

Appeal Decision

Site visit made on 26 August 2022

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2022

Appeal Ref: APP/W3520/W/22/3290391

Land to the south of Post Office Cottage, Monk Soham IP13 7EX

- 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 & Mrs Alex and Anna Rowe against the decision of Mid Suffolk District Council.
 - The application Ref DC/21/03467, dated 27 May 2021, was refused by notice dated 25 November 2021.
 - The development proposed is the erection of a self-build dwelling on land formerly used for residential occupation to the south of Post Office Cottage, Monk Soham, Suffolk IP13 7EX.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with all matters reserved for subsequent determination. Accordingly, the proposed block plan is marked as indicative and I have treated it as such.

Main Issues

3. The main issues are the suitability of the location for the proposed dwelling, in particular whether its occupants would have adequate access to services and facilities without undue reliance on private vehicle use; and whether there is sufficient information to assess any effects of the proposal on protected species.

Reasons

Suitability of the Location

4. The appeal site is an open area of land with a road frontage within a small group of dwellings set within open countryside with agricultural fields to the east and west. There is further residential development to the north and south.
 5. Policy CS1 of the Mid Suffolk Core Strategy (2008) sets out the settlement hierarchy for the district, in which Monk Soham is defined as a Countryside Village where development will be restricted to particular types, to support the rural economy, meet affordable housing, community needs and provide renewable energy. Policy CS2 of the Core Strategy further defines the
-

categories of development that are appropriate in the countryside, none of which apply to the appeal proposal. Policy H7 of the Mid Suffolk Local Plan (1998) reflects these controls over proposals for new housing, in the interests of protecting the existing character and appearance of the countryside. Policies FC1 and FC1.1 of the Mid Suffolk Core Strategy Focused Review (2012), replicate the presumption in favour of sustainable development in an earlier version of the National Planning Policy Framework (the Framework) and indicate the broad principles of sustainable development. As such, they are less important policies with regard to the main issue.

6. Therefore, the proposal for a new dwelling is contrary to Policies CS1, CS2 and H7, which restrict such development in this location. However, the Council indicates initially that the fact that the site is located in the countryside in policy terms is not a determinative factor. This is due to the reduced weight given to these policies as a result of their more restrictive and less balanced approach to rural housing than that of the more recent Framework. Consequently, the Council considered the proposal in the context of the presumption in favour of sustainable development included in the Framework.
7. In its appeal statement the Council suggests that Policies CS1, CS2 and H7 are up-to-date to the extent that they are consistent with the Framework in their objective to enhance and maintain villages and rural communities; and to actively manage patterns of growth and focus significant development on locations which are or can be made sustainable. While I accept this with regard to the policies' underlying aim, I agree also with the Council's initial assessment that due to the restrictions on development in the countryside outside settlement boundaries, Policies CS1, CS2 and H7 are not wholly consistent with the Framework, which only applies such restrictions to isolated homes in the countryside¹. Moreover, the appellants refer to previous appeal decisions where these same policies have been found to be out-of-date for this reason. I am mindful of the principle that appeal decisions should be determined on a consistent basis as well as on their own merits.
8. Consequently, for the purposes of this appeal, these most important policies should be considered to be out-of-date and, therefore, the presumption in favour of sustainable development is engaged. The presumption requires that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole².
9. Monk Soham itself and the nearest other small settlement, Bedfield, which is defined as a Secondary Village, have limited services and facilities. For Bedfield these include a post office, primary school and public house. Neither settlement appears to include a shop, which would be necessary for day-to-day living. Both are around a mile from the appeal site, but the lack of footpaths and the unlit roads do not make this a conducive pedestrian environment, although these distances would not preclude cycling. There is no evidence of public transport services to the surrounding area.

¹ Paragraph 80.

² Paragraph 11d) ii.

