



Appeal Decision

Site visit made on 24 August 2023

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 12th October 2023

Appeal Ref: APP/W3520/W/23/3315112

Land at Blacksmith Road, Cotton, Stowmarket, Suffolk

- 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 Mrs M Youssef against the decision of Mid Suffolk District Council.
 - The application Ref: DC/22/01535 dated 22 March 2022 was refused by notice dated 28 October 2022.
 - The application is for erection of detached dwelling with garage (self build).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was made in outline with all matters other than location of access reserved for future consideration. I have determined the appeal on this basis, treating the submitted plans and details provided as illustrative, insofar as they relate to matters other than access.
3. Since the determination of this application a revised National Planning Policy Framework (The Framework) was published in early September 2023 whose main focus was not directly relevant to this appeal. Nevertheless, I have determined this appeal in accordance with the revised provisions within the Framework.

Main Issues

4. The main issues are; 1) the principle of the site for housing development and 2) the effect of the proposal upon the character and appearance of the area.

Reasons

5. The appeal site is a plot of land bounded by a high hedge and ditch that fronts onto Blacksmith Road and currently accommodates a plethora of trees, scrub and hedging and has seemingly been left uncultivated for some time. The site appears to represent a potentially older enclosure of land of smaller fields, of which some remnants would appear to remain in the form of lines of trees of other hedges within the area and this contrasts sharply with the larger arable fields nearby. Although there are some houses along Blacksmith Road, these are generally contained to the opposite side of the road in this location although there is one recent house nearby on the same side.

6. Due to these natural features therefore the site presents a strong rural appearance onto the road and contributes in a positive manner to the landscape and aesthetic quality of Blacksmith Road in this location.
7. In terms of character the spasmodic development along Blacksmith Road appears to be essentially piecemeal, ribbon development that sits between the more nucleated settlements of Cotton village itself and Bacton. Despite this, this area of Blacksmith Road largely fails to fully relate to either settlement and in this respect feels somewhat removed. The result is that this site reinforces the rural character on approach to nearby Bacton and helps the village of Cotton maintain its physical independence from the encroaching ribbon development locally, which I consider is a positive attribute.
8. The proposal would seek to build a single, self build house upon this plot of land with a new, single access being located around mid way along the site's frontage.
9. In terms of the principle of development here, the site is obviously rural in nature and this is supported through the Council's Settlement Hierarchy assessment contained within the Mid Suffolk Core Strategy 2008 (CS). Policy CS2 of the Core Strategy would appear to support a wide selection of development options within the countryside, but does restrict the development of new dwellings where there is no such link to either the occupation or use of the countryside so as to avoid unsustainable development.
10. Although the site is physically within walking and cycling distance of local facilities in Bacton, this would mean a considerable amount of any journey being along the B1113 where there is no footway or protected cycle way for a great distance between the site and the village centre. I therefore consider it highly likely that the private car would become the default means of transport were this site to be developed.
11. As such, although the site is physically located to the edge of the outlying development, in reality, the site is isolated in terms of its lack of safe infrastructural links to and from the nearest facilities. As such I consider that the site should be considered as unsustainable as per the provisions of The Framework and Core Strategy Policies CS1 and CS2.
12. Added to this there would be harm to the character and appearance of this area through the development of this site and the subsequent loss, and domestication, of the overriding rural, countryside character along this part of Blacksmith Road. As mentioned above, more development here would be in danger of further undermining the current autonomy and village character associated with Bacton and Cotton as well as causing harm to the attractive rural nature of the road itself at this point.
13. Even though this development would see one dwelling that would be a self build home, the loss of this well tree'd site and the physical introduction of more structures and associated development, such as highway access etc, would further undermine the unique and separate characters of Bacton and Cotton as well as cause harm to the rural nature of Blacksmith Road itself.
14. As a result the proposal would not only result in a new home that would be largely reliant upon the private car to reach local facilities, but it would also

cause harm to the character and appearance of the area and as such would be in conflict with Policy CL8 of the Mid Suffolk Local Plan.

