



Appeal Decision

Site visit made on 25 September 2020

by Martin H Seddon BSc MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2020

Appeal Ref: APP/D3505/W/20/3248616

The Mane Riding Centre, Old London Road, Copdock and Washbrook, Ipswich, IP8 3JF

- 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 & Mrs A Coe against the decision of Babergh District Council.
 - The application Ref: DC/19/05619, dated 2 December 2019, was refused by notice dated 23 January 2020.
 - The development proposed is erection of detached dwelling.
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of a detached dwelling at The Mane Riding Centre, Old London Road, Copdock and Washbrook, Ipswich, IP8 3JF, in accordance with the terms of the application ref: DC/19/05619, dated 2 December 2019 and subject to the conditions in the schedule at the end of this document.

Preliminary Matters

2. The application was in outline including access, with all other matters reserved for later determination. The indicative site plan indicates a proposed two storey building. However, despite this, the appearance, layout, and scale of development are reserved matters for later approval.
3. The appeal site falls within the 13 km zone of influence of the Stour and Orwell Estuaries Special Protection Area and RAMSAR site. Natural England advised that new housing development in the area was likely to have a significant effect when considered either alone, or in combination, upon the interest features of European sites due to the risk of increased recreational pressure caused by that development. In response to this matter, the appellant has paid an appropriate financial contribution towards the emerging Suffolk Recreational Disturbance Avoidance and Mitigation Strategy.

Main Issues

4. The main issues are whether the proposal is in a suitable location for the erection of a dwelling, taking into account national and local planning policies, and having particular regard to the effect of the proposal on the character and appearance of the area, and living conditions of future occupiers in respect of traffic noise and disturbance.

Reasons

5. The appeal site lies within the domestic curtilage of The Paddocks, which is a large modern dwelling. It is part of the sporadic residential and commercial development which is located at either side of the Old London Road dual carriageway, south of the village of Copdock. The proposed dwelling would have access from the dual carriageway and includes an existing garage. The appellants advise that the proposed dwelling would be intended for occupation by their son, although this cannot be guaranteed. The wider area includes former stables associated with the Mane Riding Centre.
6. The development plan includes the Babergh Local Plan 2011-2031 Core Strategy and Policies (Part 1 of New Babergh Local Plan) 2014 (LPCSP). The Copdock and Washbrook Neighbourhood Plan is currently under preparation and little weight can be accorded to its draft policies at this stage.
7. LPCSP policy CS1 seeks to ensure that development improves the economic, social, and environmental conditions in the District. However, LPCSP policy CS1 is based upon the 2012 version of the National Planning Policy Framework (Framework) and therefore carries reduced weight. The site is outside the Built up Area Boundary for Copdock as defined by LPCSP policy CS2. Copdock and Washbrook are also identified as Hinterland Villages. The policy requires that outside the Hinterland Villages and in the countryside, development will only be permitted in exceptional circumstances subject to a proven justified need. However, the Planning Officer's Delegated report advises that the exceptional circumstances test in LPCSP policy CS2 is not consistent with the Framework, is deemed out of date, and can only be accorded limited weight.
8. LPCSP policy CS11 defines the strategy for development in Core and Hinterland villages. LPCSP policy CS15 concerns implementing sustainable development and sets criteria which development will be required to meet. However, due to the range and detail of its criteria, policy CS15 may be considered to not be entirely consistent with the Framework.
9. Copdock has a limited range of public facilities. However, there is a bus stop next to the appeal site and bus services are available to Ipswich and Colchester. The Council considers that the proposed development would be remote from local services because it does not form a close functional relationship with a designated settlement and is spatially divorced from the main built up area. Despite this, such a view does not appear to have ruled out other developments in the vicinity.
10. The appellant has submitted details of a pre-application enquiry for another part of the land owned by the appellant which lies close to the appeal site. The Council's response concluded that "The proposal reflects the essence of paragraph 8 (of the Framework) and is therefore considered economically, socially and environmentally sustainable". Moreover, in 2018 the Council approved an application for seven dwellings on land a short distance to the south of the appeal site. A similar proposal had previously been allowed on appeal at that site. A condition of that permission required the installation of a crossing at the site frontage which would provide a means of pedestrian access to the western side of the dual carriageway where there is a continuous footpath to the amenities north of the site.

