
Appeal Decision

Site visit made on 2 September 2024

By David Spencer BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 September 2024

Appeal Ref: APP/W3520/W/23/3333620

Ivy House, Southolt Road, Athelington, Suffolk IP21 5EL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr Seb Smith against the decision of Mid Suffolk District Council.
 - The application Ref DC/23/03182, dated 3 July 2023, was refused by notice dated 15 August 2023.
 - The development proposed is erection of 1 No. dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issues

2. The description of the proposed development is taken from the Local Planning Authority's (LPAs) decision notice, which I consider more concisely describes what has been applied for in terms of the permission in principle being sought.
3. The main issues in this appeal are:
 - i) whether the appeal site would be a sustainable location for residential development;
 - ii) whether the appeal site would be of a sufficient size for the development proposed; and
 - iii) whether future occupiers of the proposed dwelling would have acceptable living conditions with regards to noise and odour due to the proximity of poultry units to the north-west of the appeal site.

Sustainable Location

4. The appeal site is in the countryside, some distance from any significant settlement. It comprises part of a wider parcel of grassland used as a camping ground bounded by established hedging and trees. Ivy House and associated buildings are a short distance to the east. A shepherd's hut and other single storey ancillary structures as part of the 'Primrose Paddock' campsite are positioned close to the northern boundary in the wider host field. Notwithstanding the campsite, the appeal site retains a clear countryside character and is not largely "built upon" as described by the appellant.
5. There is a single storey dwelling a short distance to the south-west and a two storey dwelling, 'Homefield' a short distance to the north-west. There is no sense of any coherent settlement at the appeal location that could reasonably be described as a hamlet or cluster. These nearest dwellings are scattered,

isolated and do not detract from the overriding sense of the appeal site being firmly in the verdant countryside. The proposal would not amount to an infill plot as asserted by the appellant.

6. The two nearest villages of any size are Horham to the north and Worlingworth to the south. In the case of Worlingworth, the main facilities in this scattered, linear village are not located on the Athelington edge of the settlement. As such, the Primary School, Community Centre and Swan Public House (if it reopens) are all significantly beyond a reasonable walking distance from the appeal site. As the appellant points out, Horham is nearer, where there is a small nucleus of facilities including a shop and post office, a community centre and a bus shelter.
7. The appellant submits that these facilities at Horham are within 1600 metres of the appeal site. From my observations that would appear to be a reasonable assessment, albeit I find this to be very much at the margins of a reasonable, regular walking distance to access services. Moreover, the connecting route to Horham is along a minor rural road which is predominantly within the national speed limit (60mph). There is no footway or lighting along this road into Horham until you are almost at the facilities identified above. Whilst there is some scattered development along the route, there are appreciable parts which are remote, with little natural surveillance. There are also various stretches where there is no safe verge on which to step off the highway and a number of bends around which there is restricted visibility. Taking this all into account, I find the connecting route into Horham to be undesirable and not particularly safe for regular pedestrian connection, significantly reducing any sustainability credentials of the appeal location.
8. Both Worlingworth and Horham are within cycling distance of the appeal site. As set out above, however, the combination of remoteness, circuitousness and traffic speed along the connecting routes would deter most regular cyclists from using these roads to access Horham or Worlingworth. Overall, future occupants of the appeal proposal would be reliant on the private car to access services, facilities and employment. As such the appeal proposal would not comprise part of a sustainable pattern of development in Mid Suffolk.
9. I therefore conclude that the appeal site would not be a sustainable location for residential development. It would be contrary to Policy SP03 of the Mid Suffolk Joint Local Plan – Part 1 (adopted November 2023) [the JLP] which states that ensuring the sustainable location of new development will include, amongst other things, the application of settlement boundaries. This is to secure a sustainable pattern of growth by focusing new housing to settlements where the need to travel can be reduced, including good access to facilities and services. The appeal site is outside of a settlement boundary and as such is a location where new housing development will be restricted by Policy SP03. The appeal site would not comprise one of the exceptions in the JLP for housing that would be appropriate in a countryside location. As set out above it would not be a logical infill plot. As such the proposal would not accord with Policy LP01 of the JLP which permits new housing in the countryside subject to criteria and provided it forms part of a cluster of at least 10 well related dwellings.
10. The appellant refers to the potential of green energy policy and net zero through, amongst other things, electric vehicles. Whilst an electric vehicle

charging point would be required (now under Part S of the Building Regulations) there is no guarantee that a future occupier of the proposed dwelling would have an electric vehicle. The potential for electric vehicle use does not mitigate the conflict with an up-to-date development plan which seeks to carefully manage the location of new housing in the countryside that would be distant from services, facilities and reasonably sized communities.

