



Appeal Decision

Site visit made on 27 June 2023

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 27 July 2023

Appeal Ref: APP/F3545/W/22/3296423

Land at Mildenhall Road, Holywell Row, Suffolk

- 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 Paul Haylock against the decision of West Suffolk Council.
 - The application Ref DC/20/0112/OUT, dated 16 January 2020, was refused by notice dated 8 October 2021.
 - The development proposed is described as, 'outline application for residential development, comprising a rural exception site, with all matter reserved except for access'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the address in the application form states only the coordinates of the site, I have used the address from the decision notice in the interests of clarity.
3. The application was made in outline with all matters reserved except for access. I have therefore had regard to the submitted drawings on an indicative but informative basis except for the matter of access.

Main Issues

4. I note the three reasons for refusal. However, from the wider evidence the main issues are:
 - whether the proposal would accord with the Council's development plan strategy for housing in the countryside;
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on highway safety; and
 - whether the proposal would provide a suitable location for housing with regard to the accessibility of services and facilities.

Reasons

Housing in countryside

5. The site lies outside the settlement boundary and is therefore within the countryside in the terms of the development plan. Policy CS 1 of the Core Strategy Development Plan Document 2001-2026 (with housing 29 projected to 2031) Adopted May 2010 (CS) states that development outside the settlement boundary will be restricted to particular types of development that

support the rural economy, meet affordable housing needs, or provide renewable energy subject to all other material considerations and policies.

6. CS Policy CS9 permits affordable housing in the countryside subject to a number of criteria including to meet a proven local housing need for affordable housing. Policy DM5 of the Joint Development Management Policies Document February 2015 (DMP) restricts development in the countryside except for a number of circumstances including where it is for affordable housing for local needs in accordance with other policy.
7. A signed and dated Unilateral Undertaking was provided with the appeal which would secure no less than 4 affordable housing units and restricts the occupation of more than one of the open market dwellings until the affordable housing units have been constructed. I have therefore assessed the scheme on this basis.
8. The updated Viability Report is dated November 2020 (Report). Given the age of the document and the fluctuating nature of the housing market, the conclusions within the Report are unlikely to be up to date. A revised cost appraisal was submitted as part of the Appeal. However, as this too is dated November 2020, it is unlikely to reflect the latest position in terms of cost. Likewise, the example property prices submitted with the appeal are dated October 2020 and are also unlikely to reflect the latest position.
9. In any event, the Report does not use the methodology set out in the Planning Practice Guidance (PPG) as required by the Framework which states that all viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.
10. The PPG states that to define land value for any viability assessment, a benchmark land value (BLV) should be established on the basis of the existing use value (EUV) of the land, plus a premium for the landowner. It goes on to say that EUV should be informed by market evidence of current uses, costs and values. The Report does not set out any such assessment.
11. As such, even if the construction costs data and property prices data were up to date, as the Report has not used the methodology set out in the PPG, it has not been demonstrated that any market dwellings are required to make the affordable units viable. While the Appellant's appeal statement states that the assessment of costs is reflective of local market conditions and the benchmark land value has been established based on the existing use value, there is little evidence before me to demonstrate how the EUV figure has been calculated.
12. Therefore, it has not been demonstrated that one or two market dwellings are required to make the scheme viable.
13. Consequently, the proposal would not accord with the Council's development plan strategy for housing in the countryside. Therefore, it would conflict with CS Policies CS1, CS9 and CS10 and DMP Policy DM5 which direct new development towards larger settlements and permits affordable housing in the countryside in accordance with other policy.

Character and appearance

14. The area to the north of the site is primarily characterised by detached dwellings with countryside beyond. To the south of the site lies an agricultural field. As such, the area has a pleasant spacious semi-rural feel. The site is occupied by vacant agricultural buildings that are single storey. The rest of the site is largely overgrown with vegetation. It therefore has a semi-rural character in keeping with the adjacent field.
15. Matters of scale, layout and landscaping are reserved for future consideration. However, the proposed access would result in an increased amount of hardstanding on the site which would result in a more urbanised appearance, harmfully diminishing the semi-rural character of the site.
16. Although the Appellant has indicated that sufficient room to accommodate soft landscaping would be provided between the access and the driveway of the neighbouring property, an onsite footpath was also proposed. As such, it appears unlikely that both a footpath and soft landscaping could be provided alongside either side of the proposed access.
17. Consequently, the proposal would harm the character and appearance of the area. Therefore, it would conflict with CS Policy CS5 and DMP Policies DM2 and DM22 which together seek to enhance the character, appearance and environmental quality of an area.

Highway safety

18. I note the evidence regarding visibility splays at the access to the site. Mildenhall Road is subject to a 30mph speed limit in the vicinity of the site. Furthermore, from my observations during the site visit, Mildenhall Road is a relatively straight road with no significant barriers to visibility that would result in an unacceptable impact on highway safety.
19. Consequently, the proposal would not have an unacceptable impact on highway safety. Therefore, it would not conflict with the Framework in this particular respect.

Location

20. The site lies outside the settlement boundary of Holywell Row which has limited services and facilities. However, the market town of Mildenhall is walking distance away and has a range of services and facilities to support daily requirements. While noted in the proposed site plan as other green space, there is space beside the access for a footpath that could connect to the footpath along Mildenhall Road that extends to Mildenhall. In addition, a regular bus service runs between Holywell Row and Mildenhall and to other larger settlements.
21. Therefore, while the proposal may not entirely eliminate the reliance on the private vehicle for daily requirements, other suitable alternatives for accessing services and facilities are available such that refusal of permission for this reason alone is not justified.
22. Consequently, the proposal would provide a suitable location for housing with regard to the accessibility of services and facilities. Therefore, it would not conflict with the aims of CS Policy CS10 in this particular respect which seeks

to focus new development to sustainable locations where there are key local services.

23. CS Policies CS1 and DMP Policy DM5 do not specifically relate to the accessibility of services and facilities and are therefore not directly relevant to this main issue.

Conclusion

24. For the reasons given above, the proposal would conflict with the development plan as a whole and in the absence of material considerations to indicate otherwise, the appeal is dismissed.

R Sabu

INSPECTOR