



Appeal Decision

Site visit made on 18 November 2024

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th December 2024

Appeal Ref: APP/W3520/W/24/3342190

Land East of Walsham Road, Wattisfield, Diss IP22 1PB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr Richard Syrett against the decision of Mid Suffolk District Council.
 - The application Ref is DC/23/05549.
 - The development proposed is the erection of 1no. dwelling and cartlodge.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Richard Syrett against Mid Suffolk District Council. This application is the subject of a separate decision.

Preliminary Matters

3. The description of development in the heading above has been taken from the application form. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description has been agreed. Accordingly, I have used the description given on the original application form.
4. The proposal is for permission in principle. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first stage (or permission in principle stage) establishes whether a site is suitable in principle, and the second stage (technical details consent) is when the detailed proposals are assessed. This appeal relates to the first of these two stages.
5. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent technical details consent application, if permission in principle is granted.

Main Issue

6. The main issue is whether the site is suitable for proposed development, having regard to its location, the proposed land use and the amount of development.

Reasons

7. The appeal site comprises part of a larger field enclosed by mature trees and hedges. The site has a narrow frontage onto Walsham Road where the access is located. Development in the area is typically set back from the road, including to the rear of hedges and mature trees. The dwelling at Church View Farm is set back from Walsham Road and is positioned away from the boundary with the site, which is formed by a mature hedgerow. On the other side of the site is a single-storey dwelling beyond the public footpath. The site is outside of the settlement boundary of Wattisfield and is therefore in an area designated as countryside for planning purposes.
8. The proposal is for permission in principle for one dwelling. Policy SP03 of the Babergh and Mid Suffolk Joint Local Plan 2023 (JLP) sets out the overarching approach to the sustainable location of new development across the district. The policy makes provision for housing outside of settlement boundaries in a range of defined circumstances, including where it is in accordance with one of the policies listed in Table 5, which includes Policy LP01.
9. Policy LP01 states that proposals for windfall infill outside of settlement boundaries where there is a cluster of at least 10 well related dwellings will be acceptable. Footnote 18 of the JLP defines infill as the filling of a small undeveloped plot in an otherwise built-up highway frontage.
10. The site is located between two residential properties and comprises an undeveloped plot. Development in the area is primarily set back from Walsham Road in a loose arrangement. The dwellings are positioned to the rear of established hedgerows, trees and fences and the front of properties, particularly on either side of the site, are typically undeveloped. The existing trees and hedges enclose Walsham Road and contribute to the overtly verdant character of the highway frontage. Consequently, this part of Walsham Road, including the land either side of the appeal site does not appear or feel significantly developed and in this context, does not contribute towards being an otherwise built-up highways frontage.
11. The precise layout and scale of the proposed development would be a matter for technical details consent. An indicative layout has been submitted, which demonstrates how development could be accommodated on the site. The proposed dwelling could be set back from the front of the site in a position that would reflect the typical position of dwellings of the area. However, even if the dwelling was positioned closer to Walsham Road, given the layout of development in the area, the proposal would not be within an otherwise built-up highway frontage, as required by Policy LP01.
12. The appellant has not disputed that the front part of the site is subject to surface water flooding. Policy LP27 of the JLP amongst other things, that proposals for new development can be approved where in areas at medium or high risk from flooding, it has been soundly demonstrated that the new development can be made safe for its lifetime without increasing flooding elsewhere. This includes addressing the 'sequential test'; where needed the 'exception test' and also a site-specific flood risk assessment (FRA).
13. Neither a FRA nor a sequential test have been submitted to demonstrate that the proposal is appropriate at this location, and that there are no suitable available alternative sites at a lower flood risk. As it has not been

demonstrated that it would not be possible for the development to be located in an area with a lower risk of flooding, then it has not been satisfactorily established that the location is acceptable in this respect. Furthermore, in the absence of an FRA being submitted with the appeal application, it has not been demonstrated that development in this location would not increase flood risk elsewhere.

14. The appellant has drawn my attention to a Court of Appeal judgment¹ in respect of the application of the sequential test. There is limited information in relation to the background to this judgment, including whether the judgment was based on the current policy and guidance within the National Planning Policy Framework and the PPG.
15. While specific details of the drainage could be supplied as part of a subsequent application for technical details consent, the absence of both a sequential test and FRA means that I cannot be certain that the location in principle would be acceptable on flood risk grounds.
16. I conclude that the site is not suitable for the proposed development, having regard to its location, the proposed land use and the amount of development. The proposal therefore conflicts with Policies SP03, LP01 and LP27 of the JLP, as set out above.

Other Matters

17. The proposal would make a positive contribution to housing supply and delivery with associated social and economic benefits during the period of construction and once the dwelling is occupied. Nonetheless, the associated benefits are limited by the scale of the development proposed and would not outweigh the harm that I have identified.
18. The appellant has raised concern in respect of the Council's handling of the application. The evidence before me indicates inconsistencies in the Council consideration of the proposal. While this is unfortunate, this is not relevant to my consideration of the planning issues of the appeal scheme.

Conclusion

19. Planning law and the Framework require proposals to be determined against the development plan unless material considerations indicate otherwise. The proposed development would conflict with development plan policy for the location of housing and would undermine the Council's plan-led approach, contrary to Paragraph 15 of the Framework.
20. The proposal conflicts with the development plan. Material considerations do not indicate that a decision should be made other than in accordance with the development plan. For the reasons given above the appeal should be dismissed.

J Pearce

INSPECTOR

¹ R (Substation Action Save East Suffolk Ltd) v Secretary of State for Energy Security and Net Zero [2024] EWCA Civ 12