



Appeal Decision

Site visit made on 17 September 2020

by Steven Hartley BA(Hons) Dist.TP(Manc) DMS, MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 25 September 2020

Appeal Ref: APP/D3505/W/20/3247251

2 Abbey Cottages, Bury Road, Cockfield IP30 0LB.

- 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 Shotbolt against the decision of Babergh District Council.
 - The application Ref DC/19/03874, dated 14 August 2019, was refused by notice dated 23 October 2019.
 - The development proposed is for the erection of a detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The planning application is submitted in outline with all detailed matters reserved apart from access.

Main Issue

3. The main issue is whether the proposed development would be sustainably located in relation to access to services and amenities.

Reasons

Location and policy background

4. The appeal relates to land associated with No 2 Abbey Cottages and is sited on the northern end of a pair of semi-detached, two storey houses, both with long front elevations. It includes small sheds, a wooden garage, a static caravan and other domestic paraphernalia. It is located on the edge of the village settlement, beyond the defined boundary and with open fields to the north and west. There are dwellings opposite.
5. Both parties have referred to the emerging Joint Local Plan for Babergh and Mid Suffolk (and where the draft proposal is to include the appeal site within the settlement boundary) but as it has not yet been adopted, I can afford it only limited weight in decision making terms.

6. The parties refer to Policy C1 of the Babergh Core Strategy 2014 (CS) which aims to support sustainable development and to Policy CS2 which restricts development to towns, defined Core villages and Hinterland Villages, the latter in which Cockfield is included. Policy CS2 of the CS states that *'in the countryside, outside the towns/urban areas, Core and Hinterland Villages defined above, development will only be permitted in exceptional circumstances subject to a proven justifiable need'*. CS policy CS15 also stresses the need for new development to be sustainably located and stipulates 19 criteria for their assessment. I have not been provided with convincing evidence of a proven justifiable need and therefore consider that the proposed development does not accord with policies CS2 and CS15.
7. However, CS policies CS2 and CS15 are not wholly consistent with paragraph 79 of the National Planning Policy Framework 2019 (the Framework), which is less restrictive in terms of residential development in the countryside. I therefore afford the proposal's conflict with Policies CS2 and CS15 of the CS moderate weight in the overall planning balance.
8. Even if the above policies were collectively considered to be out of date, and paragraph 11d were engaged, it is clear from my reasoning below that the identified adverse impacts of the proposal would significantly and demonstrably outweigh the identified benefits of the proposal when assessed against the Framework taken as a whole.
9. Paragraph 79 of the Framework advocates that planning policies and decisions should avoid the development of isolated homes in the countryside unless certain exceptions apply. I do not consider that the proposed development would be an isolated home in the countryside, owing to its proximity to other buildings, people and places. Therefore, I give significant weight to paragraph 78 of the Framework which advocates that *'to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities'*.

Access to services and amenities

10. The central issue is whether the development of the site would be sustainably located in relation to accessibility to local services and amenities. On my site visit, I noted that the proposed development would give rise to a heavy reliance upon the use of private vehicles as the roads leading to the nearest shops and schools often have no footpaths or streetlights. In addition and accepting that my site visit was a snap shot in time, some of the roads were heavily trafficked and vehicles were traveling at some speed. This also leads me to conclude that the route to main services and amenities would not be conducive to frequent walking and cycling.
11. I have also been given details of the bus services in the area though it is not clear how these relate to the appeal site.
12. I have taken note of paragraph 103 of the Framework which states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and that this should be taken into account in decision-making.
13. I find that the proposed development cannot be considered to be sustainably located in accordance with the terms of the Framework due to the likely heavy

reliance on the use of private vehicles by future occupants. In such circumstances I do not consider that the proposed development would help to support local services in a sustainable way.

14. I conclude, therefore, that the proposed development would not be sustainably located and would thus not accord with CS policy CS1 which promotes such sustainable development or with policies CS2 and CS15 which aim for the same. It would not accord with the Framework paragraph 11d in terms of its sustainability or with paragraphs 103 and 107 relating to the same issue.
15. In reaching the above conclusion, I have taken into account other decisions referred to by the appellant including for a dwelling at Windsor Green Farmhouse and to the planning approval for 3 dwellings, granted in December 2018, on land some 100 metres away to the South, both of which appear to be outside the village boundary. However, I am not aware of all the factors which contributed to these decisions being made and, in any event, I have determined the appeal upon its own merits.

Other Matters

16. The appellant, when referring to the sustainability of the proposed development, considers that it would not conflict with paragraphs 127 and 170 of the Framework. These relate to character and appearance and enhancements to the environment. I consider that the proposal would conflict with paragraph 127 of the Framework, in so far as the sustainability of the site is concerned and for the reasons which I have given, but I have no reason to believe that the proposed dwelling cannot be designed appropriately to fit with its surroundings and to enhance the natural and local environment. I therefore do not consider that the proposed development would be contrary to paragraph 127 of the Framework concerning such matters and I afford this matter moderate weight in favour of the appeal proposal.
17. The appeal site is occupied by various outbuildings and a static caravan. I consider that it should be possible to design an dwelling which would enhance the natural and local environment in accordance with paragraph 170 of the Framework and again I afford this matter moderate weight.
18. The appellant considers that the LPA cannot demonstrate a deliverable 5-year supply of housing land, whereas the LPA maintains that it can do so. The appellant considers that the proposed development would meet a social role of sustained development by providing a new family home. The position regarding housing land supply is not entirely certain. I have therefore determined this appeal on the basis of the worst-case housing land supply situation, i.e. that the LPA is unable to demonstrate a deliverable five-year supply of housing land. Hence, paragraph 11d of the Framework is engaged for this reason as well. However, in this context I afford only moderate weight from one dwelling to the supply of housing. Similarly, and given the quantum of development proposed, only limited weight is given to the associated social and economic benefits arising from the proposal.
19. However, I conclude that none of the above matters, neither individually nor collectively, are sufficient to outweigh the conflict which I have found regarding the sustainability of the proposed development.

Planning Balance and Conclusion

20. I have concluded that the appeal site does not accord with quoted CS policies and also that there would be unacceptable conflict with the Framework when considered as a whole. Other matters do not outweigh my conclusion that the proposal would not deliver a sustainable form of development and hence the appeal should be dismissed.

Steven Hartley

INSPECTOR