



Appeal Decision

Site visit made on 14 July 2022

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 16th August 2022

Appeal Ref: APP/D3505/W/21/3292615

Pightles Barn, The Common, Chelsworth, IP7 7HY

- 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 Mark and Mrs Jane Wincer against the decision of Babergh District Council.
 - The application Ref. DC/21/02527 dated 21 April 2021, was refused by notice dated 12 January 2022.
 - The development proposed is the erection of a single storey dwelling, double car port and vehicular access joining the existing from The Common Lane to Pightles Barn.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. This appeal proposal follows an earlier proposal submitted to the council. The earlier proposal was in fact on a completely different site, albeit that it is in the same ownership and adjoins the appeal site. I mention this because a number of documents submitted with the appeal in fact relate to the earlier proposal. In particular the Design and Access Statement, the Landscape Appraisal, the Ecology Report, plan Ga-s-04 'New vehicular access' and drawing No. D01 'Visualisation' 01, are all based on the earlier proposed 1½ storey dwelling. However, much of the material in these documents can be read across to the development now proposed.
3. In addition, the description of the development on the application form, the officer's report, the decision notice, the appeal form and the Statement of Case, all continue to refer to 'the erection of part single storey, part one and a half storey dwelling', and this is repeated in paragraph 1.2 of the Statement of Case. Paragraph 2.4 of the Statement of Case notes that the description of the development on the decision notice is incorrect, and accepts that no prejudice would occur to either party by the amendment of the description of development through this appeal to reflect the change in scale of the proposal.
4. I consider that this view about prejudice to the parties is correct, and also that no interested person's view of the proposal would be affected since they all support the development of a new dwelling and, if they were under the impression that it would be of 1½ storeys, the fact that the appeal is for a single storey dwelling would be very unlikely to affect their opinion. I have therefore revised the description of the proposed development to that shown in the heading above.

Main Issue

5. The main issue in this case is whether the dwelling proposed is sustainable development.

Reasons

6. The site is about 0.6 of a mile from the settlement boundary of the 'Hinterland Village' of Chelsworth. It is therefore situated in the countryside, both in policy terms and visually, since it is surrounded by farmland with very little built development after leaving the straggle of housing coming south out of Chelsworth, save for the cottage 'Upper Common'. It is accessed off of The Common, a very minor and narrow country lane. The site is well screened by roadside trees and hedges.
7. The starting point is the policies of the development plan, but it is helpful before considering the development plan to have regard to the fact that the council states that it can demonstrate a housing land supply of more than 5 years. Therefore the 'tilted balance' of paragraph 11dii of the National Planning Policy Framework (the Framework) does not apply on the basis of the reason identified in footnote 8 of the paragraph, and it is the balance of the policies against other matters in the Framework that will govern my decision. The policies quoted in the refusal reason are CS2 and CS15 of the Babergh Core Strategy (2014).
8. Policy CS2: 'Settlement Pattern Policy' provides a hierarchy of settlements, within which Chelsworth is a 'Hinterland Village'. The appeal site is situated outside the built-up area boundary, which means that the appeal site is within the countryside. There is a heading in policy CS2 for 'Countryside', which states that in the countryside development will only be permitted in exceptional circumstances subject to a proven justifiable need. This is clearly contrary to the balanced approach set out in the Framework, and the countryside aspect of the policy carries little weight.
9. Policy CS15 is titled 'Implementing Sustainable Development in Babergh': by which development proposals "... *will be assessed against the presumption in favour of sustainable development – as interpreted and applied locally to the Babergh context (through the policies and proposals of this Local Plan), and in particular ...*" (my emphasis). This is a long policy, the majority of which consists of criteria by which proposals will be judged. Whilst many of these reflect matters dealt with in the Framework, it does not fully accord with the Framework's more balanced approach. For that reason I give it less than full weight. Many of the criteria are not readily applicable to the development of a single dwelling, but the criterion "• *seek to minimise the need to travel by car using the following hierarchy: walking, cycling, public transport, commercial vehicles and cars) thus improving air quality;*" can be regarded as in line with the Framework, even though its prime thrust is towards the one issue of air quality, rather than the more general range of matters that sustainability encompasses.
10. In view of the degree of inconsistency with the Framework of these 2 policies, I conclude that it is appropriate to judge the appeal proposal primarily against the policies of the Framework, with paragraph 8 as my starting point. This sets out the three overarching objectives: an economic objective, a social objective,

and an environmental objective. These “*are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives)*.” I take each of them in turn below, without setting out their full text which will be familiar to the parties.

