



Appeal Decision

Site visit made on 15 September 2020

by M Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th September 2020

Appeal Ref: APP/D3505/W/20/3250141

Brett Vale House, Noaks Road, Raydon IP7 5LR

- 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 Matthew Waters against the decision of Babergh District Council.
 - The application Ref DC/19/03373, dated 13 July 2019, was refused by notice dated 28 November 2019.
 - The development proposed is erection of 14no. dwellings of which 7no. are Affordable Homes (50%) and the change of use of part of existing Golf Club Clubhouse to a Village Shop, and new vehicular access to housing development.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The evidence indicates that the development would have a likely significant effect on a European site¹ as designated under the Conservation of Habitats and Species Regulations 2017. I return to this matter later.

Main Issues

3. The main issues are: the effect of the proposal on the character and appearance of the area; whether it would be in an appropriate location, with particular regard to access to services, facilities and sustainable transport modes; and whether it would address locally identified housing needs.

Reasons

Background and policy context

4. The appeal site consists of part of the Brett Vale Golf Club. It includes part of a golf hole and its clubhouse, car park and vehicular access off Noaks Road. The main parties agree that the site is not within any settlement boundaries. It is therefore within the countryside for planning policy purposes. Policy CS2 of the Babergh Local Plan 2011-2031 Core Strategy & Policies (CS) sets out the Council's settlement strategy. It directs development towards settlements and states that development will only be permitted in the countryside in exceptional circumstances, subject to a proven justifiable need. It also identifies Raydon as a Hinterland Village and explains that such villages will accommodate some development; however, this is subject to CS Policy CS11 being satisfied.

¹ The Stour and Orwell Estuaries Special Protection Area and Ramsar site

5. CS Policy CS11 sets out a range of criteria relating to Hinterland Villages. CS Policies CS15 and CS20 impose criteria which overlap with its requirements. The former relates to the implementation of sustainable development in Babergh and the latter relates to rural exception sites.

Character and appearance

6. The Council states that Raydon's settlement boundary is approximately 140 metres from the site. Raydon is a small settlement with residential properties that are located mainly along The Street and roads that spur off it. A small number of properties are located along Noaks Road within the settlement boundary and, beyond those, are fields and paddocks. Although the golf club is located near to the boundary, it appears within a distinctly rural and sparsely settled landscape as a result of the fields that surround it and intervening vegetation, which limits the visibility of the residential properties both within and beyond the boundary.
7. The site is separated from the settlement boundary by a field and thus it is not adjacent to the boundary. In addition, the proposed development would appear disconnected from the settlement when travelling along Noaks Road and Public Right of Way (PRoW) No 28, which runs beside the site and through the field before reaching the settlement.
8. While the proposal has been designed to reflect the local rural vernacular and would be set back behind trees and hedges, it would result in continuous built form across much of the frontage of the golf club. It would increase the amount of residential properties visible in the area significantly and have an urbanising effect. For these reasons, the development would be incongruous within the landscape and the character and appearance of the area would be harmed significantly. Additional landscaping would not overcome this harm.
9. The proposal is thus contrary to CS Policies CS11, CS15 and CS20, which impose criteria that require development to be adjacent or well related to the existing pattern of development for Hinterland Villages and protect local character. It is also contrary to paragraphs 127 and 170 of the Framework, which seek to ensure that development is sympathetic of local character and the intrinsic character and beauty of the countryside is recognised. The CS policies are consistent with the Framework in these respects.

Access to services, facilities and sustainable transport modes

10. The parties do not dispute that Raydon has a limited range of services and facilities within it. There are no footpaths or streetlights along Noaks Road and vehicles can travel on part of it at the national speed limit, albeit traffic surveys indicate that vehicles travel at speeds below that. The proposal includes the creation of a footpath within the site that connects to PRoW No 55 and then PRoW No 28; however, they are unsurfaced, have stiles along them and are also unlit. The routes to the settlement are therefore unattractive for pedestrians and cyclists, especially outside daylight hours, despite the relatively short distance to it. The same issue arises in respect of access to the bus stops in The Street.
11. The appellant states that bus services connect to Colchester, Hadleigh and Ipswich and a school bus operates from the village to local schools. However, detailed information regarding the bus routes and their hours of operation has

not been provided and the Design and Access Statement and Planning Statement indicate that buses run infrequently.

12. Although the proposed community convenience shop and the restaurant and bar at the golf club would be close to the site, the occupiers of the proposed properties would nonetheless have to travel elsewhere to access the services and facilities needed to satisfy the requirements of day-to-day living. For the above reasons, the occupiers would be dependent on private motor vehicles to do so. The proposal would not have a close functional relationship with the settlement as a result.
13. The shop would benefit those visiting the golf club and existing residents in the area. It may also reduce the number of trips that residents would make to other settlements to buy convenience goods. I note that the shop would diversify the golf club business and may create job opportunities and encourage residents to use its other facilities. Also, I have no reason to doubt that it is unlikely that a shop would otherwise be able to operate viably in the area. The shop would thus support local services and the rural community and in this respect the proposal would accord with criteria of CS Policies CS11 and CS15. However, it is likely that existing residents would not walk or cycle to the shop, and that they would continue to make a significant proportion of trips by private motor vehicles to meet their needs, for the reasons identified.
14. The proposed housing would have limited accessibility to services, facilities and sustainable transport modes. The proposal is therefore contrary to criteria of CS Policies CS11 and CS15, which require that development has a close functional relationship with settlements and proposals consider access to services and minimise the need for car travel. In these respects, the policies are consistent with paragraph 103 of the Framework, which sets out that patterns of growth should support its transport objectives, including the promotion of walking, cycling and public transport use.
15. The decision notice also refers to CS Policy CS1, Policy CN01 of the Babergh Local Plan Alteration No. 2 and paragraph 17 of the Framework in respect of these matters. However, they are not directly relevant as they relate to the presumption in favour of sustainable development in the 2012 version of the Framework, design standards and plan making, respectively.

