



Appeal Decision

Site visit made on 18 July 2023

by S Crossen BA (Hons) PgCert PgDip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2023

Appeal Ref: APP/D3505/W/23/3316357

Parsonage Farm, The Street, Preston St. Mary, Suffolk CO10 9NQ

- 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 G Pryke against the decision of Babergh District Council.
 - The application Ref DC/22/05582, dated 7 November 2022, was refused by notice dated 4 January 2023.
 - The development proposed is for the erection of up to seven dwellings together with new vehicular access.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline for access with all other detailed matters reserved. I have dealt with the appeal on that basis.
3. Indicative layout plans have been submitted by the appellant to demonstrate that an acceptable scheme could be advanced at the reserved matters stage. However, as all matters other than access are reserved these plans are not part of the formal proposal and I have not treated them as such.
4. The description of development in the heading above comes from the planning application form which originally included the wording "outline planning permission". However as this is not a description of development, I have deleted this wording from the description of development in the heading.

Main Issues

5. The main issues of this appeal are:
 - the effect of the proposal on the provision of land for employment use in the area;
 - the effect of the proposal upon the character and appearance of the area;
 - whether the appeal site is a suitable location for new housing, having regard to the development strategy, access to goods and services.

Reasons

Employment land

6. The appeal site is currently used for the storage and sale of stone. Access is between residential properties from The Street and opens up to a large yard at the rear of houses with a number of small and large storage buildings.

7. Saved Policy EM24 of the Babergh Local Plan adopted June 2006 (LP) requires that planning applications for redevelopment of existing employment land is either justified through evidence of a sustained marketing campaign, undertaken at a realistic asking price or that it can be demonstrated that the site or premises is inherently unsuitable or not viable for all forms of employment use. This policy is required because the area is under pressure for residential sites and that new employment sites are difficult to find.
8. The appellant provides no evidence of any sustained marketing of the site or explanation of why the site is unsuitable or unviable for all forms of employment use, only that they do not want to use it anymore. Although, I appreciate that the current owner might choose to reduce the scale of their business, that the business model for the particular use has changed and that the current owner has no intention stopping their business entirely, I am mindful of the advice contained in the Planning Practice Guidance¹ that in general planning is concerned with land use in the public interest. The current use is just one employment use and there may be other suitable employment uses and a demand for such a site.
9. Consequently, the development would lead to the loss of employment land in an area where such uses are in short supply. The proposal is therefore contrary to Policy EM24 of the LP. The policy amongst other things, requires that planning applications to redevelop existing employment land for other uses, will only be permitted where it is demonstrated there is no demand for the employment site or that the site is inherently unsuitable or unviable.

Character and appearance

10. The appeal site adjoins the end of a distinctive linear pattern of road facing, predominantly detached houses, set back from the road, with soft front boundary landscaping. Although they generally have large rear gardens, there is an absence of backland development. These characteristics contribute positively to local distinctiveness. An example of a similar development at Monks Eleigh is cited, however the location is more than 2 miles away and is a larger settlement with roads of houses running perpendicular to the main street near to the example, so is different to the appeal site.
11. The neighbouring house, the end house of the road, sits perpendicular to the highway with another house the same orientation behind it, forming an end stop of houses along The Street. This neighbouring relationship is the exception, and otherwise there is no backland development within this row of houses.
12. The site frontage is not wide enough to provide for 7 houses, and the illustrative plans show 5 houses at the rear of the site. Although the land slopes down from the main road, this is not significant, and it is likely that any development at the rear would be visible from the main road. The number of new houses proposed at the rear of the site, regardless of whether they are single storey or higher would collectively occupy a larger footprint than the 2 buildings currently located at the rear of the existing street frontage buildings at this site. Consequently, any backland housing would have a more dominant presence, seen from neighbouring houses. The presence of houses in this

¹ Paragraph 008 Reference ID 21b-008-20140306 – ‘What is a material planning consideration?’

location would be out of character with the distinctive pattern of local development, and consequently, would have a harmful effect.

13. I conclude that the development would have a detrimental effect on the character and appearance of the area. As such it would be contrary to policies CN01 and HS28 of the LP and Policy CS15 of the CS and the National Planning Policy Framework (Framework). These policies seek, amongst other things, that new development provides good design that is sustainable and appropriate to its location, scale and setting, and that development integrates effectively into its surroundings.

Suitable location for housing

14. Policy CS15 of the CS, amongst other things, requires that all proposals should ensure an appropriate level of services, facilities and infrastructure are available or provided to serve the proposed development, and minimise the need to travel by car using the following hierarchy: walking, cycling, public transport, commercial vehicles and cars.
15. Preston has limited services, having just a public house and Church, both walking distance from the appeal site. Although there are no footpaths on the same side of the road as the appeal site, there is a path on the opposite side of the road which allows safe access to these services.
16. There was no regular public transport that I saw on my site visit, however, the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Furthermore, the Framework advises that rural development can support nearby settlements. The appeal site would be located fairly close to other dwellings so could not be said to be isolated from other dwellings.
17. While the above indicates support for the development in the Framework, the proposed development would be contrary to Core Strategy Policy CS15, which sets out a range of criteria, including, ensuring that for new development there is an appropriate level of services, facilities, and infrastructure available, and that the need to travel by car is minimised.

Planning Balance

18. The Framework identifies a presumption in favour of sustainable development. Where the policies most important for determining the application are out-of-date, this means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
19. The most important policies in the determination of this appeal are EMP24, CN01 and HS28 of the LP, and CS15 of the CS. These form the basket of most important policies against which I have determined this appeal.
20. There is no suggestion that the LP policies are out-of-date, and I see no reason to find otherwise. My attention has been drawn to previous appeal decisions in which CS Policy CS15 has been found to be out-of-date, owing to various Framework inconsistencies, in particular where the Framework states "Planning policies and decisions should recognise 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". I agree that, due to these inconsistencies, Policy CS15 is out-of-date and the conflict with it in relation to the location of the appeal site accordingly attracts only limited weight.

21. The basket of policies is therefore out-of-date, taken as a whole. However, as this is only due to 1 of the most important policies, the conflict with the policies still attracts substantial weight.
22. The proposed development would deliver benefits that weigh in its favour. It would create 7 new dwellings, supporting the Government's objective of significantly boosting the supply of homes. The proposal would make efficient use of a site which the appellant states is in limited use given the reduction in their business operations. Additional residential development would support local services, and those in surrounding settlements. The development would prevent future use of the site, which is adjacent residential properties, for heavy commercial purposes. These considerations attract considerable weight.
23. The appellant has identified support from CS Policy CS11 for new residential development in Hinterland Villages. However, this requires, amongst other criteria, that the design of new development is appropriate and that a local need for housing and employment need is addressed. I have identified that the appeal proposal would be harmful to the character and appearance of the area and that there would be a loss of employment land which policy EM24 states there is a need for. Therefore, the proposal would conflict with the identified criteria of the policy. I do not therefore consider that Policy CS11 provides support for this proposal.
24. The appeal proposal would result in a significant reduction in employment land at the site, would cause harm to the character and appearance of the area and there would also be harm from the location of the appeal site. Taken together, these considerations would significantly and demonstrably outweigh the benefits that would result from the development.
25. I therefore conclude that there are no material considerations in this instance to indicate that this appeal should be determined otherwise than in accordance with the development plan.

Conclusion

26. For the above reasons, having regard to the development plan as a whole, the provisions of the Framework and all other matters raised, I conclude that the appeal should be dismissed.

S Crossen

INSPECTOR