



Appeal Decision

Site visit made on 30 September 2019

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th October 2019

Appeal Ref: APP/W3520/W/19/3233330

Antler Ridge, Main Road, Willisham, Suffolk IP8 4SP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr K Comforth against the decision of Mid Suffolk District Council.
 - The application Ref DC/19/00949, dated 26 February 2019, was refused by notice dated 24 April 2019.
 - The development proposed is described as 'erection of dwelling and garage'.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a dwelling and garage at Antler Ridge, Main Road, Willisham, Suffolk IP8 4SP, in accordance with the terms of the application, Ref: DC/19/00949, dated 26 February 2019, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The planning application was submitted in outline with all matters of detail reserved for future consideration. I have considered the proposal on this basis.

Main Issues

3. The main issues in this appeal are:
 - Whether the appeal site is a suitable location for the proposed development with particular reference to development plan policies concerned with housing in rural areas;
 - The accessibility of services and facilities; and
 - If there is a conflict with the development plan, whether there are material considerations which indicate a decision should be taken other than in accordance with the development plan.

Reasons

Development plan policies

4. In order to support existing communities by guiding development to settlements with the greatest range of services and facilities, Policy CS1 of the Mid Suffolk Core Strategy 2008 (CS) sets out a settlement hierarchy. Willisham is not identified in the hierarchy as one of the settlements to where the majority of new development will be directed. Instead, it is a 'countryside

village' where development will be restricted to particular types. The appeal scheme would not constitute any of the defined categories of development listed in Policy CS2 of the CS. There is a negative corollary that development which is not listed in the policy is not to be ordinarily permitted.

5. Moreover, Policy H7 of the Mid Suffolk Local Plan 1998 (LP) exercises strict control over development in the countryside and states that new housing will normally form part of an existing defined settlement. The proposed dwelling would not be located within an existing settlement boundary and would therefore not form part of an existing settlement for the purposes of Policy H7. That said, the policy is aimed at protecting the countryside and the proposal would not offend this aim, being located well within the grouping. Nevertheless, being housing in the countryside the proposal would be at odds with, and harmfully undermine, the adopted spatial strategy for rural housing in the development plan and the consistency and relative certainty that should flow from a planning system that is genuinely plan led.

The accessibility of services and facilities

6. The appeal site encompasses the side garden of Antler Ridge and is located towards the centre of Willisham. Save for a bus stop there does not appear to be any services or facilities in this largely residential settlement. The edge of Barking Tye is a short distance to the north but this is a long linear settlement with few facilities, the most obvious being a restaurant, garage and large green/playground.
7. In order to satisfy everyday functional requirements such as education, employment and shopping it would be necessary for future residents of the appeal scheme to travel further afield to settlements such as Somersham and Needham Market, where there are schools, shops and leisure opportunities. The services and facilities in these settlements are beyond a comfortable walk due to the distance and physical constraints such as the absence of a continuous pavement. The distance may also deter cyclists. Willisham is on a bus route, but this is a limited service.
8. Consequently, future residents of the appeal scheme would be highly reliant on private motorised transport. Even when taking account of the rural location of the appeal site, where opportunities to maximise sustainable transport will be more inhibited than urban areas, the appeal site is not well placed in terms of accessibility to services and facilities to accommodate a new home. Car journeys to the nearby settlements would be short in duration but daily journeys would soon add up to a high number of miles travelled with the associated carbon emissions. This would result in modest harm and a conflict with one of the aims underlying the spatial strategy in the CS of encouraging sustainable transport.

Other Considerations

9. Policies CS1, CS2 and H7 are the most important policies for determining the locational suitability of the appeal scheme. However, these policies set a more restrictive approach to rural housing than Paragraph 78 of the National Planning Policy Framework (the 'Framework'). In particular, they do not contain provisions setting out how general housing can be located to enhance and maintain the vitality of small rural communities such as Willisham.

10. That said, the aim of Policies CS1, CS2 and H7 to prevent development outside settlement boundaries chimes with some of the objectives in the Framework, such as the need to encourage sustainable transport, recognise the intrinsic character and beauty of the countryside and avoid isolated homes. Therefore, these policies are not entirely inconsistent with the Framework. However, in the absence of a mechanism that allows some housing in small settlements, as advocated by the Framework, Policies CS1, CS2 and H7, as a collective 'basket', are out of date for the purposes of considering this appeal. This is a conclusion shared by both the Council and the appellant.
11. In such circumstances, Paragraph 11 d) of the Framework is engaged. It states that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when considered against the policies in the Framework taken as a whole¹ - the tilted balance.
12. The adverse impacts of the proposal include modest harm arising from its position remote from services and facilities a conflict with the spatial strategy in the development plan. However, the strategy is out of date and strict adherence to it would not allow a balance to be struck between encouraging sustainable transport and locating housing where it would help to maintain the vitality of small rural communities such as Willisham. Thus, the weight I afford any conflict with the spatial strategy is notably reduced.
13. Furthermore, my attention has been drawn to the Council's emerging Joint Local Plan (eLP). This includes draft Policy LP01, which is intended to allow infill development within the settlement boundaries of hamlets. Willisham has been identified as a hamlet that would have a settlement boundary placed around it. The emerging Local Plan is not at an advanced stage and could be subject to revisions thus, as a document, it is of limited weight. However, the intent of Policy LP01 is of significance. It sets out a direction of travel and is recognition that the spatial strategy needs to be amended so that small settlements like Willisham can benefit from modest residential development. Overall, the adverse impacts of the proposal carry moderate weight.
14. Weighed against this, the residents of a new dwelling would modestly support the vitality of Willisham as well as services in nearby villages. However, there is little evidence before me to suggest one additional household would have a notable effect on the viability of local facilities or the vitality of the community. For example, evidence has not been provided to suggest local facilities are suffering for lack of patronage or there is inadequate community capital. The proposal would provide some support to the construction industry, but this would be limited in scale and short lived. The previous Inspector² in 2016 described these as moderate benefits and I see no reason to disagree.
15. The dwelling would not be isolated and would be sited so as not to have an adverse impact on the countryside, thereby recognising its intrinsic character and beauty. However, the absence of harm is a neutral matter. Garden land outside a built-up area can be considered 'previously developed land' but the appellant has advised that Willisham is a settlement of around one hundred homes. To my mind, this is a built-up area and therefore the proposal would not occupy previously developed land.

¹ In this instance there are no policies in the Framework that give a clear reason for refusing the proposal

² APP/W3520/W/16/3152185

16. Overall, the moderate adverse impacts of the appeal scheme would not significantly and demonstrably outweigh the moderate benefits. This is a material consideration that indicates the appeal should be determined other than in accordance with the development plan.
17. In arriving at this conclusion, I am aware that the previous Inspector reached an opposite finding in 2016 when applying the tilted balance. However, in the intervening period the Council has published draft policies in its eLP. Moreover, the 'Braintree' judgement³ has provided clarity over the intent of the rural housing policy as previously set out in Paragraph 55 of the 2012 Framework, that it is not a policy against housing in small rural settlements. The wording in Paragraph 55 is broadly reflected in Paragraph 78 of the 2019 version of the Framework. These are material changes in circumstances that justify the different conclusion I have reached.

Conditions

18. I have had regard to the advice in the Planning Practice Guide and the conditions suggested by the Council. It is necessary in the interests of safeguarding highway safety, the character and appearance of the area and the living conditions of neighbours, to ensure that the reserved matters are submitted and approved. In the interests of certainty, it is necessary to list the site location plan as an approved plan. As 'scale' and 'access' are reserved matters it is unnecessary to impose conditions relating to parking, refuse storage, and the height of the dwelling, as the Council has control over these aspects through the reserved matters.

Conclusion

19. The proposed development would not adhere to the development plan. However, in this instance, material considerations, namely the Framework, indicate that the appeal should be determined other than in accordance with the development plan. Accordingly, the appeal should succeed.

Graham Chamberlain
INSPECTOR

³ Braintree District Council v Secretary of State for Communities and Local Government, Greyread Limited & Granville Development Limited (2017)

Schedule of Conditions

- 1) Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission, and the development must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates the final approval of the last such matter to be approved.
- 2) Before any development is commenced, approval of the details of the appearance, scale and layout of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority. The development shall be implemented in accordance with the reserved matters as approved.
- 3) The development hereby permitted shall be carried out in accordance with the following list of approved plans: Site Location Plan at a scale of 1:2500