



Appeal Decision

Site visit made on 23 March 2023

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 27 April 2023

Appeal Ref: APP/W3520/W/22/3309911

Land East Of Woodlands, Barrells Road, Thurston, Suffolk, IP31 3SF

- 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 & Mrs LeMar against the decision of Mid Suffolk District Council.
 - The application Ref DC/22/04215, dated 22 August 2022, was refused by notice dated 18 October 2022.
 - The development proposed is erection of 3 detached self build dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was for outline permission with all matters reserved for determination at a later date. I have determined the appeal on this basis.

Main Issues

3. The main issues in this appeal are : -
 - Whether the proposed development would be a suitable location for three dwellings, having regard to access to services, facilities and employment by sustainable means; and -
 - Whether safe and suitable access to the site can be achieved for all users, with particular regard to any access onto Barrells Road.

Reasons

Suitable location for housing

4. The appeal site (the site) is an open field, laid to grass, and lies on the south side of Barrells Road, to the east of a strip of ribbon development stretching out from the village of Thurston. Beyond the site development becomes more sporadic.
5. There is no dispute that the site lies outside the settlement boundary of Thurston, as identified in Policy 1 of the Thurston Neighbourhood Plan -2019- (the TNP), which identifies Thurston as a Key Service Centre/Core Village. The site therefore lies in designated countryside under the settlement hierarchy of the Mid Suffolk Core Strategy -2008- (the Core Strategy). It is therefore in the countryside for planning purposes where development will only be permitted subject to the exceptions set out in the Council's countryside policies.

6. Policy 1 of the TNP seeks to focus new development in Thurston parish within the settlement boundary of Thurston village. Policies CS1 and CS2 of the Core Strategy seek to restrict development in the countryside, outside of the settlement boundaries, to defined categories, and no argument has been put forward that the proposal falls within these. Policy H7 of the Mid Suffolk Local Plan -1998- (the Local Plan) states that outside settlement boundaries there will be strict control over new housing which should normally form part of existing settlements. The proposed development would, therefore, be in tension with these policies.
7. Policy FC1.1 of the Mid Suffolk Core Strategy Focused Review -2012- (the CSFR) sets out Mid Suffolk's approach to delivering sustainable development. Development proposals are required to demonstrate the principles of sustainable development.
8. The development lies on an unlit road, subject to a 60MPH speed limit. The centre of Thurston is 1.6 kilometres away from the site, and this is a walkable or cyclable distance.
9. As a key service centre under Policy CS1 of the Core Strategy, Thurston provides a full range of local services and facilities. Thurston has a railway station which links to the national rail network and allows residents to travel further afield to larger towns and cities with a greater range of facilities. Further, it benefits from bus services with stops within the village.
10. However, the roads between the site and Thurston are narrow, unlit, lack footways and subject to high speeds. These are factors that would be likely to deter their use by pedestrians and cyclists, particularly after dark, with children or heavy shopping, or during inclement weather and so residents of the site would still be likely to rely heavily upon the private car for their day-to day needs. Whilst the village centre is within walking distance, the distances involved to reach some services would be longer and such that this would be likely to act as a deterrent to many pedestrians.
11. Opportunities to access sustainable transport options will vary from urban to rural areas but, overall, the characteristics of the local highway network would be likely to encourage residents to heavily favour the use of the private motor vehicle for convenience and safety. Given the modest scale of development there is very limited scope to improve connections for walking, cycling or public transport, therefore dependency upon private motor vehicles for shorter journeys would be almost total.
12. The policies within the Core Strategy, CSFR and TNP direct development to locations with good access to facilities, services and employment. Housing on this site would not be functionally related or connected to Thurston such that the use of sustainable transport options to access day-to-day services and facilities would be a realistic option. There would, however, be opportunities to use buses and rail for longer journeys, albeit that this would be likely to involve use of private cars or taxis to reach the train station or bus stops.
13. I therefore find that the proposed development would not be a suitable location for three dwellings, having regard to access to services, facilities and employment by sustainable means. It would thus conflict with the aims of Policies H7 of the Local Plan, Policies CS1 and CS2 of the Core Strategy, Policies FC1 and FC1.1 of the CSFR and Policy 1 of the TNP in as much as these

seek to locate development where they will have access to services and facilities.

Access

14. Barrells Road is an unclassified County Road subject to a 60 MPH speed limit. As such, Suffolk County Council, the local highway authority (LHA) considers that, in the absence of any evidence to justify a reduction in line with supporting data, such as a speed survey, 160 metre visibility splays are required. This is based on the Stopping Sight Distance for a 60MPH road and the requirements of the Suffolk Design Streets Guide (2022). Visibility splays would be measured to either side of the access, usually to the nearside edge of carriageway.
15. Adequate visibility is required at accesses to ensure that emerging and approaching drivers have sufficient warning of each other's presence and intentions to allow safe manoeuvring.
16. Whilst the appellants consider that adequate visibility could be provided, and that such a requirement could be covered by a suitably worded planning condition, no plans setting out the geometry of any accesses, their location or visibility splays have been provided to demonstrate this, nor any information to support a relaxation in visibility distance.
17. To ensure the availability of visibility splays they must be either under the control of the owner of the access, or in public ownership. The boundary of Woodlands, to the west of the site, projects forward towards the edge of the carriageway, reducing the verge width significantly as the road curves slightly south. In the case of the proposed access or accesses it has not been demonstrated that the visibility splay or visibility splays for accesses into the site would avoid crossing land that is outside the red line denoting the limit of the site, and encroach on land outside the ownership of either the appellants or the LHA. Further, I have very limited information before me to demonstrate that the land between the existing boundaries of Woodlands and the site and the carriageway of Barrells Road are in public ownership, or that Woodlands itself is within the control of the applicant, as it is also outside the red line.
18. Without confirmation that the visibility splay or splays would pass entirely over public land or land in the control of the appellants, I am not satisfied that the required safe access for motor vehicles could be provided. Without a safe access the proposal would present a risk of serious harm to the health of users of that access and the public highway. Whilst this proposal is in outline form only, it is necessary for me to be satisfied that safe access could, in principle, be provided.
19. Although a suitably worded planning condition could be added to any permission that I would be minded to grant, I would need to be satisfied that there is a reasonable likelihood of the developer being able to satisfy the requirements of such a condition. Given the above there is doubt that this would be the case and so the imposition of such a condition would, in this case, be unreasonable.
20. I conclude that the appeal scheme would have an unacceptable effect upon the free and safe movement of users of the public highway, with particular regard to visibility at any access onto Barrells Road. The development is therefore

