

Appeal Decision

Site visit made on 26 August 2022

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2022

Appeal Ref: APP/W3520/W/22/3296665

Land adjacent to Hascot Hill, Barking IP6 8HL

- 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 Mr Arnold against the decision of Mid Suffolk District Council.
 - The application Ref DC/21/05579, dated 9 October 2021, was refused by notice dated 25 March 2022.
 - The development proposed is erection of dwelling (all matters reserved).
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of dwelling (all matters reserved) at land adjacent to Hascot Hill, Barking IP6 8HL. The permission is granted in accordance with the terms of the application Ref DC/21/05579, dated 9 October 2021, subject to the conditions included in the Schedule at Annexe A.

Preliminary Matters

2. The application was made in outline with all matters reserved for subsequent determination. No indicative plans are submitted at this stage.
3. The decision notice includes reference to the proposed dwelling causing expansion of the urban form and urbanising character into the countryside and rural landscape. However, this matter is not substantiated in the officer's report, which refers to the potential for an adverse impact on the character and appearance of the surrounding countryside, but as these details are reserved there is no justifiable reason to refuse the proposal on these grounds at this stage. For this reason, I have not addressed the effect of the proposal on character and appearance as a main issue.
4. An application for costs was made by Mr Arnold against Mid Suffolk District Council. This application is the subject of a separate decision.

Main Issue

5. The main issue is the suitability of the location for the proposed dwelling, in particular whether its occupants would have adequate access to services and facilities without undue reliance on private vehicle use.
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Reasons

6. The appeal site is an open field adjacent to a row of two storey detached dwellings with two similar properties on the opposite side of the road. It is in an elevated location at the top of Hascot Hill with open countryside beyond the built development. The site is located within a Special Landscape Area.
7. Policy CS1 of the Mid Suffolk Core Strategy (2008) sets out the settlement hierarchy for the district, in which Barking is defined as a Countryside Village where development will be restricted to particular types, to support the rural economy, meet affordable housing, community needs and provide renewable energy. Policy CS2 of the Core Strategy further defines the categories of development that are appropriate in the countryside, none of which apply to the appeal proposal. Policies FC1 and FC1.1 of the Mid Suffolk Core Strategy Focused Review (2012), replicate the presumption in favour of sustainable development in an earlier version of the National Planning Policy Framework (the Framework) and indicate the broad principles of sustainable development. As such, they are less important policies with regard to the main issue.
8. Therefore, the proposal for a new dwelling is contrary to Policies CS1 and CS2 which restrict such development in this location. However, the Council indicates that the fact that the site is located in the countryside in policy terms is not a determinative factor. This is due to the reduced weight given to Policies CS1 and CS2 as result of their more restrictive and less balanced approach to rural housing than that of the more recent Framework. Consequently, the Council considered the proposal in the context of the presumption in favour of sustainable development included in the Framework.
9. I agree that due to the restrictions on development in the countryside outside settlement boundaries, Policies CS1 and CS2 are not wholly consistent with the Framework, which only applies such restrictions to isolated homes in the countryside¹. Consequently, for the purposes of this appeal, these most important policies should be considered to be out-of-date and, therefore, the presumption in favour of sustainable development is engaged. The presumption requires 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 as a whole².
10. I note that the Council assessed the proposal against each of the three objectives of sustainable development, but the Framework says that these objectives are not criteria against which every decision can or should be judged³. Nonetheless, the matters raised are the principal basis for the Council's decision and, therefore, I have had regard to them.
11. The appellant draws attention to a number of decisions by the Council to approve residential development near to the appeal site, apparently on sites also designated as countryside⁴. With regard to the main issue in this case, while Barking has limited facilities, these are available in the nearest small town, Needham Market. In those previous decisions it was found that Needham

¹ Paragraph 80.

² Paragraph 11d) ii.

³ Paragraph 9.

⁴ Refs 4933/16, DC/17/03564 and DC/17/05533.

Market was not so distant and the physical conditions including the footpath were acceptable such that occupiers of the new dwellings would be able readily to gain access to the services and facilities at the nearby town. A different conclusion is reached in this case, but I note that this in part depends on the different location on Hascot Hill where future occupiers would be required to walk down the hill to reach the footpath running along Barking Road. I accept that the conditions on Hascot Hill, which is unlit with no footpath, are not fully conducive to a safe or attractive pedestrian environment.

