

Appeal Decision

Site visit made on 17 November 2022

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2022

Appeal Ref: APP/W3520/W/22/3301471

Land adjacent Loraine Way, Bramford, Suffolk

- 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 P Weeks against the decision of Mid Suffolk District Council.
 - The application Ref DC/22/01449, dated 17 March 2022, was refused by notice dated 13 May 2022.
 - The development proposed is erection of two dwellings and new vehicular access.
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of two dwellings and new vehicular access at land adjacent Loraine Way, Bramford, Suffolk. The permission is granted in accordance with the terms of the application Ref DC/22/01449, dated 17 March 2022, subject to the conditions included in the Schedule at Annexe A.

Preliminary Matters

2. The application is for outline planning permission with all matters except for access reserved for subsequent consideration. A drawing has been provided which, as well as the proposed vehicular access, shows the layout of the dwellings and some landscaping¹. As these are reserved matters I have treated these elements of the drawing as indicative only.

Main Issue

3. The main issue is the suitability of the location for the proposed dwellings, having regard to development plan policies concerned with housing in the countryside; and, related to this, whether future occupants would have adequate access to services and facilities without undue reliance on private vehicle use.

Reasons

4. The appeal site is an open area of land with a road frontage to the east of Loraine Way and to the north of the village of Bramford. There are residential

¹ Drawing ref 1890/20/01 Revision G.

properties fronting the road to the north of the appeal site and directly opposite, close to the junction of Somersham Road with Lorraine Way.

5. Policy CS1 of the Mid Suffolk Core Strategy (2008) sets out the settlement hierarchy for the district, in which Bramford is defined as a Key Service Centre. However, the appeal site is outside the settlement boundary and, therefore, is classed as a countryside location under Policy CS1. In such locations the policy says that 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. Policy H7 of the Mid Suffolk Local Plan (1998) reflects these controls over proposals for new housing, in the interests of protecting the existing character and appearance of the countryside.
6. 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. Nonetheless, the proposal for two new dwellings is contrary to Policies CS1, CS2 and H7, which restrict such development in this location.
7. Both main parties address the question of whether these policies should be considered up-to-date in the context of the presumption in favour of sustainable development included in the Framework². The Council suggests that Policies CS1, CS2 and H7 are up-to-date to the extent that they are consistent with the Framework in their objective to enhance and maintain villages and rural communities; and to actively manage patterns of growth and focus significant development on locations which are or can be made sustainable. The appellant, however, refers to a number of appeal decisions where these same policies have been found to be out-of-date³. This is due to the restrictions they place on development in the countryside outside settlement boundaries not being wholly consistent with the Framework, which only applies such restrictions to isolated homes in the countryside⁴.
8. I am mindful of the principle that appeal decisions should be determined on a consistent basis as well as on their own merits. As such, I see no basis to find differently to these earlier appeals with regard to this policy consideration. Moreover, I note that in one of the appeal decisions drawn to my attention, the Council accepted that Policies CS1 and CS2 should attract reduced weight due to their restrictive and less balanced approach to rural housing than that of the Framework; and that the proposal in that case should be considered in the context of the presumption in favour of sustainable development⁵.
9. Therefore, for these reasons, 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

² Paragraph 11.

³ APP/W3520/W/19/3222557 & APP/W3520/W/19/3232511 both dated 13 November 2019; and APP/W3520/W/21/3280981 dated 18 August 2022.

⁴ Paragraph 80.

⁵ APP/W3520/W/22/3296665 dated 29 September 2022.

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 whole⁶.

10. The parties do not disagree that the site is readily accessible to Bramford, which as a Key Service Centre has a number of services and facilities necessary for day-to-day living. This was apparent from the inspection, with a lit footpath along a local road enabling walking and cycling within an acceptable distance to these facilities from the appeal site. With regard to longer journeys to access a wider range of facilities as well as employment opportunities, the site is within walking distance of a bus stop in Bramford that provides regular services to Ipswich.
11. I note also that the site is adjacent to a site allocated for 190 dwellings and associated facilities in the emerging Babergh and Mid Suffolk Joint Local Plan (JLP). At the time of the inspection, work was well underway on the initial stages of development of this site. Consequently, with regard to the implications of journeys by private vehicle from the appeal site, the effects of two dwellings in addition to those already established nearby and the adjacent larger development, will be negligible. I have also had regard to the recognition in the Framework that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making⁷.
12. I acknowledge that the JLP is not yet adopted and it is not certain that the appeal site will be included within the settlement boundary, as proposed in the plan. Nonetheless, taking account of the existing accessibility to services and facilities by sustainable modes and the surrounding development context, I consider that the proposal would not result in material harm with regard to the main issue.
13. The Council can demonstrate a greater than five year housing land supply. 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 dwellings would make a limited contribution towards this objective. Moreover, I accept that there would be some economic benefit from the dwellings' construction and its occupants could help to support local services within the surrounding area. Therefore, based on these findings, there are no adverse impacts arising from the appeal proposal that would significantly and demonstrably outweigh the benefits. Consequently, the presumption in favour of sustainable development applies and permission should be granted.
14. Accordingly, for the reasons given above, I conclude that the location would not be unsuitable for the proposed dwellings. As such, the conflict with Policies CS1 and CS2 of the Mid Suffolk Core Strategy and Policy H7 of the Mid Suffolk Local Plan is outweighed by the material considerations set out above for the reasons given.

