



Appeal Decision

Site visit made on 25 July 2022

by Jonathan Price BA(Hons) DipTP MRTPI DMS

an Inspector appointed by the Secretary of State

Decision date: 27th July 2022

Appeal Ref: APP/W3520/W/21/3287243

Land adjacent to West Winds, Doctors Lane, Stradbroke, Suffolk IP21 5HU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr B Cleveland against the decision of Mid Suffolk District Council.
 - The application Ref DC/21/04083, dated 16 July 2021, was refused by notice dated 13 September 2021.
 - The application sought planning permission for erection of 1No detached dwelling and garage (alternative scheme to DC/19/05968 approved under appeal ref AP/20/00061) without complying with a condition attached to planning permission Ref DC/21/02839, dated 15 July 2021.
 - The condition in dispute is No 3 which states that notwithstanding the submitted plans, a scheme showing provision for pedestrian access to the remaining site allocation (STRAD16) of the Stradbroke Neighbourhood Plan including timetable for implementation shall be submitted to the local planning authority for approval prior to the first occupation of the hereby permitted development. The scheme shall be implemented in full as may be approved and thereafter maintained as approved.
 - The reason given for the condition is to accord with the provisions of Policy STRAD16 of the Neighbourhood Plan.
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Decision

1. The appeal is dismissed

Main Issue

2. Whether the condition under dispute is reasonable and necessary to ensure the permitted development accords with Policy STRAD16 of the Stradbroke Neighbourhood Plan (SNP).

Reasons

3. The dwelling to which the disputed condition applies is under construction. It is located adjacent to the host property at West Winds and accessed from a continuation of its drive leading from Doctors Lane. The new dwelling is being built on land that formed part of a larger field of some 1.7 hectares located to the south of Stradbroke village centre. The whole field is allocated for a residential development of between approximately 25 and 35 homes under SNP Policy STRAD16.
4. Policy STRAD16 makes this allocation subject to various criteria. Of these, that relevant to this appeal is for direct pedestrian access to be provided to the footpath on the eastern boundary of the site that links with Doctors Lane. The

permitted dwelling has itself both vehicular and pedestrian access from the drive that leads to Doctors Lane. Otherwise, the indicative concept plan for the allocation as a whole shows vehicular access taken from the west, via Farriers Close. This indicative concept plan also shows a footway running from the new vehicular access from Farriers Close to the east side of the allocation, up to and connecting to the path running north to Doctors Lane.

5. Outline planning permission for the dwelling had previously been granted on appeal¹ on 7 December 2020. It has since gained the full planning permission to which the disputed condition applies. In allowing the appeal the Inspector had noted that the proposal would not physically prevent the creation of an access from the field to Doctors Lane in a similar manner to that shown on the indicative concept plan in the SNP. He found there to be no substantive reasons to conclude that the proposal would prevent the criteria of NP Policy STRAD16 being satisfied across the allocated site. However, it is evident to me that this was on the basis of the required footway link being securable through the subsequent approval of reserved matters governing layout.
6. The outline permission granted on appeal had reserved all detailed matters for later approval. This was apart from the access which, for this single dwelling, was to be via the drive to Doctors Lane. The current appeal relates to the approval of full planning permission and so is not the detailed matters reserved in the outline consent. The full application details make no provision for a footway link between the remainder of the allocated field and the access to Doctors Lane. Without the disputed condition 3 there would be no means to fulfil the criterion for providing direct pedestrian access from the remainder of the residential allocation to the eastern boundary of the site, for this to then connect onto Doctors Lane. This would be because the scheme for a private dwelling and its grounds would fully occupy the area through which the connecting footway would need to pass.
7. The footway access to the east would provide future occupiers of the STRAD16 housing allocation good pedestrian connectivity throughout the village and this would be in the general interests of achieving sustainable development. The approval of the dwelling adjacent to West Winds was dependent upon it forming part of the residential allocation made by the SNP. Therefore, I consider that the condition under dispute is both reasonable and necessary to ensure the requirements of SNP Policy STRAD16 continue to be met by the housing in the remaining allocation.

Conclusion

8. For the reasons given, I conclude that the appeal be dismissed.

Jonathan Price

INSPECTOR

¹ Appeal Ref: APP/W3520/W/20/3252364 Land adjacent West Winds, Doctors Lane, Stradbroke IP21 5HU