



Appeal Decision

Site visit made on 29 September 2021

By Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2021

Appeal Ref: APP/W3520/W/21/3271409

Old Bells Farm, Wassicks Lane, Haughley IP14 3NP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission in principle.
 - The appeal is made by Mr W Redmayne against the decision of Mid Suffolk District Council.
 - The application Ref DC/20/02760, dated 7 July 2020, was refused by notice dated 2 November 2020.
 - The development proposed is the erection of a single dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development varies between the documents submitted for the purposes of this appeal. As the description on Mid Suffolk District Council's (the Council) decision notice appears to most accurately describe the proposed development and has been used by the appellant in their appeal statement, I have used this description.
3. The proposal is for permission in principle (PiP). The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first stage (or PiP stage) establishes whether a site is suitable in principle and the second ('technical details consent') stage is when the detailed proposals are assessed. This appeal relates to the first of these 2 stages.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent Technical Details Consent (TDC) application if permission in principle is granted. I have determined the appeal accordingly.

Main Issues

5. The main issues are:
 - whether the proposal would comply with development plan policy in respect of housing in the countryside;
 - the effect of the proposal on the character and appearance of the area; and

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

- whether any policy conflict in relation to the above issues would be outweighed by other material considerations, such as to justify a decision other than in accordance with the development plan.

Reasons

Policy

6. The proposal is for a single dwelling on a site in open countryside that is a green field site, which, from my site visit, appears to be being used for storage of materials related to the activities of the farm. The site is accessed from the private farm lane that leads from Wassicks Lane and is some distance and isolated from the concentration of existing buildings on Old Bells Farm. The site is approximately 1km from the nearest village at Haughley Green.
7. The appellant agrees with the Council that the appeal site is outside of the established settlement boundary. The appellant has also stated that they regard the proposal as an alternative development to that approved previously by the Council², for a single dwelling located elsewhere on the farm that has not been implemented. The appellant has set out that the design of the proposal would take the exact form and appearance of this approved dwelling.
8. Although the proposal is for development on the same farm as the approved but unimplemented dwelling, the appeal site is in a quite separate location to that of the approved dwelling, with considerable distance between the two locations and with very different contexts. The proposed and approved dwellings are, therefore, on different sites for planning purposes and the principle of development of a single dwelling on the appeal site has not been established.
9. The first step in considering the appeal scheme is the development plan, which comprises the Mid Suffolk District Core Strategy (2008) (the CS) and Saved Policies of the Mid Suffolk Local Plan (1998) (the LP). Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The site lies outside of any designated settlement boundaries and is therefore considered to be in the countryside for the purposes of LP Policy CS1. This policy sets out a spatial strategy for the location of new development, including housing. It directs such development to within the designated settlement boundaries and allocated sites, and restricts new residential development in the countryside unless it accords with CS Policy CS2, which also restricts development to defined categories in accordance with other CS policies. The appeal proposal is not for any of the development types listed in these policies. LP Policy H7 repeats the strict control over new housing in the countryside and directs development to existing settlements.
10. The proposal would, therefore, be in conflict with Policies CS1 and CS2 of the CS, as it would involve new housing development beyond a defined settlement boundary. Being in conflict with these policies would also bring conflict with Policy H7 of the LP. The National Planning Policy Framework (2021) (the Framework) does, however, set out a less restrictive approach to housing outside of the boundaries of defined settlement boundaries. These policies are, therefore, not in full conformity with the Framework and I can afford them less

² Planning Re: DC/20/01118

than substantial weight in my considerations. In this regard the tilted balance for the presumption in favour of sustainable development set out in Paragraph 11 d) ii of the Framework therefore applies.

11. I have considered the location of the proposal having regard to paragraphs 78 and 79 of the National Planning Policy Framework (2021) (the Framework) and the Braintree caselaw³, which concluded that the definition of 'settlement' within the context of paragraph 79 is not defined and that the Framework contains no definitions of a 'community', a 'settlement' or a 'village', so that whether a site is considered 'isolated' or not, will be a matter of fact and planning judgement for the decision-maker.
12. As the appeal site is outside of an established settlement boundary and, given the distances involved to all other developments in the locality, the proposal would not form part of any other settlement, the proposal would result in an isolated home in the countryside, which would not benefit from any of exceptional circumstances for such development set out in the Framework. As such, I find that the scheme would be contrary to Policies CS1 and CS2 of the CS Policy H7 of the LP, in so far as they are in accordance with the Framework, and would also not accord with paragraphs 78, 79 and 80 of the Framework.

