



Appeal Decision

Site visit made on 18 September 2019

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2019

Appeal Ref: APP/D3505/W/19/3230839

Land at Prospect Hill, Great Cornard, Suffolk CO10 0PQ

- 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 and Mrs G Walker against the decision of Babergh District Council.
 - The application Ref DC/18/04989, dated 8 November 2018, was refused by notice dated 16 April 2019.
 - The development proposed is the erection of up to 8no dwellings with carports and construction of a new vehicular access to Prospect Hill.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the site address as it appears on the Council's Decision Notice and the appellant's appeal form, as opposed to that stated on the application form. This is because it accurately and concisely indicates the site under consideration.
3. The appeal proposal is for outline planning permission with access only to be determined at this stage and with appearance, landscaping, layout and scale reserved for future approval. Whilst not formally part of the scheme, I have treated the details relating to the matters reserved for future approval submitted with the appeal application as a guide to how the site might be developed.

Main Issues

4. The main issues are:
 - The effect upon the character and appearance of the rural area; and
 - Whether the site represents an appropriate location for housing, with particular regard to access to facilities and services.

Reasons

Character and appearance

5. The appeal site is formed of a grassed area of land situated outside of the nearest settlement, Great Cornard. Its immediate surroundings are heavily wooded, and this applies to much of the site's perimeter. A Country Park is

located close by, as are various agricultural fields. Notwithstanding the nearby presence of existing clusters and singular examples of residential development, the site and its surroundings are inherently rural in their character and appearance.

6. Policy CS2 of the Babergh Core Strategy and Policies (February 2014) (the Core Strategy) states that in the countryside, outside of settlement boundaries, development will only be permitted in exceptional circumstances subject to a proved justifiable need. However, the National Planning Policy Framework (February 2019) (the Framework) does not imply that protection from development be given to the open countryside in its totality, rather that valued landscapes be protected and enhanced and that recognition be given to the intrinsic character and beauty of the countryside. Policy CS2 is a restrictive policy that is not wholly consistent with the Framework such that, as indicated by the Council, the fact that the site is located outside the settlement of Great Cornard is not a determinative factor in this case.
7. The site is located within a Special Landscape Area. I have not been provided with full details in this respect. However, it appears that landscape sensitivity is drawn, at least in-part, from the prevailing presence of undeveloped countryside and the area's attractive mix of wooded land and often undulating agricultural fields.
8. As indicated on the illustrative proposed site plan before me, it is intended that 8 dwellings be constructed upon the grassed central area of the site. It is thus proposed that existing mature planting be retained to the site's perimeter, other than where selected removals would be necessitated for access purposes. Additional planting would be anticipated, the details of which would become apparent at detailed planning stage.
9. From Prospect Hill, I observed that fleeting views were available through the roadside screen of planting such that vegetation situated to the opposite southwestern edge of the site was visible in places. This offers a strong indication that the proposed development would have a visual presence when viewed from Prospect Hill despite the screening that is in place. In any event, planting cannot be relied upon to provide a solid and permanent buffer to views. This is because it is ever evolving, is reliant on regular maintenance to retain a consistent form and may be reduced in scale or extent in the future.
10. Even should the proposed dwellings be brought forward at a single storey, the development would appear discordant with its rural surroundings and landscape setting. Particularly given the site's standalone location relative to existing clusters of residential development in the locality, the scheme would encroach into the open countryside and have an adverse urbanising effect.
11. For the above reasons, the proposal would cause harm to the character and appearance of the rural area in conflict with Policy CS15 of the Core Strategy in so far as this policy requires proposals to respect the local context and character of the different parts of the District and to make a positive contribution to the local character, shape and scale of the area.
12. Although not forming part of the reason for refusal, saved Policy CR04 of the Babergh Local Plan Alteration No 2 (June 2006) (the Local Plan) has been referred to in the evidence before me. The proposal also conflicts with saved

Policy CR04 in so far as it requires proposals in Special Landscape Areas to be designed and sited so as to harmonise with the landscape setting.

