



Appeal Decision

Site visit made on 8 July 2020

by Nick Palmer BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 July 2020

Appeal Ref: APP/W3520/W/20/3244668

Land west of Haughley Road, Harleston, Suffolk

- 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 John Phoenix against the decision of Mid Suffolk District Council.
 - The application Ref DC/19/02979, dated 19 June 2019, was refused by notice dated 7 August 2019.
 - The development proposed is the erection of five detached dwellings, including new access to Haughley Road.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The application is for outline planning permission with details of access provided and all other matters reserved. A site layout plan was submitted which the appellant states is indicative. I shall consider that plan on this basis.
3. I have used the description of development given on the application form in the heading. Although the Council's decision notice and the appeal form refer to the description of development as being for "up to" 5 dwellings, there is no record before me of the amended description having been agreed between the parties.
4. I have used the site address given on the appeal form in the heading as this is more accurate than that given on the application form.

Main Issues

5. The main issues in the appeal are:
 - i) the effect of the proposal on the character and appearance of the area, including its effect on the setting of a listed building;
 - ii) its accessibility to services and facilities; and
 - iii) the effect on highway safety.

Reasons

Character and Appearance

6. The site forms part of a field to the immediate north of the built-up area of Harleston and west of Haughley Road. There is existing residential development along the opposite side of that road. Policy CS1 of the Core Strategy¹ sets out the settlement hierarchy. Harleston is not defined as a village in that hierarchy but forms part of the countryside for planning policy purposes. This reflects its small size and lack of facilities.
7. The field including the site forms part of an open rural landscape with wide views from Haughley Road. These views are towards a landscape which is designated in the development plan as a Special Landscape Area. The proposed development would be a significant distance away from the designated landscape and would not directly affect it, but nonetheless the views from the road over the rural landscape would be interrupted. The development would extend no further than the housing on the eastern side of the road. However, the open aspect to the west gives the road a rural character which the proposal would substantially alter.
8. I noted on my visit that the level of the site is significantly above that of the road. In view of this level difference, any restriction on the height of the dwellings which could be imposed through a planning condition would have limited effect in mitigating their visual intrusion.
9. Hall Cottages are at the end of the row of development on the eastern side of the road and are a grade II listed building. The building is set back from the road and angled so that it faces towards the north-west across an open grass area with some small trees. The building was built as a single house in the mid-16th century and is of two storeys including attic accommodation. The open rural aspect to the north-west forms an important part of its setting and contributes to its significance.
10. A perpendicular view from the frontage of the listed building over the open countryside would be maintained. Details of layout are not submitted but the indicative plan gives an indication of how the site would be likely to be developed. It seems clear that the northernmost of the proposed dwellings would significantly intrude into one side of the rural aspect from the listed building. Thus, the setting of the building would be harmed, albeit to a limited extent. For these reasons, the proposal would result in less than substantial harm to the setting of the listed building. I shall weigh that harm against the public benefits of the proposal.
11. The development would boost the supply of housing, but the Council can demonstrate a 5-year supply of deliverable housing sites and there is therefore no housing shortfall. There is no conclusive evidence before me to demonstrate that the development would be of specific benefit in supporting any local services or facilities. However, there would be benefit to the local economy through provision of employment and expenditure during construction and the expenditure of future residents. Overall, I give moderate weight to the public benefits. This not sufficient to outweigh the great weight that I give to the less than substantial harm to the setting of the heritage asset.
12. A number of Local Plan² (LP) policies require maintenance and enhancement of the character and appearance of the area. Policies GP1, H13 and H15 have

¹ Mid Suffolk Core Strategy (2008)

² Mid Suffolk Local Plan (1998)

these requirements. The site is outside the defined settlement boundaries and Policy H7 of the LP restricts housing development in such locations. Policy HB1 of the LP requires protection of the settings of listed buildings.

13. Policy CS2 of the CS restricts development in the countryside to specific categories including rural exception housing. The proposal does not fall within any of those categories. Policy CS5 of the CS requires development to enhance the character and appearance of the district, to retain local distinctiveness and protection of the historic environment.
14. For the reasons given above, the proposal would not accord with those policy requirements and would unacceptably harm the character and appearance of the area. I have given great weight to the identified harm to the setting of the heritage asset. The harm to the character and appearance of the area generally adds significantly to that weight.

