
Appeal Decision

Site visit made on 13 February 2024

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th March 2024

Appeal Ref: APP/W3520/W/23/3319410

Land R/O 253 Stowmarket Road (off Old Bell Lane), Great Blakenham, Ipswich, Suffolk IP6 0LY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Crown Gate Homes against the decision of Mid Suffolk District Council.
 - The application Ref is DC/22/01161.
 - The development proposed is the erection of 3 detached bungalows with associated parking facilities served by extension of Old Bell Lane.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published on 19 December 2023 a revised version of the National Planning Policy Framework (the Framework). Whilst this made certain revisions to aspects of national planning policy, the provisions in respect of the main issues in this case are largely unchanged. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework from the parties, and that no party would be disadvantaged by such a course of action.
3. The Council adopted the Babergh and Mid Suffolk Joint Local Plan - Part 1 (the JLP) in November 2023. Accordingly, the development plan policies previously relied upon by the Council in its decision have been superseded by those in the JLP. The Council advised which policies of the JLP were relevant to this appeal and the appellant was afforded an opportunity to comment on this matter. Thus, no party would be prejudiced by me having regard to them in reaching my decision.
4. The Council's third reason for refusal concerns the effect of the proposal on the Stour and Orwell Estuaries Special Protection Area and Ramsar site. However, the Council no longer rely upon this reason as, during the course of the appeal, the appellant made a financial contribution to mitigate against the proposal's effects. As I am dismissing this appeal for other reasons there is no need for me to consider this matter further as it would not affect my overall decision.

Main Issues

5. The main issues are a) whether the appeal site represents a suitable location for housing, having regard to the accessibility of services and facilities and the

spatial strategy of the development plan, b) the effect of the proposal on the character and appearance of the area, and c) flood risk.

Reasons

Whether suitable location

6. The appeal site is a parcel of land located adjacent to a recent development of bungalows, accessed from Stowmarket Road. The evidence indicates that the site previously formed part of the large rear garden of 253 Stowmarket Road, thus it is not a brownfield site.
7. The appeal site is located outside the settlement boundary of Great Blakenham, which has a small supermarket, village hall, church and restaurant. There are employment opportunities further afield. All of these services are well dispersed across a considerable distance in Great Blakenham.
8. Even though the distance to the nearest everyday shop and other facilities is considerable, Stowmarket Road is relatively straight and flat, with footways along the stretch of the main carriageway from the appeal site.
9. I also acknowledge the bus stops which are located close to the appeal site. Whilst I have not been provided with details of the bus service, as they are located on what appears to be a main route between larger settlements I have no reason to find that a good service would not be provided to other shops and services elsewhere. Thus, the appeal site is within reasonable access of facilities and services and a range of options would be available for future residents and they would not have to rely on private motor vehicle.
10. Nevertheless, Policy SP03 of the JLP sets out the overarching approach to the sustainable location of new development across the district. The policy background and explanation text notes that development needs to be accommodated within settlement boundaries.
11. Policy SP03 does however make provision for housing within rural areas, through permitting housing outside settlement boundaries in a range of defined circumstances. This reflects the aim to promote sustainable development within rural areas set out in the Framework which, at paragraph 83, states that housing in rural areas should be located where it would enhance or maintain the vitality of rural communities.
12. It has not been suggested that the proposal would meet any of the provisions set out in JLP Policy SP03 or that it would be in accordance with one of the policies of the JLP listed in Table 5.
13. I have found that the proposed development would provide acceptable access to services and facilities for future occupiers. However, it would conflict with the spatial strategy set out in the JLP, since it would not accord with Policy SP03 or the associated policies allowing for windfall housing outside settlement boundaries.
14. I therefore conclude that the proposal would be inconsistent with the Council's spatial strategy as defined in JLP Policy SP03, which has itself been judged very recently to be consistent with the Framework's overall approach to rural housing. Therefore, the appeal site fails to represent a suitable location for the proposed development.

15. These policies seek, amongst other things, to direct development to settlements where the need to travel can be reduced or to support small scale windfall infill development where it would enhance or maintain the vitality of rural communities. It would also be contrary to the relevant sections of the Framework in these respects.

