



Appeal Decision

Site visit made on 18 November 2024

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 27th November 2024

Appeal Ref: APP/W3520/W/24/3344168

Fairview, Ashbocking Road, Hemingstone, Suffolk IP6 9RP

- 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 and Mrs Boardley against the decision of Mid Suffolk District Council.
 - The application Ref is DC/23/03781.
 - The development proposed is erection of 1No dwelling including 3 bay cartlodge.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal form states that the description of development has not changed but it is different to that given on the planning application form. I have taken the description in the banner heading above from the appeal form as it more clearly describes the proposal. In the interests of clarity, I have removed wording that does not constitute an act of development.
3. The application was made in outline with matters of appearance and landscaping reserved for future consideration. Plans depicting appearance and landscaping were submitted with the application for illustrative purposes, and I have considered them on that basis only.
4. The Babergh and Mid Suffolk Joint Local Plan – Part 1 November 2023 (JLP1) was adopted by the Council in November 2023, at a point after the submission of the planning application but before the Council made its decision. The Council made its decision against the policies in the JLP1. Both parties have had the opportunity to comment in this regard. I have taken the JLP1 into account in coming to my decision.
5. The second reason for refusal given on the Council's decision notice relates to insufficient information being submitted regarding contamination. The Council has confirmed that the appellant has now provided adequate information that they consider acceptable in this regard. Based on the evidence before me I can see no reason to disagree with the Council on this matter.

Main Issue

6. As the second reason for refusal is no longer in dispute, the single main issue is whether the appeal site is in a suitable location for residential development having regard to local policy.

Reasons

7. The appeal site is an area of grassland surrounded on three sides by established hedgerows. It has frontage onto Ashbocking Road and lies adjacent to Fairview, a replacement dwelling which appeared substantially complete at the time of my site visit. To the west of Fairview is a small group of buildings including dwellings and a commercial garage. To the east, north and south of the appeal site is open countryside.
8. Policy SP03 of the JLP1 sets out the spatial approach to the delivery of new development. There is no dispute between the parties that the appeal site lies outside of any defined development boundary and is therefore in the countryside for the purposes of the development plan.
9. Policy SP03 states that outside of the settlement boundaries, development will normally only be permitted where the site is allocated, it is in accordance with a Neighbourhood Plan or one of the development plan policies listed in Table 5 under Policy SP03 or it complies with paragraph 80 (now paragraph 84) of the National Planning Policy Framework (the Framework).
10. It has not been put to me that the site is allocated or subject to support from a policy in a Neighbourhood Plan. Given the adjacent built form, I do not consider that the appeal site is isolated in the terms of the Framework and therefore the appeal proposal would not comply with the requirements of paragraph 84.
11. The appellant has referred me to Policy LP01 which is listed under Table 5 of Policy SP03 as a policy that provides support for development outside of settlement boundaries. This policy relates to windfall infill housing and states that proposals for such development, where there is a cluster of at least 10 well related dwellings, will be acceptable, subject to certain criteria.
12. The appeal site is not within a cluster of at least 10 well related dwellings and given there is no development adjacent to the east, it would not represent the filling of a small undeveloped plot in an otherwise built-up highway frontage either. The proposal would therefore conflict with Policies SP03 and LP01 of the JLP1.
13. The background text to Policy SP03 of the JLP1 also identifies that development needs to be accommodated in settlements where the need to travel can be reduced, through good access to facilities and services. This informs the overarching aims of the spatial approach to the delivery of new development. The appellant asserts that the appeal site is well connected, being located in close proximity to highly sustainable settlements.
14. I am not provided with any further information on which settlements the appeal site is considered to be well connected with. During my site visit, I visited the surrounding area and found the appeal site to be removed from the nearest main built up areas of Ashbocking and Henley, which provide a limited level of services and facilities, by approximately 1.5-2 miles. The larger settlements of Needham Market and Ipswich are located further away. There was no separate pavement alongside the road in the vicinity of the appeal site and the road was unlit and subject to the national speed limit.
15. Due to the nature of the road conditions along with the distances involved, walking to access services, facilities and employment opportunities would not

be an attractive option. Cycling maybe an option for some but not necessarily attractive to a majority given the lack of separate cycle routes. I have not been made aware of any public transport provision that provides connections to larger settlements, that is easily accessible from the appeal site.

16. I therefore find that future occupiers would be heavily reliant on the use of the private car. Paragraph 109 of the Framework states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Nevertheless, the Framework also sets out that the planning system should actively manage patterns of growth to promote walking, cycling and public transport use.
17. I am referred to a recent appeal decision at Copdock which is located in the adjacent district to Mid Suffolk, but is also subject to the policies in the JLP1. The Inspector in that case found that whilst the appeal site was in the countryside for the purposes of the development plan, it had adequate access to services, a genuine choice of transport modes and was well connected to surrounding settlements, meaning that residents would not be solely reliant on the private motor vehicle. I am also referred to an appeal at Finborough. The appeal decision extract provided states that in that case, some trips to services and facilities could be made by walking and cycling. The circumstances of both these appeal decisions are therefore not directly comparable to the appeal proposal before me.
18. The appellant refers me to paragraph 83 of the Framework which states that to promote sustainable development in rural areas, housing should be located where it will enhance and maintain the vitality of rural communities. In this case, the site is physically removed from any settlement containing facilities and services required to meet the needs of future occupants. In addition, given the accessibility concerns set out above, I consider that the benefits of the proposal, due to the small scale development and the limited support that it would give to services in a village nearby, would be minimal.
19. I therefore find that the appeal site would not be in a suitable location for residential development, having regard to local policies. The proposal would be contrary to Policies SP03 and LP01 of the JLP1, the aims of which are set out above.

Other Matters

20. The appellant asserts that the proposed dwelling would provide an exceptional standard of accommodation with ample private amenity space, suitable parking and highway access and that it would be designed to have an acceptable impact on the character and appearance of the area and residential amenity. It is also stated that there would be no impact on designated heritage assets, landscapes or trees and that the site is not at risk of flooding. Even if I were to agree, meeting policy requirements in these respects would be a neutral consideration that would not weigh in favour of the appeal proposal.
21. The proposal would provide an additional dwelling. It is asserted that it would be of highly efficient and sustainable construction, exceeding Building Regulation requirements in this regard. It would also provide economic benefits during construction and in the longer term through support of services and facilities in the nearest settlements. It is stated that given the size of the

site, biodiversity net gain would go beyond the required standard. However, given the scale of the proposal these benefits would be limited.

22. It is put to me that the principle of development is established due to the Council granting planning permission for a dwelling adjacent to the appeal site. However, this was for a replacement dwelling, where different policies and planning considerations were at play.

Conclusion

23. I find that the policies in the recently adopted JLP1, that are the most important for the determination of this application, are generally consistent with the Framework. The Council has also confirmed that it can demonstrate in excess of a five year housing land supply. The appeal decisions referred to me by the appellant at Woolpit and Finborough were determined prior to the adoption of the JLP1 and therefore were subject to a different policy context. No other matters are raised which suggest that paragraph 11 d) ii of the Framework should be engaged.
24. The proposal would therefore conflict with the development plan as a whole and there are no material considerations that indicate the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

G Dring

INSPECTOR