



Appeal Decision

Site visit made on 21 May 2021

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 September 2021

Appeal Ref: APP/W3520/W/20/3247765

2 Hare and Hounds Corner, Hemingstone, Ipswich, IP6 9RW

- 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 Martin Howells against the decision of Mid Suffolk District Council.
 - The application Ref DC/19/04997 dated 18 October 2019, was refused by notice dated 17 December 2019.
 - The development proposed is described on the application form as "Use of consented annex as a self contained separate dwelling house including use of former paddock area as garden."
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Decision

1. The appeal is dismissed.

Procedural matter

2. Since the appeal was submitted, a revised version of the Framework¹ has been published. Both main parties have been given the opportunity to comment on this and where applicable, I have taken their responses into account.

Main issue

3. Within the context of the Council's reason for refusal and the evidence in this case, the main issue is whether the development is in an appropriate location, with particular regard to the adopted development plan settlement hierarchy and access to shops, services, community facilities and transport choices other than the private car.

Reasons

Appeal site context

4. The appeal site contains a single-storey black weather-boarded building with pantile roof originally approved as a 3-bay garage and subsequently converted to a residential annexe to No 2 Hare and Hounds Corner, a 2-storey Victorian semi-detached property to the south. The area is characterised by open countryside and farmland which surrounds the appeal site.

¹ National Planning Policy Framework, Ministry for Housing, Communities and Local Government, July 2021.

Whether the development is in an appropriate location

5. The Council states that the site falls within the open countryside for planning purposes, which is not disputed by the appellant. Policy H7 of the Local Plan² states that the provision of new housing will normally form part of existing settlements and there will be strict control over proposals for new housing unrelated to the needs of the countryside outside settlement boundaries. Policy CS1 of the Core Strategy³ establishes a settlement hierarchy which directs the majority of new development to towns and key service centres, with some provision in primary and secondary villages. It also clarifies that the rest of the district will be designated as countryside and countryside villages and that development in this area will be restricted to particular types of development that supports the rural economy, meets affordable housing/community needs and provides renewable energy. Policy CS2 of the Core Strategy states that development in the countryside will be restricted to defined categories in accordance with other Core Strategy policies.
6. The development does not fall within the settlement boundaries of any of the specified settlement types and neither would it (a) support the rural economy (such as a dwelling restricted to a rural-allied occupation); (b) provide an affordable dwelling or meet a local community need; or (c) result in the conversion of an existing non-residential rural building. There is also no evidence that it would result in the provision of renewable energy for the wider area. Neither would it fall within any of the specified categories referred to in other Core Strategy policies. As a consequence, I conclude that the proposal would conflict with Policy H7 of the Local Plan and Policies CS1 and CS2 of the Core Strategy.
7. I recognise that the development would be in close proximity to a pair of semi-detached dwellings to the south and not be physically isolated. However, this does not mean that it would be sustainable in terms of access to shops, services, community facilities and transport choices other than the private car, or that it should be approved.
8. Aside from a butcher's shop to the north of the site, there are no facilities or amenities within close proximity of the appeal site. Furthermore, there is no interconnecting footway and streetlighting between the appeal site and nearby settlements with a range of services and facilities such as Coddensham, Henley, Claydon, Grundisburgh, Wickham Market, Woodbridge and Ipswich that would enable safe-walking, or evidence of a sufficiently frequent bus service to these settlements from a bus stop in close proximity to the appeal site. I recognise that there would be the opportunity to cycle to these areas, but in view of the distances involved and limited facilities in the closest villages, I would expect this form of travel to be very limited. As a consequence, and when considered as a whole, it is my view that an extremely small proportion of trips would be made via sustainable modes of transport and that future occupiers would be heavily dependent on the private motor car.
9. I recognise that in rural locations access to sustainable rural transport solutions will be typically less than that of an urban area and that development in one village may support services in another nearby. However, in this case, I found the overall level of day-to-day access to shops, services and community

² Local Plan, Adopted September 1998, Mid Suffolk District Council.

³ Core Strategy Development Plan Document, Adopted September 2008, Mid Suffolk District Council.

facilities by walking, cycling and public transport to be of such a poor standard, and consequential reliance on the private motor car to be so high, that I consider the appeal site's location to be inappropriate for an additional residential dwelling.