Character and appearance

16. The appeal site is bound on two sides by a large agricultural field, with residential gardens abutting the remaining sides. The surrounding open field rises towards the west when viewed from the nearest public vantage point on Stowmarket Road. The agricultural surrounds make a positive contribution to the spacious, rural character of the area.
17. The appeal site is well set back from the residential properties fronting Stowmarket Road and is located behind the existing bungalows. Despite this, the proposal and its incongruous backland siting would remain visible to an extent on the approach and from neighbouring properties. This poor physical relationship to Stowmarket Road would be in stark contrast to the traditional linear pattern of development in the locality.
18. The previous approvals at the adjacent site are a clear departure from the established layout of development and have harmfully interrupted the pattern of built form. The proposal would further exacerbate this intrusion of additional built form into the countryside which would encroach upon and erode the spacious and open countryside setting. Overall, the proposal would visually harm the intrinsic character of this part of the countryside.
19. The appellant has suggested that permitted development (PD) rights may have allowed for substantial buildings and structures on the site when it previously formed part of the rear garden of No 253. No exact details are before me, however I consider that any built form which may be achieved utilising PD rights would be less intrusive to the character of the area than the appeal proposal, which would result in 3 self-contained dwelling plots with associated domestic paraphernalia.
20. The removal of PD rights for the proposed bungalows and introduction of landscaping along perimeter boundaries, both of which could be conditioned should the appeal be allowed, would fail to overcome these concerns or satisfactorily assimilate the development into its countryside setting.
21. I note there are listed buildings in the locality however given the separation distance involved and surrounding built form, I consider that the appeal site is not within their setting and thus the proposal would not harm their significance.
22. Nonetheless, for the reasons given, the proposal would harm the character and appearance of the area and thus would conflict with policies LP17 and LP24 of the JLP which aim for development that integrates with and is sensitive to the existing landscape and responds to and safeguards the existing character/context.

Flood Risk

23. The entrance to the private access road at the junction with Stowmarket Road is shown to have a high risk of surface water flooding, due to ponding to a

localised low point. The appellant's Flood Risk Assessment¹ (the FRA), which was submitted with this appeal, indicates that the access road has since been raised in height, such that the low velocities and flood depth of the surface water in this location represents no risk.

24. Even if the existing raising of this road fails to provide a dry access route to the appeal proposal, it seems to me that further measures could be utilised to achieve this. There is no evidence before me to suggest to the contrary.
25. The appeal site falls within Flood Zone 1 and, given the above and lack of further detail from the Environment Agency, I consider that it does not have critical drainage problems, thus application of the sequential test is not necessary. Moreover, the most vulnerable part of the development, the proposed residential properties, would be located away from areas of flood risk.
26. Taking all the above together, the proposal would not have a harmful effect on flooding and thus complies with Policy LP27 of the JLP in its aims to reduce and address flood risk in developments.

Other Matters

27. The previous approval at the adjacent site was determined at a time when the Council was unable to demonstrate a five-year housing land supply, thus the tilted balance was engaged. In subsequent approvals at the adjacent site, I acknowledge the Council made no further mention of the housing land supply position, despite the evidence before me indicating that the Council could then demonstrate a five-year supply of housing.
28. Be that as it may, it seems to me that the Council found that the principle of developing the site for residential use had previously been established and thus the additional dwellings in each subsequent proposal was considered acceptable in principle compared to the fallback.
29. In this appeal, the tilted balance is not engaged, and the proposal concerns a different site, thus the circumstances are largely different.
30. My attention has also been drawn to a number of appeal decisions in the locality however the policies against which those decisions were made have been superseded. They are now therefore of limited weight given the recent adoption of the JLP.

Planning Balance

31. Whilst the Council can demonstrate a five-year housing land supply, this is not a ceiling figure. Any additional housing makes an important contribution to supporting the Government's objective of significantly boosting the supply of homes. The proposal is a small site that would contribute to the housing supply and which could be built out relatively quickly given its size.
32. Economic benefits during the construction phase and after with future occupants supporting local services and facilities would also occur. It has also been suggested that there is a district wide need for bungalows for the ageing population. This proposal would make a small contribution to addressing any such need. However, given the scale of the proposal these benefits would be limited.

¹ Flood Risk Assessment, on behalf of Crown Gate Homes, March 2023 (Intermodal Transportation)

Conclusion

33. The proposal conflicts with the development plan as a whole, and there are no material considerations that indicate that I should take a decision other than in accordance with it. Therefore, the appeal should not succeed.

H Ellison

INSPECTOR