The Planning Inspectorate

Appeal Decision

Site visit made on 28 April 2021

by Nick Palmer BA (Hons) BPl MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th May 2021

Appeal Ref: APP/D3505/W/20/3248538
Green Farm Barn, White Street Green, Polstead CO10 5JL

- 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 & Mrs M Goldsmith against the decision of Babergh District Council.
- The application Ref DC/19/04149, dated 3 September 2019, was refused by notice dated 14 January 2020.
- The development proposed is a dwelling, detached garage and new vehicular access.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are:

   (i) the effect of the proposal on the character and appearance of the area; and

   (ii) its accessibility to services and facilities.

Reasons

Character and Appearance

3. Whitestreet Green is a hamlet, or cluster of dwellings which forms one of three such clusters that are defined in the Core Strategy (CS)[1] as forming the village of Polstead. The site is outside but adjoins the built-up area boundary (BUAB) of the settlement, as defined in the development plan. It is at the northern end of the settlement and adjacent to Green Farm Barn, which is a former agricultural building that has been converted to a dwelling. The site is a triangular area, fronting Calais Street and adjoining the garden of Green Farm Barn. It is enclosed by hedging on all sides and is separate, but accessible from the garden of the host dwelling. The site contains trees and shrubs and generally has the appearance of a domestic garden.

4. I noted on my visit that there is some recent development on the opposite side of the road, to the south of the site. However, the site clearly projects into the open countryside from the northern end of the settlement. It adjoins open countryside to both the east and west.

[1] Babergh Local Plan Core Strategy and Policies (2014)

5. The land to the west of Calais Street is within the Dedham Vale Area of Outstanding Natural Beauty (AONB). This is a gently undulating agricultural landscape of fields enclosed by hedgerows with trees. Some parts of the settlement are within the AONB, but the extent of the built form is limited. The immediate vicinity of the site is characterised by a green with traditional buildings around it that are spaced apart.

6. Efforts have been made in the design of the proposal to minimise its visual impact. The dwelling would be set at a low level relative to the road. It would be of single storey design with a generally low profile and the colours of the materials to be used would be sympathetic to the landscape. It would be enclosed by hedging and trees within the site would be retained. These landscape features would soften the appearance of the development.

7. Nonetheless, the site is quite prominent from a number of public viewpoints in the adjacent countryside. I saw that it is visible from Calais Street to the north and from Wash Lane to the west. There is also a public footpath from which the site is clearly visible across the generally open fields. The lower ground levels to the west give the site prominence. The development would be particularly noticeable in that it would clearly extend the built-up area of the settlement. While the vegetation would screen the proposal to a significant extent, it would still be likely to remain visible. For these reasons the proposal would be visually intrusive in the open rural landscape.

8. Given the designation of this landscape as an AONB this visual intrusion would be particularly harmful. The proposal would not conserve or enhance the area's natural beauty. I give great weight to this harm.

9. Policy CS2 of the CS identifies Polstead as a Hinterland Village which will accommodate some development to meet local needs. The policy only allows for development in the countryside in exceptional circumstances and subject to a proven justifiable need. Although there may be a general demand for 2 and 3 bedroom dwellings across the district, it has not been demonstrated that the proposal would meet a specific local need and it does not accord with Policy CS2.

10. That policy is consistent with the National Planning Policy Framework (the Framework) in so far as it directs development to larger settlements with facilities. That said, its restrictive approach to development in the countryside is inconsistent with the Framework which allows for rural housing where it will enhance or maintain the vitality of rural communities and only applies exceptional circumstances to isolated homes. This reduces the weight that I give to the conflict with Policy CS2.

11. Policy CS11 sets out detailed requirements for development in, or adjacent to Hinterland Villages and also requires development to meet a proven local need such as for affordable housing or targeted market housing. Development must demonstrate a close functional relationship to the settlement and consider locational context, particularly the AONBs.

12. Although the proposal would have a close functional relationship with the village, I have found that it would be harmful to the designated landscape. For this reason, and in the absence of any demonstrated specific need for the proposal, it would not accord with Policy CS11 of the CS.