10. The appellant states that there would be no intensification of use as a result of the proposal. However, an independent dwelling would be likely to result in considerably more movements to and from the site than an ancillary use whose occupants are linked to the main house and benefit from linked trips and deliveries for shared household responsibilities and day to day needs. The appellant also states that the scheme would be no more controversial or impactful than converting a large house into two apartments, but this is a hypothetical example and does not represent a fallback position in this case that I can give weight to. In any event, the subdivision of dwellings in a similar location could give rise to precisely the same concerns I have in this instance.
11. In view of the above, I conclude that the scheme conflicts with Paragraphs 9, 92, 105 and 110 of the Framework as it would result in; (a) a planning decision not playing an active role in guiding development towards sustainable solutions; (b) a planning decision not enabling and supporting healthy lifestyles, for example with safe and accessible green infrastructure, sports facilities and local shops; (c) the planning system failing to actively managing patterns of growth in support of the transport objectives outlined in Paragraph 104; - namely, that it would be heavily car dependant and not promote walking and public transport; (d) a specific application for development not ensuring appropriate opportunities to promote sustainable transport can be taken up; and (e) a specific application for development not ensuring that safe and suitable access to the site can be achieved for all users, in particular by those who walk and use public transport.

Other matters

12. The Council has confirmed that a financial contribution is required to mitigate the impact of the scheme on the Stour and Orwell Estuaries Special protection Area (SPA) and Ramsar site. The appellant has confirmed that they are agreeable to this and would be willing to accept a planning condition to allow for the provision of a unilateral undertaking to make such a contribution. However, given that I am dismissing the development for other reasons, it has not been necessary for me to carry out an appropriate assessment of the scheme and consider the requested financial contribution as it would not alter the outcome of the appeal.
13. I recognise that there would be no additional visual impact on the surrounding area from the building itself if the scheme were allowed. However, it would result in a more intensive use of the surrounding land within its curtilage, and potentially give rise to pressure for more ancillary buildings, which could have an impact on the character and appearance of the area. In any event, even if this were not the case, it would not mitigate the harm arising from its inappropriate location.
14. The appellant also states that there is a need for additional housing in Suffolk. However, there is no evidence before me of the Council not having an up-to-date housing land supply, or for a local-needs dwelling in this precise location.

15. Although the Council considers part of the appeal site to be paddock land, the appellant states that the area proposed as garden has been used for such purposes for more than 4-years. However, this issue is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990. It is open for the appellant to apply to have such matters determined under sections 191 or 192 of the Act or for the Council to take enforcement action if it considers previous operations or uses to be unlawful. Any such application or enforcement action would be unaffected by my determination of this appeal

Planning balance

16. Although the Local Plan and Core Strategy are over 10 years old, Paragraph 219 of the Framework states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework and that due weight should be given to them according to their degree of consistency with the Framework.
17. Although I consider the first part of Policy CS1 to be consistent with the Framework in that it seeks to concentrate new development in larger urban areas and villages where there are a wide range of services and facilities, the latter part of this policy and all of Policies H7 and CS2 adopt a restrictive approach to development in the countryside which does not fully accord with the more balanced and open position of the Framework.
18. In view of the above, and despite me attaching only moderate weight to the scheme's conflict with Policies H7, CS1 and CS2 in this balancing exercise, I am nonetheless satisfied that the proposal conflicts with the development plan when taken as a whole.
19. The Council has confirmed that it has an up-to-date 5-year housing land supply, which is not disputed by the appellant. However, because the most important policies for determining the application are out of date, the presumption in favour of sustainable development as set out in Paragraph 11 of the Framework applies.
20. I recognise that the scheme would result in economic, social and environmental benefits from; - (a) a quickly-deliverable contribution towards the Council's housing land supply; (b) future occupiers contributing to the vitality and viability of shops, services, facilities, businesses and community organisations in the wider surrounding area; and (c) potential biodiversity improvements. However, given the small size of the development in terms of housing units, I consider these benefits to be of very limited value and that the adverse impacts of the scheme would significantly and demonstrably outweigh these, when assessed against the policies in the Framework when taken as a whole.
21. Despite the appellant referring to the payment of the Community Infrastructure Levy and Council tax as a benefit in favour of the development, I have given these limited weight as Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must only have regard to a local finance consideration insofar as it is material to the application. In this particular instance, the above financial payments are not considered to be material to the decision as they would not make the development acceptable in planning terms and neither is there any evidence that they would mitigate its impact.

Conclusion

22. All representations have been taken into account, but no matters, including the benefits of the development and the scope of possible planning conditions, have been found to outweigh the identified harm. For the reasons above, the appeal should be dismissed.

Robert Fallon

INSPECTOR