11. The economic objective is primarily met by the development plan system, by identifying land needed to support growth, innovation and improved productivity. In terms of housing and the appeal proposal, clearly the council’s housing land supply meets the objective, but there would be short term economic benefits in terms of the employment involved during construction, which it is said would be by local subcontractors, and ongoing additional support for local enterprises, such as the village pub and the nearby farm shop.
12. The social objective, again at the strategic level, is met by the development plan, and the council’s housing land supply shows that broadly the objective is met. At the level of this proposal, it appears that the appellants’ family are well rooted and active in the Chelsworth community, and the individual design is of a high standard, and would support beautiful and safe places, although its countryside location and its accessibility to services (which I deal in some detail below) diminishes this value. There is also the personal benefit to the appellants’ household which must also be viewed within this objective in terms of social and cultural well-being. The dwelling is intended to allow downsizing as age and family circumstances change. This is a very strong personal reason for the proposal, and the fact that there appears to be a shortage of small dwellings adds to the need. However, personal circumstances can rarely be given weight sufficient that they overcome public harm, and they change over time and the development will almost always outlast them.
13. The environmental objective is met here in that the historic environment is preserved by the amendment to the scheme that preserved the setting of the Grade II listed ‘Upper Common’ a short distance to the north. In terms of biodiversity, the intention to develop a wildflower orchard on the adjoining area in the same ownership, which is currently described in the Ecology Report as species poor sheep pasture, is a benefit. However, this grassland provides some potential foraging and refuge habitat for amphibians, and grass snake may pass through the site. It also provides a foraging habitat for insectivorous birds as well as mammals such as hedgehog. Inevitably there would be negative effects from the development, but these could be mitigated and enhancements put in place as recommended. Other aspects of meeting the environmental objective would be the modern construction and the use of solar panels and air source heat pump; but these gains should be the expectation with new-build development.
14. The main issue in this case, stemming from the refusal reason, relies heavily on the contention that the site is not one that naturally encourages the use of sustainable modes of transport, but rather is one likely to primarily rely on motor vehicles for most everyday needs. I consider that this is true for major shopping, health service needs, family and recreational visits, etc. It is clear that the appellants are currently active people, taking advantage of footpaths, and walking along the local roads that have limited traffic which makes walking a pleasant and beneficial activity. I have noted the use of the Hollow Trees Farm Shop (approximately 1 mile from the site by road) which clearly has a

good range of edible products, the footpath link to the Core Village of Bildeston which is about 2 miles by road, and the community transport bus service, but I am not persuaded by these limited alternative means of accessing what remain a very slender range of services. As I have already said, the occupants of the proposed dwelling are most likely to primarily rely on the motor vehicle for a large part of accessing everyday needs.

15. I have identified where the main policies referred to do not accord fully with the Framework. However, the basic approach of encouraging development within existing settlements and seeking to protect the countryside for its intrinsic character and beauty, and the wider benefits from natural capital and ecosystem services, is not at odds with the framework. In fact, the policy of having a hierarchy of settlements is a sound starting point for promoting sustainable development, and is in accord with the Framework.
16. In this connection, it seems to me that paragraph 79 gets to the nub of rural housing policy: *"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby"*. Thus the emphasis for sustainable development in terms of housing location in rural areas is on settlements. As I have already described, paragraph 6 above, the appeal site is not within a settlement.
17. I have taken account of all matters raised, including the various appeal decisions and the decision made by the council that have been referred to, but for the most part these do not relate to the up-to-date position that I have dealt with. On balance I am led to conclude that the appeal site location means that the dwelling proposed would not amount to sustainable development. Therefore I will dismiss the appeal.

Terrence Kemmann-Lane

INSPECTOR