



Appeal Decisions

Site visit made on 6 July 2022

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th July 2022

Appeal A Ref: APP/W3520/W/21/3278554

Land to the South of The Street, Bacton (604851, 266748)

- 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 Mike MacAusland against the decision of Mid Suffolk District Council.
 - The application Ref DC/21/01188, dated 1 March 2021, was refused by notice dated 23 June 2021.
 - The development proposed is described on the planning application form as 'Paragraph 70 submission for construction of a new family dwelling and associated ancillary accommodation. Change of use from agricultural to residential land use.'
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Appeal B Ref: APP/W3520/W/21/3278552

Land to the South-East of The Street, Bacton (604851, 266748)

- 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 MacAusland against the decision of Mid Suffolk District Council.
 - The application Ref DC/21/00248, dated 13 January 2021, was refused by notice dated 23 June 2021.
 - The development proposed described on the planning application from as 'Construction of a new family dwelling and associated ancillary accommodation. Change of use from agricultural to residential land use.'
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Decision

1. Appeal A and Appeal B are dismissed.

Preliminary Matters

2. The appellant provided a slightly different applicant name on the planning application form in respect of Appeal B, which is reflected in the banner heading. It is however clear that the appellant is the same in respect of both appeals. Similarly, the address on the planning application forms differs slightly between the two appeals. But both descriptions relate to the same site and are sufficient to identify the site.
3. The appeal site has a relatively extensive planning history, including a previous appeal for a five-bedroom dwelling which was dismissed in 2020 (The Previous Appeal)¹. I have had regard to the conclusions of the Inspector in reaching that decision. However, every case should be treated on its own merits and I have considered these appeals on that basis. I have also had regard to the other Council and Appeal decisions referred to by the main parties.

¹ PINS Ref: APP/W3520/W/19/3239824

Background and Main Issues

4. The appellants have confirmed that the appeal proposals in respect of Appeal A and Appeal B are identical. My understanding is that there were two separate applications because the appellant sought for the Appeal A planning application to be specifically considered under Framework Paragraph 79 (Now paragraph 80 in the Revised Framework).
5. Whilst I understand the premise behind such an approach, a planning application should be determined in accordance with the development plan, unless material considerations indicate otherwise. Framework Paragraph 80 is one such material consideration. Its applicability is equal in the case of each appeal, regardless of whether or not the appellant requested consideration of it. As such, the main issue is identical for Appeal A and Appeal B. I have referred to the development and the appeal site in the singular, given that there are no material differences between the two developments proposed under each appeal.
6. The main issue is whether the appeal site would be a suitable location for the proposed development, with particular regard to access to services and facilities.

Reasons

7. The appeal site is located outside of the defined settlement boundary of Bacton, which is identified as a 'Key Service Centre' in the settlement hierarchy under Policy CS1 of the Core Strategy² (2008). As such, the appeal site is located within the countryside. Policy CS1 states in part that only certain types of development will be permitted in the countryside. Core Strategy Policy CS2 states that development in the countryside will be restricted to defined categories of development, none of which apply in this instance. Furthermore, Policy H7 states that outside of the settlement boundaries there will be strict control of proposals for new housing.
8. The Core Strategy text (see paragraphs 2.4 to 2.37) makes it clear that the settlement strategy in the District is aimed at ensuring that development is focussed in locations which have good access to services and facilities, with locations elsewhere in the countryside (such as the appeal site) only acceptable in certain instances.
9. Bacton has a fairly good range of services and facilities. These include (but are not limited to) a primary school (which is to be relocated), GP surgery, scout hut, bowls club, church, village hall, shop/post office, garage/petrol station and public house. However, only the latter three of these are located within relatively close proximity to the appeal site, whilst the others are further afield, reducing the likelihood that they would be regularly accessed on foot.
10. Furthermore, the route between the proposed dwelling and all of the aforementioned services and facilities is not well-suited to walking, particularly during winter months, when there are darker evenings and higher levels of rainfall. This is because a large proportion of the route would traverse the proposed access drive, which is relatively long. Lighting could be required by planning condition but such lighting proposals would likely have harmful implications for the character and appearance of the countryside. In addition,

² Mid Suffolk District Core Strategy Development Plan Document (September 2008)

there is no footway between the site access and the nearest of the services and facilities (which are within approximately 300 metres walking distance from the site of the proposed dwelling) and only one street light along this section of the route. There is a public footpath to the east of the appeal site, but similarly this would not be suitable in the darker hours of the later evening nor in adverse weather conditions.

11. These factors combined mean that future occupiers are highly unlikely to regularly access these services and facilities on foot. There is also a bus stop within 300 metres walking distance of the dwelling but this would also be unattractive as an option, given the aforementioned route conditions. I acknowledge that the proposed dwelling has been moved closer to the highway than that which was considered under the Previous Appeal. Despite this, the appeal site is still physically divorced from the settlement to such a degree that it would not be a suitable location for the proposed development, given the inevitable reliance of future occupiers on the private motor vehicle to meet their day-to-day needs.
12. The fact that other residential development, which is located even further from Bacton's services and facilities, has been granted planning permission by the Council does not provide a justification for siting the proposed dwelling in a location with poor access to services and facilities.
13. For these reasons, the Appeal A and Appeal B proposals would both conflict with Core Strategy³ Policies CS1 and CS2 as well as Saved Local Plan⁴ Policy H7. However, these policies are all out-of-date, given their inconsistency with the Framework. The implications of this are considered under 'Planning Balance'.
14. Core strategy Policy FC1 refers to the broad concept of sustainable development and it is not particularly relevant to this main issue. Nonetheless, there would be conflict with this policy insofar as the development would not be consistent with the provisions of the Framework, as discussed under 'Planning Balance'.