Character and appearance

13. The appeal site comprises an undeveloped grassed field that fronts onto the private access road to Old Bells Farm. It is located within open countryside and is surrounded by other fields. I find that due to its open and undeveloped nature and appearance, the appeal site plays an important role in defining the rural character of this part of the open countryside.
14. The proposed dwelling would introduce a single dwelling into this otherwise undeveloped part of the open countryside and would appear as an imposition of residential character and appearance into a rural area in the open countryside, outside of any village or other settlement. The impact this would have on the character and appearance of the local area would not be fully mitigated by the retention of the existing hedging and would result in significant harm to the rural character and appearance of the local area. This would be contrary to Policy CS5 of the CS, Policies H13 and H15 of the LP and Section 12 and Paragraph 174 of the Framework. These collectively seek to ensure that development results in well-designed places, including recognising the intrinsic character and beauty of the countryside.

Other Considerations and planning obligations.

15. Whilst the Council is meeting its housing delivery targets, these are not capped and windfall sites that provide for additional dwellings do collectively make an important contribution to housing stock. However, the proposal would result in a single new dwelling, to which, as a modest contribution to the council's housing stock, I can afford only limited weight in my considerations.
16. The proposed development does not appear to be within walking distance of reasonable bus routes for the purposes of local commuting and access to limited local services. Whilst cycling may be a viable means of transport in some instances, the proposal would also be heavily reliant on the use of the car, which is clearly accommodated by the proposed vehicle parking. The

³ Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610

proposal does not commend itself as a sustainable form of development in this regard.

17. Whilst the construction of the proposal could potentially lead to temporary construction jobs and the occupancy of the dwelling could potentially lead to spending in shops and other local services, these economic benefits would be limited in scope and would have a minimal impact on the local economy and for this reason carry little weight in favour of the proposal.
18. The appellant has proposed that they enter into a planning obligation in the form of a unilateral undertaking under section 106 of the Town and Country Planning Act (1990), which would allow for the proposal to be approved as an alternative development to an unimplemented approval for a single dwelling located elsewhere on the farm, as detailed above.
19. The appellant regards the proposal as a preferable alternative to the approved but unimplemented dwelling and argues that, due to overlooking, resulting in loss of privacy and noise nuisance, the unimplemented dwelling would result in harm to the living conditions of residential occupiers. The appellant regards the harm that would be caused by the proposal to the character and appearance of the local area to be the same as the approved dwelling. The appellant has also stated that the appeal site, being in the centre of the appellant's property rather than on its boundary, would result in better security than the location of the approved dwelling, although very limited details have been provided as to why this would be so.
20. However, no significant harm to living conditions of potential occupiers of the approved or of existing dwellings has been demonstrated, and on that basis planning permission was granted by the Council. Likewise, from the material submitted for the purpose of this appeal, I see no overriding security benefits of the proposal compared to the approved dwelling
21. The harm to the character and appearance of the local area that would, for the reasons given, be significantly greater than that of the approved dwelling, which would sit in relation to other buildings as part of an existing concentration of development on the farm and would have been considered on its own merits.
22. Notwithstanding that planning obligations are dealt with in detail as part of the TDC stage of the PIP process, for the above reasons, I do not find that there are any significant benefits relating to living conditions or security of the proposed dwelling compared to the approved dwelling, which would outweigh the harm that the proposal would cause to the character and appearance of the local area and other harm that I have identified above.
23. The National Planning Policy Framework (2019) (the Framework) sets out that a local planning authority should use planning obligations only where it is not possible to address unacceptable impacts of a development through a planning condition and only where they are necessary to make it acceptable, directly related to it and fairly and reasonably related in scale and kind.
24. Such an approach would therefore not make the proposed development acceptable in planning terms and would fail the first of the of the 3 necessary tests set out for the use of planning obligations in paragraph 57 of the Framework (the Framework) and the PPG.

Planning Balance and Conclusion

25. In terms of the three overarching objectives of sustainable development set out in Paragraph 8 of the Framework, the proposed development does not, as I have identified above, deliver benefits of any significance. It is my view that the proposal would not constitute a sustainable form of development and that no overriding social, economic or environmental benefits sufficient to take priority over the locational conflict with the Framework, have been demonstrated. In judging each of the objectives in this case in line with Paragraph 9 of the framework, which does not require economic, social and environmental gains to be sought jointly and simultaneously, I have found only very limited benefits alongside significant harmful environmental effects. I consider that the benefits of the proposal are not exceptional and do not outweigh the harm I have identified.
26. Consequently, I conclude that the appeal site is not suitable for the development proposed, having regard to local and national policies concerned with the location of new development and does not, therefore, comply with Paragraph 80 of the Framework and Policies CS1 and CS2 of the CS, Policy H7 of the LP, in so far as they are in line with the Framework. The harmful impact of the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole and no special circumstances are present. As a result, the presumption in favour of sustainable development does not apply, and for the reasons given, I conclude that the appeal should be dismissed.

Victor Callister

INSPECTOR