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# Appeal Decision

Site visit made on 12 January 2022

**by S Tudhope LLB (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 11 April 2022**

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**Appeal Ref: APP/W3520/W/21/3273922**

**13 Crown Corner, Brundish IP13 8BD**

- 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 Mrs T Studd against the decision of Mid Suffolk District Council.
  - The application Ref DC/21/00708, dated 5 February 2021, was refused by notice dated 1 April 2021.
  - The development proposed is Outline Erection of 1 no. dwelling (with access).
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. Outline planning permission is sought with the matter of access to be determined at this stage and I have had regard to the access details provided and have determined the appeal on that basis. I have treated all other submitted information as illustrative.
3. On 20 July 2021 a revised National Planning Policy Framework was issued. The main parties were given the opportunity to comment on the implications of the resulting changes for this appeal. The references to 'the Framework' made within my decision are to this revised version.
4. The appellant has referred to an 'emerging Joint Local Plan' and an 'emerging Policy LP01' which I am informed seeks to designate the cluster of dwellings within Crown Corner as a 'Hamlet'. Whilst this evidence provides some indication of the future intention of the Council in respect of its settlement strategy, the 'emerging plan' is still at an early stage and is subject to change. I therefore afford this matter very limited weight in my considerations.

## Main Issues

5. The main issues are (i) whether the proposal would be an appropriate form of development in this location, with particular regard to whether it would provide satisfactory access to services and facilities and its effect on the character and appearance of the area; and (ii) whether or not a safe means of access can be provided.

## Reasons

### *Access to services and facilities*

6. Brundish is designated as a countryside village under Policy CS1 of the Mid Suffolk Core Strategy 2008 (CS). The appeal site therefore lies within the

countryside for planning policy purposes. Policy CS1 states that in the countryside, development is restricted to particular types of development. These are listed in CS Policy CS2. The appeal scheme is not for any type of development supported and is therefore contrary to Policy CS2.

7. Although the proposed development would not be isolated, the cluster of dwellings to which it would link is one of a number of dispersed clusters of development which form the village of which there appears to be no discernible core. With the exception of a public house, church, village hall and public open space, the site is remote from services. The surrounding roads are unlit, largely subject to the national speed limit and without footpaths. Accordingly, the opportunities to walk or cycle to access services and facilities would not be convenient or realistic, particularly after dark or during inclement weather.
8. The nearest settlement designated as a 'key service centre' is Stradbroke, which is approximately 3 miles from the appeal site, where shops and other services can be accessed. However, I note that the appellant states that these are limited. The appellant also suggests that the appeal site is a similar distance from Worlingworth where, along with Stradbroke, public transport options are available. I do not have details of the level of provision, and I cannot be certain that it would provide any genuine alternative to the use of private motorised transport, particularly given that future occupiers of the appeal proposal would have some, not insignificant, distance to travel to access the public transport links in the first instance. Further, as Worlingworth is designated a secondary village in the CS it is unlikely to offer any services to meet the day to day needs of future occupiers.
9. Although the journey to Stradbroke would be short, a significant number of regular journeys by private motorised transport would be highly likely to be further afield, to larger settlements, in order to access a full range of services, facilities and employment opportunities. I consider that in this particular location the addition of a single dwelling would add significantly to the journeys which already occur from this location. Future occupiers would be highly reliant on private motorised transport to access the services and facilities that would be required on a day-to-day basis. The proposed development would not, therefore, provide a suitable location for housing in respect of accessibility to services and facilities.
10. I conclude that the proposal would not be an appropriate form of development in this location with regard to satisfactory access to services and facilities. Thus, the proposal conflicts with CS Policies CS1 and CS2 and Policies FC1 and FC1.1 of the Council's Core Strategy Focussed Review 2012 (FR). These policies jointly seek, amongst other matters, to control development in the countryside, direct development to high order settlements which have a greater range of services and facilities and define the types of development that would be appropriate in the countryside and support the presumption in favour of development.
11. For the same reasons it would also conflict with paragraphs 8, 79 and 112 of the Framework. Further it would fail to promote walking, cycling and public transport use as advocated by the Framework and would conflict with the Framework's paragraph 105 which seeks to maximise sustainable transport solutions whilst recognising that these will vary between urban and rural areas.

