



Appeal Decision

Site visit made on 1 February 2023

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 February 2023

Appeal Ref: APP/D3505/W/22/3297204

The Mane Riding Centre, Old London Road, Copdock and Washbrook IP8 3JF

- 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 Ms Louise Coe against the decision of Babergh District Council.
 - The application Ref DC/21/06478, dated 29 November 2021, was refused by notice dated 1 February 2022.
 - The development proposed is erection of 1no. dwelling.
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Decision

1. The appeal is allowed and outline planning permission is granted for erection of 1no. dwelling at The Mane Riding Centre, Old London Road, Copdock and Washbrook IP8 3JF in accordance with the terms of the application, Ref DC/21/06478, dated 29 November 2021, subject to the conditions set out in the schedule below.

Preliminary Matters

2. The description of proposed development used above is taken from the application form and I have removed the reference to the position of the site.
3. The proposal seeks outline permission and there is a discrepancy among the supporting documents as to whether the matter of access is included for consideration. For the avoidance of doubt, I have treated the application as having all matters reserved except for access. It is clear from the Council's officer report that it considered the application on this basis, and I have treated any plans in relation to the other reserved matters as illustrative.
4. The reason for refusal includes reference to the Copdock and Washbrook Neighbourhood Plan. The Council report that the document has since been rejected at referendum and as such it does not form part of the development plan. I have determined the appeal on this basis.

Main Issue

5. The main issue is whether the site is suitably located for residential development, with particular regard to its accessibility to services and facilities.

Reasons

1. Policy CS2 of the Babergh Local Plan 2011-2031: Core Strategy and Policies 2014 (the LP) relates to settlement patterns and sets out the spatial strategy for development in the District, directing development to the larger settlements of Towns and Urban Areas, Core and Hinterland Villages sequentially. Policy

CS15 of the LP contains criteria relating to sustainable development and among other things seeks to minimise the need to travel by car using a hierarchy of walking, cycling, public transport, commercial vehicles and cars.

2. There is dispute between the parties as to whether the appeal site lies within Copdock and Washbrook, which together form a Hinterland Village as defined by the LP. Neither party has provided evidence of any boundary set out in the LP. However, the appeal site lies in an area that is predominantly rural in its character, where sporadic developments line Old London Road and are predominantly set back on generous plots, providing an open and verdant character. This is in contrast to the denser clusters of development to the north, which I consider to form the built up areas of Copdock and Washbrook beyond. I also note that the Inspector in his decision on the neighbouring site¹ found that site to be outside the settlement boundary. For these reasons I have considered the site to be outside the settlement of Copdock and its built up area. Consequently, the appeal site is in the countryside for the purposes of assessment against the LP. Given the presence of other houses and buildings nearby, the site is not 'isolated' for the purposes of paragraph 80 of the National Planning Policy Framework (the Framework).
3. The appeal site is adjacent to the dual carriageway of Old London Road, which runs broadly parallel to the A12 and which terminates in Washbrook. While I appreciate it was only a snap shot in time, at the time of my site visit, the road was relatively quiet. There is not substantive evidence to suggest this is not characteristic of other times of day. The carriageways are separated by a grass verge with regular breaks, and a continuous footpath runs along the western side of the road, separated from the northbound carriageway by a further grass verge. While the footway is not lit, the activity on the road together with the clusters of houses and other uses near the road, provide a degree of natural surveillance over the footway and I observed the footway being used by pedestrians at the time of my visit.
4. For these reasons, the footpath provides a reasonably attractive route towards the settlements of Copdock and Washbrook for pedestrians, as well as a possible cycle route. There are also bus stops in both directions near the appeal site providing fairly frequent services towards Ipswich and Colchester. Taking all of these considerations into account, any future occupants of the dwelling would not be entirely dependent upon private transport.
5. While Old London Road may be used more heavily when there are disruptions on the A12, I do not have evidence of the frequency of such occurrences or their effects on the conditions of Old London Road.
6. In conclusion, the site would be suitable for residential development in terms of its accessibility to services and facilities. The proposal would comply with part xviii) of Policy CS15 of the LP, which seeks to minimise the need to travel by car. As the local services and facilities of Copdock and Washbrook are accessible by sustainable means, the proposal would enhance or maintain the vitality of those rural communities and comply with the objectives of the National Planning Policy Framework (the Framework) insofar as they relate to support of rural communities, supporting healthy lifestyles and promoting walking, cycling and use of public transport.

