



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/X3540/W/20/3259858

Wood Farm, Helmingham Road, Otley, IP6 9NS

- 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 David Hook (Wood Farm Developments Ltd.) against the decision of East Suffolk Council.
 - The application Ref DC/20/2842/OUT dated 28 July 2020, was refused by notice dated 22 September 2020.
 - The development proposed is described on the application form as "Development of up to five dwellings".
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Decision

1. The appeal is dismissed.

Procedural matter

2. Although the Core Strategy¹ is referred to in the reason for refusal, the Council has confirmed that a new Local Plan² was adopted post-decision and that the Core Strategy policies referred to are no longer relevant to the scheme before me. My determination of this appeal is therefore against the policies of the Local Plan and in particular, those referred to in the Council's appeal statement.
3. Since the appeal was submitted, a revised version of the Framework³ has been published. Both main parties have been given the opportunity to comment on this and I have taken their responses into account.
4. The proposal seeks outline planning permission, with all matters reserved for future consideration.

Main issue

5. 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.

¹ Suffolk Coastal District Local Plan, Core Strategy & Development Management Policies, Development Plan Document, July 2013, Suffolk Coastal District Local Plan.

² Suffolk Coastal Local Plan, Covering the former Suffolk Coastal District area, Adopted 23 September 2020.

³ National Planning Policy Framework, Ministry for Housing, Communities and Local Government, July 2021.

Reasons

Appeal site context

6. The appeal site consists of a paddock to the north of Wood Farm, Otley. The area is characterised by open countryside and farmland, together with a well-defined cluster of 12 houses to the north of the appeal site that front onto Helmingham Road and a farmstead containing various buildings to the south (Wood Farm). The main built-up area of the village of Otley ('the village') lies further away to the south.

Whether the development is in an appropriate location

7. Policy SCLP3.2 of the Local Plan identifies a settlement hierarchy, which defines Otley as a 'large village'. However, the Council has confirmed that the appeal site falls outside the village settlement boundary for Otley, which is not disputed by the appellant. Policy SCLP3.3 of the Local Plan states that land outside of settlement boundaries and not allocated for development in the Local Plan and any Neighbourhood Plan is defined as Countryside.
8. There is a significant distance between the farmstead to the south of the appeal site and cluster of 12 houses to the north and the intervening space occupied by the appeal site constitutes an extensive open area. As a consequence, the farmstead to the south does not visually or functionally form part of the existing cluster of dwellings to the north as 'a continuous line of existing dwellings or a close group of existing dwellings' in accordance with the definition given in Policy SCLP5.4. I recognise that the Inspector for the previous appeals at the site took the view that development could be considered to be an infill in the context of Policy SCLP5.4⁴, but I do not agree with this assessment for the reasons stated and as a consequence, it is my view that the appeal site does not constitute a clearly identifiable gap within a continuous built-up frontage. Furthermore, despite the appeal site being adjacent to the existing cluster of dwellings to the north, it nonetheless clearly falls outside of it to the south and in no way integrates with it as might be the case with an infill plot.
9. The scheme would also result in a significant encroachment of ribbon-style built-form into an undeveloped part of the open countryside and thereby be a harmful visual intrusion into the landscape, which is characterised by small dispersed hamlets and farmsteads. In this respect, it is important to note that Policy SCLP5.4 does not support significant extensions to existing clusters by encroachment outside of them into the open countryside landscape beyond. I recognise that the appellant states that the proposed average plot frontage would be comparable to that in the existing cluster, but this would not mitigate the visual impact I have identified, which would be clearly visible from the public realm when approaching in both directions on the road.
10. As a consequence, the development does not comply with Policies SCLP5.3, SCLP5.4 and SCLP5.7 of the Local Plan, which collectively offer support, amongst other things, for new dwellings within clusters [my emphasis] and infill gaps.

⁴ Paragraph 10 of Planning Appeal Decision APP/X3540/W/20/3245440 and APP/X3540/W/20/3256782 dated 10 November 2020.