Accessibility to services and facilities

15. There are no local facilities of note within Harleston, and travel to other centres would be necessary for day to day needs and employment. The main parties both refer to there being bus services through the village to larger centres. The Council says that these are limited and not suitable for commuting purposes. Harleston Parish Meeting says, however that the services have been discontinued.
16. Woolpit, Haughley and Stowmarket have facilities and are within reasonable cycling distance, but the roads may not be suitable for cycling. Overall, the car would be the predominant mode of transport for occupiers of the proposed houses, and there would be limited accessibility to services and facilities by sustainable means. However, the development would be of a limited scale and in recognition of the generally reduced accessibility in rural areas, this is not a determinative matter in my decision.

Highway safety

17. Haughley Road connects the settlement to the wider area, but it is narrow, the immediate approach to the village being less than 5m wide. While I note the comments from interested parties about speeding vehicles, the restricted width and possibility of meeting traffic travelling from the opposite direction would tend to limit vehicle speeds. There is a 30-mph speed restriction in force on the section of the road past the appeal site.
18. The Design Manual for Roads and Bridges (DMRB) is intended to be applied to motorways and trunk roads, although it can be applied to other roads. Manual for Streets (MfS)1 and 2 apply to other more lightly trafficked roads. The required visibility splays are based on the stopping sight distances for different vehicle speeds. For 50 kph (31 mph) this distance is 43m as set out in MfS1³. Table 2.10 of the DMRB requires an absolute minimum of 50m for this speed. No speed survey information has been provided. However, I observed vehicles travelling along the road and, on the basis of the restricted road width it seems to me likely that vehicle speeds would predominantly be within the speed limit.
19. The indicative layout plan shows that 2.4m x 43m visibility splays could be provided, but I saw that the tree adjacent to the road frontage is very close to

³ Table 7.1 MfS1

the road. This combined with the slight bend in the road would restrict visibility towards the south. No measured survey drawing has been provided that demonstrates beyond doubt that the 43m visibility splay could be provided.

20. Aside from this consideration, the highway authority states that the road needs to be widened to a minimum of 4.8m in order to allow for safe turning movements into the site. No provision has been made in the application for such widening. The lack of such provision would lead to obstruction of the road as drivers attempt to turn into and out of the site, to the detriment of highway safety. The proposal would not accord with Policies H13 and T10 of the LP which require safe access and egress and would be unacceptably prejudicial to highway safety. I give significant weight to this harm.

Planning Balance

21. As the Council can demonstrate a 5-year housing land supply its policies that are most important for determining the application are not out-of-date on this basis. However, policies H7 of the LP and CS2 of the CS impose blanket restrictions on housing development in the countryside with specified exceptions. Those policies pre-date the National Planning Policy Framework (the Framework) which allows for rural housing in a wider range of circumstances. These are policies which are most important for determining the application and are out-of-date because they are not consistent with the Framework.
22. This triggers the tilted balance under paragraph 11 of the Framework. I have already found that the harm to the setting of the heritage asset would outweigh the public benefits. In addition to this, there would be harms to the character and appearance of the area and to highway safety, to which I have given significant weights. When considered in total the harms significantly and demonstrably outweigh the benefits of the proposal. On this basis the proposal would not accord with Policies FC1 and FC1.1 of the Core Strategy Focused Review⁴ which require the delivery of sustainable development. In coming to this conclusion, I have taken into account the appellant's suggestions for incorporation of renewable energy and water efficient measures and biodiversity improvements. I have also noted the other appeal decisions referred to, but each proposal must be considered on its individual merits.
23. The Council's decision refers to Policies H3, H10 and CL2 of the LP. Policy H3 concerns housing development within settlement boundaries, Policy H10 concerns dwellings for agricultural workers and Policy CL2 concerns development in Special Landscape Areas. These policies are not relevant to this proposal.

Conclusion

24. For the reasons given, I conclude that the appeal should be dismissed.

Nick Palmer

INSPECTOR

⁴ Mid Suffolk Core Strategy Focused Review (2012)