¹ APP/D3505/W/20/3248616

7. The proposal would, however, conflict with Policy CS2 of the LP, insofar as it constitutes development in the countryside and exceptional circumstances have not been demonstrated. I return to the matter of the weight ascribed to this conflict below.

Other Matters

8. The Council report that the proposal falls short of other criteria contained in Policy CS15 of the LP. The policy requires that those matters should be considered having regard to the scale and nature of the proposal. As the proposal is for outline permission at this stage, and in light of the proposal being a single dwelling, I do not find conflict with the parts of CS15 cited. Many of these matters would be considered at the reserved matters stage. As the appeal site has been found to be outside any Core or Hinterland Villages, Policy CS11 does not apply.
9. I have had regard to the issues raised by third parties, of which many relate to matters which would be considered at the reserved matters stage, relating for example to the siting and scale of the final dwelling. There is not substantive evidence before me to suggest that the proposal would be harmful to highway safety nor unacceptably increase local traffic.
10. While there may be ongoing disputes relating to the garden and access, these do not amount to reasons to refuse or delay the grant of planning permission, nor do the actions of the appellant in respect of other parts of the wider site.

Planning Balance

11. Policy CS2 of the LP is not wholly consistent with the Framework in terms of its approach to housing in the countryside due to its restrictive approach which supports development in the countryside only in exceptional circumstances. The Framework is less restrictive and sets out that housing should be located where it will enhance or maintain the vitality of rural communities, which I have found to be the case here. This conclusion is supported by appeal decisions evidenced by the appellant and accordingly I apportion limited weight to the proposal's conflict with Policy CS2.
12. In terms of benefits, notwithstanding the Council's position on its housing land supply, the proposal would make a contribution to the national objective to boost the supply of housing. It would make use of a brownfield site, could deliver biodiversity enhancements and there would be economic benefits arising from the construction process and the expenditure by future occupants. Together I ascribe these benefits moderate weight, given the scale of the proposal.
13. Paragraph 11d) of the Framework requires that, where the most important policies for determination of an application are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole. While I do not find Policy CS15 to be inconsistent with the Framework insofar as the main issue of the appeal is concerned, even if that policy were also found to be out of date, paragraph 11d) would still apply.
14. Overall, for the reasons given, the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, and

as such the proposal benefits from the presumption in favour of sustainable development.

Conditions

15. The Council has provided a list of suggested conditions that it considers would be appropriate. I have considered these in light of the Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG, I have amended some of the Council's suggested wording.
16. A condition is necessary to secure matters of appearance, landscaping, layout and scale, with the standard conditions specifying when the reserved matters applications must be submitted and when the development must be commenced by. A condition listing the approved drawings in relation to access is also necessary to provide clarity to the parties and I have removed reference to phasing which is not suggested here given the scale of the development.
17. To safeguard highway safety, a condition is imposed to secure the access as shown and ensure a suitable gradient and surface of the nearest parts of the access to the highway. I have consolidated these requirements for conciseness. For the same reasons, details of cycle and refuse storage are conditioned.
18. As the visibility splays are shown on the supporting plans, and as they relate to land outside the appeal site, it would not be reasonable or necessary in this case to secure their retention nor remove permitted development rights in relation to those areas. I do not consider further details of vehicle manoeuvres on the site meet the test of necessity, and would form part of the later reserved matters relating to the layout and appearance of the site. As electric vehicle charging points are secured under building regulations, and in the absence of evidence of a planning reason to secure them at this stage, this requirement is also not necessary.

Conclusion

19. For the above reasons, having taken account of the development plan as a whole, the approach in the Framework, along with all other relevant material considerations, the appeal is allowed.

C Shearing

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance, landscaping, layout, and scale of the development (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) An application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters.

- 4) The development hereby permitted shall be carried out in accordance with the following approved plans only insofar as they relate to matters of access: 01 Rev.2, 02 Rev.2, 03 Rev.2.
- 5) Prior to the first occupation of the development, the access shall be installed in accordance with the approved drawings. The first five metres of the access, measured from the nearside edge of the carriageway, shall have a gradient not steeper than 1 in 20 and shall be surfaced with a bound material. It shall be maintained as such at all times.
- 6) Prior to the first occupation of the development, cycle and refuse storage areas shall be installed in accordance with details which have first been submitted to and approved in writing by the local planning authority. Those facilities shall remain available for use at all times.

End of Schedule