



Appeal Decision

Site Visit made on 06 July 2021

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 August 2021

Appeal Ref: APP/D3505/W/20/3264822

Land adjacent to Parker Long House, The Street, Erwarnton, IP9 1LL

- 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 and Mrs G Aubrey against the decision of Babergh District Council.
 - The application Ref DC/20/02659, dated 01 July 2020, was refused by notice dated 10 November 2020.
 - The development proposed is described as 'Proposed development of a single residential dwelling, associated garage, and swimming pool'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address as detailed on the planning application form refers to 'Queens Road', which I could not identify as being within the vicinity of the appeal site. I therefore sought clarification from the appellants who have confirmed that the correct address should refer to 'The Street'. As such, I have amended the address accordingly. This matches the address on the appeal form.
3. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (the Framework). Both parties have provided representations in relation to the revised Framework and I have taken these into consideration. As such, I have had regard to the revised Framework in considering this appeal.

Main Issue

4. The main issue is whether the appeal site is an appropriate location for the proposed development, with particular regard to the level of access to services and facilities.

Reasons

5. The appeal site is located within the garden of Parker Long House, a grade II listed building located within the hamlet of Erwarnton. Core Strategy¹ Policy CS2 sets out the spatial strategy for development in the District. This policy sets out a settlement hierarchy whereby development should be focused 'sequentially' within identified 'Towns/Urban Areas', 'Core Villages' and 'Hinterland Villages'. Erwarnton does not fall within any of these settlement classifications and is located within the countryside. Policy CS2 states that development in the

¹ Babergh Local Plan 2011-2031 Core Strategy & Policies (Part 1 of the New Babergh Local Plan) February 2014

countryside will only be permitted in exceptional circumstances subject to a proven justifiable need. The term 'exceptional circumstances' is not defined within the Core Strategy. This is discussed in more detail in relation to the planning balance.

6. The appeal site is in close proximity to existing residential properties on The Street and as such cannot be considered to be 'isolated' within the terms of Framework Paragraph 80. However, in terms of services and facilities, the settlement only has a church. The nearest village to Erwarton is Shotley (or 'Shotley Street' as referred to by the appellants), which is classified as a 'Hinterland Village' under Core Strategy Policy CS2. The nearest part of this settlement is approximately 1km from the appeal site. Services and facilities in Shotley include a Post Office, general store, take away restaurants, public house and primary school.
7. Future occupiers of the proposed development would be heavily reliant on the use of private motorised transport to access the services and facilities in Shotley. The appellants suggest that there is evidence² to demonstrate that where development is located in close proximity (less than 2km) to a 'Core Village' there will be a reduced need to travel long distances. However, Shotley is classified as a 'Hinterland Village' which is lower in the settlement hierarchy. The appellant suggests Shotley is designated as a Core Village within the emerging draft 'Joint Local Plan 2020'. However, no evidence has been provided to support this and the draft Local Plan is at an early stage. As such I can afford this little weight as a consideration, as discussed in relation to 'other matters'. In any case, given the limited range of services and facilities in Shotley it is inevitable that regular longer journeys will be required to access additional services and facilities in larger towns and villages.
8. There are various public footpaths which link Erwarton with Shotley. During my site visit, I noted that there is no footway linking the appeal site with these public footpaths. As such, future occupiers would have to walk along the carriageway to access them. Furthermore, the footpaths are of poor quality, as they are uneven, traverse undulating countryside and are not lit. This makes it highly unlikely that future occupiers, particularly those who are elderly or disabled, would travel on foot to Shotley. Similarly, the appellants refer to footpaths linking the site with other villages. However, for the same reasons, these would not provide a safe and convenient route for pedestrians.
9. The appellants have suggested that there is a local bus service (Route 98), which stops outside the church. The appellants state that this service provides links to Ipswich and Shotley. However, no evidence has been provided to support this assertion and no details or evidence of the frequency of this service are before me. Furthermore, there is no footway between the appeal site and this bus stop, making it far less appealing to future occupiers as a means of transport. For these reasons, this consideration does not overcome the poor accessibility of the site to services and facilities.
10. The appeal site would not be a suitable location for the proposed development, having regard to the development strategy for the area and access to services and facilities. As such, the proposed development would be contrary to Core Strategy Policies CS2 and CS15, the latter of which states in part that

² 'Topic Paper regarding Settlement Hierarchy (July 2019)'

development should ensure that an appropriate level of services, facilities and infrastructure are available to new development.

11. The proposed development would also conflict with Core Strategy Policy CS1, insofar as this policy requires applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. This policy also refers to the presumption in favour of sustainable development, reflecting that contained within the Framework. I return to this in the 'planning balance'.

Other Matters

12. Both parties refer to the draft 'Joint Local Plan 2020' which the Council suggests is currently at the 'submitted regulation 22 stage'. I have not been provided with copies of any policies contained within the emerging plan. However, both parties have referred to draft Policy LP01 in their representations, which they suggest designates Erwarton (excluding the appeal site) as a 'hamlet'. The draft Local Plan has not yet been examined, which significantly reduces the weight which may be afforded to it. I also note that the Council states that there are 6 representations in support and 20 objections to Policy LP01. No evidence has been provided to demonstrate that the objections have been resolved. This further reduces the weight which may be afforded to Policy LP01 in accordance with Framework Paragraph 48. For these reasons, this consideration does not alter my conclusions with regard to the main issues.
13. The appellants have provided various examples where planning permission has been granted for residential development in the district in locations which are defined as 'countryside' in planning terms, including an appeal decision at Lower Holbrook³ and other instances in Erwarton. However, the precise circumstances of these cases are not before me in detail and every case should be considered on its own particular merits and on the basis of the individual circumstances involved. In any case, the examples provided do not justify the location of the proposed development in an area with poor access to services and facilities. The fact that additional residential development has been approved in Erwarton does not make the hamlet any more sustainable, in terms of access to services and facilities.
14. Interested parties have referred to the effect of the proposed development upon the setting of various listed buildings, including Parker Long House (Grade II), the Church of St Mary (Grade I) and Church Farmhouse (Grade II). It is noted that neither the Council's heritage team, nor Historic England, have objected to the planning application. In accordance with section 66 (1) and section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have had special regard to the desirability of preserving these buildings, their setting and any features of special architectural or historic interest. Having reviewed the submitted plans, I am satisfied that the proposed development preserves these interests and there is no evidence before me which would lead me to a different conclusion.

