



Appeal Decision

Site visit made on 26 October 2023

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 November 2023

Appeal Ref: APP/W3520/W/23/3319842

Land adjacent Jockeys Farmhouse, Blacksmiths Lane, Forward Green, Earl Stonham IP14 5ET

- 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 R, B & F Gammer, Trustees of the LJ Gammer Settlement against the decision of Mid Suffolk District Council.
 - The application Ref DC/22/04173, dated 19 August 2022, was refused by notice dated 13 October 2022.
 - The development proposed is use of land for the stationing of 5 Shephard's Huts for use as holiday accommodation.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's decision notice refers to Policies FC01 and FC01_1 of the Mid Suffolk Local Plan (1998). Based upon the policies that I have been provided with copies of, and the previous appeal decision, it is evident that the decision notice was intended to refer to Policies FC 1 and FC 1.1 of the Mid Suffolk Core Strategy Focussed Review (2012) (the CSFR). I have dealt with the appeal on this basis. As Policy FC 1 of the CSFR replicates the presumption in favour of sustainable development set out in the 2012 version of the National Planning Policy Framework (the Framework), it is out of date.
3. I have been advised that the emerging Babergh and Mid Suffolk Joint Local Plan Part 1 (the eLP) was found sound and capable of adoption in September 2023. As such I afford the relevant policies within it significant weight. The eLP will replace the CSFR, the Mid Suffolk Core Strategy Development Plan Document (2008) (the CS) and the saved policies of the Mid Suffolk Local Plan (1998) (the LP). The appellant was invited to make comments on the relevant eLP policies, and I have taken these comments into account in reaching my decision.
4. Whilst the Council advised that no modifications were proposed to the relevant emerging policies, the examiners report that I was referred to shows that all the emerging policies referred to in the Council's appeal statement are subject to modifications. I have therefore considered the emerging policies in line with the required modifications.

5. Both parties have referred to a previous appeal decision¹ for the stationing of 3 holiday lodges on the same site. I have had regard to this in reaching my decision.

Main Issue

6. The main issue is whether the site would be a suitable location for the siting of holiday accommodation having regard to local and national policies.

Reasons

7. The appeal site is not located within any of the settlements listed in Policy CS 1 of the CS and is therefore designated as countryside for planning purposes. Policy CS 2 of the CS restricts development in the countryside to, amongst other things, recreation and tourism.
8. Saved Policy RT19 of the LP, states that static caravans and holiday chalets will be permitted where there are no adverse effects on, the character and appearance of the landscape, existing residential amenity, highway safety, agriculture, forestry, wildlife conservation and where essential services can be provided. The Council has not identified any conflict with this policy. Whilst I note the views of the Inspector in relation to the previous appeal on this site, in my view Policy RT19 of the LP remains broadly consistent with the Framework in terms of promoting rural tourism, despite its age.
9. Policy SP07 of the eLP encourages appropriate scale sustainable tourism development that supports the tourism role of the settlements across Babergh and Mid Suffolk. In this respect I note that the Council's Economic Development team has advised that the addition of small-scale visitor accommodation in this rural area would support the tourism and visitor economy, which is important to Mid Suffolk.
10. Policy LP12 of the eLP supports new tourism and leisure facilities where they are, amongst other things, accessible by public transport and facilitate walking and cycling. Part 2 of this policy states that proposals outside settlement boundaries may be supported where they would increase access, enjoyment and interpretation of the countryside appropriately, sensitively and sustainably, or improve accessibility for existing places. This is consistent with paragraph 85 of the Framework, which states development beyond settlements should exploit any opportunities to make a location more sustainable.
11. Policy LP13 of the eLP supports applications for tourist accommodation outside of settlement boundaries on an exceptional basis where, amongst other things, an overriding business need to be in that location has been demonstrated and the accommodation would be accessible by a range of transport modes.
12. My attention has not been drawn to any emerging development plan policies relating specifically to holiday caravan parks or camp sites, and I acknowledge that such sites are typically located outside of settlement boundaries. However, caravan and camp sites could, in my view, be acceptable under Policies LP12 and LP13 of the eLP, subject to being suitably located.
13. I accept that the attraction of small caravan and camping sites, such as the proposal before me, is the peace and tranquillity of the countryside itself.

