



Appeal Decision

Site visit made on 22 May 2019

by I A Dyer BSc (Eng) MIHT

an Inspector appointed by the Secretary of State

Decision date: 8 July 2019

Appeal Ref: APP/E3525/W/19/3221249

5 Church Road, Stanningfield IP29 4RE

- 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 C Mears against the decision of St Edmundsbury Borough Council.
 - The application Ref DC/18/1698/OUT, dated 16 August 2018, was refused by notice dated 28 November 2018.
 - The development proposed is severance of side garden and erection of 2 detached dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is for outline permission with all matters except the means of access being reserved for future consideration. An indicative layout plan (Drawing 1152/2) was submitted with the application and I have treated it as such.
3. Further revisions have been made to the National Planning Policy Framework (the Framework) during the course of my consideration of the appeal and a revised version was published in February 2019. The changes to the Framework do not materially alter the policies within the Framework most relevant to this appeal.

Main Issue

4. The main issue is whether the appeal site is a suitable location for two new dwellings having regard to local planning policy for the delivery of housing.

Reasons

5. Stanningfield is a village described in the St Edmundsbury Core Strategy - 2010- (the Core Strategy) as an 'Infill Village', which only has a limited range of services. The village retains a rural setting within open countryside.
6. The appeal site lies on the south-eastern side of Church Road, a rural road. The site forms part of the garden of 5 Church Road and is enclosed on its frontage to the road and to the south-west by a dense hedge. The boundary to the rear of the site is in the form of a lower hedge and fence, separating the garden

- from a landscaped grassed enclosure and planting. Beyond this enclosure and across Church Road from the site lies open countryside.
7. There is no disagreement between the parties that the site lies outside the settlement boundary for Stanningfield as identified in the Core Strategy. It is therefore designated as countryside. Together Policies CS1 and CS4 of the Core Strategy establish a spatial strategy and development hierarchy that seek to protect countryside and concentrate development growth in more sustainable locations. Policies DM5 and DM27 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document -2015- (the Local Plan) which, amongst other things, seek to protect areas designated as countryside from unsustainable development. These aims are broadly consistent with the aims of the Framework.
 8. Although already part of the garden of No 5 the proposal would introduce two dwellings to this area which would extend the ribbon development along Church Road further out into the countryside. The dwellings, together with their associated residential paraphernalia would increase the urbanisation of the countryside. Although screened from the road to a degree by the existing hedge this impact would be noticeable from the public highway and the rear windows on existing dwellings fronting onto Chapel Road. Whilst within the garden of an existing dwelling the proposed dwellings would lie outside the perimeter of buildings within the village group and would not "infill" between dwellings.
 9. I therefore find that the appeal site is not a suitable location for two new dwellings having regard to local policy for the delivery of housing as it is contrary to Policies CS1 and CS4 of the Core Strategy and Policies DM5 and DM27 of the Local Plan.
 10. It has been suggested that Policies DM5 and DM27 of the Local Plan are out of date, in that they obviate the balanced approach in the Framework. However, the Framework includes an environmental objective - to contribute to protecting and enhancing our natural environment and Policies DM5 and DM27 of the Local Plan would be broadly in accordance with these aims. I therefore find little evidence to support the view that these policies are out-of-date.
 11. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not be granted unless material considerations indicate otherwise. In this case I do not find that there are such material considerations.

Other Matters

12. My attention has been drawn to a development within the garden of Homestead, in Chapel Road, which has been granted planning permission (Council reference DC/18/1264). However, I note that the garden in this case is included within the settlement boundary of Stanningfield, unlike the proposal before me. Furthermore in terms of physical relationship to existing dwellings on Chapel Road, the site would face existing development across the road. This is not the case with the proposal before me. I therefore find this development to be materially different and as such carries limited weight.

13. I note that the Parish Council consider that the boundary line should not have been drawn across the garden of 5 Church Road and that the boundary is incorrectly drawn. However, this is not a matter which is before me.

Conclusion

14. For the reasons given above, and having regard to all other matters raised, the appeal is dismissed.

I Dyer

INSPECTOR