³ APP/D3505/W/18/3206195

Planning Balance

15. The conflict with Core Strategy policies CS1 and CS15 can be afforded substantial weight, given that these policies are broadly consistent with the principles of sustainable development set out at Framework Paragraph 8. Of particular relevance to this appeal is part 'iv' of Policy CS15, which aims to ensure that development has appropriate access to services and facilities. This is consistent with the aims of Framework Paragraphs 92 and 105.
16. The underlying approach of Core Strategy Policy CS2 is to direct development to the most sustainable locations. However, the policy takes a restrictive approach to development in the countryside, only allowing development in exceptional circumstances. Whilst there is an exceptional circumstances test at Framework Paragraph 80, this relates to instances where development is 'isolated'. The appeal site is not isolated in these terms. Given the more flexible approach taken within the Framework, Policy CS2 is out-of-date.
17. Policy CS2 is the most important policy for the determination of this appeal and therefore, Framework Paragraph 11d applies. Given that there are no relevant Framework policies which direct refusal within the terms of Framework Paragraph 11d(i), Paragraph 11d(ii) is engaged. As such, 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.
18. I have already outlined the adverse impacts of the proposed development with regard to the poor access to services and facilities. I consider that substantial weight should be afforded to this harm. In this regard the development would conflict with Framework Paragraph 92, which states in part that decisions should ensure healthy and inclusive places, including through providing access to local shops.
19. The proposed development would also conflict with Framework Paragraph 105, which states that significant development should be focused on locations which are, or can be made, sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This paragraph also acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, I do not consider that this provides a justification for new development in locations which have poor access to services and facilities.
20. The Council has asserted that the revised Framework places more emphasis on what they describe as 'the Green Agenda' and reference is made to Framework Paragraph 7. However, this paragraph relates to the objective of 'sustainable development' more generally. As such, the council's assertion does not add any weight to that which I have already attributed to the harms identified.
21. The appellants have asserted that they would occupy the dwelling. However, no planning obligation to secure this has either been suggested or advanced by the appellants. As such, I consider that the proposed development would result in a net increase of one market dwelling.
22. There would be social and economic benefits associated with the provision of an additional dwelling. Including the resultant increase to the District's housing stock. This is consistent with Framework Paragraph 60, which sets out the aim

- of significantly boosting the supply of homes. An additional dwelling would also result in a small degree of support for existing services and facilities in surrounding towns and villages, consistent with Framework Paragraph 79. Albeit, future occupiers would be reliant on the motor vehicle to access these services and facilities. There would also be some temporary economic and social benefits during the construction period, through support for construction jobs. However, these benefits combined would be limited, given the small scale of the development. I therefore only afford them moderate weight.
23. The appellants have alluded to the consequences of the Covid-19 pandemic in constraining housing supply but they have not advanced any substantive evidence to challenge the existing housing land supply position, which the Council suggests exceeds five years. Therefore, notwithstanding the Framework emphasis on significantly boosting housing supply, these considerations do not attract any additional weight in this particular instance.
24. The appellants assert that the proposed development makes efficient use of land. However, the site currently comprises a residential garden. Whilst the garden is large, relative to the size of the host property, it is clearly in use as a garden and is not underutilised land in this regard. For this reason, this consideration has a neutral effect.
25. Evidence has been provided by the appellants to suggest that there are few, if any, properties for sale within Erwarton and that this development would meet the needs of existing residents looking to remain in the area. However, no evidence has been provided of the specific demand for a dwelling of the type and size proposed in this hamlet. Therefore, notwithstanding the weight I have already attributed to the development as a result of the increase in the District's housing stock, no additional weight can be attributed on the basis of local need in this regard.
26. The appellants assert that the dwelling would comprise a high-quality design which reflects the emphasis on providing 'beautiful' places within Framework Paragraph 8. The positive comments from the Suffolk Design Review Panel are noted. However, consistency with development plan policies and the provisions of the Framework, with regard to design and impact upon local character, is a factor, in this instance, which carries neutral weight.
27. The appellants also suggest that the proposed development would result in additional benefits, through retention of existing trees, ecological enhancements, energy efficiency and financial contributions under the community infrastructure levy and habitat mitigation payments. All of these considerations relate to facets of the development which are required in order to ensure that it meets other development plan policy requirements. In this regard, these factors are aimed at ensuring that the development is acceptable and whilst they are consistent with the provisions of the Framework, they have a neutral effect.
28. In summary, the proposed development would result in significant adverse impacts, given its proposed location in an area with poor access to services and facilities and the subsequent dependence of future occupiers on the private motor vehicle to meet their day-to-day needs. These adverse impacts, to which I afford substantial weight, would significantly and demonstrably outweigh the benefits of the development when assessed against the Framework, taken as a whole.

Conclusion

29. For the reasons given above, the proposed development would conflict with the development plan taken as a whole. Having taken into account all other matters raised, including the provisions of the Framework, I conclude that the appeal should be dismissed.

Luke Simpson

INSPECTOR