



Appeal Decision

Site visit made on 1 November 2023

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 19 December 2023.

Appeal Ref: APP/W3520/W/23/3320750

Hill House, Old Ipswich Road, Yaxley, Suffolk IP23 8BX

- 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 K Allison against the decision of Mid Suffolk District Council.
 - The application Ref DC/23/00011, dated 21 December 2022, was refused by notice dated 3 March 2023.
 - The development proposed is the erection of a detached dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached dwelling at Hill House, Old Ipswich Road, Yaxley, Suffolk IP23 8BX in accordance with the terms of the application, Ref DC/23/00011, dated 21 December 2022, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The Babergh and Mid Suffolk Joint Local Plan – Part 1 (November 2023) (JLP) was adopted by the Mid Suffolk District Council on the 20 November 2023 and replaces the previous Mid Suffolk Local Plan (September 1998), Core Strategy Development Plan Document (September 2008) and Core Strategy Focused Review (December 2012). Both main parties have had the opportunity to comment on the implications of this for the appeal and I have taken the JLP into account in coming to my decision.
3. The appeal scheme relates to an outline proposal, with access to be considered at this stage, and with all other matters reserved for future consideration. I have considered the appeal accordingly.

Main Issue

4. The main issue is whether the appeal site would be a suitable location for the proposed development, having regard to local and national policy.

Reasons

5. The appeal site comprises an area of garden land in an elevated position, adjacent to the highway. Although the surrounding properties have spacious, verdant plots which break up their built form, the appeal site is positioned within a line of consolidated development adjacent to the highway. The parties agree that the site is outside of the settlement boundary of Yaxley.
6. JLP Policy SP03 outlines how growth will be managed within the district, primarily focusing development within established settlement boundaries. However, development outside of the established settlement boundaries is supported where it is in accordance with other policies of the plan.

7. JLP Policy LP01 supports windfall infill housing development outside settlement boundaries where there are at least 10 well related dwellings, subject to certain criteria. Although outside of the settlement boundary, the proposal would not be in an isolated location. There are numerous existing dwellings in close proximity which are well related to one another. The dwellings are positioned adjacent to the highway, set back on small cul-de-sacs or on private drives. Further there is an extant permission¹ for a detached dwelling immediately to the north which will reinforce the existing cluster of dwellings further.
8. The parties agree that the proposal would satisfy criteria a) and c) of JLP Policy LP01. Whilst details have not been provided, the design and layout of the proposal have been reserved for future consideration. I am satisfied that the appeal site is large enough to accommodate a single detached dwelling and that a suitable design could be put forward that would be in keeping with the area.
9. Amongst other things, criteria b) requires that the proposed development would not consolidate ribbon development. Despite the spaciousness of the plots, the east side of the highway already appears as a line of consolidated development. Given the extant permission to the north, the proposal would fill a small undeveloped plot within an otherwise built-up frontage. Whilst the space between dwellings would be reduced, it would appear as limited infilling which would not consolidate the existing ribbon development.
10. I note the comments made regarding the accessibility of the appeal site and the lack of facilities within Yaxley. However, JLP Policy LP01 explicitly relates to windfall infill housing outside of development boundaries where, it is accepted that sustainability in terms of these matters will be inherently reduced. Both the preamble to the JLP Policy LP01 and the National Planning Policy Framework (the Framework) acknowledge that development in one village may support services in nearby villages, enhancing or maintaining the vitality of rural communities.
11. Whilst the local pub is currently closed, I have no reason to believe that it will not be utilised in future for a similar community facility. I acknowledge that pedestrian access to the primary school and the facilities in Eye are not ideal and the future occupiers would likely have a higher dependency on private motor vehicles for their day-to-day activities. However, given the proximity of Eye and other larger towns, with ample services and employment opportunities, these journeys would not contribute significantly to an increased reliance on private cars within the district. Moreover, the services and facilities highlighted above would be supported by the occupiers of the proposed dwelling, enhancing the vitality of the rural community.
12. Therefore, I conclude that the appeal site would be a suitable location for the proposed development, having regard to local and national policy. The proposal would accord with Policies SP03 and LP01 as set out above. The proposal would also accord with the Framework where it supports rural housing that would not be isolated and would support local services.

