



Appeal Decision

Site visit made on 19 January 2021

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st March 2021

Appeal Ref: APP/W3520/W/20/3256777

**Land to Rear of 17 Hillside, Withersdale Street, Mendham, Harleston
IP20 0JF**

- 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 Peck against the decision of Mid Suffolk District Council.
 - The application Ref DC/20/01241, dated 18 March 2020, was refused by notice dated 19 May 2020.
 - The development proposed is described as "the development comprises two single storey dwellings to the rear of 17 Hillside within existing residential garden land (Planning app 0105/91), access is acquired via existing drive to highways specification".
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The planning application was submitted in outline form with only access for consideration and I have considered the appeal on that basis. Matters relating to appearance, landscaping, layout, and scale are reserved for future determination. The appellant has provided an indicative layout which I have treated as illustrative for the purposes of this appeal.

Main Issue

3. The main issue in this appeal is whether the location of the proposal is appropriate having regard to the development plan and the National Planning Policy Framework (the Framework) and the effect of the development on the character and appearance of the area.

Reasons

4. The appeal site forms a parcel of land that sits to the rear of 17 and 18 Hillside. The site has an existing access to the west of 18 Hillside and contains a number of timber sheds and other outbuildings. The area is generally rural in character and includes a variety of style and size of property that are mainly arranged in a linear manner along Hillside.
5. The Development Plan comprises the Mid Suffolk District Council Local Plan 1998 (LP), the Mid Suffolk District Council Core Strategy 2008 (CS) and the Mid Suffolk District Council Core Strategy Focused Review 2012 (FR). LP Policy H7 places strict control over new housing outside of settlement boundaries to protect the character and appearance of the countryside.

6. FR Policy FC1 applies the presumption in favour of sustainable development set out in the Framework and FR Policy FC1.1 sets out the broad approach to delivering sustainable development in Mid Suffolk. It states that the Council will grant permission unless material considerations indicate otherwise, taking into account whether: 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; or where specific policies in that Framework indicate that development should be restricted.
7. CS Policy CS1 identifies the settlement hierarchy for the district and places Withersdale Street as a "countryside village". Settlement boundaries for countryside villages were removed by the Core Strategy specifically to prevent infill development so that development will only be allowed in exceptional circumstances. CS Policy CS2 seeks to concentrate development within settlements and to restrict development outside settlements other than in specific circumstances, none of which apply here.
8. Without any substantive evidence to the contrary, Withersdale Street and its immediate surroundings contains only limited services and facilities. Whilst the dwellings would not be isolated in that there would be other dwellings nearby, they would nonetheless be remote from towns and villages. I acknowledge there are some services and facilities nearby as identified by the appellant. However, they are rather limited and from the information presented before me, do not include employment, healthcare, or education which are further afield at Harleston, almost 5km away by road.
9. Although a bus service operates from a nearby stop, it does not run regularly throughout the day and not at all at weekends and is therefore unlikely to be a realistic alternative to the private car. I also noted a short stretch of footpath to the front of 13 – 18 Hillside. However, the rest of the village and surrounding road network lack footpaths and streetlighting which would make it less attractive for people to walk, or indeed cycle, especially those with young children going to school or those laden with shopping. Furthermore, whilst the development would provide charging points for ultra-low emission vehicles, there is nothing before me that would ensure such vehicles would be used for journeys.
10. Paragraph 103 of the Framework states, amongst other things, that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Arguably, the lack of options available to the appeal site in terms of access to means of transport other than the private car is reflective of its rural location. However, although the Framework's statement recognises the challenges rural areas face, it should not be used as a justification for the siting of development in unsustainable locations. It is a reality that the opportunities to walk or cycle to the services and facilities available nearby would not be convenient or realistic ones, especially during bad weather, the winter months and when it is dark.
11. Given the location of the proposed dwellings, future residents would therefore be highly likely to be required to travel regularly by private motorised transport to access education, retail, employment, and healthcare. The proposal would not, of itself, generate a large number of traffic movements and a greater dependency on car use is inevitable in more rural locations and there are existing residential properties in the immediate vicinity. However, the

cumulative effect of allowing developments in locations such as the proposal would be likely to increase the number of unsustainable journeys made.

