



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: 2 March 2023

Appeal Ref: APP/D3505/W/22/3293517

Land South of Harkstead Road, Lower Holbrook IP9 2RJ

- 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 Wrinch of William Wrinch Farms against the decision of Babergh District Council.
 - The application Ref DC/21/06061, dated 9 November 2021, was refused by notice dated 24 December 2021.
 - The development proposed is erection of a detached dwelling together with new vehicular access.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Both main parties refer to the emerging Babergh and Mid Suffolk Joint Local Plan. I am unclear, based on what I have seen, as to how far away these policies are from adoption or indeed in what form they will be adopted post examination. I can therefore only afford them very limited weight. I have in case determined the appeal having regard to the adopted development plan at the time.

Main Issues

3. The main issues are:
 - Whether the site is suitable for a new house in terms of its accessibility to services and facilities, and;
 - The effect of the proposed development on the character and appearance of the area, including the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB).

Reasons

Suitability of Location

4. 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. This contains a settlement hierarchy where development is directed to larger settlements of Towns/ Urban Areas, Core and Hinterland Villages. Policy CS15 of the LP contains criteria relating to sustainable development, and seeks to minimise the need to travel by car

using a hierarchy of walking, cycling, public transport, commercial vehicles and cars.

5. While the appellant states the site is in the settlement of Lower Holbrook, which forms part of the hinterland of Holbrook, I do not have evidence that these are designations recognised by the development plan. Based on the evidence, for the purposes of consideration against the LP, the site is located outside any settlement boundary and within the countryside.
6. Policy CS2 states that development will only be permitted in the countryside in exceptional circumstances subject to a proven identified need. 'Exceptional circumstances' are not defined by the LP and the Council accept the policy is not entirely consistent with the Framework given its restrictive approach. I return to this matter below. Given the presence of other houses nearby, the site is not 'isolated' for the purposes of paragraph 80 of the National Planning Policy Framework (the Framework).
7. The appeal site lies between the Core Village of Holbrook to the north west and the Hinterland Village of Harkstead to the east. Despite this, Harkstead Road is predominantly narrow and unlit, and there is no footway which would lead to these nearest villages. As such, future occupants of the proposed development would be unlikely to walk to those settlements. While cycling may be an attractive means of transport for some, this would not suit everyone and would be unlikely to provide a reliable alternative throughout the year. I have no substantive evidence relating to a bus service operating through the area although the Council suggest no service stops in Lower Holbrook. For these reasons taken together, future occupants of the proposed development would be heavily reliant on private cars to access services and facilities, and to meet their everyday needs.
8. The development could contribute to some extent to maintaining the viability of services in Holbrook and Harkstead. However, given the reliance on car use, future occupants would be more likely to travel further afield to larger settlements to meet their day to day needs, rather than to the nearest village of Harkstead for example, which has limited services and facilities. I am therefore not satisfied that the location of the development would enhance or maintain the vitality of those rural communities, as sought by paragraph 79 of the Framework.
9. The appellant has drawn my attention to the appeal decision relating to Foxgloves¹ where the Inspector concluded the use of the private car was not at a level that warrants refusal when set against the village location and the additional support to nearby villages. I have little evidence before me regarding the exact location of that site, proximity to Harkstead or the size of the dwelling proposed, and I note the Inspector considered that site to form a part of a village in light of its context, which is described as being a built up area. While the current appeal site may be closer to Holbrook than some other Hinterland Villages, it nonetheless does not provide or promote sustainable means of reaching them. In the Foxgloves decision the Inspector notes that this is often the case for those Hinterland Villages. However, there is not substantive evidence before me to suggest that the circumstances of this appeal are comparable to those of Hinterland Villages. Overall, this appeal decision does not provide reason to alter my judgement on this matter.

¹ APP/D3505/W/18/3206195.

10. In conclusion on this main issue, I find the site to be poorly located in terms of its accessibility to services and facilities. As such the proposal would be contrary to policies CS2 and CS15 of the LP, summarised above. The proposed development would result in social and environmental harm with regard to the poor access to services and facilities. In turn the proposal would conflict with paragraph 92 of the Framework, which states among other things that decisions should support healthy lifestyles, for example through accessible local shops and layouts that encourage walking and cycling. There would also be conflict with paragraph 105 which states that the planning system should actively manage patterns of growth in support of the objectives in paragraph 104, which includes identifying and pursuing opportunities to promote walking, cycling and public transport. While opportunities to maximise sustainable transport solutions vary between urban and rural areas, this does not provide justification for the appeal scheme, where the opportunities for anything other than car use are extremely limited.
11. The main parties refer to a settlement boundary which forms part of the emerging Babergh and Mid Suffolk Joint Local Plan, which would include land close to the appeal site, and encompass Foxgloves referenced above. However, no such details have been submitted of this new boundary, and that Plan does not yet form a part of the adopted development plan. As such it carries little weight.