### *Character and appearance*

12. The appeal site forms part of the side garden area of 13 Crown Corner (No 13). Although there is some regularity to the layout of development in the street, there are differences in the appearances of the existing properties with a mix of semi-detached and terrace. No 13 has been extended and rendered, which has added to the varied appearance of the street scene. There is also irregularity apparent in the size of plots and also in the use of land between properties at the end of the cul de sac, with the land opposite the appeal site being in use as a hard surfaced shared car parking area.
13. The triangular shaped plot currently accommodates a detached double garage set back from both its host dwelling and the road frontage. The existing driveway joins the turning head at the end of the road, passing across an unsurfaced area and dropped kerb. The site is currently bound by close boarded fencing along its southeast boundary, with further fencing within the site running to the south side of the garage. The rear boundary is formed of post and mesh fencing and vegetation. Some mature trees are present.
14. The proposal would require the removal of the existing garage and other outbuildings associated with No 13. Adequate garden space would be retained to serve No 13. The introduction of a dwelling to the site, which is already in domestic use, would not harmfully alter its already residential character, although there would be a change to the appearance of the site. This would include a more intensive use of the site and likely result in an increase in associated domestic paraphernalia.
15. However, the visual effects would be localised, the site would be able to accommodate a suitable designed dwelling, similar in scale and appearance to surrounding buildings, whilst retaining sufficient visual relief so that it would not appear cramped or overbearing in the street scene. The established pattern of development would not be harmfully disrupted by provision of a dwelling in this location.
16. While all matters other than the access are reserved for future consideration, from the indicative drawings before me, and having regard to the above context, I conclude that the proposed development would not result in unacceptable harm to the character and appearance of the area.
17. I therefore find no conflict with CS Policy CS5 or Policies GP1 and H15 of the Mid Suffolk Local Plan 1998 (LP). Together and amongst other matters, these policies seek to ensure that new development is consistent with the existing pattern and form of development in the neighbouring area, conserves landscape qualities and maintains or enhances the character and appearance of its surroundings. For the same reasons, there would be no conflict with the Framework in this regard.

### *Access*

18. A track leading to agricultural land runs alongside the southern boundary of the site. The Council is concerned that this land is not within the ownership of the appellant and, in the absence of any evidence to demonstrate consent has been given for the proposed access to cross over this land, considers that it has not been demonstrated that safe and secure access could be achieved.

19. However, even if this is the case, it would be a civil matter that would need to be resolved between relevant parties before development could proceed were the appeal to be allowed. It is not a reason on its own to withhold planning permission.
20. I saw that the existing arrangements are such that an access is already in use in conjunction with the host property in the position proposed under the appeal scheme. In the absence of any objection from the highway authority, there is no substantive evidence before me that indicates the proposed access would result in harm to highway safety. Further, the proposal would provide adequate parking for No 13 and the proposed dwelling.
21. I conclude that the proposal could provide a safe and secure access and would not result in unacceptable impact on highway safety. Thus, it would comply with LP Policy T10 and the Framework in this regard.

### **Other Matters**

22. The appellant has referred me to an appeal decision where the Inspector considered that a car journey of approximately 10 minutes to Stowmarket would only result in limited harm being generated from the private motor vehicle journeys of the future occupiers of that proposal. It is suggested that this offers support to the acceptability of the location of the appeal proposal, as the site would be a similar distance from the nearby settlements of Stradbroke and Worlingworth. However, Stowmarket is the main town in the district, situated in the "A14 corridor" which is one of the main road and rail communication routes through Suffolk. Accordingly, the range of services and facilities available within a similar journey time are not directly comparable to those available in the case before me, which are within lower order settlements. I therefore find the referenced appeal to be of limited relevance in this case.
23. The appellant's evidence gives some details and chosen excerpts of appeal decisions for other developments outside of development boundaries. However, from the limited information provided, I am unable to draw accurate comparisons between those appeals and the case before me. Accordingly, those decisions have not been determinative in this instance.
24. I note the support from neighbouring occupiers for the appeal proposal. However, this does not lead me to a different overall conclusion on the main issues.

### **Planning Balance**

25. There is no dispute that CS Policies CS1 and CS2 are out of date because of their inconsistency with the Framework. These are policies that are most important for determining this appeal, thus paragraph 11 d) of the Framework applies. In that circumstance, the Framework indicates that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
26. However, that a policy is out of date does not mean, necessarily, that it has no currency. Insofar as these policies seek to manage additional housing in rural areas in order to secure an overall sustainable pattern of development, they still have a resonance with the policies of the Framework and are a material

consideration. As such I give these policies and the harm arising from the conflict with them moderate weight.

27. The Council can demonstrate a five year supply of deliverable housing sites but this is not a cap on development and small sites can make an important contribution towards boosting the supply of housing. The proposal would have economic benefits in terms of short-term employment opportunities during the construction phase and long term spending by future occupiers. Taking into account the effects of the Covid-19 pandemic, the economic and social benefits of one dwelling are small and attract limited weight in favour of the scheme.
28. The proposal has the potential to be 'work from home' enabled, by linking to a high-speed broadband network and by the provision of a devoted home workspace. It could incorporate renewable energy technologies such as solar panels. I afford these benefits modest weight. Matters where no harm has been identified are neutral in the planning balance.
29. Against these benefits the proposal would result in its future occupants being highly reliant on the use of private motorised transport to access services and facilities. I acknowledge the Framework's stance at paragraph 105, that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this should be taken into account. Nonetheless, this should not be taken to mean that a site with little access to reasonable alternatives to the use of private motorised transport should be acceptable as a consequence. Particularly since paragraph 105 also states that the planning system should actively manage patterns of growth to support the objectives of paragraph 104 which includes identifying and pursuing opportunities to promote walking, cycling and public transport use. This conflict attracts considerable weight.
30. Overall, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework when taken as a whole. Therefore, the proposal would not represent sustainable development. Consequently, no material considerations justify a decision other than in accordance with the development plan.

## **Conclusion**

31. For the above reasons the appeal is dismissed.

*S Tudhope*

INSPECTOR