Locally identified housing needs

16. The applicant contends that there have been a low number of recent completions of residential development and there is a local need for smaller sized dwellings in Raydon. The appellant states that the proposed mix of dwellings would address these issues and would help support the vitality of the settlement. However, evidence has not been provided which objectively establishes specific housing needs in and around Raydon or substantiates whether these would be met.
17. The proposal seeks to include the provision of 7 affordable homes, which would exceed the 35% requirement set out by CS Policy CS19; however, a planning obligation has not been provided to secure them. The appellant contends that a negatively worded planning condition could be imposed to require a planning obligation to be entered into following the grant of planning permission.

18. The Planning Practice Guidance² is clear that such conditions are unlikely to be appropriate in the majority of cases. It also states that where consideration is given to imposing a condition, the heads of terms or principal terms need to be agreed prior to granting permission to ensure that the tests of necessity are met and in the interests of transparency. Agreed terms have not been provided. Based on the evidence before me, a condition would not satisfy the tests set out by paragraph 55 of the Framework. In the absence of a mechanism to secure the delivery of the affordable homes, I cannot conclude that they would be provided.
19. It has not therefore been demonstrated that the proposal would satisfy any local housing needs. The proposal is thus contrary to CS Policies CS11 and CS20 and paragraph 77 of the Framework, which set out that development should reflect local needs. The CS policies do not support market housing on rural exception sites. Paragraph 77 of the Framework advises that consideration be given to whether the provision of some market housing would facilitate the provision of affordable housing. However, the 2012 version of the Framework advised the same and I have no reason to conclude that such consideration was not given to this when the CS was made. The CS policies thus accord with paragraph 77 of the Framework in respect of this matter.

Planning Balance

20. The proposal is contrary to CS Policy CS2 as a result of its location in the countryside and its conflict with CS Policy CS11. However, the former policy is inconsistent with the balanced approach to housing in rural areas set out by paragraph 78 of the Framework, which explains that housing should be located where it will enhance or maintain the vitality of rural communities. I thus attach limited weight to the proposal's conflict with CS Policy CS2. CS Policies CS11, CS15 and CS20 adopt a prescriptive approach to development in rural areas; however, I have already identified that the criteria of those policies which the proposal is in conflict with accord with the Framework.
21. The appellant contends that the Council cannot demonstrate a 5 year supply of deliverable housing sites. In such a scenario, paragraph 11 of the Framework states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
22. I have already found that the proposed shop would support local services and the rural community. I attach moderate weight to these benefits. Whilst I cannot be certain that affordable homes would be provided, the proposal would nonetheless increase the supply and choice of homes in the area. The proposal would also generate employment from the construction of the development. Furthermore, the proposal could provide biodiversity enhancements and energy efficiency measures. However, these are modest benefits as a result of the scale of the development.
23. The appellant has also put forward that there would be public benefits in the form of the New Homes Bonus, Council Tax revenues and increased Parish Council precept. However, having regard to the advice within the Planning

² Reference ID: 21a-010-20190723

Practice Guidance on local finance considerations³, I do not consider that these are benefits weighing in favour of the proposal.

24. If I were minded to grant permission, I would need to assess whether the proposal would have an adverse effect on the integrity of the European site. However, even if it would not have an adverse effect, this would constitute a neutral consideration rather than a benefit weighing in favour of the proposal.
25. The proposal would result in substantial harm to the character and appearance of the area. I thus attach substantial weight to this adverse effect. The site would have limited accessibility to services, facilities and sustainable transport modes and the occupiers of the development would be reliant on private motor vehicles. However, given the short distance from the site to the facilities at the golf club and the settlement, I attach moderate weight to these adverse effects. I attach limited weight to the proposal's failure to demonstrate that it would meet any locally identified housing needs, as it is the Government's intention to significantly boost the supply of housing. Moreover, there would clearly be need for housing across the district in the absence of a 5 year housing land supply.
26. Overall, the benefits of the proposal are modest and the adverse impacts are substantial. This would be the case even if there is a shortfall in housing supply. Therefore, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole.
27. The proposal conflicts with the development plan as a whole. There are no material considerations which outweigh my findings in respect of the development plan. It is thus not necessary that I assess whether the European site would be adversely affected, as any outcome of that assessment would have no bearing on my decision.

Conclusion

28. For the above reasons the appeal is dismissed.

Mark Philpott

INSPECTOR

³ Reference ID: 21b-011-20140612