if it were, the appeal site is not physically part of this village due to the presence of an intervening shallow valley that encompasses fields and paddocks. Similarly, the appeal site is not physically part of Great Blakenham either, which is a Key Service Centre and thus the nearest settlement identified in Policy CS1 to the appeal site.

6. As the appeal site is not located within any of the settlements listed in Policy CS1 it is within the countryside for the purposes of applying the policies in the development plan. Policy CS2 of the CS flows from Policy CS1 and is specifically concerned with development in the countryside such as that proposed. It states that development in the countryside will be restricted to defined categories such as rural workers dwellings.

7. I have carefully considered the appellant's Agricultural Self-Reliance Statement, but this is not persuasive in demonstrating a need for someone to live permanently on site in connection with a rural enterprise. For example, only a few horses are kept, and they are not commercially breeding. The appellant intends to grow some of his own food, but it is not necessary to construct a dwelling to achieve this. Thus, the appeal scheme would not fall under any of the defined categories of development listed in Policy CS2 of the CS. There is a negative corollary that development which is not listed in the policy is contrary to it and should not be ordinarily permitted.

8. Policy H7 of the Mid Suffolk Local Plan 1998 (LP) exercises strict control over development in the countryside and states that new housing will normally form part of an existing defined settlement. The proposed dwelling would not be located within an existing settlement boundary and would therefore not form part of an existing settlement. The proposal would therefore be at odds with Policy H7 of the LP.

9. In conclusion, the proposal would be at odds with, and harmfully undermine, the adopted spatial strategy for housing in the development plan and the public interest in having a planning system that is genuinely plan led.

The accessibility of services and facilities

10. There are public footpaths close to the appeal site that provide links with Baylham and Great Blakenham. There are very few facilities in the former, but the latter is better served and is itself linked to Claydon and Barham. There is a good range of services within this conurbation and some are an acceptable walking distance away from the appeal site as defined in guidance prepared by the Chartered Institution of Highways and Transportation. That said, the distance of some services is beyond a comfortable walk, particularly when considering return trips or those involving children or residents with mobility difficulties. The footpaths are also unmade and undulating in areas and therefore future occupants may not use them regularly in inclement weather or the winter months.

11. The alternative option is a more convoluted route along Circular Road and then the B1113, where there is a pavement. However, this is longer and would involve walking alongside an apparently busy road, making this a less attractive route. None of the walking routes are lit but this is not uncommon in the countryside. That said, the absence of lighting would make walking along unmade footpaths in the winter more hazardous.

12. Accordingly, it would be possible for some of the future occupants of the proposed dwelling to walk to local services if they are fit and able to. However, there are some inherent draw backs due to the distance involved and the walking environment. This would notably suppress the attractiveness and convenience of walking and therefore it is unlikely this mode of transport would be a universal or regular option to future residents of the appeal scheme.

13. The nearest bus stop to the appeal site provides a reasonably regular bus service to Needham Market, Stowmarket and Ipswich. Accordingly, public transport provides an alternative option to travel by private motorised transport. However, the bus stop is about a mile away from the appeal site and therefore it would not be particularly convenient to catch a bus if residents had to walk this distance first.

14. Cycling would be an option as a mode of travel from the appeal site because nearby settlements would be a short journey away by this mode. It is not inconceivable that Ipswich and Needham Market could be accessed in this way, where there are rail stations, services and employment. The appellant intends to cycle as much as possible, but he cannot be compelled to do this and may not always occupy the site. Thus, it cannot be relied upon that future occupants of the appeal scheme would have the high levels of confidence, fitness and proficiency to regularly cycle, which would likely include trips along busy roads. Moreover, the evidence before me does not demonstrate that cycling is a popular mode of transport amongst existing residents, which could otherwise be an indicator that cycling is a locally realistic alternative to car travel for trips such as commuting to work or school.

