



Appeal Decision

Site visit made on 28 April 2021

by Nick Palmer BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 May 2021

Appeal Ref: APP/W3520/W/20/3261801

Barley Green Garage, Laxfield Road, Stradbroke, Suffolk IP21 5JT

- 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 J & M Spindler against the decision of Mid Suffolk District Council.
 - The application Ref DC/20/01415, dated 30 March 2020, was refused by notice dated 18 June 2020.
 - The development proposed is demolition of garage and erection of 6 dwellings (including 2 affordable homes).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is for outline permission with all detailed matters reserved.

Main Issues

3. The main issues in the appeal are:
 - i) the accessibility of the proposed development to services and facilities;
 - ii) the effect of the proposal on the character and appearance of the area; and
 - iii) the effect of the proposal on employment.

Reasons

Accessibility

4. The appeal site is located in the countryside, the Council stating that it is about 1.3km from Stradbroke. This is designated a key service centre in Policy CS1 of the Core Strategy (CS)¹ and includes primary and secondary schools, a post office, shop, public houses, a library, community centre, leisure centre, coffee shop and bakery.
5. Both parties say that there is no accessible public transport service along Laxfield Road. While Stradbroke is within walking distance of the site, there are no footpaths or streetlights along the road. The national speed limit applies. Given the likely vehicle speeds along the road and the lack of

¹ Mid Suffolk Core Strategy (2008)

pedestrian facilities, walking to access services and facilities would be seen as unsafe and unattractive. While cycling may be possible, occupiers of the proposed dwellings would be likely to be almost entirely reliant on the private car for transport.

6. For these reasons the proposed development would have a very low level of accessibility to services and facilities by sustainable means. The appellant says that the number of vehicular trips would reduce by comparison to the existing garage and car sales use, but no specific evidence has been submitted to demonstrate that this would be the case. The reliance on the car for transport would tend to separate occupiers of the development from the village to some extent and thereby limit opportunities for integration.
7. Policy STRAD1 of the Neighbourhood Plan (NP)² requires new development in the parish to be focused within the settlement boundary of Stradbroke and on the site allocations in that Plan. Although Policy STRAD1 does not explicitly preclude development outside the settlement boundary, the proposal would not accord with the policy objective.
8. The direction of development to towns and key service centres in Policy CS1 of the CS is consistent with the National Planning Policy Framework (the Framework). However, the policy also restricts the development that can take place in the countryside. This latter requirement is inconsistent with the Framework, which allows for rural housing where it will enhance or maintain the vitality of rural communities. Policies CS2 of the CS and H7 of the Local Plan (LP)³ similarly restrict development in the countryside and are inconsistent with the Framework. The proposal does not accord with those policies, but limited weight can be given to those conflicts.
9. Overall, for the reasons given, the proposal would be harmful in terms of promoting car use but having regard to the proximity of the site to Stradbroke, I give limited weight to that harm.

Character and Appearance

10. On the site there are garage buildings which are set back behind a forecourt on which cars are displayed for sale. To one side there is what appears to be a yard area which is enclosed by high hedging along the road frontage. At the time of my visit there appeared to be vehicles stored on that area. Immediately adjacent to the west of the site are two detached dwellings, in a tandem arrangement. Beyond this there is a listed farmhouse. On the opposite side of the road there are three dwellings which are all set well back from the road. Immediately to the east of the site there is a bungalow. These buildings form a loose grouping and have a limited effect on the predominantly open rural surroundings.
11. The existing hedging and possibly other new landscape planting could be used to soften the appearance of the proposed dwellings. Nonetheless, the scale and density of the proposed development would differ noticeably from the existing quite sparse pattern of development. In these respects, the development would introduce an urban element which would be out of character with the surroundings.