11. Furthermore, the development would also not result in the provision of affordable housing on an exception site in accordance with Policy SCLP5.11 of the Local Plan and neither would it provide a rural-workers dwelling in accordance with Policy SCLP5.3.
12. In view of the above, I conclude that the proposal would conflict with Policy SCLP3.3 of the Local Plan which states that new residential development will not be permitted within the countryside except where specific policies of the Local Plan or Neighbourhood Plans indicate otherwise.
13. I do nonetheless recognise that the development would be in close proximity to a cluster of dwellings to the north 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.
14. The village of Otley is a short distance to the south and despite its classification as a 'large village' in the Local Plan, it only contains a limited range of facilities and amenities. However, whilst these facilities could be reached by cycling, there is no interconnecting footway with streetlighting from the appeal site to the centre of the village that could accommodate safe-walking. As a consequence, whilst not isolated from other dwellings, the appeal site is nonetheless remote from the village and other settlements with a range of facilities and amenities.
15. I recognise that the appellant has offered to construct a new footway and upgrade an existing right of way into the village, but the Local Highway Authority states that its narrow width would not provide safe access for all, particularly by the disabled and those with reduced mobility who would be unable to pass side by side. Furthermore, it is also unclear from the details before me as to whether such a footway would be hardsurfaced for its entire length into the centre of the village to enable access by those with disability or mobility problems. There has also been no provision made for streetlighting, which would render such a footpath potentially even more unsafe outside of daylight hours and discourage walking. In any event, given the limited range of facilities and amenities that exist in the village, it would be necessary for future occupiers to visit other larger settlements further afield such as Wickham Market, Woodbridge, Debenham and Ipswich to meet their ongoing weekly needs. There is also no evidence before me of a sufficiently frequent bus service to these settlements from a bus stop in close proximity to the appeal site that can be reached on foot safely. Furthermore, I have significant concerns that the creation of a hardsurfaced footpath on Helmingham Road and hardsurfacing the remaining sections of unsurfaced right of way would harm the rural character of the area, which is characterised by hedgerows and soft verges enclosing the highway in an open countryside location where there is an absence of hardsurfaced footways, and informal unsurfaced countryside footpaths/rights of way.
16. In view of the above, I conclude that the scheme would conflict with Policy SCLP7.1 of the Local Plan which seeks, amongst other things, to ensure that development is supported where it provides safe pedestrian access to services and facilities, and protects and enhances the public rights of way network.
17. I recognise that there would be the opportunity to cycle to Otley and settlements further afield, but in view of the distances involved and limited

facilities in the closest settlements, 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.

18. 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 facilities by walking 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 new residential dwellings.
19. I recognise that the environmental impact from vehicles would diminish as combustion engines are phased out and replaced by ultra-low emission and electric vehicles. However, even if a condition was imposed for electric charging points as suggested by the appellant, I consider it unlikely in the short to medium term that the majority of future occupants would use these vehicles. As a consequence, this cannot be relied upon as a means of mitigating the inaccessible location of the site.
20. 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

21. I recognise that there have been letters of support from some local residents, with particular emphasis on; (a) increased use of existing village facilities; (b) making the village more affordable from self-build opportunities; and (c) the provision of a footpath. However, there is no legal mechanism in place to ensure that any of the dwellings are reserved for self-build construction or any information about local need for such dwellings on the self-build register. I recognise that the proposed footpath would provide additional scope to walk into the village from the appeal site, but this would not make provision for safe walking due to its inadequate width, surfacing and lack of street lighting.

Planning balance

22. The Local Plan was recently adopted and I am satisfied that the policies referred to are consistent with the Framework. As I consequence, I have attached full weight to the relevant Local Plan policies and am satisfied that the proposal conflicts with the development plan when taken as a whole.

Furthermore, the Council has confirmed that it has an up-to-date 5-year housing land supply, which is not disputed by the appellant.

23. The appellant has questioned whether another site in the village will be built-out during the next 10 years and provide up to 60 dwellings on a 1.47 hectare site to meet local need for Otley. However, there is no evidence before me that demonstrates why this density could not be achieved, and neither is there any evidence before me outlining what impact, if any, this would have on the Council's 5-year housing land supply.
24. I recognise that the scheme would result in 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 Otley and the wider surrounding area in accordance with Paragraph 79 of the Framework; (c) local employment during construction; (d) potential biodiversity improvements; and (e) additional footpath provision for residents of the existing cluster of housing into the village. However, given the relatively low number of housing units proposed, and the small range of facilities at Otley, I consider these benefits to be of limited value and that the adverse impacts of the scheme would outweigh these, when assessed against the policies in the development plan and Framework when taken as a whole.
25. I recognise that Paragraph 79 of the Framework states that housing should be located where it will enhance or maintain the vitality of rural communities. However, this paragraph also states that planning policies should identify opportunities for villages to grow and thrive, and this is what the recently adopted Local Plan has achieved and makes provision for by directing new development to within defined settlement boundaries. Furthermore, Paragraph 12 of the Framework makes it clear that that the development plan is the starting point for decision-making and that where an application conflicts with an up-to-date development plan, permission should not usually be granted, unless material considerations in a particular case indicate otherwise. The scheme before me is in clear conflict with the development plan and to allow it would therefore undermine a fundamental principle of the planning system; - that of it being genuinely plan led.
26. In view of the above, I conclude that the proposal does not accord with the development plan and that other material considerations do not indicate that the proposal should be determined other than in accordance with this.

Conclusion

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

Robert Fallon

INSPECTOR