Character and Appearance

12. Harkstead Road sits within a shallow valley and includes a number of dwellings of varying character, scale and design which are otherwise surrounded by open countryside defined by a gently undulating landscape and fields interspersed by woodland and hedgerows. The existing properties along the road follow a broadly linear arrangement, but which is punctuated with breaks and gaps between the clusters of properties, which provide verdant breaks and views into the surrounding open countryside. Such gaps form a part of this settlement pattern and together these attributes contribute positively to the landscape character of the AONB.
13. The appeal site is an undeveloped arable field which rises in height to the south, as it extends away from the road. Views across the site are experienced from the road and from a public footpath along the eastern side of the site, which gives uninterrupted views over the appeal site.
14. An open field exists directly opposite the site on the northern side of Harkstead Road, which similarly slopes upwards away from the road. Together, these sites open up views across the sides of the valley when travelling along Harkstead Road and contribute to the appreciation of the rural setting.
15. The proposal, together with its landscaping would result in the loss of the existing open character of the site, and views experienced across it. While the house itself would be set to the side of the plot to reduce its visual prominence, the entirety of the site would become residential in its character and enclosed by hedgerows, substantially reducing the sense of openness at this part of Harkstead Road. In addition the creation of a formal frontage across the southern side of Harkstead Road would infill the existing break in development, and contribute to a continuous residential character along Harkstead Road, further diluting the rural character of the area.

16. The appellant has provided a Landscape and Visual Appraisal (LVA) which considers the effects of the proposal on nearby viewpoints and on the AONB landscape character. The LVA acknowledges some slight adverse effects on the AONB in the short term, which would be mitigated in time by the proposed planting. Limited details of a scheme of soft landscaping have been provided. As such the degree of screening that it would provide, and the extent to which it would integrate with the landscape cannot be established with certainty. However, as above, the division of the land with hedgerows would, in any event, substantially and harmfully detract from the open character of this part of Harkstead Road.
17. The visual effects of the development would be limited to localised views, from the road and the adjacent public footpath and visibility would vary across the year. Nonetheless the impacts would be significant. While the Council's AONB officer may not have objected to the proposals, this does not provide reason to alter my judgement.
18. For the reasons given, the proposal would cause harm to the character and appearance of the area and would neither conserve nor enhance the landscape character of the AONB. In turn it would conflict with policy CS15 of the LP insofar as it requires proposals to respect landscape features and protect and where possible enhance the landscape of AONBs.
19. The proposal would conflict with the objectives of the Framework at paragraph 176, which states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which, among other designations, have the highest status of protection in relation to these issues.

Other Matters

20. The appellant refers to other appeal decisions in the District, where the Inspector was satisfied that there were realistic opportunities to access public transport², and where the proposal was considered in light of a different policy by virtue of its location and it was found that journeys made from the site would not involve significant distances³. As such these are not directly comparable to the appeal before me. Reference is also made to a 2017 planning permission where the Council stated the site to be in very close proximity to a built up area boundary at 7m away⁴, which is not the case here.
21. The Supporting Statement to the planning application also refers to an appeal decision which references nearby and frequent bus services to a range of destinations in combination with a safe footway⁵. Other appeals are referenced in relation to the weight of the adopted local policies, but do not provide reason to alter my judgement on the main issues above.
22. The Council have raised concern for non-compliance with other points contained in Policy CS15 which did not form a part of a reason for refusal. As the appeal is being dismissed for other substantive matters it is not necessary to consider these further.

² APP/D3505/W/21/3276691

³ APP/D3505/W/20/3263192)

⁴ Land at Rosedale, The Street, Harkstead

⁵ APP/D3505/W/19/3240526

23. A number of grade II listed buildings exist near the appeal site, including Marsh Gate Seaton, a pair of cottages approximately 65m to the north west, and Auld Reekie, approximately 175m from the eastern site boundary. The setting of these heritage assets is formed in part by the existing developments of the surrounding area. By reason of the distance of the appeal site from those assets, and their physical separation, the appeal scheme would not impact upon their setting.

Planning Balance

24. 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. This conclusion is supported by appeal decisions evidenced by the appellant and accordingly I attach limited weight to the proposal's conflict with Policy CS2.
25. Nevertheless, there would be harm arising from the site's lack of accessibility to local facilities and services and this would conflict with Policy CS15 of the LP and with the Framework as described. I find Policy CS15 to be consistent with Framework insofar as this issue is concerned. Harm has also been found to the landscape character of the AONB, which would be significant and long lasting, and which would also conflict with the Framework. To these harms I ascribe substantial weight.
26. In terms of benefits, the proposal would contribute a new home to the Council's housing stock, and would contribute to the national objective to boost the supply of homes. The proposal has the ability to deliver biodiversity enhancements across the site and the building could have low carbon emissions and high standards of energy efficiency. In addition, 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.
27. As above, Policy CS2 has been found to be out of date. However, as the application of policies in the Framework, insofar as they relate to the protection of AONBs provide a clear reason for refusing the development proposed, the proposal does not benefit from the presumption in favour of sustainable development by virtue of paragraph 11d) of the Framework.

Conclusion

28. 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 dismissed.

C Shearing

INSPECTOR