12. Of greater significance to this case is the appeal decision referred to by the appellant. This involves an application for a single dwelling on land directly opposite the appeal site, which is now occupied by Ernest House as a result of the success of that appeal⁵. While the appeal decision is now some six years old, the policy background is the same and I am not aware that there are any other relevant changes to the surrounding area. For this reason, and the fact that the Inspector considered the same matters as are raised by the main issue in this case, this decision is an important material consideration.
13. The Inspector in that case also considered the proposal in the context of the presumption in favour of sustainable development. It was found that the proposed dwelling would not be isolated from the range of services and facilities in Needham Market. In addition, however, it was found that due to the circumstances surrounding the site, occupiers of the proposed dwelling would be heavily reliant on private car journeys to access services and facilities. The journeys generated by a single dwelling would be small, but there would still be some minor harm. Nonetheless, this did not significantly and demonstrably outweigh the benefits and the appeal succeeded.
14. I am mindful of the principle that appeal decisions should be determined on a consistent basis as well as on their own merits. It appears that the circumstances in the earlier appeal and the one before me are effectively the same, with two adjacent sites involved. For this reason, I have no basis to find differently to the Inspector in the earlier case, in particular that while the necessary services and facilities are accessible and not too distant, journeys to them would principally occur by private vehicle, which would result in minor harm.
15. I acknowledge that at the time of the earlier decision the Council could not demonstrate a housing land supply of more than five years and that is no longer the case. However, the Framework does not preclude additional dwellings where the five year minimum supply is met or exceeded, particularly bearing in mind the national objective of significantly boosting the supply of homes. As such, the proposed dwelling would make a limited contribution towards this objective. Moreover, there would be some economic benefit from the dwelling's construction and its occupation, which would help to support local services within the surrounding area.
16. Accordingly, I consider that the minor harm resulting from journeys to and from the site would not significantly and demonstrably outweigh these benefits. Therefore, taking these findings as a whole, I conclude that the location would not be unsuitable for the proposed dwelling. Consequently, the conflict with

⁵ APP/W3520/W/16/3152003 dated 6 October 2016.

Policies CS1 and CS2 of the Mid Suffolk Core Strategy is outweighed by the material considerations set out above for the reasons given. Policy CS5 of the Core Strategy and Policy GP1 of the Mid Suffolk Local Plan (1998) are not directly relevant as they concern, respectively, the effect of development on the natural and historic environment, and the design and layout of development.

Other Matters

17. I have had regard to the representations made by interested parties. I acknowledge the concerns raised about the possible effects on the setting of the Grade II listed Home Farm. The details of design, layout and appearance of the proposed dwelling will be considered as reserved matters. However, the appeal site is well-separated from Home Farm on the opposite side of the road, with a large agricultural building at the closest point. The surrounding area will remain predominantly open countryside with the proposed use of the appeal site having a limited effect on this. For this reason, at this outline stage, there is no basis to find that the proposal would not preserve the setting of the listed building. In reaching these findings I am particularly mindful of the statutory requirement for decision makers to have special regard to the desirability of preserving the setting of a listed building⁶.
18. Access is a reserved matter but, based on the appeal submissions and site inspection, I have no basis at this stage to disagree with the Highway Authority's assessment that, subject to conditions, appropriate access to the site can be achieved. Broad comments are made concerning a lack of information and boundary issues, but these are not substantiated. However, the proposal is in outline and further details will be required as reserved matters. Therefore, while I have had full regard to the matters raised, for these reasons they do not lead me to reach a different overall conclusion.

Conclusion and Conditions

19. For the reasons given above, the appeal should succeed. Of the Council's suggested conditions I have imposed the standard reserved matters and time conditions. The third condition requiring development to be carried out in accordance with future plans or phasing arrangements is not necessary at this stage, as these details will be addressed as reserved matters.
20. I note the appellant's comments on limiting the number of conditions at this outline stage. However, the other suggested conditions concerning landscaping and access matters are necessary and reasonable in order to clarify what should be submitted at reserved matters stage. This is in the interests of the character and appearance of the site and surrounding area, and highway safety.

J Bell-Williamson

INSPECTOR

⁶ Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Annexe A

Schedule – conditions

- 1) Before any development is commenced, approval of the details of the appearance, scale and layout of the dwelling, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters must be made not later than the expiration of three years beginning with the date of this permission, and the development must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- 3) All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details (required by condition 1, above) shall be carried out in full during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be approved, in writing, by the Local Planning Authority up to the first use or first occupation of the development. Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and species.
- 4) The approved access, including the position of any gates to be erected and visibility splays provided, shall be laid out and constructed in its entirety prior to development first reaching slab level. The access shall be retained thereafter in its approved form.
- 5) The visibility splays shown on the approved access details (required by condition 1, above) shall be provided prior to the first use of the access and thereafter shall be retained and maintained in the approved form. Notwithstanding the provisions of Part 2 Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.
- 6) Prior to the dwelling hereby permitted being first occupied, the approved access onto the highway shall be properly surfaced with a bound material for a minimum distance of 5 metres from the edge of the metalled carriageway, in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The bound material as may be agreed shall be retained and maintained thereafter as approved.
- 7) Prior to the dwelling hereby permitted being first occupied details shall be submitted to, and approved in writing by, the Local Planning Authority showing the means to prevent the discharge of surface water from the development

onto the highway. The approved scheme shall then be carried out in its entirety prior to first use/occupation of the new dwelling hereby approved.

- 8) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) there shall be no gates/bollards/chains/other means of obstruction within a minimum distance of five metres from the edge of the carriageway. Should any gates be erected on site, these shall only open into the site and not over any area of the highway or the minimum distance stated.

[End of Schedule]