15. Given the foregoing, the appeal site is not well placed for most people to conveniently access services and facilities other than by using a car. That said, the trips by car could be short and therefore the overall impact would not be great, especially when accessibility in rural areas will be inherently more limited than urban settings. In addition, the appellant, who is likely to be the first occupier of the dwelling, currently drives to site to tend to his horses and therefore the proposal could offset some trips. Moreover, the opportunities available to walk or cycle on occasion would further qualify the harm as would the potential to use an electric vehicle. However, siting a dwelling in such a location would frustrate attempts to capture the health benefits gleaned from traveling regularly and conveniently by more sustainable means such as walking. Overall, the harm would not be of a high order. This would nevertheless result in conflict with an underlying aim of the CS to encourage sustainable transport.

The effect on the character and appearance of the area

16. The countryside around Baylham is gently undulating and is traversed by a network of narrow lanes flanked by hedges. It is attractive despite the proliferation of equestrian paddocks, fencing and paraphernalia. In recognition of this, the area is designated as part of a locally designated Special Landscape Area (SLA). The site is in an elevated position on the upper side of a shallow valley which contributes positively to the SLA.

17. The appeal site adjoins a recently constructed stables and an agricultural building. These structures are highly conspicuous in the landscape when viewed from Baylham and the footpath that runs north east from Walnut Tree Farm. I share the view expressed in representations that they sit rather

starkly and awkwardly on the upper part of the valley slope. The proposed dwelling would be located alongside this development and would likewise be very visible. Accordingly, it would harmfully intensify the extent of prominent development in a sensitive elevated position.

18. Unlike the existing buildings it would have a domestic appearance due to the fenestration, the establishment of a garden and domestic paraphernalia such as parked vehicles and lighting. A dwelling would appear out of place on this side of the valley as it would not be seen in the context of other homes, the nearest being screened by very thick and mature hedges and trees. This suggests that landscaping could soften the impact of the development, but any new landscaping would take a long time to mature to the point it screened the appeal site in the same way Fairview Cottage and Walnut Tree Farm are. In any event, it would not be appropriate in this instance to seek to hide harmfully prominent development behind landscaping as it could fail in the future or future residents may trim or remove it to take in the view or allow light in.

19. There are occasionally small hamlets and farmsteads scattered throughout the landscape but from what I saw these tended to be historic in nature and appearance with a mature settled presence. The appeal scheme would be seen as a stark addition to a stark grouping of buildings. Thus, the proposal would not nestle into the landscape or complement its high visual quality.

20. That said, the dwelling would be viewed as part of a small group of existing buildings and would have a simple agricultural aesthetic due to the use of timber boarding. Applying a dark colour to the boarding would lessen the impact due to the hedged backdrop and single storey scale. However, the existing stables is a good marker of how prominent the dwelling would be even when applying these design features as it is both boarded and single storey. These factors would mitigate to an extent the impacts of the proposal, but it would not extinguish them. Overall, the proposal would moderately harm the landscape of the SLA.

21. Limited information has been supplied regarding the history and extent of Baylham Common. It was apparently an historic feature in the landscape as an arable common focussed on the shallow valley that is skirted by Circular Road. However, there is little to distinguish it today from surrounding countryside and I note that the Joint Babergh and Mid Suffolk District Council Landscape Guidance 2015 states, in quoting the Landscape Character Assessment undertaken by Suffolk County Council, that some former common arable land such as Baylham Common is known by name only. Although this does not appear to be an adopted Supplementary Planning Document it is nevertheless useful guidance. As such, the appeal scheme would not harm how this area is interpreted as a historic feature.

22. Nevertheless, the proposal would still moderately harm the character and appearance of the area for the reasons already set out. The Council has not referred to a development plan policy in its second reason for refusal. However, the harm I have identified would be at odds with the guidance for development in the countryside set out in the Council's landscape guide, this being that development should be located to avoid upper valley slopes or where it would be visually intrusive.

Other considerations

23. Policies CS1, CS2 and H7 are the most important policies for determining the locational suitability of the appeal scheme. The Council and appellant agree that these policies, as a collective basket, are out of date due to their inconsistency with The National Planning Policy Framework (the 'Framework'). I have no reason to disagree, particularly as this conclusion flows from a reasonably recent appeal decision[1]. In such circumstances, Paragraph 11 d) of the Framework is relevant and states that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when considered against the policies in the Framework as a whole.

