



Appeal Decision

Site visit made on 18 January 2022

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 February 2022

Appeal Ref: APP/X3540/W/21/3282800

Orwell Park Gardens, Church Road, Nacton, Ipswich IP10 0EP

- 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 Simon Abbott (of Blueflame Properties Ltd) against the decision of East Suffolk Council.
 - The application Ref DC/21/0352/FUL, dated 25 January 2021, was refused by notice dated 17 March 2021.
 - The development proposed is for the erection of a new 3-bed detached bungalow with detached double garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site is within the recreational disturbance zone of influence of a number of European Designated Sites. The Conservation of Species and Habitats Regulations 2017 (as amended) requires the decision maker to consider whether or not the proposal could adversely affect the integrity of such sites.

Main Issue

3. The main issue is whether the appeal site is suitable for new housing and whether future occupants of the development would have reasonable access to services and facilities.

Reasons

4. Policy SCLP3.2 of the Suffolk Coastal Local Plan (the LP, September 2020) sets out the Settlement Hierarchy with Nacton being a large village. LP Policy SCLP3.3 sets out that outside the boundary of settlements development, including new residential development, is restricted except in specific circumstances. Therefore, irrespective of Nacton's designation, it is clear that the appeal site is outside of any settlement boundary and would be contrary to the above policies unless an exception is met. The appellant accepts this and cites that the proposal would meet with the exception within Policies SCLP5.3 and SCLP5.4 of the LP, namely that the proposed dwelling would be within a cluster of five or more dwellings and, as such, would comply with the locational strategy of the development plan.
5. There are a number of buildings in the surrounding area including some dwellings and those buildings forming the Orwell Park Preparatory School. However, the school does not count towards any cluster as it is not a dwelling.

Of the nearby dwellings, two would be within close proximity to the site and could be considered as a group related to the appeal site. The other dwellings, while nearby, are clearly separated from the site by large open areas and fields. As such, they could not be said to contribute to the above group or, collectively with this group, form a cluster of five or more dwellings. As such the appeal site and proposed dwelling would not form part of a cluster to meet the relevant exception.

6. As the appeal site is not within a cluster of at least five dwellings, even if the proposal were to be considered infilling which does not extend into the countryside or harm character and appearance, as required by LP Policy SCLP5.4, the proposal would still not meet the exception. As such I find that it would be unnecessary for me to consider these points further.
7. The appellant has also submitted that the proposed dwelling would be close enough to Nacton for the daily needs of future occupiers to be met. However, whilst the appeal site is at a walkable distance from the village of Nacton, and is not isolated, there are no pavements or streetlights linking the site to the village. Pedestrians would therefore have to walk in the carriageway which is narrow and could lead to conflict with motor vehicles. This would be especially so during the hours of darkness or inclement weather. It is therefore likely that the route would be difficult and unsafe for future occupiers, especially vulnerable occupiers, to walk or cycle. This context would put pressure on occupiers to make use of private motor vehicles to reach the village.
8. Nevertheless, I find that the services within the village, which include a shop, school, hall and mobile post office would not be sufficient to meet all the daily needs of a future occupier. Notably, the small shop would not likely be sufficient for a family's weekly shop and there would be few places of employment within the village. As such, occupiers would regularly need to travel further afield to reach services and facilities. It would not be realistic for future occupiers to walk or cycle to more distant settlements for the purposes of the weekly shop or commuting.
9. While the proposal may only result in a small increase in travel to and from the site, it would nonetheless be an increase and one which would likely be greater than a new dwelling within the village with better accessibility to services. While such harms may be accepted in some rural development, the Council's development plan sets out the exceptions which permit these. Moreover, although the National Planning Policy Framework (the Framework) understands that the opportunity for sustainable transport will vary between urban and rural areas, I find that this matter has been taken into account in the local policy and I have been mindful of this in my consideration of the appeal.
10. The proposal would result in one dwelling and as such any benefit it may have towards supporting the economic viability of the rural community would be limited. I consider that the limited benefit would not outweigh the locational harm and additional trips required to support future occupiers in this location outside of the settlement boundary, contrary to the development plan and the Framework
11. Having regard to the above, I find that the proposal would be contrary to the locational strategy set out in policies SCLP3.2, SCLP 3.3, SCLP 5.3 and SCLP5.4 of the LP. It would also be in conflict with the housing strategy set out under Section 5 of the Framework.

Other Matters

12. I have found harm to result from the proposed development. As such the appeal must fail and any potential harm to the European Designed Sites would not occur and thus there does not need to be any means of mitigation in place. I therefore do not need to consider the matter further.
13. Although the design and siting of the building may not unacceptably affect the character and appearance of the surrounding area this is not a benefit in itself. As such, this matter carries only neutral weight. The appellant has also suggested that the dwelling would have level access. However, due to the steps required to travel between the two main rooms the dwelling would not be considered accessible for those with reduced mobility.
14. Whilst there is residential development within the walled garden, it is clearly of some age and would likely have been granted under different local and national policies. However, I have not been provided with any substantive details regarding these two dwellings and so I do not know the exact circumstances. Nevertheless, all proposals must be considered on their own merit.

Planning Balance

15. The Government's objective is to significantly boost the supply of housing and the proposal would provide one new dwelling. The scheme would also lead to a small and time-limited economic benefit during the construction phase, as well as potentially some limited social and economic benefits resulting from future occupiers. Given the small scale of the proposal, these benefits attract moderate weight.
16. Conversely, the location of the proposal outside of both a settlement and cluster would undermine the Council's plan-led approach to the delivery of housing. This matter attracts significant weight and outweighs the benefits associated with the proposed development.
17. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict.

Conclusion

18. For the reasons outlined above, I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR