



Appeal Decision

Site visit made on 4 April 2023

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 May 2023

Appeal Ref: APP/D3505/W/22/3306197

Aveley House, Aveley Lane, Shimpling, Bury St. Edmunds, Suffolk IP29 4HB

- 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 & Mrs T Heighes against the decision of Babergh District Council.
 - The application Ref DC/22/01834, dated 5 April 2022, was refused by notice dated 20 June 2022.
 - The development proposed is the erection of 1no detached holiday let (in rear garden of existing dwelling utilising existing vehicular access).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development is in a suitable location for tourism development, with particular regard to the site's accessibility; and
 - the effect of the proposed development on the living conditions of the occupiers of the host dwelling, with particular reference to noise and disturbance.

Reasons

Suitable Location

3. The proposal comprises the construction of a detached, single storey building within the rear garden of the host dwelling to be used for holiday accommodation. The appeal site is located within the countryside.
4. Paragraph 80 of the National Planning Policy Framework ('the Framework') refers to isolated homes in the countryside. While the appeal site is isolated, the proposal is for a holiday let and is therefore not a 'home' for the purposes of this policy. Therefore, paragraph 80 is not directly relevant to the proposal.
5. Policy CS17 of the CS seeks to support the rural economy through the encouragement of proposals that include sustainable tourism and leisure-based businesses. Furthermore, the policy requires proposals to comply with other policies in the CS, particularly Policy CS15 which, amongst other things, necessitates all new development to demonstrate the principles of sustainable development and to seek to minimise the need to travel by car.

6. The appeal site comprises a detached dwelling surrounded by open fields. No other dwellings or buildings are sited in close proximity. The dwelling is on the northern side of Aveley Lane which, although quiet, comprises a narrow, winding road with no pavements or street lighting and a 60mph speed limit. These conditions are not conducive to non-car travel. The nearest hamlets to the appeal site are Alpheton, Bridge Street and Shimpling which, according to the Council, are over 1km away, which is not disputed by the appellants. In respect of services and facilities, it would appear that these hamlets are limited to a church.
7. Additional services and facilities are located within the Core Villages of Long Melford, Lavenham and Glemsford, and the town/urban area of Sudbury. Sudbury and Lavenham are noted within CS Policy CS17 as playing an important role in the district's tourism and leisure due to their historic interest, and that appropriate new development that supports this role will be encouraged. However, the nearest of these settlements is between 3-4km from the appeal site with no bus stops within close proximity of the appeal site.
8. I accept that the attraction of holiday lets can be their quiet, rural location and that such situations may often have limited opportunities for non-car travel. Be that as it may, it seems to me that the general condition of local infrastructure in the vicinity of the site, together with the distances to the nearest services, facilities, attractions and tourist destinations is such that future occupiers would be wholly dependent on their own private car for the duration of their stay. Furthermore, the lack of public transport options in the locality is such that future occupiers would predominantly have to make the journey from their homes to the proposed holiday accommodation by private car.
9. Alpheton Hall Barns is a wedding venue sited to the northeast of the appeal site. The appellants assert that the proposed holiday accommodation could be used by those attending weddings, which is supported by a letter from the Managing Partner of the venue. The Managing Partner also suggests that guests of the holiday accommodation could walk over their adjacent fields to reach the wedding venue. However, it seems to me that this would be extremely unlikely due to the usual attire of wedding guests and particularly during inclement weather and in the dark. Guests would therefore have to navigate Aveley Lane to reach the wedding venue, which I have already concluded is not of a favourable condition for walkers. Furthermore, it has not been demonstrated that the proposal is needed for that venue to continue operating. Even if the proposed accommodation meant that the wedding venue not necessarily need to develop their own bridal accommodation, there is no mechanism before me to ensure that it would be restricted to those attending Alpheton Hall Barns or to prevent wedding guests from booking an extended stay.
10. I acknowledge that some occupants may want to spend their time solely at the holiday accommodation and enjoy the surrounding countryside. However, this would unlikely be true of every guest and certainly could not be enforced. Furthermore, although there are said to be walks and cycle routes in the locality, evidence has not been provided regarding the proximity of such routes that are accessible from the appeal site. In any event, the presence of such routes would not offset the lack of accessibility to the site and to local services and facilities except by car.