¹ Application Reference: DC/20/04045

Other Matters

13. In addition to the matters addressed above, concerns have been raised regarding a number of other matters. These include the effect of the proposal on the character and appearance of the area and the living conditions of neighbouring occupiers with regards to privacy and light. These are all matters which would be addressed as part of the reserved matters applications, where appearance, landscaping, layout, and scale would be assessed and are not considerations to be dealt with at this stage.
14. The site forms part of the setting of the adjacent Grade II listed property, Valley Farm. The farmhouse derives significance from its architectural character and detailing and rural setting. Despite the proximity of the proposal, due to the intervening highway and boundary treatments, subject to the details of the reserved matters applications, I am satisfied that a suitable design could be achieved which would not harm the setting of the listed building.
15. Concerns have been raised regarding highway safety. However, I am satisfied that given the scale of the proposal the increase in vehicles would be limited. While the proposed access is in close proximity to other access points, I am satisfied that suitable visibility splays can be achieved and secured via condition. I note that there is no dedicated pedestrian footpath or street lighting. However, the speeds at which vehicles travel are low and there are numerous verges which pedestrians could utilise to step off the carriageway when necessary. Further, the highway authority has not raised concerns regarding the above issues and having visited site I see no reason to disagree.
16. Similarly, I have no substantive evidence before me to suggest that the proposal would exacerbate any existing flooding issues or that suitable drainage would not be possible. The management of surface water runoff from the site into the highway could be conditioned. I note the concerns raised regarding wildlife. However, given the existing use of the appeal site as a residential garden, I am satisfied that ecological harm would not be likely and that adequate areas of garden could be maintained and secured via the reserved matters applications.

Conditions

17. The Framework states that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects. I have considered the conditions put forward by the Council against the Framework and where necessary I have amended the wording in the interests of effectiveness and precision.
18. In the interests of certainty and clarity, I have imposed the standard conditions relating to the approval of reserved matters, the commencement of development as well as the approved plans.
19. In the interests of highway safety, full details of the proposed access, including visibility splays are required. In addition, a condition is required to ensure the approved visibility splays are maintained throughout the development's lifetime. It is necessary to impose a condition to ensure the development adequately manages surface water runoff on site.

20. Given the proximity of the site to existing dwellings a condition limiting the hours of construction on the site would be reasonable and necessary in the interests of amenity.

Conclusion

21. For the reasons given above, I conclude that the proposal would accord with the development plan as a whole and the Framework, and therefore the appeal is allowed.

K Allen

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 2824-01 and 2824-02
- 5) No development shall take place until details of the proposed access, including any gates and visibility splays, have been submitted to and approved in writing by the local planning authority. The approved access shall be provided in its entirety prior to any other part of the development taking place. Thereafter the access shall be retained.
- 6) Before the first use of the access, the approved visibility splays shall be provided and shall thereafter be maintained free from obstruction exceeding 0.6m above the level of the maintained public highway.
- 7) No development shall take place until a scheme to prevent the discharge of surface water from the development onto the highway, including any system to dispose of the water, has been submitted to and approved in writing by the local planning authority. The approved scheme shall be provided in its entirety before the first use of the access and shall thereafter be retained.
- 8) Operations related to the construction (including site clearance) of the development hereby permitted shall only take place between the hours of 08:00 and 18:00 Mondays to Fridays and between the hours of 09:00 and 13:00 on Saturday. There shall be no working on Sundays and Bank Holidays. There shall be no deliveries to the development arranged for outside of these approved hours.

*****End of Conditions*****