¹ APP/W3520/W/20/3256949

Accordingly, caravan sites could in some cases be considered an appropriate exception under emerging Policy LP13.

14. With regard to the need for holiday accommodation to be accessible by a range of transport modes, the appellant has advised that only 4 of the 122 settlements in the district have a railway station and only 12 have a frequent bus service. Having regard to the fact that the proposal relates to a rural land use, in a rural area, it is inevitable that it will be accessed primarily by car. The Market Town of Stowmarket and numerous other visitor attractions are located within 5 miles of the site. As such journeys to these would be relatively short.
15. I am aware that paragraph 105 of the Framework requires decision making to take account of the fact that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. I also acknowledge that sustainable development encompasses more than just accessibility and that holiday makers do not require access to the same range of facilities as residents of permanent dwellings.
16. However, this does not mean to say that rural caravan and camp site accommodation cannot be located within safe walking distance of a rural shop, pub or restaurant, where visitors to them would be more likely to support the viability of existing facilities. Locating accommodation close to popular walking and cycling routes, or to other outdoor recreational activities, could also increase access to, and the enjoyment of the countryside, in accordance with Policy LP12, as well as facilitating walking and cycling and reducing the need for holiday makers to travel by private motor vehicles throughout the duration of their stay.
17. In this case, I have not been made aware of any nearby public rights of way, popular scenic walks, cycle routes, local facilities or attractions that visitors of the proposal could easily reach from the site other than by private motor transport or by walking long distances along roads with no footways. The attractions brought to my attention by the appellant, at distances of 5 miles and over, are unlikely to be walked to if the only route to them is along the road.
18. Therefore, despite no conflict with the soon to be replaced Policy CS 2 of the CS and Policy RT19 of the LP, visitors to the proposed shepherd's huts would be heavily dependent upon motor vehicles (whether these be car, taxi, motorcycle, van or minibus, all of which have similar environmental impacts) for the duration of their stay, due to the absence of any local services, facilities or activities on or within the immediate vicinity of the site. The proposal would not therefore constitute sustainable rural tourism and would be contrary to Policies FC 1.1 of the CSFR, Policies SP07, LP12 and LP13 of the eLP and paragraphs 84 and 85 of the Framework, which require all proposals to accord with the principles of sustainable development.

Other Matters

19. The proposal would result in economic and social benefits in terms of generating local employment, attracting visitors to the area, and by increasing the variety of holiday accommodation available. I afford these benefits moderate weight. Landscaping and biodiversity enhancements could be required by conditions, if they were necessary to make the development

acceptable in planning terms, in which case these would be neutral considerations, that would not weigh in favour or against the proposal.

20. Adjacent Jockeys Farmhouse is a Grade II Listed Building, the significance of which is its age, architecture and the rural setting within which it is experienced. The appeal site lies to the north of the listed building and is separated from it by a parcel of land containing a range of outbuildings. Whilst the rural surroundings contribute to the setting of the farmhouse, the appeal site is well screened by trees and vegetation and the scale and number of shepherd's huts proposed, which could be controlled by a condition, would not be seen in the same views. As such the listed building and its setting would be preserved.
21. The description of development is change of use of land for the stationing of 5 shepherds huts for use as holiday accommodation. However, the submitted plans also show that the construction of a new access road would be required. Although not a reason for refusal, I note that the Local Highway Authority raised an objection to the new access on the grounds that it has not been demonstrated that adequate visibility could be achieved onto the unlit 60 mph road. It would not be appropriate to grant full planning permission for the change of use of land without being certain that safe and suitable access to it, could be achieved. Whilst there are wide highway verges to the front of the site providing good visibility to the north, it appears that visibility to the south may be restricted by existing boundary hedges and landscaping, the removal of which raises further considerations. Had I reached a different conclusion on the main issue, I would have considered this matter further and potentially requested further information on it.

Conclusion

22. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

R. Bartlett

INSPECTOR