12. In addition, paragraph 78 of the Framework states that where there are groups of smaller settlements, development in one village may support services in a village nearby. However, I consider that the appeal site has poor accessibility even allowing for its rural location. Furthermore, given the level of facilities available at Harleston, future occupiers would be likely to draw mainly on services and facilities there, rather than in nearby villages.
13. With regard to the effect of the development on the character and appearance of the area, the proposed dwellings would be sited behind the existing properties that front onto Hillside. However, as single storey buildings they would not appear dominant in the landscape and would be served by a dedicated access to the side of, and not between, existing dwellings. Thus, I am satisfied that the proposal would appear as a continuation of the development alongside that which currently exists on Hillside when viewed the from west. Therefore, any harm to the character and appearance of the area is likely to be limited and localised.
14. However, the occupiers of the dwelling are likely to be reliant on the private car to access such services. As a result, the development would be in conflict with Policies CS Policies CS1 and CS2, LP Policy H7, FR Policies FC1 and FC1.1 and paragraph 103 of the Framework which seek, amongst other things, to ensure proposals achieve the aims of sustainable development and directs growth to main centres.

Other Matters

15. I am mindful of the emphasis at paragraph 118 c) of the Framework on giving substantial weight to the value of using suitable brownfield land within settlements for homes. However, even if the site is considered to represent previously developed land, the Framework is clear at paragraph 122 c) that making efficient use of land should include taking into account the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use.
16. I acknowledge that the appellant wishes to downsize and the development would provide an opportunity to free up family sized housing. I also accept that as a small windfall site, it has the potential to be built-out relatively quickly. However, whilst acknowledging the benefits that would result in this respect, they are not sufficient to outweigh the harm that I have identified.
17. I note that representations were made by a local resident, raising additional concerns. However, given my findings on the main issue, it is not necessary to consider these matters in detail.

Planning Balance and Conclusion

18. Applications for planning permission are to be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework is a material consideration, significantly postdating both the CS and LP. Paragraph 11 of the Framework introduces a presumption in favour of sustainable development and although this does not change the statutory status of the development plan as the starting point for decision-making, it

does necessitate an approach that, where the policies most important for determining the application are out-of-date, that planning 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.

19. Notwithstanding that the Council can demonstrate greater than 5 years' supply of deliverable housing sites, the appellant argues that given their age, the policies of the LP and CS are out of date. However, paragraph 213 of the Framework states that existing policies should not be considered out of date simply because they were adopted prior to the publication of the Framework. Due weight should be afforded to policies according to their consistency with the Framework.
20. Although FR Policies FC1 and FC1.1 are based upon the Framework published in 2012, they are broad policies reflecting the Framework's presumption in favour of sustainable development and remain consistent with current national policy. However, CS Policies CS1 and CS2 and LP Policy H7 restrict the development that can take place in the countryside and are not entirely consistent with the Framework which allows for rural housing in a wider range of circumstances. These are policies which are the most important for determining the application and are thus, out of date. Consequently, the tilted balance at paragraph 11(d)(ii) of the Framework is engaged.
21. The development would result in the provision of two dwellings which would be of benefit in terms of boosting the supply of housing. Employment would be generated during construction and there would be additional expenditure in the local economy from the occupiers of the dwellings. However, given the number of dwellings proposed and the five year deliverable supply of housing land, these benefits would be limited.
22. Against this, the proposal would result in additional dwellings in a location with poor access to services and would not enable modal choice in accessing these, which could be available in other settlements. There is also no evidence before me to demonstrate that the proposal would be of particular benefit in terms of maintaining the vitality of a rural community. I afford significant weight to the harm I have identified above and conflict with planning policies. This significantly and demonstrably outweighs the overall limited weight that I give to the benefits of the proposal. The balance indicates that the proposal would not accord with the Framework and policies FC1 or FC1.1 of the FR which require sustainable development.
23. Thus, for the reasons given above, I conclude that there are no material considerations of such weight as to indicate that a decision be taken other than in accordance with the development plan. As I have found significant, substantial conflict with the development plan, the appeal is dismissed.

Graham Wyatt

INSPECTOR