



Appeal Decision

Site visit made on 13 April 2021

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th May 2021

Appeal Ref: APP/W3520/W/20/3263402

Ivy Cottage, Rattlesden Road, Drinkstone IP30 9TN

- 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 M Fayers against the decision of Mid Suffolk District Council.
 - The application Ref DC/20/03665, dated 25 August 2020, was refused by notice dated 22 October 2020.
 - The development proposed is Erection of detached single-storey dwelling and garage. Construction of new vehicular access.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is made in outline with all matters reserved for future consideration except for the access. I have considered the appeal on this basis. An indicative layout plan has been submitted, which I have had regard to as indicative only.

Main Issues

3. The main issues are whether the proposed development:
 - would be in a suitable location having regard to policies concerned with the location of new housing;
 - would be in a suitable location for accessibility to services and facilities; and,
 - could achieve a safe and suitable access.

Reasons

Suitability of Location

4. The Council and the appellant have made reference to the location of the development in the countryside and considered it in relation to policies in this regard, including conflicts with policies not cited in the Council's reason for refusal. The appeal site comprises the southern part of the plot of Ivy Cottage located to the south of Drinkstone Green. Policy CS1 and CS2 of the Mid Suffolk District Core Strategy (2008) (the CS) and Policy H7 of the Mid Suffolk Local Plan (1998) (the Local Plan) seek to direct development towards a

hierarchy of settlements, restricting development in the countryside to defined categories. Drinkstone Green is not identified by Policy CS1 as a possible location for development. As a consequence, it does not have a settlement boundary in the CS and the settlement and the appeal site are both part of the countryside.

5. Policy CS2 of the CS restricts housing in the countryside to defined categories. As a market dwelling not related to the purposes listed, the proposal does not fall within the defined categories of development listed. Therefore, the development would not be in a suitable location having regard to policies concerned with the location of new housing, resulting in a conflict with Policies CS1 and CS2 of the CS and Policy H7 of the Local Plan. Being outside the settlement boundary and not one of the defined development types, or accompanied by a robust demonstration of a local need, the development would also be contrary to Policy DRN1 of the Drinkstone Neighbourhood Plan – Referendum Plan (2020) (the NP). Although recently examined, as this has not undergone a referendum, it attracts limited weight as a material consideration.

Services and facilities

6. There are very few services and facilities in Drinkstone Green and there is understood to be no bus service. Rattlesden approximately 1.6km to the south east benefits from a community shop, post office, primary school and two pubs. Felsham approximately 3.5km to the south west includes a shop and post office. Woolpit approximately 4km to the north east includes a greater range of services including a small supermarket, two pubs, a hot food takeaway, bakery, hairdressers, doctors surgery and garage. However, from what I could see and based upon the evidence before me, there is no secondary level schools and few professional services. Therefore, all requirements for the day to day living of future occupiers would not necessarily be served by these settlements and occupiers would rely upon further travel.
7. The route to Rattlesden is a mostly unlit national speed limit road with limited verges for cyclists and pedestrians to take refuge. The route into Drinkstone Green and onwards to Woolpit is a relatively narrow mostly unlit road, only part of which has a 30mph speed limit and some stretches of footway. It is highly unlikely walking or cycling to most services and facilities would be a particularly attractive or convenient option from the appeal site, particularly during darker and colder months. There is no substantive evidence demonstrating the Connecting Communities rural transport service represents either an attractive or convenient means of regularly accessing services and facilities.
8. Notwithstanding the distance from services and facilities having regard to paragraph 79 of the National Planning Policy Framework (2019) (the Framework) and the Braintree judgement¹, the development is not isolated and given the distance to other dwellings, and the potential to drive to services and facilities, I do not share the Council's view that the development would be likely to result in social isolation. However, based upon the evidence before me, a significant majority of journeys by future residents of the development would be likely to be by private car. The number of trips generated would be modest, but given the distances to many services and facilities, it would be likely to add up to a considerable number of vehicular miles per year. The conditions advanced would not mitigate the harm from the development.

¹ Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610

9. The Council has approved two applications approximately 250m north of the appeal site. I note the harm the Council found in relation to the location in relation to services and facilities in those cases, but they came to a different overall conclusion based upon the balance of considerations before it. The full evidence before the Council in those cases is not clear. However, I am advised that they were approved at a time when the Council could not demonstrate a 5 year housing land supply (HLS), and the Council advises it can now demonstrate a HLS of over 7 years. Furthermore, the Highway Authority considered both applications would result in a reduction in the size and frequency of vehicles visiting the site, remove container storage and stop up one of the accesses to reduce any impacts upon highway safety. Therefore, the circumstances and considerations in relation to those proposals are significantly different to this development, and the existence of those permissions, does not justify allowing this appeal, which I have considered on its own merits based upon the evidence that is before me.
10. For the reasons set out above, the development would not be in a suitable location having regard to the accessibility of services and facilities. Whilst car dependency is not necessarily unusual in rural locations, it conflicts with a core planning principle of the Framework which encourages development to take place where the fullest use of walking, cycling and public transport can be made. Therefore, the development conflicts with paragraphs 8, 91 and 103 of the Framework which seek to use natural resources prudently, minimise pollution, focus development towards locations that limit the need to travel, offer transport choice, and enable and support healthy lifestyles through developments that encourage walking and cycling.

