



Appeal Decision

Site visit made on 11 January 2023

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 August 2023

Appeal Ref: APP/W3520/W/22/3305212

4 Shrublands Farm Cottages, Brockford Green, Wetheringsett Cum Brockford IP14 5NN

- 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 P Hitchcock against the decision of Mid Suffolk District Council.
 - The application Ref DC/21/04611, dated 17 August 2021, was refused by notice dated 29 April 2022.
 - The development proposed is Erection of new dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has indicated that they submitted amended plans during the application process and agreed to a revised description of development. I have determined this appeal with reference to the revised plans and considered the appeal on the basis of the revised description. This described the development proposed as 'Full Planning Application - Severance of garden and erection of 1 No dwelling, double garage and creation of new vehicular access, as amended by drawings received 13th October 2021'.

Main Issue

3. The main issue is whether the site is a suitable location for development, with regard to the Council's settlement hierarchy, the vitality of the rural community and access to services, facilities and employment.

Reasons

4. The appeal site sits between 4 Shrublands Farm Cottages and a plot of land which appeared to be in use in a manner similar to an allotment. To the rear of the site lies open fields, albeit with a large agricultural building clearly visible. The site is separated from the garden of No 4 by a low fence, and accessed separately from Brockford Green. There are small buildings on the site and areas of overgrown hardstanding. The Council does not dispute that the site could be considered as previously developed land and that it is associated with 4 Shrublands Cottages. I have no reason to find otherwise.
5. Mid Suffolk Local Plan adopted September 1998 (LP) Saved Policy H7 sets out that there will be strict control over proposals for new housing outside of settlement boundaries. Mid Suffolk District Core Strategy adopted September

2008 (CS) Policy CS 1 establishes the settlement hierarchy for the area. It confirms that land outside of these settlements will be designated as countryside and countryside villages where development will be restricted to certain types. CS Policy CS 2 sets out types of development that would be acceptable in the countryside and market housing is not identified as such a use. Although Wetheringsett is identified as a secondary village, the Council's report sets out that the site is outside the settlement boundary. This is not disputed by the appellant and I have no basis to consider differently. The site is therefore in the countryside.

6. It is not in dispute that the site would not constitute an isolated dwelling and paragraph 80 of the National Planning Policy Framework (the Framework) would not be engaged. However, paragraph 79 of the Framework identifies that housing in rural areas should be located where it will enhance or maintain the vitality of rural communities. There is no substantive evidence before me as to how the proposed development would achieve this.
7. Paragraph 104 of the Framework confirms that opportunities to promote walking, cycling and public transport should be identified and pursued. The Framework does acknowledge at paragraph 105 that this will vary between urban and rural areas however it nonetheless expects patterns of growth to be managed in such a way as to support the objectives concerning the promotion of sustainable transport in paragraph 104. In this respect, CS Policy CS 1 is consistent with the Framework as it seeks to direct development to larger settlements which have access to public transport links whilst recognising and supporting development types considered acceptable in the countryside.
8. There is no footpath connecting the site to the limited services of the bus stop, primary school, church and village hall in Wetheringsett Cum Brockford, and the road is narrow. It is therefore unlikely that this would form an attractive walking or cycling route, particularly for families with young children or during periods of inclement weather. While there would be good access to the school bus service, it is likely that there would be a high degree of reliance on the private car for other day-to-day needs. The appellant does not dispute this. Electric vehicle charging points are now required by the building regulations. However, this would not overcome the lack of choice of means of travel, nor would it ensure that future occupiers would necessarily have electric or hybrid vehicles.
9. The appellant has put forward that the proposed dwelling would be at a more affordable market price and that there has been interest from local families. However, there is no mechanism before me which would secure the dwelling at a more affordable price, or to ensure that the dwelling would only be occupied by people with a local connection. I therefore only attach limited weight to this.
10. I therefore conclude that the appeal site would not be a suitable location for development, with regard to the Council's settlement hierarchy, the vitality of the rural community and access to services, facilities and employment. This would be contrary to LP Saved Policy H7 and CS Policies CS 1 and CS 2.
11. The Council's reason for refusal referred to Mid Suffolk Core Strategy Focussed Review adopted December 2012 Policies FC 1 and FC 1.1. These replicate the presumption in favour of sustainable development notwithstanding it references a now replaced version of the Framework. They are not specific to this main issue, however I will return to the presumption.