10. The appellants contend that Earl Soham includes a wider range of facilities, but this is some three miles from the appeal site. A greater range of services and facilities would be found at Debenham, which is a Key Service Centre, but this is just under four miles away. It is reasonable to conclude, therefore, that most if not all journeys from the proposed dwelling to access necessary services and facilities would be undertaken by private vehicle. I give limited weight to the appellants' contention that such journeys would be undertaken by electric or hybrid vehicles as this cannot be guaranteed with any certainty.
11. The Framework says that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. It also recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making³.
12. In this case a single dwelling is not a significant development and would not add substantively to the journeys already made from nearby dwellings, which are located in a rural area. Nonetheless, balancing this with the lack of alternative modes and the distances involved to access the necessary services and facilities, I consider that the proposal would result in moderate harm.
13. The Council can demonstrate a more than five year housing land supply. However, the Framework does not preclude additional dwellings where the five year minimum supply is met or exceeded, particularly bearing in mind the national objective of significantly boosting the supply of homes. As such, the proposed dwelling would make a limited contribution towards this objective in the form of a self-build dwelling, which the Framework identifies as a specific housing type that should be addressed⁴. Moreover, there would be some economic benefit from the dwelling's construction. In addition, its occupants could help to support local services within the surrounding area, such as local primary schools.
14. Accordingly, I consider that the moderate harm resulting from journeys to and from the site would not significantly and demonstrably outweigh these benefits taken as a whole. Therefore, for these reasons, I conclude that the location would not be unsuitable for the proposed dwelling. Consequently, any conflict with Policies CS1 and CS2 of the Mid Suffolk Core Strategy and Policy H7 of the Mid Suffolk Local Plan is outweighed by the material considerations set out above for the reasons given. Policy CS5 of the Core Strategy is not directly relevant as it concerns the effect of development on the natural and historic environment.

Protected Species

15. The appellants provide an Ecological Appraisal report, which identifies that there are seven ponds in the vicinity of the appeal site, with the potential for Great Crested Newts (GCN) to cross the site to access the ponds. The Appraisal report recommends further assessment to confirm the presence of GCN within any of the ponds within proximity of the site; or that a District Level Licence could be applied for to provide offsite compensation for any impacts to GCN

³ Paragraph 105.

⁴ Paragraph 62.

which would negate the need for any further surveys or mitigation on site if required.

16. Based on the report, the Council's ecology consultant advises that there is insufficient information available for determination of the application. I am not aware that further evidence has been submitted with regard to the appeal and the Council indicates that a countersigned agreement with Natural England to demonstrate the applicants' intention to enter the District Level Licensing has not been provided.
17. As a general principle, the presence or otherwise of protected species and the extent to which they might be affected by proposed development, must be established before planning permission is granted. Therefore, in the current circumstances, where there is uncertainty about the possible effects of the proposal on a protected species, it would not be appropriate to impose a condition requiring further investigation.
18. Accordingly, based on the available evidence, I must conclude that it has not been adequately demonstrated that the proposal would not be harmful to a protected species. Consequently, the proposal is contrary to Policy CL8 of the Mid Suffolk Local Plan, which seeks to prevent development that could be a threat to protected species.

Other Matters

19. I have had regard to all the representations made by interested parties both for and against the proposal. I have no evidential basis to conclude that an additional dwelling in this location would result in harm to highway safety, unacceptable levels of light pollution or would create a precedent for further development. Any subsequent proposals would need to be considered on their merits taking account of policies and circumstances pertaining at the time. Other matters raised would be more appropriately addressed at the reserved matters stage.

Conclusion

20. I have found in the appellants' favour with regard to one main issue, concerning the suitability of the location. However, this does not outweigh the fact that the proposal is contrary to the development plan as it has not been adequately demonstrated that it would not be harmful to a protected species. There are no other material considerations that outweigh the conflict with the development plan. Accordingly, it is concluded that the appeal should be dismissed.

J Bell-Williamson
INSPECTOR