11. The proposal concerns the development of a grassed area of land which is adjacent to the dwelling of The Paddocks and converted outbuildings. I consider that adding a detached dwelling at this location would make better use of the land and would complement the immediately adjacent residential uses. The site is not isolated, is accessible to public transport, and potentially by pedestrian access, to Copdock village. Any future occupants of the dwelling would therefore not be entirely dependent upon private transport. The scale of the development is limited and when combined with the opportunity to use the bus service for access to facilities, any environmental harm caused through the use private transport would be low.
12. Although the site is limited in size, as mentioned above, the issues of siting and scale for the dwelling are reserved for later consideration by the Council. A dwelling on this site of an appropriate scale would potentially have sufficient parking, turning and amenity space.
13. The boundary hedging at the site would provide some screening for a dwelling from public views. The Council has advised that harm to the rural setting of the site was not a reason for refusing the application. Although it would be subject to traffic noise from the dual carriageway, the building could be insulated, to mitigate any potential harm to the living conditions of future occupants of the proposed dwelling from noise and disturbance.
14. As mentioned at paragraphs 7 and 8 above, LPCSP policies CS1 and CS15 may be considered to carry less weight and LPCSP policy CS2 has been deemed out-of-date. The Council advises that it does not have an identified housing shortfall. Despite this, paragraph 11 of the Framework is relevant. This requires that, where the most important policies for determination of an application are out of date, 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.
15. Notwithstanding the Council's position in relation to housing land supply, national policy seeks to boost the supply of housing. The proposed single dwelling would make a small contribution towards the housing supply. Due to policies in the development plan being either out-of-date, or not wholly consistent with the Framework, the level of conflict with those policies is reduced in weight. Overall, I find that the adverse impacts of granting outline permission, including any conflict with the development plan, would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole and the appeal should be allowed.

Conditions

16. I have considered the conditions suggested by the Council and amended the wording, as necessary. I have imposed a standard timescale condition for the submission of reserved matters and a requirement for the submission of necessary details prior to the commencement of development. A condition is included specifying the approved plan for reasons of certainty regarding the site boundary and proposed access. Details of the areas for locating refuse and re-cycling bins are required in the interest of highway safety. For the same reason, a condition is included to ensure that vehicle parking and turning space is made available prior to first occupation of the dwelling and is retained. A

further condition also requires the submission and approval of a construction management plan in the interest of highway safety.

Conclusion

17. I have taken all other matters raised into account. For the reasons given above I conclude that the appeal should be allowed, and outline permission granted subject to conditions.

Martin H Seddon

INSPECTOR

Schedule of Conditions

- 1) Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission, and the development must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- 2) Before any development is commenced, approval of the details of the appearance, scale and layout of the building and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority.
- 3) The development hereby permitted shall be carried out in accordance with the drawing/document 1807/19/01, received 3 December 2019, insofar as it relates to the means of access and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard.
- 4) Before the development is commenced a scheme with details of the areas to be provided for storage of refuse/recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.
- 5) The use shall not commence until the areas within the site shown on drawing 1807/19/01 for the purposes of manoeuvring and parking of vehicles have been provided and thereafter those areas shall be retained and used for no other purposes.
- 6) Before the development hereby permitted is commenced a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Construction of the development shall not be carried out other than in accordance with the approved construction management plan. The Construction Management Plan shall include the following matters:
 - parking and turning for vehicles of site personnel, operatives and visitors
 - loading and unloading of plant and materials
 - piling techniques
 - storage of plant and materials
 - programme of works (including measures for traffic management and

operating hours)

- provision of boundary hoarding and lighting
- details of measures to prevent mud from vehicles leaving the site during construction, including wheel wash facilities
- haul routes for construction traffic on the highway network
- monitoring and review mechanisms
- no works in respect of the construction of the development and no deliveries to the site during construction shall be undertaken during the following times:
 - outside the hours of 0800 - 1800 Monday to Fridays inclusive
 - outside the hours of 0800 - 1300 on Saturdays
 - on Sundays and on Public Holidays