
Appeal Decision

Site visit made on 11 June 2019

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 July 2019

Appeal Ref: APP/E3525/W/19/3221674

Land adjacent to White Rose Cottage, Nacton Lane, Great Barton IP31 2SA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr R Holden (Holden Group Ltd) against the decision of St Edmundsbury Borough Council.
 - The application Ref DC/18/1634/FUL, dated 14 August 2018, was refused by notice dated 28 November 2018.
 - The development proposed is the erection of a single storey dwelling with associated parking and external works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The National Planning Policy Framework was revised in February 2019 (the Framework). I have taken the Framework into account as part of the determination of this appeal. The revisions do not alter the policies upon which this appeal turns and no parties will have been prejudiced by my doing so.

Main Issues

3. The main issues are:
 - The effect of the development on the character and appearance of the area; and
 - Whether the site is in a suitable location for housing, having regard to development plan and national policy.

Reasons

Character and appearance

4. The appeal site is located to the western edge of Great Barton where residential development is arranged in a clear linear pattern along Livermere Road. This is primarily to the eastern side of the road but the site is adjacent to a shorter sequence of dwellings to the west. This includes Nacton Lane, which serves several dwellings. Whilst the dwellings vary in size, shape and design, the layout is coherent, with dwellings incorporating a street frontage. Land to the rear of dwellings and the established planting of boundaries provides a verdant backdrop to the dwellings and a transition to the countryside edge.

Taken together these features make a significantly positive contribution to the character and appearance of the area.

5. The site was formerly part of the garden of White Rose Cottage to the north but now forms a separate parcel of land enclosed by established planting to all sides. Whilst the site is defined as an area of countryside by Policy CS4 of the St Edmundsbury Core Strategy (2010) (the CS), it is distinguishable from the countryside beyond due to the nature of the established landscaping to its boundaries.
6. The proposed dwelling would be situated at the end of an existing track leading from Nacton Lane, which it would front onto. Given the low-rise nature of the proposed development, neighbouring dwellings and mature planting within the vicinity of the site would be likely to intervene in views from the public realm. There would therefore be a neutral effect on the appearance of the area.
7. However, the proximity of the development with street frontages, in a position behind other dwellings, would not be infill development and would jar with the coherent linear grain of development described above. The proposed development would therefore lie between existing neighbouring development and the countryside and substantially reduce the effect of the verdant backdrop to the existing single depth development. The proposed development would therefore have a significantly detrimental effect on the character of the area.
8. For the reasons outlined above, I conclude that the development would have a significantly detrimental effect on the character of the area. It would not therefore accord with Policies DM2 and DM27 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (2015) (the JDMPD); and Policy CS3 of the CS. Together these seek to ensure that new development recognises, reflects and enhances the character of an area. In particular, Policy DM27 seeks to direct development in the countryside to infilling of otherwise built up frontages, which is not the case with this proposal.
9. The appellant has suggested that Policy DM2 of the JDMPD does not accord with Paragraph 16 of the Framework. However, I consider that it is clearly written and unambiguous, and it is clear how decision makers should react to development proposals. Furthermore, it aligns with many of the objectives of Paragraph 127 of the Framework.
10. I am mindful that the appeal site is not situated within a conservation area, so the preservation of the character and appearance of the area would not be afforded the same statutory protection. This does not obviate the need to achieve well designed places as outlined in chapter 12 of the Framework and would not change my conclusion in respect of this main issue.

Location of development

11. Paragraph 47 of the National Planning Policy Framework (the Framework) states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The Framework is a material consideration. The three overarching and mutually supportive objectives of sustainability outlined in Paragraph 8 is reinforced by Paragraph 78 of the Framework which requires that housing should be located where it will enhance or maintain the

vitality of rural communities. Exceptions are also made for isolated homes in Paragraph 79 of the Framework.

12. The appeal site is situated beyond the defined settlement boundary of Great Barton, within an area of countryside. While the inclusion of a defined boundary to the settlement provides protection to the pattern of development, being situated elsewhere does not necessarily mean that development is isolated or contrary to these objectives. Moreover, objectives of sustainability within the Framework seek to direct development to the right places, accessible to facilities and services and that will minimise waste and pollution and use of natural resources.
13. In the case of development plan policies, the principal objective of Policy CS4 of the CS, and Policies DM5 and DM27 of the JDMPD is to protect and enhance the quality and character of the countryside. The revised Framework still recognises the importance of the character and beauty of the countryside (Paragraph 170).
14. As I have outlined in the first main issue, I have had regard to the form of the settlement and the development would have a significantly detrimental effect on the character of the area. This would conflict with the environmental objective of sustainable development to protect and enhance natural and built environments.
15. As with the site a short distance away at Mill Road, where an appeal¹ for a single dwelling was allowed, I consider that this development would not be isolated in the context of Paragraph 79 of the Framework. I subscribe to the same view as my colleague, in that this appeal site would be within walking distance of facilities, including bus services, available in the settlement. The occupants of the development would not therefore be restricted to travelling by private motorised vehicles, which is the least sustainable travel option available.
16. The proposed development would therefore be beneficial to the social well-being of future occupants, in accordance with the social objective of sustainable development. There would also be initial benefits to the economic objective of sustainable development through the construction of a further dwelling within the locality. However, the scale of the development would determine that the overall contribution to sustaining facilities and services or enhancing social cohesion would be limited. Consequently, whilst the site would not be isolated or inaccessible from the settlement, it would be located beyond the defined boundary of the settlement in a manner that would be significantly detrimental to the character of the area. The benefits that I have adjudged to be limited would not therefore outweigh the adverse effects upon the character of the area that would result from allowing the proposed development.
17. Therefore, having regard to the very specific circumstances of this case, I conclude that the site would not be a suitable location for housing. It would not therefore accord with Policies DM5 and DM27 of the JDMPD; and Policies CS1 and CS4 of the CS. The material considerations referred to above do not indicate that these policies should not be followed. Together, and amongst other requirements, these policies seek to ensure that new development

¹ Ref APP/E3525/W/16/3145915

protects and enhances the quality and character of settlements and the countryside, avoiding unsustainable development.

Other matters

18. I recognise that the Council granted permission for the site to be used in connection with White Rose Cottage as garden land. In so doing they imposed a planning condition controlling future development on the land but this does not exclude the site from development. Similarly, I have referred to the findings of the Inspector for the appeal decision in Mill Road, in so far as they are relevant to the consideration of this appeal. However, that site was for development that the Inspector concluded was between other existing dwellings and I have arrived at a different conclusion for this appeal. Notwithstanding both these decisions, I have determined this appeal on its own individual merits and they do not lead me to a different conclusion.

Conclusion

19. For the above reasons, I conclude that the appeal should be dismissed.

Paul Thompson

INSPECTOR