⁶ Paragraph 11d) ii.

⁷ Paragraph 105.

Conclusion and Conditions

15. For the reasons given above, the appeal should succeed. Of the Council's suggested conditions, I have imposed the standard reserved matters and commencement conditions, and one requiring development to be carried out in accordance with the approved plan insofar as it relates to the outline permission applied for. Conditions relating to the details of the vehicular access and on-site parking suggested by the Highway Authority are necessary in the interests of highway safety.
16. A further condition concerns provision of cycle storage and an electric vehicle charging point, which is necessary in the interests of sustainable development. Another concerns provision of areas for storage and collection of refuse and recycling bins, which I agree is necessary to avoid this occurring where it may obstruct pedestrians or other highway users. However, no reason is given why these are suggested as pre-commencement conditions and I am mindful that the Framework indicates that such conditions should be avoided unless there is clear justification⁸. I have, therefore, amended the conditions accordingly.
17. The final suggested pre-commencement condition concerns means of avoiding surface water discharge onto the highway, which I agree is necessary for highway safety. I accept that it is necessary to avoid expensive remedial action if a suitable scheme cannot be retrospectively designed and built. However, this needs to be balanced with the Framework's requirement noted above. As such, it is reasonable to require submission of the relevant details early in the development process rather than before development commences. The condition has been amended, therefore, to require submission of the relevant details no later than three months after commencement of the development.

J Bell-Williamson

INSPECTOR

⁸ Paragraph 56.

Annexe A

Schedule – conditions

- 1) Before any development is commenced, approval of the details of the appearance, scale and layout of the dwellings, 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) The development hereby permitted shall be carried out in accordance with the approved drawing reference 1890/20/01 Revision G, but only in respect of those matters not reserved for later approval, and such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard.
- 4) Before the access is first used, vehicular visibility splays shall be provided as shown on drawing reference 1890/20/01 Revision G with an X dimension of 2.4 metres and a Y dimension of 120 metres to the nearside edge of the carriageway and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.
- 5) No other part of the development hereby permitted shall be commenced until the existing vehicular access has been improved, laid out and completed in all respects in accordance with Suffolk County Council's standard access drawing DM03, with a minimum entrance width of 4.5 metres for a shared access including road marking amendments and made available for use. Thereafter the access shall be retained in the specified form.
- 6) Gates/bollard/chain/other means of obstruction to the vehicular access shall be set back a minimum distance of 5 metres from the public highway and shall not open towards the highway.
- 7) Prior to the dwellings hereby permitted being first occupied, the vehicular access onto the highway shall be properly surfaced with a bound material for a minimum distance of 5 metres measured from the nearside edge of the metalled carriageway, in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority.
- 8) Prior to the dwellings hereby permitted being first occupied, the area within the site for the purposes of manoeuvring and parking of vehicles shall be provided and thereafter that area shall be retained and used for no other purposes.

- 9) Prior to the dwellings hereby permitted being first occupied, details of secure, covered and lit cycle storage and electric vehicle charging infrastructure shall be submitted to and approved in writing by the Local Planning Authority, and the approved scheme shall be carried out in its entirety and shall be retained thereafter and used for no other purpose.
- 10) No later than three months following the commencement of the development hereby permitted, 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 including any system to dispose of the water. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.
- 11) Prior to the dwellings hereby permitted being first occupied, details of the areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins shall be submitted to and approved in writing by the Local Planning Authority, and the approved bin storage and presentation/collection area shall be provided for each dwelling and shall be retained thereafter and used for no other purpose.

[End of Schedule]