11. Paragraph 83 of the Framework recognises that planning policies and decisions should address the specific locational requirements of different sectors, while paragraph 85 of the Framework recognises that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. However, there is no evidence before me that the development has exploited opportunities to make the location more sustainable (for example by improving scope for access on foot, by cycling or by public transport). Furthermore, CS Policy CS17 does not exclude visitor accommodation in the countryside, rather it is conditional on securing an appropriate sustainable location.
12. The appellants have directed me to an appeal¹ for a new build holiday let which they consider supports their case in demonstrating that the economic benefits brought to an area through tourism and associated expenditure in the economy and at local tourist attractions can outweigh a proposal's remote location ('the Belchamp Mill site'). Other than the appeal decision, I have not been provided with any further information. However, I note the appeal decision states that the site is not isolated, is in proximity to an existing holiday let, and it is within a different Council administrative area with a different development plan. Furthermore, the Council has stated that the Belchamp Mill site is served by a Public Right of Way, that the nearest village is 700m away, and is close to a promoted walking route and buildings of historic interest. These matters have not been disputed by the appellants. Therefore, the Belchamp Mill site is not directly comparable to the proposed development. In any event, each case must be determined on its own merits.
13. The appellants state that there have been a number of recent examples of sustainable tourism-based businesses across the Babergh district. However, no further information has been provided to substantiate this assertion.
14. Overall, I find that the appeal site would not have good connectivity with services, facilities, attractions or tourist destinations, particularly by modes of transport other than the private car. Consequently, in respect of the first main issue, the proposed development would not be in a suitable location for tourism development, with particular regard to the site's accessibility. It would conflict with Policies CS15 and CS17 of the CS which, amongst other things, seek to minimise the need to travel by car using the following hierarchy: walking, cycling, public transport, commercial vehicles and cars, thus improving air quality, and encourage sustainable tourism. It would also conflict with paragraphs 8, 84 and 85 of the Framework that, amongst other things, seek to enable sustainable rural tourism and leisure development in the countryside.

Living Conditions of the Occupiers of the Host Dwelling

15. The proposed holiday let would be sited within the rear garden of the host dwelling, adjacent to an existing parking and turning area. It would utilise the host dwelling's existing access and driveway, that is secured by electronic gates. Adjacent to the proposed holiday let are a number of single storey outbuildings that are used for purposes ancillary to the dwelling. It is not proposed to subdivide the existing garden or create a separate parking area for the proposed holiday accommodation.

¹ APP/Z1510/W/19/3239724

16. I acknowledge that future occupants would travel close to the host dwelling to enter and exit the site, and that some noise and disturbance may arise from the proximity of the holiday let to the host dwelling and the shared use of its rear garden. However, the appellants could control such things as: the timing of vehicle movements (particularly given the gated access), the number of vehicles that can be brought to the site by guests, curfews, the age of guests et cetera, to ensure that the operation of the holiday let is acceptable to their living conditions.
17. Whether there is a realistic prospect of the appeal site being subdivided and the appeal proposal used as a separate dwelling at a later date, is not a consideration for this appeal. Furthermore, if agreed by the main parties, a condition could be attached that requires the holiday accommodation to remain ancillary to the host dwelling, if deemed necessary.
18. Accordingly, in respect of the second main issue, the proposed development would not adversely affect the living conditions of the occupiers of the host dwelling, with particular reference to noise and disturbance. It would therefore comply with paragraph 185 of the Framework that seeks to take account of the likely effects of pollution on living conditions and avoid noise giving rise to significant adverse impacts on the quality of life.

Other Matters

19. There is no suggestion by either of the main parties that the policies which are the most important for determining the proposal are out-of-date or inconsistent with the Framework. From the evidence before me, I have nothing to conclude otherwise. Therefore, paragraph 11(d)(ii) of the Framework and the section in CS Policy CS1 that require the granting of permission unless "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole" is not engaged.
20. I acknowledge that paragraph 81 of the Framework states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Nonetheless, I have found that the proposal would conflict with paragraphs 84 and 85 of the Framework which relate specifically to the rural economy. Therefore, I attach these paragraphs greater weight as they are more directly relevant to the proposal than paragraph 81 that refers to all businesses no matter their location.
21. It has been put to me that tourism is important to the local economy and employment market and that the site lies in an area that the Council's development plan identifies as being key to the economic prosperity of the district. I recognise that the proposal would help to support a prosperous rural economy and local employment through enabling greater visitor spend from increased overnight stays within the local area and through visitors wishing to visit rural attractions within the district. However, the benefits in this regard from a single unit of accommodation with one bedroom, would be relatively modest. I acknowledge the benefits of the enhanced construction measures that are proposed to be included within the development, over and above current Building Regulations, and the intention to provide an electric vehicle charging point and air source heat pump. These attract moderate weight, as does the appeal proposal providing income for the appellants in their

retirement. However, the moderate benefits of the proposal would not outweigh the adverse effects I have found in relation to the first main issue.

22. Although not cited in the reasons for refusal or Officer Report, the Council's appeal statement alleges an additional conflict with some further CS policies, including CS01, CS02 and CN01. That document also introduces some new, additional concerns relating to matters such as flood risk, the appeal proposal being incremental development to the formation of a new independent planning unit within the countryside, and design. However, given my conclusions on the main issues (which stem from the reasons for refusal and policies cited therein) and that the appeal should be dismissed, there is no need for me to address these in further detail as they could not lead me to a different overall conclusion.

Conclusion

23. For the reasons outlined above, having had regard to the development plan as a whole and all other matters raised, the appeal should be dismissed.

A Berry

INSPECTOR