



Appeal Decision

Site visit made on 5 March 2024

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 2nd April 2024

Appeal Ref: APP/W3520/W/23/3325771

Land west of New Road, New Road, Worlingworth, IP13 7PA

- 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 Mr Tom Hobbs against the decision of Mid Suffolk District Council.
The application Ref DC/23/00280, dated 18 January 2023, was refused by notice dated 5 May 2023
 - The development proposed is the erection of new single storey dwelling on land formerly associated with Mustard Pot Kennels.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach.
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 Accordingly, the development plan policies previously relied upon by the Council in its decision have been superseded by those in the JLP.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 has had an opportunity to comment on this as part of the appeal process.

Main Issues

4. The main issues are: whether the proposal would be consistent with the Council's spatial strategy; and whether the proposal is in a suitable location for housing having regard to the accessibility of the site to services and facilities

Reasons

Spatial Strategy

5. The appeal site comprises an area of land located some 2km from the village of Worlingworth, outside the settlement boundary of this village and within the open countryside. It is situated on the western side of New Road between The Lodge dwelling immediately to the south and a collection of 4 residential

properties immediately to the north. The proposal seeks to erect a single storey 2 bedroom dwelling with associated garage at the site.

6. Policy SP03 of the JLP states that outside of settlement boundaries development will only be permitted in certain circumstances, including where it is in accordance with certain policies such as Policy LP01 of the JLP. Policy LP01 relates to proposals for windfall infill development, defining infill as the filling of a small undeveloped plot in an otherwise built up highway frontage. It states that proposals for such development outside of settlement boundaries where there is a cluster of at least 10 well related dwellings will be acceptable subject to certain conditions.
7. During my visit I observed the positioning of the appeal site relative to the surrounding development, and found it to be well-related to the immediately neighbouring dwelling to the south and to the 4 properties immediately to the north due to their proximity, almost linear placement close to the highway on New Road, and intervisibility. I noted other buildings within the vicinity, most notably to the east of the site setback from New Road and an additional property further south on the western side of New Road. I have no substantive information before me on the precise nature of these buildings or the total number of dwellings they may represent.
8. Nevertheless, even if I were to find these other surrounding buildings to be dwellings, it remains that due to their distance from the site, the intervening screening due to planting and, in the case of the eastern properties, the significant set back from New Road, they do not form part of a cluster of dwellings that are well related to the site. Based on my observations, the cluster of well related dwellings to which the proposal would belong currently totals 5 dwellings. Accordingly, the proposal would not meet the test of Policy LP01. There is also nothing before me to suggest that the proposal would benefit from one of the other circumstances for development outside of settlement boundaries as listed in Policy SP03.
9. I note the appellant's comments relating to the age of the settlement boundaries, which have not been updated in the JLP. Policy SP03 is clear that the settlement boundaries defined on the Policies Map are carried forward without change at the present time. While there is an expectation that settlement boundaries will be reviewed in the future, it remains that at the present time the appeal site lies outside any designated settlement boundary.
10. For the reasons given above, the proposal would not be consistent with the Council's spatial strategy. As such, it would fail to comply with Policies SP01, SP03 and LP01 of the JLP insofar as they relate to development outside of settlement boundaries.

Suitable Location

11. The Framework seeks at paragraph 84 to avoid development of isolated homes in the countryside, subject to certain exceptions. It has been established that in this context the term isolated should be given the ordinary meaning. The main parties agree that the proposal would not represent an isolated home and, due to the presence of surrounding properties, I have no reason to disagree.
12. However, this is a separate consideration from the accessibility of services. On the evidence, the site is some 2km from the village of Worlingworth via the road

network. Trips from the site to this village made on foot or by bicycle would involve travelling along elements of road that are rural in nature, being narrow without continuous footpaths or lighting. Combined with the distance involved, occupiers would be unlikely to undertake this journey on foot or by bicycle, particularly at night or in poor weather. I have limited substantive information before me on the public transport services, but did not observe any bus stops within the immediate vicinity of the site during my visit. Nevertheless, the appellant acknowledges that occupants of the proposed dwelling will be car dependant.

13. Based on my observations I have no reason to disagree. There would be limited opportunity for future occupiers to access services and facilities for day to day living by means other than private vehicle. Even acknowledging that the proposal would reuse previously developed land, that opportunities to maximise sustainable transport will vary between urban and rural areas, and that the proposal would exist alongside other dwellings, it remains that there would be an unduly heavy reliance on private vehicles arising from the proposal due to the position of the site relative to services and the village.
14. In addition, while future occupiers would utilise the existing local services and work would be provided during the construction of the proposal, given its single dwelling nature and the temporary construction period, it would overall provide limited maintenance or enhancement to the vitality of rural communities, which would not outweigh the harm identified due to the heavy reliance on private vehicles.
15. For the reasons given above, the proposal would not be in a suitable location for housing having regard to the accessibility of the site to services and facilities. As such, it would fail to comply with the provisions of the Framework which seek to promote sustainable transport.

Other Matters

16. Reference was made to numerous decisions relating to the consistency of the local development plan with the Framework. However, the JLP has now been adopted, with its policies having been recently examined and found to be sound. On that basis, the JLP is not out of date and the proposal is not subject to the test set out in Paragraph 11 d) ii) of the Framework.
17. The Decision Notice states that the proposal would not add to the overall quality of the area, being contrary to the existing pattern of development with poor quality materials and would fail to assimilate in the surrounds. However, the accompanying Officer's Report is clear that there is no objection to the design, style, or scale of the proposal or its impact on landscape character and the matter is not raised in other evidence issued by the council. Based on my observations and the evidence before me the proposal would not result in harm to the character and appearance of the area. This is a lack of harm, neutral in the planning balance.
18. The proposal would have social and economic benefits and contribute to the local economy in providing construction jobs and new customers to surrounding shops and services thus enhancing and maintaining the local facilities. However, due to the scale of the development and the temporary nature of construction these benefits are limited.
19. The proposal would add to the housing supply and mix of the area close to other housing, reusing previously developed land and maximising the potential

of the site. While it would be a bungalow there is no guarantee that it would house elderly occupants. Nevertheless, even acknowledging a need for bungalows within the wider area, overall this benefit attracts only moderate weight given the single dwelling nature of the proposal. Even when taken together with the other matters listed, this would not outweigh the harm identified above.

Conclusion

20. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR