



Appeal Decision

Site visit made on 25 October 2021

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 November 2021

Appeal Ref: APP/D3505/W/21/3271192

The Smallholding, Sudbury Road, Long Melford, CO10 9HE

- 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 Brian Anderson (NTA Properties) against the decision of Babergh District Council.
 - The application Ref DC/20/04333 dated 1 September 2020, was refused by notice dated 8 March 2021.
 - The development proposed is construction of three two storey Georgian style domestic dwellings and associated cart lodges, renovation and extension of existing property.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the refusal of this application a revised National Planning Policy Framework has been published in July 2021 (the Framework). Both the Council's statement and the appellant's final comments followed after the adoption of the revised Framework. I find that both parties have therefore had the opportunity to comment upon, or raise, the revised Framework within this appeal if they felt appropriate. Given the main issues to be considered within this appeal I do not find that this revision to the Framework impacts upon the basis of determination for this appeal.
3. The second refusal reason makes reference to paragraph 127 of the (2019) Framework. The wording of paragraph 127 f) has been carried through to re-numbered paragraph 130 f) with regard to creating places that promote health and well-being with a high standard of amenity for existing and future occupiers. This is thus consistent with the basis for refusal when made under the previous Framework.

Main Issues

4. The main issues are i) the impact of the proposal upon the local landscape character and ii) whether the proposal would provide a suitable level of amenity for future occupiers with regard to noise and general disturbance.

Reasons

Landscape Character

5. The appeal site is located to the North West of the B1064/A134/A131 roundabout. At the time of my site visit I noted that the site is surrounded by fields and whilst it is stated to be on the north western fringe of Sudbury the

site is located in open countryside. The appeal site is predominantly in commercial use with the rear of the site utilised for lorry storage and repair and storage of caravans and motorhomes. Whilst much of the site is surrounded by hedgerows on the boundary, I found the storage to be particularly visually prominent when approaching from the North West (along the Sudbury Road).

6. As outlined above the site is located in open countryside and is notably surrounded by open fields creating a rural character and setting despite the proximity to the nearby roundabout. Despite the commercial activity to the rear of the site the existing dwelling is located adjacent to a large open paddock to the front of the site which I find contributes to the rural and spacious setting. The proposal would see three, three-storey, dwellings constructed in line with the existing dwelling, which would also be retained, orientated towards Sudbury Road within that large open paddock. In addition there would be triple bay cart lodges to the rear – one for each dwelling.
7. The three dwellings would be very large with ridge heights in the region of 10m which I find, combined with their limited spacing, would result in them presenting as overly prominent and create the equivalent of a small housing estate in what is currently an open, rural, area. I do not find that the minimal staggering, highlighted by the appellant, assists with the impact I have identified and the gaps, unless directly in front of the properties do little to assist the proposal in that regard. When viewed from oblique angles the gaps between the properties would not realistically be visible and the proposal would, I find, present as a regular row of built form of considerable scale and massing. Whilst the proposal may present as low density, compared to urban development, I do not find it is low density compared to the open fields which immediately surround the appeal site. The surrounding lack of development makes the proposal present as comparatively high density, with intensified domestication of the site, which is uncharacteristic for the area.
8. I have considered the contribution of landscape planting, secured by condition, but find this would provide limited mitigation given the scale of the proposal. The proposal may assist to obscure the existing commercial activity but I do not find this limited benefit to outweigh the cumulative impact of the built form proposed, much closer to the road than the existing commercial activity.
9. The Council do not raise issue with architectural style and I find no reason to conclude differently on that particular point. Whilst it is contended by the appellant that the use of the land would remain unchanged as residential, I find that the density, appearance, layout and scale would result in a negative contrast to the surrounding landscape character, would not relate to any settlement and would result in an unacceptable urbanising effect. This, overall, results in unacceptable harm to the landscape character.
10. The appellant makes reference to new estate development in the local area, however, no details of this are submitted within this appeal. Notwithstanding this the Council have stated that the developments that the appellant refers to were extensions to a village boundary and not comparable in a visual, or spatial, context. In the case of this appeal I find the proposal is visually isolated from the nearest settlement and thus its character is open and rural.
11. The proposal would be contrary to Babergh Local Plan 2006 Policy CN01 which requires all new development to be of appropriate scale and form for the location. The proposal would also be contrary to Babergh Local Plan 2011-

2031 Core Strategy and Policies 2014 (CS) Policy CS11 which requires development to be appropriate in size, scale, layout and character to its setting and CS Policy CS15 which requires proposals to respect the landscape and make a positive contribution to the local character, shape and scale of the area.