Size of the site to accommodate the development proposed

11. As specified at paragraph 58-058-20180615 of the Planning Practice Guidance¹, a valid application for permission in principle must be accompanied by a plan identifying the land to which the application relates. The defined red line plan (reference p8b/uk/917232/1238136) shows a site comprising a narrow strip of land from Southolt Road connecting to a very small rectangular parcel of land within the appellant's wider land holding. Whilst there is a separate technical details consent stage if permission in principle is granted, it is clear at this preliminary stage that the red line encompasses an area that could not adequately accommodate a dwelling, off-street parking with a vehicle turning area and sufficient private garden area. On the plans before me, I cannot be satisfied, as a matter of principle, that the future occupants of the site for which permission in principle is sought would have acceptable living conditions on the basis of the constrained scale of the site as proposed.
12. The appellant submits that the plans could be amended. Be that as it may, no amended plans have been provided. I observed that the appeal site is part of a wider parcel of land such that there are no physical impediments to identifying a larger plot to host the proposed dwelling. Nonetheless, the appeal must be determined on the basis of what was applied for including the submitted plan, which has been the subject of notification and consultation.
13. I therefore conclude that the appeal site would not be of a sufficient size for the development proposed in terms of acceptable living conditions for future occupiers. Consequently, the appeal proposal would be contrary to JLP Policy LP24 which requires, amongst other things, that all new development be designed for health, amenity and well-being. On this basis the proposal would also conflict with the National Planning Policy Framework (NPPF) at paragraph 135 which states that developments will function well, by sympathetic to local character and create places that promote well-being including a high standard of amenity for future users.

Living Conditions Noise and Odour

14. A short distance to the north-west of the appeal site on the opposite side of Southolt Road is the site of a poultry unit. At the time of my site visit there were ongoing demolition works at this site. From the written evidence before me I understand planning permission has previously been granted for replacement poultry houses. The appeal proposal would introduce a new dwelling at a point marginally closer to this poultry site than existing dwellings in the area (excepting Homefield which appears to be linked to the unit). I have very little information that the poultry unit has been a significant and regular source of noise or odour at levels detrimental to securing a high standard of residential amenity in this rural location. The appellant asserts that the latest

¹ By reference to Article 5D of the Town and Country Planning (Permission in Principle) Order 2017 (as amended)

planning permission addresses residential amenity issues, although I also have very little information before me on this.

15. I am mindful of the agent of change principle, articulated at NPPF paragraph 193, in terms of ensuring that the existing use of the long-established poultry unit is not compromised in its operation by development subsequently consented nearby. Nonetheless, as set out above permission in principle is predicated on a two-stage process. The first establishes the principle, the second stage comprises the technical details consent. In my assessment, the information being sought by the LPA in respect of noise and odour would be a matter for the technical details consent in terms of whether such issues exist and whether they may require suitable mitigation. In coming to this view, the PPG on 'Permission in Principle' clarifies at paragraph 58-012-20180615 that the scope of first stage of permission in principle is limited to location, land use and amount of development. It also states that, in addition, local authorities cannot list the information they require for applications for permission in principle in the same way they can for applications for planning permission. The essence of permission in principle is a quick, cost-effective means of establishing the principle, rather than seeking and exploring technical details at a preliminary first stage.
16. Overall, I am not persuaded that the proximity of the existing poultry unit is a determinative matter as part of establishing a permission in principle in this case.

Balance and Conclusion

17. The appeal proposal would not be sustainably located and would not comprise a type of housing development in the countryside for which support can be found in the development plan. The red-line site area applied for is too small to suitably accommodate a single dwelling and associated parking and garden area resulting in an uncharacteristically and unnecessarily cramped development, to the detriment of future occupiers.
18. The proposal would deliver an additional dwelling and would do so on a small site (less than 1 hectare), which the NPPF at paragraph 70 says should be accommodating at least 10% of the housing requirement. The LPA asserts it can demonstrate a 10.88 years' supply of deliverable housing land, which has not been contested. This will inevitably include some provision (existing permissions and windfalls) on small sites of less than 1 hectare. As such I give the social and economic benefits of a single dwelling only very limited weight in favour of the appeal proposal. This would not amount to a material consideration sufficient to outweigh the conflict with the development plan.
19. The appellant refers to the proposal supporting the continuation of the Primrose Paddock campground business. The original planning statement refers to the need to sell Ivy House to meet the requirements of probate and so allow for the appellant and his family to remain on site. There are very few details before me, on a matter where often the personal and/or financial circumstances of the applicant are not a material planning consideration, given, any permission in principle would apply to land and pass with the property were it to be sold. Accordingly, I have given no weight to any asserted benefit the proposed dwelling may have in supporting the campsite business and in turn the wider rural economy at this location.

20. I have had regard to all other matters raised, including the scope to construct a low carbon dwelling, but there is nothing that leads me to conclude other than the appeal should be dismissed for the reasons given.

David Spencer

Inspector.