



Appeal Decision

Site visit made on 2 May 2023

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 2 June 2023

Appeal Ref: APP/F3545/W/22/3309516

Two Oaks, East Barton Road, Great Barton, Suffolk IP31 2QY

- 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 and Mrs Shields against the decision of West Suffolk Council.
 - The application Ref DC/22/1064/FUL, dated 13 June 2022, was refused by notice dated 5 October 2022.
 - The development proposed is new single storey detached dwelling on land currently associated with existing dwelling 'Two Oaks'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During my consideration of the evidence, and from my observations during my site visit, it became apparent that visibility splays shown on a plan submitted by the appellants as part of the application were unlikely to be deliverable due to the presence of a hump-backed bridge near the site. These visibility splays were the subject of a suggested condition. The main parties have had the opportunity to comment and acknowledge that any condition requiring the provision of the splays as shown on the plan would be unenforceable.
3. The appellant submitted a plan showing a revised visibility splay. However, interested parties, including the Local Highway Authority (LHA) would not have had the opportunity to comment on what would be a significant change to the proposal and may, thereby, suffer injustice. I have, therefore, having had regard to *Bernard Wheatcroft Ltd v SSE* [JPL 1982 P37], not accepted the amended plan.
4. In light of this I need to determine whether the proposal could provide safe and suitable access to the site can be achieved for all users. I have therefore considered this as an additional main issue.

Main Issues

5. The main issues in this appeal are: -
 - Whether safe and suitable access for the proposed development can be achieved for all users, with particular reference to vehicle movements at the site access onto East Barton Road;
 - The effect of the proposed development on the character and appearance of the site and surrounding area; and -

- Whether the appeal site is a suitable location for a dwelling, with particular regard to local and national policy for the delivery of housing.

Reasons

Access

6. The appeal site (the site) lies on East Barton Road. In the vicinity of the site East Barton Road is subject to a 60 MPH mandatory speed limit.
7. In response to consultation the LHA advised that, subject to a condition, including one requiring a 215 metre visibility splay, they had no objection to the proposal. The appellant provided plan, 124-22/P/03 Revision A, seeking to demonstrate that this could be achieved.
8. A humpback bridge creates a sudden change in vertical alignment near the access and the main parties agree that this would lie within the 215 metres required. The appellants state that visibility can be achieved to the bridge, some 90 metres away. They also suggest that, as the road is relatively straight, the vertical alignment of the road allows visibility between drivers beyond the bridge.
9. However, I have no substantive evidence, such as a long section of the road showing driver intervisibility at an appropriate height, to demonstrate what this means in practice. In light of this, while I am satisfied that visibility could be achieved to the bridge, visibility between drivers beyond this is in doubt.
10. Visibility should be provided at accesses to ensure that emerging and approaching drivers have sufficient warning of each other's presence and intentions to allow safe manoeuvring. The visibility splay towards the bridge falls very significantly below the minimum requirement set out by the LHA.
11. It has been contended that vehicles would be slowed by the hump backed bridge and the narrowness of the road. I consider that, due to the sudden change in vertical alignment this would be likely to be the case. Any effect of the narrowness of the road would be less marked, as the road is wide enough for the free passage of a single vehicle, and any effect would be limited to when an oncoming vehicle is, or may be, approaching. Given the obstruction to visibility from the bridge parapet walls on the side of the road, drivers may not appreciate the presence of accesses over the bridge as they approach.
12. I have no supporting evidence to quantify to what degree speeds would be affected and, therefore, the visibility required to allow a driver to stop safely in this case.
13. Other similar accesses lie between the proposed access and the bridge, with more limited visibility than that which the proposal would have and no accident history has been identified in association with any of the existing accesses. However, neighbours have raised concerns about the use of these accesses, and it is likely that an additional access would increase risk, particularly if inadequate visibility is provided.
14. Bringing these considerations together it has not been demonstrated that adequate visibility could be provided at the new access and thus there could be an increased risk of physical injury to users of the public highway in association with the proposed development. The imposition of a planning condition

requiring the provision of visibility splays prior to commencement of any development would not be reasonable.

15. I therefore conclude that safe and suitable access for the proposed development cannot be achieved for all users, with particular reference to vehicle movements at the site access onto East Barton Road. I consider that the development would be contrary to the aims of Policy CS3 of the St Edmundsbury Core Strategy -2010- (the Core Strategy), Policies DM2, DM22 and DM27 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document -2015- (the DMPD), and Policy GB12 of the Great Barton Neighbourhood Plan -2021- (the NP) in as much as these seek to ensure that development proposals maintain the safety of the highway network. As the proposed development is in conflict with Policy DM27 of the DMPD it would also be in conflict with Policy GB1 of the NP.
16. It would also be contrary to the aims of the provisions of paragraph 110 b) of the National Planning Policy Framework (the Framework) because it fails to provide a safe vehicular access for the new dwelling.

Character and appearance

17. The site lies within a row of dwellings fronting East Barton Road generally set back behind hedges and generous front gardens. As part of the garden of Two Oaks, the site forms a gap in the row of dwellings and is characterised by its verdant appearance providing views between the buildings of open countryside and sky beyond. As such it provides a gap in development through which the rural, undeveloped nature of the countryside can be appreciated whilst travelling on the public highway. However, from its landscaped nature, the site has more affinity to the row of dwellings than the surrounding countryside.
18. The proposed development would introduce built form into this gap. The proposed dwelling is a modest, single storey building. The principal axis of the roof is perpendicular to the road. Thus, the appreciation of the rural setting, and views to the wider countryside and sky would be retained to a large extent by the proposal.
19. The plot size for the proposed development is smaller than those of its immediate neighbours, but not significantly so and there is a variety of plot sizes in the row of development. The proposal would roughly conform to the building line created by its neighbours and the building sits within the site with proportionate front and back gardens to its neighbours. Similarly, its positioning within the row of dwellings would not be out of keeping with general spacing between buildings exhibited within the row. There is a wide variety of building designs within the row of dwellings, including contemporary design and the proposal would not be out-of-keeping within this mix.
20. The creation of the access for the proposed dwelling would require the removal of part of an existing hedge, and this would diminish the verdant, rural appearance of the road. However, a landscaping scheme could be required by the imposition of a planning condition, so as to ensure the verdant character of the road is maintained as much as possible.
21. Bringing these matters together, the positioning of the proposed dwelling within its plot, size and layout of the plot would not be discordant within the existing overall pattern of development, whilst the low design of the building

would not diminish the appreciation of the relationship of the row of dwellings with the wider countryside.

22. Consequently, I do not find that the proposal would significantly harm the character and appearance of the site and surrounding area. The proposal would not, therefore, conflict with Policy CS3 of the Core Strategy, Policies DM2 and DM22 of the DMPD, and Policies GB5 and GB12 of the NP in as much as these seek to ensure that, amongst other things, development maintains or creates a sense of place and/or local character, utilises the characteristics of the locality to create buildings and spaces that have a strong sense of place and distinctiveness, reflecting features such as garden sizes, local architecture and others.

Suitable location

23. There is no dispute between the parties that the site lies outside of any defined settlement boundary, and in planning policy terms is within the countryside.
24. The Council's spatial strategy is set out in Policies CS1 and CS4 of the Core Strategy and seeks to focus development in existing settlements with access to services and facilities, whilst protecting the countryside from inappropriate development. Policy CS13 of the Core Strategy seeks to limit development in the countryside, with a priority on protecting and enhancing the character, appearance, historic qualities and biodiversity of the countryside while promoting sustainable diversification of the rural economy.
25. Policy GB1 of the NP gives priority to protecting the countryside from inappropriate development and provides support for development: -
- i. that is essential for the operation of agriculture, horticulture, forestry, outdoor recreation and other exceptional uses that need to be located in the countryside; or -
 - ii. that conforms with Policy DM27 of the DMPD and would not have significant adverse impact on the landscape setting of Great Barton village and/or Barton Hamlet, would not result in the loss or erosion of important settlement gaps as identified on the NP Policies Map and would maintain the distinctive views of the surrounding countryside from public vantage points as defined on the Policies Map.

Neither party has suggested that the site qualifies under the exceptions set out in i. above.