Amenity of Future Occupiers

12. The appeal site is located immediately adjacent to an established lorry storage and repair yard and caravan storage and would thus have a close physical relationship with that existing commercial use. I acknowledge the appellant's contention that the proposed dwellings are for family members due to a need to live on site due to much work being done out of hours, at weekends and evenings and that living on site is an advantage and a necessity. The appellant's case is, however, reliant solely on the proposal being occupied by family members as making any noise and disturbance, associated with the existing commercial use (which is stated to be largely out of normal business hours), acceptable.
13. The appeal form indicates that a planning obligation (a Section 106 agreement or unilateral undertaking) is to be submitted with this appeal. I have before me a S106 agreement request form to the Council but no further documentation has been submitted to outline what the requested S106 sought to achieve. Similarly neither party discusses a S106 agreement within their submissions. In that regard I attribute no weight to this within this appeal as if the appeal were allowed the proposal would essentially create three open market dwellings with no control over their current or future occupation.
14. Based upon the evidence before me the proposal presents as the appellant's preference to live on site rather than business need for a total of four residential units (including the existing dwelling) and furthermore the submissions seem to suggest three family units¹ further reducing the weight that can be placed on functional need. Statements made with regard to supporting the local area and employing many local people are not supported with any evidence within this appeal. Applications based upon business or functional need should generally be evidenced (functionally and financially) to outline why it is crucial to that business to, in this case, have several people living on site as stated.
15. It is stated that the appellant's existing business must comply with strict noise regulations, but no further details are provided in relation to this statement. In the absence of evidence such as, but not limited to, noise surveys which could presumably be obtained in light of the commercial element already being established I have nothing before me to support that the proposal would provide future occupiers with a high standard of amenity with regard to noise and general disturbance.
16. Regardless of whether or not proposed occupiers were to be connected with this site this does not lessen the requirement for an appropriate standard of residential amenity for occupiers of new residential development. I have insufficient evidence before me to support future occupiers would have an appropriate level of amenity with regard to noise and general disturbance. I note the Council's suggestion regarding a condition relating to acoustic

¹ Mr Brian Anderson and Mrs Anderson Senior, Neil Anderson, Mrs Anderson and two children and Brian Anderson, Mrs Anderson and two children.

assessment and mitigation, however, in this case I would consider this a matter at the heart of whether the proposal can be implemented successfully and that such information should have been provided (at least in terms of initial surveys) during the original determination. This would have at least provided an indication as to whether appropriate mitigation measures were likely to be able to be provided. Such measures could have then been secured by condition.

17. Even if I had found this particular matter to be able to be appropriately addressed via a condition and/or that the amenity of future residents was acceptable the appeal would have still failed due to the impact I have found upon landscape character within the first issue.
18. The proposal would be contrary to paragraph 130 f) of the Framework which seeks to promote health and well-being with a high standard of amenity for existing and future occupiers.

Other Matters

19. I note an objection to the proposal with regard to the access and general location in terms of highways (a busy road and proximity to a roundabout). The Council have not raised a reason for refusal based upon highway safety and confirm that the Highways Authority does not raise an objection. I have no evidence before me to conclude differently. A lack of objection, beyond this, is a neutral consideration and does not weigh in favour of the proposal.
20. The Framework ultimately seeks to secure sustainable development. Sustainable development has three elements social, environmental and economic which should be pursued in mutually supportive ways. It also seeks to support local communities but this is not at the cost of residential amenity, landscape impact and nor does it override general policy conflict. The impact I have found with regard to landscape character and the amenity of future occupiers fails to meet the social and environmental objectives of sustainable development.
21. Even considered in the context of a planning balance I find that the proposal does not evidence the benefits claimed by the appellant and that the harm I have found to both landscape character and residential amenity are not outweighed by any benefits which would arise from the scheme. The proposal would therefore be inconsistent with CS Policy CS1 which reflects the presumption in favour of sustainable development.

Conclusion

22. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR