



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/20/3258645

Land adjacent No 8 Earls Green, Bacton, Stowmarket, Suffolk, IP14 4SB

- 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 Michael Hayward against the decision of Mid Suffolk District Council.
 - The application Ref DC/20/00729 dated 17 February 2020, was refused by notice dated 22 April 2020.
 - The development proposed is described on the application form as "Erection of detached dwelling and garage".
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Decision

1. The appeal is dismissed.

Procedural matter

2. The proposal seeks outline planning permission, with all matters other than the point of access reserved for future consideration.
3. 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 issues

4. The main issues are the effect of the development on:
 - the character and appearance of the area; and
 - highway and pedestrian safety, with specific regard to whether the scheme makes adequate provision for visibility at the site access.

Reasons

Appeal site context

5. The appeal site forms part of a large established agricultural field enclosed by mature hedgerows and trees that helps to provide a clear break between the short linear cluster of housing to the west and the main built-up part of the village to the east. This field, and the agricultural land on the opposite side of the road, serve to give the locality a clear countryside character.

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

Character and appearance

6. The scheme, and the resultant visibility splays that would be necessary along the site frontage, would result in an incongruous encroachment into the well-established enclosure pattern of the field and disrupt the prominence of its mature hedgerows that help to make an important contribution to the locality's distinctive countryside character. In doing so, the hard-finish of the development and its resultant new boundaries would appear stark in contrast and totally at odds with the character of this sensitive soft-landscaped location.
7. I recognise that the Council would have reserved matters control over the detail of the scheme and that change does not necessarily equate to harm. However, even if the resultant dwelling was of the highest design quality, this would not overcome the harm I have identified. The development and its relationship with the existing field would also be publicly visible when approaching from both directions, which would intensify its harmful impact.
8. The appellant has referred to other planning decisions which they consider to be comparable to the scheme and lend support to it. However, these other schemes all differed from that before me in terms of site location, context and existing features. In particular, I recognise that a development was granted permission adjacent to the appeal site in a backland location, but this already benefitted from existing natural boundaries and is much less visible from the public realm. I have as a consequence assessed the scheme before me on its own merits.
9. In view of the above, I conclude that the scheme would conflict with Policy CS5 of the Core Strategy² and Policy FC 1.1 of the Core Strategy Focused Review³, which collectively seek to ensure, amongst other things, that new development conserves and enhances local character and retains the local distinctiveness of an area.
10. I also find that it conflicts with Paragraphs 130 and 174 of the Framework which collectively seek, amongst other things; (a) development that is sympathetic to local character and its landscaped setting; (b) the maintenance of a strong sense of place; and (c) planning decisions contributing to and enhancing the natural and local environment by recognising the intrinsic character and beauty of the countryside.

Highway and pedestrian safety

11. My observations on-site revealed relatively poor visibility at the site access point due to existing mature hedgerows and trees to the plot frontage. I do nonetheless recognise that the access already exists, the road appears to be lightly trafficked, and that the appellant has supplied evidence revealing there to have been no traffic accidents on this stretch of road in the last 21 years.
12. However, the use of the existing access for agricultural purposes would be considerably less intensive on an ongoing daily basis than that of a permanent residential dwelling on the site, and as a consequence, I consider a higher standard of visibility is necessary in this instance. Set against this context, and in the absence of evidence demonstrating otherwise, I do not consider there to be adequate space within the land controlled by the appellant for the provision

² Core Strategy Development Plan Document, Adopted September 2008, Mid Suffolk District Council

³ Core Strategy Focused Review, Adopted December 2012, Mid Suffolk District Council

of sufficient visibility splays to ensure that other road users and pedestrians would not be endangered. In view of this, it would not be appropriate to impose a condition as suggested by the appellant requiring details of visibility splays.

13. The appellant has referred to other planning decisions where such visibility splays were not required. However, I found none of these to be directly comparable to the appeal scheme in terms of development layout, quantum, context and site location. In any event, the existence of these other developments does not justify the harm I have identified.
14. In view of the above, I conclude that the development would result in highway and pedestrian danger. The proposal would therefore conflict with Policy T10 of the Local Plan⁴, which seeks to ensure, amongst other things, the provision of safe access to and egress from the site.
15. I also find that the scheme conflicts with Paragraphs 110, 111 and 112 of the Framework which collectively seek, amongst other things, to ensure that development: (a) creates safe places and access to sites; and (b) does not have an unacceptable impact on highway safety.

Planning balance

16. Although the Local Plan, Core Strategy and Core Strategy Focused Review are all over 5 years old, Paragraph 213 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. Policy CS5 [Landscape Paragraph] of the Core Strategy seeks to “protect and conserve landscape qualities” and “encourage development that is consistent with conserving its overall character” (my underlining). It therefore adopts a restrictive approach to development on countryside land that is not subject to any local or national landscape designations, which does not accord with the more balanced and open position of the Framework. This is a most important policy and is out-of-date.
18. Although Policy FC 1.1 of the Core Strategy Focused Review also seeks to ‘conserve and enhance’ the local character of the different parts of the district, this is not specifically directed at the landscape of the countryside. As a consequence, I consider it to be broadly consistent with the Framework insofar as it relates to the main issues of this case. Policy T10 of the Local Plan is also up-to-date.
19. In view of the above, and despite me attaching only moderate weight to the scheme’s conflict with Policy CS5 in this balancing exercise, I am nonetheless satisfied that the proposal conflicts with the development plan when taken as a whole.
20. The Council has confirmed that it has an up-to-date 5-year housing land supply, which is not disputed by the appellant. However, despite 2 of the 3 relevant development plan policies being up-to-date, I consider Policy CS5 to be of such significance to the Council’s overall case that I am unable to

⁴ Local Plan, Adopted September 1998, Mid Suffolk District Council.

conclude that the 'basket of policies' is up-to-date. As a consequence, the presumption in favour of sustainable development as set out in Paragraph 11 of the Framework applies.

21. I recognise that the scheme would result in economic and social benefits from;
- (a) the provision of a new family home; (b) future occupiers contributing to the vitality and viability of shops, services, facilities, businesses and community organisations in the wider surrounding area; and (c) local employment during construction. 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.

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 and policy conflict. For the reasons above, the appeal should be dismissed.

Robert Fallon

INSPECTOR