



Appeal Decision

Site visit made on 13 August 2024

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2024

Appeal Ref: APP/W3520/W/24/3337253

Land South of Mile End Farm, Charles Tye, Ringshall, Stowmarket, IP14 2HU

- 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 Mr J Haynes against the decision of Mid Suffolk District Council.
 - The application Ref is DC/23/03285.
 - The development proposed is erection of 1 No. dwelling.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The application was in outline, with all matters reserved. The application drawing shows an indicative plan of how the site might be developed, but I have taken this as purely illustrative of a possible layout and design.

Main Issue

3. The main issue in this case is whether the proposed development would promote sustainable development in accordance with the policies of the development plan.

Reasons

4. The site as existing comprises an open plot of grassland, bound to the north and south by dense, established trees and hedgerows. The western boundary of the site is currently marked with a low-level wire fence, dividing it from the agricultural field beyond. The eastern boundary of the site lies adjacent and is open to the highway.
5. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. On 20 November 2023, Mid Suffolk District Council adopted Part 1 (Policies) of the Babergh and Mid Suffolk Joint Local Plan (JLP). Part 1 of the JLP now forms part of the statutory development plan. The consequence of this is that the earlier planning policies cited in the decision notice for the appeal application cease to have effect and have been overtaken by the policies of the JLP. The policies of the JLP, having been through examination and adoption as recently as November 2023, must be taken as fully compliant with the National Planning Policy Framework (NPPF).

6. The application site does not lie within any defined settlement boundary. Therefore, it constitutes new development in a countryside location, contrary to the provisions of SP03 of the JLP. Policy SP03 provides a spatial strategy for the districts, with a clear aim to direct new development to existing settlements and sustainable locations. The policy states “The principle of development is established within settlement boundaries in accordance with relevant policies of this Plan”. Proposed development outside of settlement boundaries however will only be permitted in exceptional circumstances, where either a) the site is already allocated for development; b) is in accordance with a made Neighbourhood Plan; c) is in accordance with other policies of the Joint Local Plan (as listed under Table 5 of the Plan), or d) is in accordance with paragraph 80 of the NPPF (2021)¹.
7. The site is not allocated for development in either the JLP or any other adopted or made Plans; it does not engage any other policies of the Plan in principle and the proposal does not accord with paragraph 84 of the NPPF. For these reasons, the proposal is contrary to SP03 of the Joint Local Plan and therefore, by virtue of the site’s countryside location, the proposal for new housing is unacceptable in principle.
8. The appeal site lies within 1 to 3 miles of the villages of Ringshall, Wattisham and Battisford. The towns of Needham Market and Stowmarket have significantly greater services and facilities, which would be capable of providing suitable services and facilities for day to day living. Both towns, are at a substantial distance from the appeal site, with Needham Market being approximately 6.5 miles and Stowmarket being 5.6 miles. There are no bus stops within 1 mile of the site and bus services are limited.
9. It is most likely that future occupants of the proposed dwelling would not benefit from suitable pedestrian or cycle access to services and facilities required for day to day living, and therefore would be highly dependent on the use of private motor vehicles for day to day living and for access to employment opportunities.
10. The Council can currently demonstrate that it has well in excess of a 5-year housing land supply, measured at 10.88 years, and Paragraph 11 d) of the NPPF is not engaged.
11. The appellant points out that the site (and a wider land parcel) already benefits from an extant planning permission for an alternative building and use for equestrian purposes. This will be carried out should the appeal fail. That possibility represents a “fallback position” and the baseline for any assessment to be undertaken. I give very little weight to this argument, since the fact that it has been given planning permission indicates that it is not harmful in policy terms, and the threat of carrying it out is of little or no consequence. Indeed, for the council it is argued that the appellant has made no attempt to discharge conditions, and none of the other requirements prior to the development have been put in place. Therefore, the likelihood of the stable being built appears remote.
12. Further, as to the possibility of the ‘fall back’ being carried out, Policy LP04 “Replacement Dwellings and Conversions” states, at Point 2: “Proposals for

¹ This is now paragraph 84 of the NPPF dated December 2023

conversions of buildings to residential must demonstrate the structure is capable of accommodating the use and the development would reuse redundant or disused buildings and enhance its immediate setting." I am far from being convinced that this manipulation of policy would have any appreciable chance of success.

13. The appellant argues that there are no "unsustainable" locations in the new plan and therefore simply because a site is within the countryside does not mean it should be automatically refused. He also maintains that, whilst trips to Stowmarket and Needham Market are longer, they are no more than to be expected in a rural setting (and no different to such trips being undertaken from the "right" side of the settlement boundary of a small village). Reliance is also placed on paragraph 83 of the NPPF that development in one village may support services in a village nearby.
14. Clearly there is not an 'automatic' refusal within the JLP. The very recently adopted policies are there to have effect, and the characteristics that I have explained in paragraphs 8 and 9 above demonstrate that the appeal site is not sustainable. Nor is there support from NPPF paragraph 83, since the site is not in a village or a group of smaller settlements.
15. The issue of self-build is raised, under the terms of policy LP08 under which the Council supports such development, although I note that the application form identified the dwelling as market housing, and the self-build box on the application form was not ticked. A Personal Statement was submitted with the appeal that refers to the breeding of a small number of Exmoor Ponies, which indicates that the proposed dwelling would enable the appellant's family to live on the same site as the ponies and thus be able to provide a quick response, especially during the foaling season.
16. This is akin to a claim of the need for an agricultural workers dwelling, but there has been no evidence presented that this is a viable business that can demonstrate a need for on-site housing, and the application was not submitted on this basis. Thus here is not sufficient evidence before me to conclude that such a need exists that would justify planning permission.

Conclusions

17. I have concluded that the appeal proposal does not amount to sustainable development as it is contrary to the very recently adopted JLP. The appellant's arguments against this conclusion are not persuasive. Set against the fact that the council can demonstrate a housing land supply of more than 10 years, the small social benefit of an additional dwelling and the very limited economic gains that would arise, do not overcome the environmental harm that would result from a grant of planning permission. For these reasons I will dismiss the appeal.

Terrence Kemmann-Lane

INSPECTOR