Other Matters

12. The application was submitted following positive pre-application advice. The Framework acknowledges the benefits of early engagement and good quality pre-application discussion. While such advice is not binding, it is clearly unfortunate when a different decision is reached on an application. However, I have dealt with the appeal on its planning merits and based on the evidence before me.
13. It is not in dispute that a five year housing land supply can be demonstrated and that this represents a baseline and not a 'ceiling limit' on housing development.
14. No objections have been raised by statutory consultees. The Council's officer report, reason for refusal and appeal statement taken together do not raise any concerns regarding the design of the proposed dwelling. However, these factors would constitute a lack of harm, rendering them neutral in the determination of the appeal.
15. The appellant has put forward the economic benefits that would arise from the development during the construction phase and from local finance considerations. This has not been disputed by the Council. It is proposed that the dwelling would be constructed in such a manner as to allow it to have overall energy efficiency 30% better than the minimum required by building regulations, along with a number of other measures that would enhance the environmental performance of the proposed dwelling. It would also be sited on previously developed land. Biodiversity enhancements in the form of bird and bat boxes along with works to the area of the pond have been proposed. These would also amount to benefits of the proposal.
16. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker, in considering whether to grant planning permission for development which affects a listed building (LB) or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. Model Cottage is a Grade II LB to the south-west of the appeal site on the opposite side of Brockford Green. Its significance derives from its traditional rural appearance and setting. Due to the layout of the road and modern residential development along it opposite Model Cottage, the proposed development would have a neutral effect on, and therefore preserve, the setting of Model Cottage. This constitutes a lack of harm and is therefore a neutral factor in this appeal.

Planning Balance

17. For the reasons set out above, the proposed development conflicts with the development plan. The appellant considers that the most important policies of the development plan for determining the appeal are out of date and refers to previous appeal decisions in support of this. The Council considers the policies are up to date, in part because it can demonstrate a five year supply of deliverable housing land.
18. Paragraph 219 of the Framework confirms that policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework and that due weight should be given to them according to their degree of consistency with the Framework. This is a separate

consideration from whether a five year housing land supply can be demonstrated. LP Saved Policy H7 and CS Policies CS 1 and CS 2 are more restrictive in their approach to housing development in the countryside than the Framework, which seeks to locate housing where it would maintain or enhance the vitality of rural communities. Consequently, I consider these policies should be regarded as out-of-date.

19. Paragraph 11d(i) of the Framework is not engaged as the application of the policies in the Framework that protect Listed Buildings would not provide a clear reason for refusing the development proposed.
20. In such circumstances, paragraph 11d(ii) of the Framework confirms that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
21. The strategy set out in the development plan seeks to accommodate development within the most sustainable locations. In this respect, the policies are broadly consistent with the Framework which sets out housing in rural areas should be sited where it will enhance or maintain the vitality of rural communities and seeks to promote modes of travel other than the private car. There is no substantive evidence before me to demonstrate that the proposal would contribute to either of these. Taken together, the adverse effects of the development would be significant.
22. There would be a social benefit from the delivery of an additional dwelling, irrespective of the Council's housing land supply position, and there is anecdotal evidence of local interest in such a dwelling. There would also be economic benefits arising from the development, along with environmental benefits in the form of improved environmental performance, use of previously developed land and biodiversity enhancements. However these benefits would be limited, given the scheme is for a single dwelling and the significant supply of deliverable housing land the Council can demonstrate.
23. I find that the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. I therefore find that the proposal does not benefit from the presumption in favour of sustainable development.

Conclusion

24. The appeal proposal would conflict with the development plan when read as a whole. There are no material considerations of sufficient weight, including the Framework, which indicate that a decision should be taken other than in accordance with the development plan. Therefore, for the reasons given, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

J Downs

INSPECTOR