Other Matters

15. Suffolk County Council (the Highway Authority) objected to the proposed development on the basis that no information on visibility splays had been provided to demonstrate safe and suitable access to the highway. The Council did not include this matter within their reasons for refusal. Given that I am dismissing this appeal on other grounds it is not necessary to consider this matter further.
16. I acknowledge that the appellant entered into fairly extensive pre-application discussions with the Council and that the Officer recommendation was on of approval. The appellant has also made various representations in relation to the Planning Committee meeting. However, these are procedural matters and they do not have any significant bearing on my decision. Indeed, they are certainly not factors which lead me to a different conclusion in relation to the main issue of these appeals.

³ Mid Suffolk District Core Strategy Development Plan Document (September 2008)

⁴ Mid Suffolk Local Plan (September 1998)

Planning Balance

17. Core Strategy Policies CS1 and CS2, are inconsistent with the Framework, as they take a more restrictive approach to development in the countryside than it advocates. Saved Local Plan (1998) Policy H7 is also inconsistent with the Framework, as it takes an even more stringent approach to residential development in the countryside. As such, the most important policies in considering these appeals are out-of-date and Framework Paragraph 11d applies.
18. The Council has indicated that the current Housing Land Supply Position exceeds 9 years. The Appellant, whilst highlighting an alleged past undersupply, has not provided any substantive evidence to indicate an existing shortfall. As such, although Paragraph 11d is engaged, this is not as a result of any shortfall.
19. There are no specific policies which indicate refusal within the terms of Framework Paragraph 11d(i). As such, Framework Paragraph 11d(ii) applies, which means that planning 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 as a whole.
20. In terms of the harm which I have identified, Framework Paragraph 105 acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, whilst I recognise that rural areas often have lower access to services and facilities, I do not consider that Paragraph 105 provides a justification for new development in locations which do not allow for realistic and regular sustainable means of access (such as walking) to services and facilities. Indeed, support from Paragraph 105 in this regard depends on the site-specific circumstances. In this case, those circumstances demonstrate that the site is not a suitable location for the proposed development.
21. Framework Paragraph 105 also states that significant development should be focused on locations which are, or can be made, sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Furthermore, Framework Paragraph 92 states in part that decisions should ensure healthy and inclusive places, including through providing access to local shops. The proposed development would conflict with the Framework in these regards for reasons already outlined. The harm which would arise as a result of this conflict is significant. Indeed, I afford it substantial weight.
22. There would be some economic, environmental and social benefits associated with the proposed development, arising from the addition of a large, energy efficient dwelling to the housing stock. There would also be some temporary benefit provided, through support for construction jobs, as well as more permanent economic benefits, associated with support for employment to maintain the house and grounds. A nature reserve is also proposed which is likely to result in an environmental benefit. Nonetheless, given that only a single dwelling is proposed, the scale of these benefits is limited. As such, they can only therefore be afforded moderate weight.
23. The appellant has also indicated that there are few if any suitable self-build sites available within the District. However, there is no planning obligation before me to ensure that the proposed dwelling is not subsequently sold on the

open market. Furthermore, no substantive evidence has been provided to indicate that the Council is failing to grant sufficient planning permissions for self-build development. For these reasons, this matter carries little weight as a consideration.

24. The appeal site, whilst distant from services and facilities, is not isolated within the terms of Framework Paragraph 80. This is because it is in relatively close proximity, despite its physical separation, to neighbouring dwellings. Indeed, Bacton comprises quite a large concentration of residential development, much of which is located along The Street including several properties directly north of the appeal site. As such, the provisions of Paragraph 80 do not apply, this includes paragraph 80e which relates to design of an exceptional quality.
25. It is therefore not necessary to consider whether the design of the development reaches the high bar of 'exceptional quality' for the purpose of applying Paragraph 80. Nonetheless, I consider that the proposed dwelling incorporates high-quality contemporary design and would assimilate well with the proposed landscaping and nature reserve. However, I do not consider that the design of the scheme is of such a high standard that it weighs heavily in favour of it as a benefit.
26. Furthermore, I note that several objections have been received from interested parties in relation to the relationship with the existing character of the settlement and countryside. As such, whilst the scheme may be well-designed in isolation, the extent to which it is in-keeping with local character is another matter altogether. Notwithstanding this, the character and appearance of the area is not a main issue and is not a factor of dispute between the main parties. It is not therefore necessary for me to consider it further given that I am dismissing this appeal on other grounds. Nonetheless, for the reasons outlined above, the design of the proposed development has a neutral effect in the planning balance.
27. Overall, the adverse impact of the proposed development, to which I afford substantial weight, would significantly and demonstrably outweigh the modest benefits of the development, when assessed against the policies in the Framework taken as a whole.

Conclusion

28. The proposed development would conflict with the development plan taken as a whole. There are no other material considerations of sufficient weight, including the approach set out at Framework Paragraph 11, which indicate a decision other than in accordance with the development plan. The appeals are therefore dismissed.

Luke Simpson

INSPECTOR