24. As an adverse impact, the location of the appeal scheme relative to services and facilities would do very little to promote regular walking, cycling and public transport use. It would therefore fail to promote sustainable transport and the health benefits associated with such modes of travel. These are important aims of the Framework. Moreover, Policies CS1, CS2 and H7, although out of date overall, outline a spatial strategy that chimes with these objectives.

25. The foregoing is a point of note because the appeal scheme would not glean direct support from Paragraph 78 of the Framework, which seeks to deliver rural housing where it would enhance or maintain rural communities and settlements or provide an opportunity for a village to grow and thrive. This is because in this instance, the appeal site, although in the broad vicinity of some dwellings, is not physically part of a discernible settlement, rural community or village, the nearest being Baylham. Thus, in the context of this appeal, the development plan is not preventing housing that would otherwise be clearly supported by the rural housing policies of the Framework. The conflict with the development plan therefore still carries moderate weight.

26. The appeal site does not adjoin residential development, is clearly outside a village, hamlet or discernible group of dwellings and is seen in a rural context and therefore it is debateable whether the site is isolated or not. However, even if I shared the view of the Council and appellant that the site is not isolated due to its proximity to a stable and open sided barn, it would make little difference as the Framework does not state that a residential development in the countryside must be isolated to be resisted.

27. The proposal would also harm the character and appearance of the area. This would include harm to an SLA, which is a valued landscape. The Framework advises that valued landscapes should be protected, and that development should be sympathetic to local character and landscape setting. The moderate harm that would occur is a matter of moderate weight in this regard.

28. Weighed against this, the spend from future residents may modestly support local businesses and services. That said, evidence has not been provided to suggest they are suffering for lack of patronage and the onsite stables are already in place thereby supporting the equestrian industry in a modest way.. Similarly, the support to the construction industry would be limited in scale as would any revenue generated for the Council. There is little to suggest local clubs or societies are suffering for want of community capital

[1] APP/W3520/W/19/3222557

29. The provision of a self-build windfall dwelling would benefit housing land supply and choice. However, the Council can currently demonstrate a five-year housing land supply and is therefore presently in the process of significantly boosting the supply of housing. The delivery of a single home would therefore be a limited benefit in this context.

30. The proposal's very simple appearance would not amount to outstanding or innovative architecture. That said, it would have a high environmental performance by incorporating several energy saving measures such as extra insulation, 'A rated' appliances, air source heat pumps and solar panels. Energy would be exported to the national grid and water recycled. This would reduce and partially mitigate the environmental impacts of the development as is therefore more of a neutral matter than a benefit. There is little evidence demonstrating that the construction of the proposed dwelling would reduce crime. The proposal would involve landscaping, bird boxes and rock piles which could provide some modest gains to biodiversity.

31. Overall, the adverse impacts of the appeal scheme would significantly and demonstrably outweigh its limited benefits. This is not a material consideration that indicates the appeal should be determined otherwise than in accordance with the development plan.

32. The appellant has referred to other appeal decisions, but most of these relate to sites in other settlements where the circumstances are not the same. In particular, the proposal at Claydon[2] was for a home closer to facilities (especially schools) with no harm to the character and appearance of the area. Similarly, no harm was identified to the character and appearance of the area in the Creeting St. Mary decision[3]. As the circumstances are different, there would be no inconsistency between my findings and those of the other Inspectors. Reference has also been made to the approval of residential development in Baylham and Creeting St Mary by the Council but, unlike the appeal scheme, these relate to infilling or more discrete sites.

Other Matters

33. The Council has suggested that the appeal scheme would have a significant in combination adverse effect on the integrity of the Stour and Orwell Estuaries Special Protection Area (SPA) without mitigation. However, given my overall conclusion, the proposal would have no effect on the SPA and therefore I have not considered this matter further.

Conclusion

34. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Graham Chamberlain
INSPECTOR

[2] APP/W3520/W/19/3222557
[3] APP/W3520/W/19/3232511