



Appeal Decision

Site visit made on 24 July 2024

by Anne Jordan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27.08.2024

Appeal Ref: APP/W3520/W/22/3310967

Honeypot Farm Long Green, Wortham, DISS, IP22 1PW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Messrs Chris Feeney and Humphrey Smith against the decision of Mid Suffolk District Council.
 - The application Ref is DC/22/03960.
 - The development proposed is erection of 5 detached dwellings and garages.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is for outline planning permission with all matters reserved other than access. I have therefore taken the submitted drawing 3910-02A to be indicative in respect of layout and landscaping.
3. Prior to determination of the appeal the Babergh and Mid Suffolk Joint Local Plan (JLP) was adopted in September 2023. The Council has advised that the previous policies referred to in the decision notice have now been superseded and policies SP02, SP03 and LP01 of the JLP are now relevant to the determination of the appeal. I have therefore taken account of only the new and extant policies in reaching a decision. There is no dispute between the parties that the plan is up-to-date and that the policies within it carry full weight, having regard to paragraph 47 of the National Planning Policy Framework (the Framework).
4. A planning permission for the development of 5 dwellings has previously been granted at the site¹ and this lapsed in April 2022. Planning permission for 4 dwellings has been recently granted and is currently being implemented on land immediately to the north of the site².
5. A Unilateral Undertaking (UU), aimed at securing a contribution towards the provision of affordable housing, has been submitted with the appeal and I have also taken this into consideration in reaching my decision.

Main Issues

6. The main issue for the appeal is:

¹ Application DC/18/01662 upheld at appeal under reference APP/W3520/W/18/320968.

² Outline application DC/19/03712 and Reserved Matters application DC/22/01863.

- whether the development would be in an acceptable location, having regard to local and national policy which seeks to direct new development to locations where residents can access employment and services by sustainable modes of travel.

Reasons

7. The site comprises a former camping and caravan site, located outside the settlement boundary of Wortham. The site is covered in overgrown vegetation, with a number of mature and semi-mature trees spread across the site. It lies immediately adjacent to two recent backland developments and so notwithstanding the fact that these developments also lie outside the settlement boundary, the scheme would be located immediately adjacent to the built edge of the village.
8. Policy SP03 of the JLP seeks to achieve a sustainable pattern of development by restricting most development outside defined settlement boundaries. The policy recognises that the settlement boundaries are of some age and provides a list of instances where development outside settlement boundaries will be acceptable. These include the provision in certain circumstances of isolated new homes in the countryside, which does not apply to the proposal, it being immediately adjacent to the village. The policy also makes provision for development in accordance with one of the policies listed in Table 5. Of those types of development listed, only windfall infill development, set out in policy LP01, appears to be relevant.
9. Policy LP01 recognises that outside settlement boundaries there may be appropriate opportunities for small scale development that can enhance and maintain local services. The policy contains a list of criteria against which such development will be considered. In addition to the definition of infill contained in the footnote, the policy specifies that such development will normally only be for 1 or 2 dwellings and the supporting text expands on this, identifying that limiting development in smaller communities to small-scale windfall can maintain the vitality of these settlements. The supporting text also recognises that in some limited cases up to 3 dwellings may be more in keeping with the context of the site. The definition of infill in the footnote to the policy refers to the "filling of a small undeveloped plot in an otherwise built-up highway frontage". The scheme before me proposes 5 dwellings on a backland site and so to my mind, this number of dwellings alone in the rural context of the site would not comprise small scale infill.
10. I note the appellant's view that the number of dwellings proposed is arbitrary and the definition of infilling should not exclude backland development due to its lack of road frontage. However, even if I were to disregard the Council's definition in the footnote, there are other factors which lead me to the view that the site would not comprise infill. Although the site lies adjacent to existing development it adjoins open countryside to the south and east for the majority of the site boundary. It is also a relatively large site, measuring the best part of a hectare in size and so in a rural context cannot be considered to be small scale. Furthermore, whilst I note that the layout is indicative, and reflects the bucolic character of the site, the size and disposition of the dwellings shown does nothing to persuade me that development of the site would reflect the existing urban grain or character of the settlement, as would

be expected of development which seeks to infill a gap in the existing built fabric.

