



Appeal Decision

Site visit made on 8 February 2023

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 March 2023

Appeal Ref: APP/W3520/W/22/3307693

Land Adjacent Osiers, Old Bury Road, Stuston, Diss IP21 4AJ

- 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 J.Evans, E.Evans and P.Barber against the decision of Mid Suffolk District Council.
 - The application Ref DC/22/03273, dated 5 July 2022, was refused by notice dated 2 September 2022.
 - The development proposed is the erection of two dwellings and associated garages.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was submitted in outline form with access to be considered at this stage. As scale, appearance, landscaping and layout are reserved, I have treated these elements of the drawings as being indicative only.

Main Issues

3. The main issues are i) whether future occupiers of the proposed development would have adequate access to services, facilities and employment without undue reliance on private car use; ii) whether future occupiers of the proposed development would have satisfactory living conditions with regard to noise and disturbance; and iii) loss of tourism accommodation.

Reasons

Access to services, facilities and employment

4. The site, which is currently occupied by three holiday lodges, is located within a small cluster of residential and commercial buildings. It is not within or immediately adjoining the boundary of any built-up settlement and consequently, for the purposes of planning policy, it is treated as being in the countryside. The proposal does not fall within any of the policy exceptions for new houses in the countryside as set out in Policy CS2 of the Mid Suffolk Local Development Framework Core Strategy Development Plan Document (September 2008) (CS).
5. Although the site is not isolated, access to the nearest settlements is via busy major roads. I saw no footpath to the village of Scole on either side of the A140 dual carriageway. I also saw no bus stops close to the site. Whilst there are sections of pathway and street lighting along some parts of the A143,

which lead to a public bridleway into the village of Scole, this is by no means a continuous short, safe or pleasant route for pedestrians or cyclists.

6. I acknowledge that there is a food store within the nearby filling station, which may well be adequate for meeting the short stay needs of holiday guests. However, future occupiers of the proposed dwellings would require regular access to a wider range of services and facilities. In the absence of close and convenient public transport or short safe walking and cycling routes, it is inevitable that future occupiers would be extensively reliant upon cars for meeting most of their needs.
7. My attention has been drawn to three dwellings recently approved on a nearby site. I understand that the material considerations leading to that planning permission were different in that the site benefitted from an earlier planning permission, which had been granted at a time when the Council's housing land supply was very vulnerable. The circumstances are not therefore directly comparable.
8. I accept that the site is previously developed land, although there is nothing before me to suggest it is underutilised given its occupation by three holiday lodges, which no doubt bring their own economic benefits in terms of creating local jobs and increasing spending in the local area.
9. Although paragraph 79 of the National Planning Policy Framework (the Framework) supports housing in rural areas, this is where it would enhance or maintain the vitality of rural communities and allow villages to grow and thrive, especially where this will support local services. In this case the appeal site is not within or adjoining a village or settlement and therefore it would not meet these aims.
10. I therefore conclude that future occupiers of the proposal would not have adequate access to services, facilities and employment without undue reliance on private car use. The proposal is therefore contrary to Policy CS1 of the CS, which seeks to direct new housing to the most sustainable locations. This policy is broadly consistent with the Framework in terms of directing new development to the most sustainable locations. Accordingly, paragraph 11(d) of the Framework is not engaged. The proposal also fails to accord with Policies FC1 and FC1.1 of the Mid Suffolk Local Development Framework Core Strategy Focussed Review (December 2012) (CSFR), which reflect the presumption in favour of sustainable development set out in the Framework.
11. Policy H7 of the Mid Suffolk Local Plan (September 1998) (LP) seeks to restrict new housing outside of settlement limits, albeit this is specifically in the interests of protecting the character and appearance of the countryside. As no harm to the character and appearance of the countryside has been demonstrated, I find no conflict with the aims of this policy.

Living conditions for future occupiers

12. The proposed new houses would be located in close proximity to a golf driving range, major roads and a large petrol filling station (PFS) that is open 24 hours per day and 7 days per week. Whilst there is no evidence before me to suggest any noise or nuisance from the established golf club, my own observations from visiting the site confirm that the level of traffic noise from the major road

is high, and that HGVs park and refuel at the side of the filling station closest to the appeal site.

13. I understand that the PFS is relatively new and that in granting planning permission for it, the effect of noise on existing residential properties was considered and found unlikely to be significantly higher than the existing background traffic noise. However, this proposal seeks to introduce new noise sensitive development into the area. In order to assess whether or not appropriate day time and night time noise levels would be met within the proposed new dwellings and gardens and to establish whether any special mitigation measures would be required in order to achieve this, an up-to-date noise survey based upon the current situation would be required.
14. The Council's reason for refusal refers to Policy H16 of the LP, which relates to protecting existing residential amenity and is not relevant to this proposal. However, the proposal would be contrary to Policy H17 of the LP, which was also submitted with the Council's appeal case and states that residential development will be refused in areas that are subject to excessive road traffic noise or noise from other premises. The proposal also conflicts with paragraph 130(f) of the Framework, which requires decisions to ensure that developments provide a high standard of amenity for future users.

Loss of tourism accommodation

15. The proposal would result in the loss of three holiday lodges, which the Council suggest could be detrimental to the adjacent golf range and/or result in a loss of local tourism. Whilst I have no reason to doubt that tourism is important to the local economy, the contribution these three lodges make in this location will be very modest and there is no evidence to support the view that it would effect the viability of the golf range.
16. I recognise that paragraph 84 of the Framework, supports the sustainable growth of the rural economy and the retention of local services and community facilities. However, the holiday lodges do not provide a local service or community facility, and accordingly their removal would not conflict with the Framework.
17. I find no conflict with Policy RT17 of the LP, which seeks to restrict the occupancy periods of tourist accommodation to prevent it from becoming a permanent home.
18. Although Policy CS2 of the CS lists tourism facilities as one of the categories of development that may be acceptable in the countryside, it does not seek to protect these.

Other Matters

19. I accept that the holiday lodges can be occupied all year round and that guests would be likely to arrive and leave by car. However, this is for holiday purposes only and would not be the occupiers main place of residence. People on holiday would not require access to education, health care and employment and would only be disturbed by traffic noise for short durations.
20. I have had regard to the various applications and appeal decisions referred to by the appellant and note that the Council has, in previous planning recommendations, stated that some of its policies are out of date. This appears

to be based upon a 2018 appeal decision. However, I do not have full details of the evidence that led to those decisions, and in my view the relevant policies are consistent with the Framework. Moreover, the circumstances surrounding each decision will be different and I have determined this case on its own merits and current circumstances.

Conclusion

21. For the reasons given above the proposal would conflict with the development plan as a whole, and having had regard to all other matters raised, I conclude the appeal should be dismissed.

R Bartlett

INSPECTOR