² Stradbroke Neighbourhood Plan 2016-2036 (2019)

³ Mid Suffolk Local Plan (1998)

12. Although the existing garage buildings and car sales use would be removed, it is likely that the development would occupy a much greater proportion of the site, including the yard area. The garage buildings are set back from the road and not particularly prominent in the street scene. Any visual benefit from removal of the existing buildings would be outweighed by the visual intrusion of the proposed development.
13. A number of development plan policies require new development to respect the character of the site and surroundings. Policies H13 and H15 of the LP have these requirements, and Policy STRAD2 of the NP requires development to respond to and integrate with the local surroundings. For the reasons given the proposal would not accord with those policy requirements. Neither would the proposal accord with Policy FC 1.1 of the Core Strategy Focused Review (CSFR)⁴ which requires proposals to conserve and enhance the local character of the different parts of the district.
14. For the reasons given, the proposal would be likely to result in unacceptable harm to the character and appearance of the area. I give significant weight to this harm.

Employment

15. Policy E6 of the LP recognises the importance of existing commercial sites as providing local employment opportunities. The policy does not require, however, that any marketing is carried out before change of use can be considered.
16. The site is in active use for car sales and repairs and therefore provides employment. As such it is of value to the local economy and its loss would have a negative impact in this respect. While employment would be provided temporarily through construction of the dwellings, and occupiers would be likely to spend money locally, thus supporting the economy, the loss of the employment site would outweigh any economic benefit.
17. Although national policy favours the use of previously-developed land, there would be no benefit in this regard because of the value of the existing site as an employment site.
18. Policy E6 requires the provision of a significant benefit for the surrounding environment, particularly in terms of improved residential amenity or traffic safety, when considering change of use. The Council states that it has no record of any noise or disturbance issues with the current site and it has not been demonstrated that the number of vehicular movements would significantly reduce. It has not been shown that there would be any significant benefit to the surrounding environment from the proposal, and on this basis the proposal would not accord with Policy E6.

Other Matters

19. It is proposed to provide two of the dwellings as affordable homes, and the appellant suggests the imposition of a condition to secure a mechanism for such provision. It is likely that a planning obligation would be necessary to secure arrangements to transfer the housing to an affordable housing provider,

⁴ Mid Suffolk Core Strategy Focused Review (2012)

to ensure that appropriate occupancy criteria are defined and enforced, and to ensure that it remains affordable to first and subsequent occupiers.

20. The Planning Practice Guidance (PPG) advises that a negatively worded condition limiting the development that can take place until a planning obligation or other agreement has been entered into is unlikely to be appropriate in the majority of cases. The PPG states that, in exceptional circumstances, such a condition may be appropriate where there is clear evidence that the delivery of the development would otherwise be at serious risk. The PPG states that the heads of terms or principal terms need to be agreed before planning permission is granted to ensure that the test of necessity is met.
21. No details of exceptional circumstances that justify the imposition of such a condition have been provided. Neither is there any indication before me that heads of terms been agreed between the Council and the appellant. In the absence of such evidence, it is unlikely that the suggested condition would meet the tests as set out in the Framework. The provision of affordable housing cannot therefore be relied upon as a benefit.

Planning Balance

22. The Council states that it can demonstrate a five-year supply of deliverable housing sites and this is not disputed. There is agreement between the parties that the policies that are most important for determining the application are out-of-date.
23. These are Policies CS1 and CS2 of the CS and H7 of the LP. I have concluded that these policies are not consistent with the Framework and they are out-of-date on this basis.
24. I have found that the net effect of the proposal on the local economy would be negative. I attach limited weight to this harm, given that there would be some support to the economy. I have given further limited weight to the harm in terms of lack of accessibility by sustainable means. I also give significant weight to the harm to the character and appearance of the area.
25. There would be some social benefit from the provision of 6 dwellings. This would however be limited given my finding that it is doubtful that the proposed affordable housing could be secured and in the absence of any identified shortfall in housing supply. I give limited weight to this benefit.
26. The limited and significant weights that I give to the harms significantly and demonstrably outweigh the limited weight that I give to the benefits.
27. Although I give reduced weight to the policy conflicts in terms of those policies that are out-of-date, Policy STRAD1 of the NP and Policy FC1.1 of the CSFR remain up-to-date, as do the requirements of Policies H13 and H15.

Conclusion

28. For the reasons given I conclude that the appeal should be dismissed.

Nick Palmer

INSPECTOR