Access

11. The scheme proposes a new access onto the Rattlesden Road with a visibility splay of 2.4m x 43m. The appeal site is within a 30mph zone approximately 60m from the national speed limit zone. There are no records before me of accidents in this part of Rattlesden Road in the last 21 years. While my visit can only represent a brief snap-shot in time, the road had a limited amount of passing traffic. I am advised the access design is compliant with the Manual for Streets for a 30mph zone. While I note the Council's views, and the observations of the Highway Authority, the exact nature of the concerns and specific requirements in relation to visibility are not fully explained or justified by the evidence provided.
12. Therefore, for the reasons set out above, the Council has not demonstrated the development does not provide a safe and suitable access. Based upon the evidence before me, I do not find a conflict with the aims of Policy T10 of the Local Plan and paragraphs 108 and 109 of the Framework. In combination and amongst other things, these expect development to be able to secure a safe and suitable access to and egress from the site, and that development should only be prevented if there would be an unacceptable impact upon highway safety.

Other Matters

13. Following seeking clarification upon the status and implications of the NP for the cases of the parties, the Council has set out concerns and alleged conflicts with NP Policies in relation to the significance of Ivy Cottage as a non-designated heritage asset, the loss of trees and hedgerows and associated

conflicts in respect of the local landscape and biodiversity. As I am dismissing this appeal for other reasons, I have not investigated these matters further.

Planning Balance

14. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Framework is a material consideration. The development conflicts with the development plan and the Framework taken as a whole.
15. The development conflicts with the development plan and Policy DRN1 of the NP due to its location in the countryside. The appellant is of the view Policies H3 and H7 of the Local Plan, Policies CS1 and CS2 of the CS and Policy FC1 of the Mid Suffolk District Core Strategy Focused Review (2012) (the CSFC) are out of date, citing an appeal decision letter². Policy H3 has not been cited by the Council and is not before me. Based upon the appellant's appeal statement this relates to housing within villages, so is not relevant to this proposal. Policy FC1 sets out the presumption in favour of sustainable development based upon a previous version of the Framework, so is out of date.
16. The Council is also of the view a number of the most important policies are out of date due to not being fully compliant with the Framework and as a result paragraph 11(d) of the Framework is engaged. Based upon the evidence before me I see no reason to take an alternative view and the conflict with the development plan policies attracts reduced weight as they are not consistent with the Framework. Paragraph 11d) states that in such circumstances, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
17. The development would provide a small temporary economic benefit during construction. Even if I were to also take the view that a Community Infrastructure Levy and Council Tax payments are benefits, this and the on-going spend in the local economy once the dwelling is occupied would be small benefits. The development would make a small contribution to the vitality of rural communities and services in accordance with paragraph 78 of the Framework. It would make a more efficient use of land and result in the small social benefit of an additional dwelling. Taking into account the effects of the Covid-19 pandemic, the economic and social benefits of one dwelling are small and attract limited weight in favour of the scheme.
18. However, the development would conflict with the strategy for the location of new housing in Policies CS1 and CS2 of the CS and Policy H7 of the Local Plan. While the development plan policies are out of date, they cannot be disapplied. These policies seek to manage development in rural areas to help secure an overall sustainable pattern of development reflecting some of the aims of the Framework. Therefore, the conflict with these policies still carries moderate weight against the scheme. As I have not found conflict with the aims of development plan policies and the Framework in respect of highway safety this is a neutral matter.
19. Given my findings in relation to the location of the development in relation to the distance to and accessibility of services and facilities, the development

² APP/W3520/W/18/3194926

would result in significant environmental harm that conflicts with, and undermines, the sustainable transport, health, and accessibility objectives of the Framework. Given the harm, these are matters that attract significant weight against the scheme. Overall, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits of the development when assessed against the policies in the Framework taken as a whole. Therefore, the appeal should be dismissed.

Conclusion

20. The proposed development conflicts with the development plan and the Framework taken as a whole. There are no material considerations, including the policies of the Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, the appeal should not succeed.

Dan Szymanski

INSPECTOR