13. That policy applies to development in Core and Hinterland Villages and does not specifically restrict development in the countryside. Its requirements that development is adjacent or well related to settlements and meets a proven local need are generally consistent with the Framework's policy of enhancing or maintaining the vitality of rural communities and avoiding isolated homes in the countryside. The policy is, however, inconsistent with the Framework in that it requires all housing development in Hinterland Villages to meet a proven local need.

14. Policy CS15 of the CS requires sustainable development, including that development respects local context and character. The policy criteria deal with detailed matters and are to be applied where appropriate to the scale and nature of the proposal. The policy has an overarching requirement that proposals must ensure that adequate protection, enhancement and mitigation are given to distinctive local features which characterise the landscape assets within designated sites such as AONBs. The first two criteria of the policy require development to respect the landscape and make a positive contribution to the local character. For the reasons given above, the proposal would not accord with these policy requirements. While it may be the case that not all of the policy criteria are consistent with the Framework, those criteria are to be applied as appropriate to the circumstances of each case. The requirements of Policy CS15 as they apply to this case are consistent with the Framework.

15. A Certificate of Lawful Use has been granted by the Council for use of the site as garden amenity land. The Council has advised that the site is not included in the BUAB in the draft Joint Local Plan, which is at an early stage. While the Certificate has been recently granted following preparation of the draft Local Plan, this does not mean that the site will necessarily be included within the BUAB.

16. For the reasons given, I conclude on this main issue that the proposal would unacceptably harm the character and appearance of the area.

Accessibility

17. There are no local facilities or services that have been brought to my attention in Whitestreet Green. The Council advises that there is a village hall, church, public house, shop and post office within Polstead, which is some distance away from Whitestreet Green. The appellant also points out that services and facilities are available in Boxford, including a primary school and a doctor's surgery. There is a bus service along the A1071 which runs between Sudbury and Ipswich. This is within walking distance of the site and the appellant states that the buses can be flagged down.

18. Although walking trips would be possible to access services and facilities, the lack of footpaths and street lighting would not encourage this. For these reasons, occupiers of the proposed dwelling would be likely to be reliant on the private car to a great extent. Having said this, services and facilities are available in reasonably close proximity and journeys would be quite short. The number of trips generated by a single dwelling would also be low.

19. Policy CS15 (xviii) seeks to minimise the need to travel by car. Whitestreet Green functions as part of a Hinterland Village comprised of three clusters. As such the proposal may support services in nearby clusters, consistent with the Framework. The Framework also states that opportunities to maximise

sustainable transport solutions will vary between urban and rural areas. To the extent that there is any conflict with Policy CS15 (xviii), this is outweighed by these material considerations.

20. For these reasons I find that the level of accessibility to services and facilities by sustainable means would be acceptable.

Other Matters

21. The proposal would be of social and economic benefit by providing employment during construction, expenditure in the local economy and support to local services. Biodiversity enhancements would be provided. However, because of the limited scale of the development I can give only a combined limited weight to these benefits.

22. Natural England has advised that the site is within a 13km zone of influence for the Stour and Orwell Estuaries Special Protection Area and Ramsar site and that a contribution is required under the Suffolk Recreational Disturbance Avoidance and Mitigation Strategy to fund mitigation measures. There is no record before me of any payment having been made or any arrangement to secure this. Because I am dismissing the appeal, however, I shall not consider this matter further.

Planning Balance

23. The Council has advised that it can demonstrate a 5 year supply of deliverable housing sites and no evidence has been submitted to show otherwise. For the reasons given above, the proposal would not accord with the development plan as a whole.

24. I have found that Policies CS2 and CS11 are partially inconsistent with the Framework. On this basis, those policies are out-of-date. These, together with Policy CS15 are the policies that are most important for determining the application. Taking these policies as a whole, I find that they are out-of-date and that paragraph 11(d) of the Framework is engaged.

25. I have given great weight to the harm I have identified to the AONB. Paragraph 172 of the Framework states that these designated areas have the highest status of protection in relation to landscape and scenic beauty and that the scale and extent of development within these areas should be limited. For the reasons given above, this policy provides a clear reason for dismissing the appeal.

26. In the alternative, the great weight that I give to the harm would significantly and demonstrably outweigh the limited weight that I give to the benefits of the proposal.

Conclusion

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

Nick Palmer

INSPECTOR