Planning Balance

15. In terms of this application and the doubt case upon the relevant Local Plan policies I hereby intend to undertake a balance based upon the relevance and weight to be given to the above policies in regards this scheme.
16. The main point of contention between the parties is largely due to the provisions within Policies CS1 and CS2 of the Council's Core Strategy¹ that seeks to focus development into existing settlements where facilities exist and to avoid development where such facilities don't exist unless specific criteria are met.
17. In terms of the principle of development here, the site is obviously rural in nature and this is supported through the Council's Settlement Hierarchy assessment contained within the Mid Suffolk Core Strategy 2008 (CS). Policy CS2 of the Core Strategy would appear to support a wide selection of development options within the countryside but does restrict the development of new dwellings where there is no such link to either the occupation or use of the countryside so as to avoid unsustainable development and self build dwellings are not explicitly recognised within this criteria.
18. It has been found in other cases however that this Policy should be considered out of date as it is in conflict with the Framework. In this particular case, although I consider the restrictions within this policy to be somewhat in conflict, I do not consider it appropriate to assign such limited weight to this policy so as to make it fully redundant. In this respect, I consider the general approach of this policy towards sustainable development to be consistent with The Framework in that it seeks to be responsive to local needs and to ensure housing is located where it could enhance local rural communities or existing settlements.
19. Further to this the Council have highlighted their emerging New Joint Local Plan² and, most notably, emerging Policies SP03 and LP01 which resist development that is not related to defined centres, including windfall sites. Although at an early stage I consider that the direction of this new Local Plan should attract some weight.
20. Nevertheless, in applying the balancing exercise within Paragraph 11d of the Framework the proposal would generate some short-term economic benefits during its construction and future occupiers of it would likely contribute to the local economy through their use of services. The proposed dwelling could also be of high-quality sustainable design that is a self build scheme and would make a modest contribution to housing in the area that could further add to the Council's in excess of five year housing land supply.
21. Ultimately, these modest benefits would be outweighed by the impact of the proposal upon the character and appearance of the countryside here as well as the likely heavy reliance upon the private car for anyone who wishing to live in this location.

¹ Mid Suffolk District Core Strategy Development Plan (September 2008)

² Babergh and Mid Suffolk emerging New Joint Local Plan, Appendix C

22. Whilst I do not underestimate the contribution that a self build single dwelling a could have upon the overall supply of housing in this area, this does not make them all acceptable especially in light of the demonstrable provision of housing land available as identified by the Council. Given the scale of this development therefore the benefits would be very modest and would not outweigh the conflict I have found with the development plan as a whole. Even when applying the balancing exercise as required in the Framework therefore I find that this proposal would still be in conflict with the development plan and the direction of the Framework itself.
23. I consider therefore that the planning balance would be tipped against development within this site both due to the unsustainable nature of this site for development as well as the physical and visual harm caused through development here. As such I consider that the proposal would be contrary to Policies H7 of the adopted Mid Suffolk Local Plan as well as Policy CS1, CS2 and CS5 of the Mid Suffolk Core Strategy as well as the aspirations and increasing emphasis upon contextual and responsive design and sustainable development as contained within the Framework.

Other Matters

24. The Council gave a reason for refusal based upon the potential harmful biodiversity impact of this proposal. In response the Appellant's have supplied an ecological survey that has assessed the potential for biodiversity and species within the site. I note that the ecological assessment was undertaken in early January which was cited in the report as being 'sub optimal' timing for such an assessment.
25. In this regard I note that there are species of trees and foliage upon this site that could offer shelter to a variety of species and there were several bird species observed within the report. There is no summary of how significant these findings are and as such the report would lead me to the conclusion that the site does have potential biodiversity value and that subsequent studies and assessments would be necessary in warmer months in order to fully understand the significance of this site for its biodiversity value.
26. As such I concur with the Council that there is currently not the available information in order to enable an accurate judgement on these matters to be made and that the proposed scheme, in its current form, lacks the information to enable it to meet the requirements of Policy CL8 of the Mid Suffolk Local Plan, Chapter 15 of the Framework, the Conservation of Habitats and Species Regulations 2010 and the Natural Environment and Rural Communities Act 2006.

Conclusion

27. For the reasons given above, and taking into account of all other matters raised, I dismiss the appeal.

A Graham

INSPECTOR