



Appeal Decision

Site visit made on 18 June 2019

by D. Szymanski, BSc (Hons) MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd July 2019

Appeal Ref: APP/W3520/W/19/3225661

Land Adjacent Foresters, New Road, Tostock, IP30 9PJ

- 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 Gary Sallows & Chapel New Homes Ltd. against the decision of Mid Suffolk District Council.
 - The application Ref: DC/18/04677 dated 19 October 2018, was refused by notice dated 4 January 2019.
 - The development proposed is described as: *Erection of 3 no. two-storey dwellings and 1 no. single-storey dwelling.*
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is submitted in outline form with only access falling to be determined at this stage. I have taken the layout plan to be indicative only.

Main Issue

3. The main issue is the effect of the proposed development upon the character and appearance of the area.

Reasons

4. The appeal site forms approximately 0.4 hectares of cleared and fenced land, which was associated with a demolished bungalow that has since been replaced with two sizeable detached dwellings under permission Ref: DC/18/03120 – these adjoin part of the north of the appeal site. The front part of the appeal site is understood to benefit from outline planning permission for two dwellings (permissions Ref: DC/19/00190). The site is on the edge of the village, being bound by mature woodland to the rear (east), part of the north, and the south, which provides a soft verdant edge to the settlement. Further to the south lies a large stable block and a smaller farm building set well back from the highway.
5. Existing dwellings on New Road have similar building lines to the front, set within generous plots, often with garages and outbuildings close to the side and rear of the host dwellings. The plot size, dwelling position, density, landscaped gardens, together with the woodland and hedgerows, provides a

linear, open and verdant character to New Road which compliments its rural setting.

6. Part of the east side of the appeal site that would host the single storey dwelling and part of the rear two storey dwelling is within land designated in the countryside. The settlement boundary follows a similar line north appearing to bisect the large rear plots of those properties, with the land outside the settlement boundary to the east, forming part of the mature wooded area. The proposed dwellings behind those fronting New Road would significantly intensify the amount of built development, which would significantly harm the rural edge of settlement character. It would also result in a significant incursion of development into the countryside.
7. As referenced by the appellant's evidence, I note there are examples in parts of the village where development appears to have taken place behind highway fronting properties (sometimes referred to as 'back land' type development), but this does not mean that it is suitable for all parts of the settlement. The National Planning Policy Framework (the Framework) promotes the efficient use of land, however, development must also be compliant with other planning policies including those relating to character and appearance.
8. For the reasons above I consider that the proposed development would significantly harm and alter the character and appearance of this part of the village and its rural setting. This would be contrary to saved Policies H13 and H15 of the Mid Suffolk Local Plan (1998) (the MSLP) and Policy CS5 of the Mid Suffolk Core Strategy (the MSCS). These policies seek amongst other things, to ensure that the design and layout of development is appropriate to the site and its surroundings, and consistent with the pattern and form of development in the area. The development would also be contrary to paragraph 170 of the Framework which seeks to ensure that development adds to the quality of an area and is sympathetic to local character.

Sustainable Development

9. The appellant has referenced the Council only having a 3.4-year deliverable supply of housing land (referenced in a 2018 appeal decision). I am not aware of the Council's deliverable housing land supply having been recently independently tested, and this written representation appeal would not provide the appropriate means to carry out such an exercise. If I were to assume that the Council could not demonstrate a five-year housing land supply, in accordance with paragraph 11 of the Framework, the policies that are the most important for determining the application would be out-of-date, carrying less weight.
10. The proposed development would result in small temporary economic benefits from construction and once built some small sustained benefit to the local economy. There would be a small-benefits from supporting strong, vibrant and healthy communities through supplying a small number of dwellings. However, in this instance the adverse impacts of granting permission in respect of the character and appearance of the area, would significantly and demonstrably outweigh the small benefits when assessed against the policies in the Framework as a whole.

Other Matters

11. The appellant advances the view that Policy CS5 of the MSCS is out of date, as it fails to acknowledge the balancing exercise towards sustainable development which the Framework requires to be undertaken. Whilst the policy may be given less weight the development still needs to be considered in the context of other character and appearance policies of the development plan and the Framework.
12. The appellant has included reference to other planning permissions for what it considers to be similar development and provided me with the Council's Decision Notice for No. 6 New Road (Ref: DC/18/05272). I am, though, unaware of the circumstances surrounding this decision. Besides, each proposal must be determined on the particular merits and impacts that would arise along with the individual circumstances involved. Accordingly, direct parallels between cases are not easily drawn. The appellant has similarly advised me of pre-application advice indicating favourable consideration for another dwelling to the rear of the plot, to the north of the site. Again, I do not have the benefit of this correspondence and so am not aware of the circumstances or content of this advice.
13. The appellant has referenced sites submitted as part of the emerging local plan, however this plan is at such an early stage that I cannot give this any meaningful weight in determining this appeal.

Conclusion

14. Therefore, for the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Dan Szymanski

INSPECTOR