11. These factors lead me to the view that the proposal would not meet the criteria for being considered under the terms of Policy LP01. Accordingly, as the proposal would not be in accordance with any of the stated instances where development is considered appropriate outside settlement boundaries, it would fail to comply policy SP03.
12. The appellant has drawn my attention to the use of the word “normally” in SP03 which he considers indicates that a pragmatic approach to applying the policy may be appropriate. I have therefore considered whether, in the circumstances of this site, there are any factors which may indicate that notwithstanding the above, the scheme could be considered acceptable.
13. In line with the aspirations of the Framework, the purpose of policies SP03 and LP01 is to direct new homes to the most sustainable locations in the District by limiting rural development and focussing growth in higher order settlements. The policies also seek to protect the intrinsic character of the countryside. Together the policies balance the need to provide for limited rural growth to sustain rural services whilst ensuring most development occurs in the most accessible locations. In my view the success of the strategy at a District wide scale is dependent upon its consistent implementation on a site-by-site basis.
14. Wortham has a small range of facilities which comprise a small shop with a post-office counter, a primary school and, I am advised, some sports facilities and a pub. A bus service to nearby Diss would facilitate some trips during the day. In this regard, whilst I accept that future residents could meet at least some of their daily needs by sustainable means, they would nonetheless be in most cases reliant on a private car for work or leisure opportunities and for all but the most basic of shopping needs.
15. Accordingly, in line with up-to-date local plan policy, a sustainable pattern of development in this location would be one that is limited in scale. As I have found that the proposal would not small-scale or limited, it follows that the proposal would be in conflict with local plan policies SP03 and LP01, which seek to achieve a sustainable pattern of development, and with national policy in the Framework which has similar aims.

Other Matters

16. The scheme is supported by a UU which would make provision for affordable housing. Based on the evidence put to me by the Council I am satisfied that the affordable housing contribution is necessary, and that the agreement would be effective in delivering it. The provision of affordable housing is a matter which weighs in favour of the proposal, commensurate with the scale of the provision provided.
17. The scheme would provide 5 dwellings at a time when the provision of housing, and affordable housing is recognised as being a national priority. This is a matter which carries significant weight in favour of the proposal.
18. The Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on decision makers to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest when considering whether to grant planning permission for

development which affects the setting of a listed building. I have been advised that two listed buildings Greens Farmhouse and Hilltop Cottages lie within close proximity of the appeal site. Both these buildings are residential dwellings with relatively small curtilages. I noted on site that although Greens Farmhouse may have originally been strongly associated with a wider agricultural setting this has been removed by incremental development to the extent that neither asset derives any of its significance from the wider hinterland. In particular, in relation to Greens Farmhouse, the site is removed from the asset by recent development which shares the same access as the appeal site. Taking into account the degree of separation between the assets and the appeal site I consider that the scheme would have a neutral impact on their setting and thus their significance.

19. I take into account that the site has previously benefitted from planning approval for 5 dwellings. This permission is no longer extant and so cannot be implemented. Furthermore, it was granted under the terms of the previous local plan. The previous consent does not therefore provide a fallback or an indication of how the current proposal should be determined.
20. I note the concerns of local residents in relation to highway safety and the effects the increased use of the access may have on the living conditions of existing residents. I accept that the proposal would lead to an increase in vehicular movements, but this would be relatively limited, and taking into account the width of the access and the likely speed vehicles would be travelling I do not consider that this would impact on residential amenity or highway safety.
21. I note the concerns of residents in relation to noise and disturbance and the impact on wildlife and trees, but these do not in the event alter my overall conclusions.

Conclusion

22. Section 38(6) of the Planning & Compulsory Purchase Act 2004 states that applications should be determined in accordance with the provisions of the Development Plan unless other material considerations indicate otherwise.
23. The Scheme would provide 5 dwellings and make a contribution towards the provision of affordable housing in the district. It would bring economic benefits during construction and during the lifetime of the development through sustaining the limited local services available. However, the proposal would fail to achieve a sustainable pattern of development. Although the benefits stated carry significant weight I conclude that they would not be sufficient to outweigh this harm.
24. I therefore conclude that the proposal would fail to comply with the development plan taken as a whole and material considerations do not indicate determining the proposal otherwise.
25. Accordingly, having regard to all other matters raised, the appeal is dismissed.

Anne Jordan

INSPECTOR