contrary to Policy T10 of the Local Plan in that it fails to demonstrate that safe access and egress from the site could be provided.

21. For similar reasons the proposal would be contrary to the aim of paragraph 110 of the Framework, to ensure that safe and suitable access to the site can be achieved for all users, with which Policy T10 closely accords.

Other Matters and Planning Balance

22. Whilst the Council is able to demonstrate a five-year supply of housing land, this is not a maximum figure and there is no evidence to suggest that a small development of three dwellings would result in a significant oversupply of housing in the area. An additional three dwellings would beneficially boost housing supply in accordance with both local and national policy.
23. The proposed development would be self-build homes. Paragraph 62 of the Framework identifies that provision should be made for people wishing to commission or build their own homes. The evidence before me indicates that the demand for self-build homes, with 286 individuals registered for plots and 78 permissions granted in the period between 31 October 2020 and 30 October 2021, is outstripping supply. Thus any increase in availability of such plots would be a material benefit to housing choice.
24. Paragraph 69 the Framework identifies that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly.
25. The Framework does not impose a blanket restriction on development outside defined settlements, nor does it explicitly prevent the use of such boundaries. The appeal site is located in close proximity to existing dwellings and is not isolated and so the countryside location does not conflict with paragraph 80 of the Framework. Paragraph 79 supports new housing where it will enhance or maintain the vitality of rural communities and so, whilst the site is outside the settlement boundary, this in itself does not persuade me that the site is in an unsustainable location.
26. There would be minor benefits to the local economy in terms of short term employment in the construction industry and longer term support to shops and businesses. Given the availability of such facilities in Thurston, it would be likely that these benefits would be felt there. It is likely that future residents would participate in social activities in the local area. Together these benefits accruing support for the proposed development from Paragraph 79 of the Framework.
27. However, in aggregate, given the limited scale of the development and the Council's healthy position in regard to the supply of housing land the above benefits carry limited weight.
28. Applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise. There would be conflict with settlement spatial strategy and poor sustainable transport access to facilities, services and employment in conflict with relevant policies of the Core Strategy, Local Plan and CSFR.
29. Policies CS 1 and CS 2 of the Core Strategy, and Policy H7 of the Local Plan are more restrictive in their approach to the acceptability of development in the

countryside compared to the approach within the Framework that seeks to balance its support for a prosperous rural economy with protecting the intrinsic character and beauty of the countryside and promote sustainable transport. Policy FC1 of the CSFR does not reflect the latest wording of the Framework exactly in respect of the presumption in favour of sustainable development.

30. However, the Core Strategy and Local Plan policies still seek to locate development within sustainable settlements where there are facilities, services and employment accessible by sustainable transport. This accords with the approach taken by the Framework that indicates development should be focussed on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Policy FC1 of the CSFR still retains an overall positive approach to considering development as reflected in the Framework. Therefore, despite inconsistencies with the Framework, the policies still accord with the general thrust of the Framework's aims in regard to the matters most pertinent to the determination of this appeal and so the weight to be attached to the conflicts of the proposal with policy remains significant.
31. Policy 1 of the TNP seeks to locate new development in locations with access to services and facilities by sustainable transport, but does not preclude development outside of the development boundary. It therefore reflects the balanced approach taken by the Framework and full weight can be accorded to it.
32. I have already found that the aims of Policy T10 of the Local Plan are in close accord with the aims of the Framework. It therefore carries full weight in my deliberations.
33. Paragraph 105 of the National Planning Policy Framework (the Framework) requires that significant development should be focussed on locations which are, or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. It does, however, acknowledge that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making.
34. Given the proximity of the proposal to services and facilities in Thurston, car journeys would be relatively short and, for longer journeys, once Thurston has been reached, realistic opportunities are available to transfer to more sustainable modes. Further, the development is small and the probable number of journeys associated with the proposed development would be limited. This notwithstanding, the development would be, in practical terms, almost entirely dependent on the private car at some stage in all journeys and so, on balance, and taking into account the rural location, the weight that I afford this dependency on the car is, in this case, moderate.
35. In summary, the proposal would provide additional housing, consisting of self-build homes, and this would have social and economic benefits. However, taken together, the harm to the Council's settlement strategy, based on sustainable transport principles, and highway safety would be significant factors weighing against the proposed development. The identified harm would clearly and demonstrably outweigh the benefits and the proposal would be in conflict with the development plan taken as a whole.

Conclusion

36. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal fails.

I A Dyer

INSPECTOR