26. Policy GB2 of the NP identifies where housing needs will be met, identifying that this will be within allocated land. The site does not lie within these areas.
27. Policy DM5 of the DMPD allows residential development within the countryside which, amongst other things, is a small scale plot in accordance with Policy DM27 of the DMPD.
28. Policy DM27 of the DMPD states that new dwellings will be permitted in the countryside where they would sit within a closely knit cluster of ten or more dwellings fronting an existing highway, and where the proposal would comprise the infilling of a small undeveloped plot by a single dwelling or pair of semi-detached dwellings in keeping with the scale of existing dwellings in an otherwise continuous built up frontage. Permission will not be granted where a

proposal would harm or undermine a visually important gap that contributes to the character and distinctiveness of the rural scene, or where development would have an adverse impact on the environment or highway safety. I have considered highway safety above.

29. The appeal site lies within a cluster of nine dwellings. However, the site lies within a continuous and developed highway frontage. The appeal site has existing development on two sides, and the road on the third, and consequently I concur with the appellant that it could be considered an infill site. It will be seen above that I have not found that the proposal would harm the character or appearance of the area, or significantly undermine a visually important gap.
30. The appellants have drawn my attention to the findings of the Inspector in regard to a similar proposal on the opposite side of Two Oaks¹.
31. In that appeal the Inspector considered that whilst "the Council wishes to restrict the proliferation of individual dwellings in the countryside. However, there does not appear to be particular significance to the threshold of ten dwellings noted in Policy DM27 (DMPD)"....."Moreover, this is an established group of dwellings, and I am not persuaded that the proposed development would be any less harmful in relation to sustainability if it were to sit within a group of ten dwellings rather than eight".
32. Whilst, as such, I consider this existing housing cluster would be appropriate for an additional dwelling, there would be conflict with the provisions of Policy DM27 of the DMPD and, thereby, with Policy DM5 of the DMPD, Policies CS1, CS4, CS13 of the Core Strategy and Policies GB1 and GB2 of the NP.

Other Matters and Planning Balance

33. The policies in the development plan predate the latest version of the Framework. However, development plan policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. They may still carry weight in accordance with their degree of consistency with the Framework. Policies DM2, DM5, DM22 and DM27 of the DMPD and Policies GB1, GB2 and GB12 of the NP are generally in close conformity with the Framework and carry full weight.
34. However, Policies CS1, CS4 and CS13 take a more restrictive approach to development in the countryside than the more nuanced approach within the Framework. This notwithstanding, their approach is generally in accordance with the approach of the Framework in locating development where it will have sustainable access to day-to-day services and facilities and protect the intrinsic character and beauty of the countryside. The latter matter is an important consideration in this appeal and I thus afford them significant weight. Taken overall, the basket of policies most relevant in this appeal is not out-of-date.
35. I have found that there would be no harm to the character of the surrounding area, or any adverse impact on the natural and historic environment. From the supporting text, this appears to be the underlying reasoning behind the aims of Policy DM27 in this regard. As such, given my findings, I give the conflict in this respect this very limited weight and this would apply equally to the conflicts in this regard with Policies DM5 of the

¹ PINS Ref: APPE3525/W/15/3139957

DMPD; CS1, CS4, CS13 of the Core Strategy; and GB1 and GB2 of the NP, as the conflict with these policies derives from the conflict with the identified conflict with Policy DM27 of the DMPD.

36. 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 single additional dwelling would result in a significant oversupply of housing in the area. An additional dwelling would beneficially boost housing supply in accordance with both local and national policy. Further, paragraph 69 of 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.
37. 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.
38. An additional dwelling in this location would provide additional economic support for local services, which is another underlying aim of Policy DM27 (DMPD), as well as Paragraph 79 of the Framework. It would achieve this without encroaching into the countryside. This would represent an effective and efficient use of land which, therefore, gains support from Paragraph 125 of the Framework.
39. There would be minor short-term economic and social benefits locally, in terms of increased support to the construction industry. It is likely that future residents would participate in social activities in the local area. Together these benefits accrue support for the proposed development from Paragraph 79 of the Framework.
40. 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.
41. Applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise. I have, however, found that the proposed development would not provide safe and suitable access for motor vehicles and would thus be in conflict with policies of the development plan and the Framework. This is a serious matter to which I attach significant weight, and, in this case, this outweighs the limited benefits provided by the proposal.

Conclusion

42. The proposed development would be contrary to the development plan when read as a whole and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal fails.

I A Dyer

INSPECTOR