
Appeal Decision

Site visit made on 12 June 2020

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 24th July 2020

Appeal Ref: APP/D3505/W/20/3245021

The Organic Box, Rectory Road, Newton CO10 0QZ

- 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 & Mrs P Kelling against the decision of Babergh District Council.
 - The application Ref DC/19/05143, dated 1 November 2019, was refused by notice dated 24 December 2019.
 - The development proposed is detached dwelling & cartlodge.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would provide a suitable location for housing with particular regard for the accessibility of services and facilities.

Reasons

3. The site is located outside of settlement boundaries and within the countryside in the terms of Babergh Local Plan 2011-2031 Core Strategy & Policies (Part 1 of New Babergh Local Plan) February 2014 (CS). CS Policy CS2 states that in the countryside development will only be permitted in exceptional circumstances subject to a proven justifiable need. The proposal is for new market housing, and given the evidence before me, there is no sufficient justification for housing of this type in this location. Consequently, the proposal would conflict with this Policy.
4. I note the evidence regarding CS Policy CS2. However, the CS post-dates the first publication of the Framework and is therefore likely to have been found to be in accordance with it. While CS Policy CS2 may go further than the National Planning Policy Framework (Framework) in certain aspects, this does not necessarily mean that the Policy is not in accordance with it. The subsequent editions of the Framework have not changed substantially with respect to the main issue of this case and from the evidence before me the CS Policies are in accordance with the Framework. Since the site lies a short distance from other dwellings, it is not isolated in the terms of the Framework.
5. In terms of access to services and facilities, the nearest settlement, Newton, has limited services including a public house, village hall and golf course. In addition, the site is accessed via a narrow lane which lacks streetlights or

footpaths. Therefore, future occupants would be reliant on the private vehicle for access to services and facilities and the proposal would result in adverse environmental effects.

6. CS Policy CS15 seeks among other things to ensure an appropriate level of services, facilities and infrastructure are available or provided to serve the proposed development and to minimise the need to travel by car using the following hierarchy: walking, cycling, public transport, commercial vehicles and cars, thus improving air quality. Given the limited accessibility of services and facilities, and reliance on the private vehicle, the proposal would conflict with this Policy in this particular regard.
7. I acknowledge the comments of the Council and the Inspector for the cases at Manning Farm¹. However, further details of that case, such as application plans and other supporting evidence, are not before me to allow me to make a direct comparison with this proposal. With regard to the cases at Cockfield² and Lower Holbrook³, since the Council were unable to demonstrate a five-year housing land supply at the time those cases were determined, they do not form a direct comparison with the proposed development. I also acknowledge the comments of the Inspectors for the cases at Little Blakenham⁴, Stowmarket⁵ and Long Thurlow⁶. However, these cases appear to have been in other districts and there is little further evidence before me to allow a direct comparison to be made with this appeal. In any event, each case must be determined on its individual merits.
8. Overall, the proposed development would not provide a suitable location for housing with particular regard for the accessibility of services and facilities. Therefore, it would conflict with CS Policies CS2 and CS15 which among other things seek to restrict development in the countryside unless there is a proven justifiable need and would minimise the need to travel by car. It would also conflict with the Framework in this particular regard.

Other Matters

9. The proposal would contribute to the local housing supply and I acknowledge the temporary economic benefit during the construction phase as well as the benefits that would be provided by the contribution of future occupiers to the local community. I note the environmental credentials of the proposal such as renewable energy systems and that the appellant has invested in the biodiversity of the site. However, given that the proposal is for a single dwelling only, these benefits would be limited and have not altered my overall decision.
10. I acknowledge the appellants' trips to and from the site and do not doubt their passion for wildlife and sustainability. I also note local support for the proposal. In addition, while I note the location of surrounding villages, there is little evidence before me to demonstrate that the proposal will enhance or maintain the vitality of rural communities. I am also mindful that development in one village may support services in a village nearby and that opportunities to

¹ Appeal Ref: APP/D3505/W/18/3201905

² Appeal Ref: APP/D3505/W/19/3222867

³ Appeal Ref: APP/D3505/W/18/3206195

⁴ Appeal ref: APP/W3520/W/18/3204723

⁵ Appeal Ref: APP/W3520/W/18/3203705

⁶ Appeal Ref: APP/W3520/W/18/3221579

maximise sustainable transport solutions will vary between urban and rural areas.

11. However, while I note the benefits of the scheme in the terms identified by the appellant, given the primacy of the development plan and significant weight attached to the conflict with the development plan as a whole and the negative environmental effects of the proposal, the harm arising from the development would be of a greater magnitude and would not outweigh the benefits.

Conclusion

12. For the reasons given above the appeal is dismissed.

R Sabu

INSPECTOR