Facilities and services

13. An array of facilities and services are contained within Great Cornard and the adjacent settlement of Sudbury, which would cater for the day-to-day needs of future occupiers of the development. I note the proximity of other clustered residential development situated outside of the settlement and accept that the site has a reasonably close physical relationship to Great Cornard. However, this does not mean that the site is necessarily well connected to the facilities and services contained within the closest settlements.
14. Prospect Hill is an unlit, bending, single-lane road that is not served by footway in the vicinity of the site. Furthermore, any potential alternative route from the site to Great Cornard via public footpaths (proposed to be connected to at the rear of the site) is not lit nor hard surfaced. The linkages that are in place between the site and Great Cornard do not promote convenient access to facilities and services by means other than via private car. Either walking or cycling to Great Cornard, or Sudbury, in order to satisfy day-to-day needs would be unlikely to represent an attractive option for future occupiers of the development, particularly when factoring in the not insignificant distances involved.
15. The Framework notes that sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making. Nevertheless, particularly noting the lack of any bus stops servicing the site, the proposal's location evidently promotes private modes of transportation. This sits uncomfortably alongside the Government's objectives of delivering sustainable development in a planned and coordinated manner. The future occupation of 8 dwellings in this rural location would have a cumulative adverse effect and would lead to an unsustainable form of development.
16. I acknowledge the intended provision of a footpath across the site's frontage. However, this would run for only a relatively short length in the context of the site's separation from Great Cornard and would thus lead to only a limited improvement in the site's connectivity. Whilst the appellant has provided evidence of people walking along Prospect Hill, this does not demonstrate that the route is suitable to be walked regularly or to serve day-to-day needs on this basis.
17. Several appeal decisions relating to sites situated elsewhere appear in the evidence before me, which I have carefully considered. Nevertheless, these decisions are of limited relevance given the material differences that exist when comparing the other schemes to the appeal proposal. For example, a decision referred to at Norton and relating to the provision of 8 dwellings is not located within the same District and would have been considered against a different development plan. In any event, each site will have different characteristics and differing connections and relationships with neighbouring settlements. It remains the case that I must assess the appeal proposal based on its own individual merits.
18. For the above reasons, the proposal would cause material harm by virtue of not being in an appropriate location for housing, with particular regard to access to

facilities and services. The proposal conflicts with Policies CS1 and CS15 of the Core Strategy in so far as these policies require that an appropriate level of services, facilities and infrastructure are available or provided to serve the proposed development, that the need to travel by car is minimised and that a presumption in favour of only sustainable development is applied.

Other Matters

19. I acknowledge the nearby presence of the Grade II listed Prospect House. Notwithstanding Prospect House's historic connection to the appeal site, there is enough distance as well as a generous extent of intervening woodland situated between it and the proposed development to provide adequate assurances that the designated asset would continue to be experienced against a wide rural backdrop. Any potential harm to its setting would thus be avoided.
20. I have also noted objections raised by interested parties with respect to matters including highway safety, flooding and the effect upon wildlife. However, as I have found the proposal to be unacceptable for other reasons, it is not necessary for me to explore these matters further here.

Planning Balance

21. In the evidence before me the Council has accepted that it cannot currently demonstrate a five-year supply of deliverable housing sites. Indeed, a supply figure of 4.86 years has been stated. The Framework is clear that in such circumstances the policies most important for determining proposals are considered out-of-date and that the tilted balance, as set out under paragraph 11 of the Framework, applies. For decision making this means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework's policies taken as a whole.
22. I have identified conflict with Policy CS15 of the Core Strategy. This policy sets out desirable characteristics for the implementation of new development and is broadly consistent with the Framework, particularly in so far as it promotes walking, cycling and public transport use over private car travel, seeks the retention and protection of rural communities and promotes that local character and landscape be respected. Saved Policy CR04, which I too have found conflict with, is also broadly consistent with the Framework in so far as it recognises the intrinsic character and beauty of the countryside through seeking to either maintain or enhance the special qualities of Special Landscape Areas. Whilst Policies CS15 and CR04 could act to restrict the supply of housing, I attach substantial weight to them.
23. I have found significant harm to arise in the context of the policies stated above. For the avoidance of doubt, this harm is upon the character and appearance of the area and by virtue of the site's poor connectivity to surrounding facilities and services promoting dependency on private modes of transportation. The proposal fails to accord with the development plan when read as a whole.
24. The scheme would deliver 8 additional residential units in a District where, from the evidence before me, a five-year supply of housing cannot currently be demonstrated. This benefit attracts moderate weight noting the modest

number of dwellings when considered in the context of District-wide housing requirements. The scheme would also generate jobs during its construction phase as well as expenditure in the local economy once occupied, these are benefits that attract limited weight given the relatively limited scale of intended development. The proposal, once occupied, would also likely contribute to the vitality of rural communities in a social sense. Any such benefit would be tempered due to the site not being contained within an existing settlement and, in any event, only limited weight could be apportioned given the scale of development under consideration.

25. It is intended that a new footpath link be provided that would improve connectivity across the site's frontage. This would be envisaged to be of benefit to pedestrian users of Prospect Hill. I attach only limited weight to this benefit given that the footpath would not connect into a wider footpath network either side of the site and because it would run for only a short length.
26. The provision of a footpath linking the proposed dwellings to the rear boundary of the site would be expected to provide connectivity to the nearby public footpath network and the Country Park. The illustrative proposed site layout indicates that this link would primarily be of benefit to future occupants of the scheme itself rather than to the wider local community. I thus apportion only limited weight to this intended connectivity improvement.
27. I note that additional planting and future landscape maintenance would hold the potential to provide some limited biodiversity and ecological enhancements. I also accept that a low-carbon and energy efficient development could be brought forward. These benefits/factors attract limited weight.
28. Having considered the benefits and adverse impacts of the scheme before me, I conclude that the harm and policy conflict that I have identified would significantly and demonstrably outweigh the proposal's benefits when assessed against the Framework's policies taken as a whole. The presumption in favour of sustainable development, as set out in the Framework and Policy CS1 of the Core Strategy, does not apply therefore.

Conclusion

29. For the reasons set out above, the appeal is dismissed.

Andrew Smith

INSPECTOR