
Appeal Decision

Site visit made on 29 October 2019

by D Peppitt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th December 2019

Appeal Ref: APP/F3545/W/19/3235228

Land adjacent Smithies Cottage, Livermere Road, Troston IP31 1ES

- 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 S Burgess (Burgess Homes Ltd) against the decision of West Suffolk Council.
 - The application Ref DC/19/0258/OUT, dated 8 February 2019, was refused by notice dated 7 June 2019.
 - The development proposed is erection of 4 dwellings with garaging and creation of new vehicular access.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The planning application was submitted in outline form with all matters except access reserved for future approval. From the description of development, it is clear that scale of development being sought is 4 dwellings. I have determined the appeal on this basis, treating the submitted site plan as illustrative only, in so far as it indicates a possible layout.

Main Issue

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - whether the proposed development would be in an appropriate location.

Reasons

Character and appearance

4. The site is undeveloped agricultural land located on Livermere Road. It is located adjacent to, but outside the development boundary of the village of Troston. The road is lined with mature trees and hedges, and there are wide ranging views of agricultural fields. This provides a verdant and spacious character around the entrance to the village. The site adjoins the boundary with Smithies Cottage and some newly created playing fields, which were implemented as part of a past planning permission¹. Whilst the adjacent fields

¹ DC/14/04070

have changed use from agricultural to recreational, the area has nonetheless retained an open and spacious character.

5. The proposed development would be accessed from Livermere Road, which would require the removal of a section of the boundary hedge. Whilst I note that there is already an entrance to the parking area for the adjacent playing fields, removal of this part of the greenery, which characterises the area, would urbanise the site. The site boundary would be further forward than the existing development on Paddock Way, as such it would appear to encroach into the countryside and would bring built form into an area that is otherwise open.
6. Although the proposal is outline, the appellant has provided an indicative layout to demonstrate how the site could potentially be developed. I note that it is intended for the plots to be one and one and a half storeys, in a linear form of development. I acknowledge that the indicative plan has shown that a variety of building types could be accommodated on the site, which could have potential to create visual interest. However, with the scale of development proposed any reasonable layout would be likely to be forward of the existing pattern of development on the development boundary. Consequently, I find that it would erode the existing verdant and undeveloped character of this part of the village setting.
7. Accordingly, the proposed development would harm the character and appearance of the area. Therefore, it would be contrary to Policy DM2 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Local Plan (DMP) (2015). This policy, amongst other things, seeks development to maintain a sense of place and local character, and avoid the loss of areas that make a contribution to the character and appearance of a settlement.

Appropriate location

8. Policy CS1 of the St Edmundsbury Core Strategy (CS) (2010) sets out the Council's spatial strategy and seeks to direct development to suitable and sustainable locations, with easy access to local services and facilities. In addition, Policy RV3 of the Rural Vision 2031 (2010), states that residential development will be permitted within housing settlement boundaries where it is not contrary to other policies in the plan.
9. Policy CS4 identifies Troston as an Infill Village, which has a small number of services and facilities. The policy states these villages should only have infill development within the designated settlement boundary, comprising single dwellings, or small groups of five homes or less. It has been suggested that the proposed site would make a more logical boundary and improve the entrance to the village. However, the village boundary has been established in the development plan and the appeal site is located outside the development boundary of Troston, therefore, there is conflict with the policy in this regard.
10. Policy DM5 of the DMP states that areas designated as countryside will be protected from unsustainable development and new building will be restricted to a number of exceptions, such as that for agricultural or forestry purposes. Policy DM27 of the DMP permits dwellings in the countryside if they fall within a small cluster of housing, or they result in the infilling of a small undeveloped plot by one dwelling or a pair of semi-detached dwellings.

11. The proposal does not fall within any of the categories of building that are deemed permissible in the countryside under Policy DM5 of the DMP. Furthermore, it does not fall within an existing cluster of houses. Notwithstanding the access to the car parking, I do not find that it constitutes an infill of a small undeveloped plot in an otherwise continuous built-up frontage. It also exceeds the quantum of development permitted in Policy DM27 of the DMP.
12. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that the determination of applications should be made in accordance with the development plan unless material considerations indicate otherwise.
13. Although the DMP and CS are nearly 5 and 10 years old respectively, Paragraph 213 of the National Planning Policy Framework (the Framework) states that existing policies should not be considered out-of-date simply because they were adopted, or made prior to the publication of the Framework, and that due weight should be given to them according to their degree of consistency with the Framework.
14. Policy RV3 of the Rural Vision and policies CS1 and CS4 of the CS, are broadly consistent with the principles of sustainable development as set out in the Framework, insofar as they require new development to be concentrated in the larger urban areas and villages, where there are a wider range of services and facilities. Whilst the use of settlement boundaries can act as a constraint on the growth of rural settlements, I note that policies DM5 and DM27 of the DMP, do not impose a blanket restriction on development. These policies allow for a range of appropriate proposals in the countryside subject to a wide range of flexible criteria. As a consequence, taking these policies as a whole, I find them to be generally consistent with the Framework. It has not been suggested to me that Policy DM2 is inconsistent with the Framework, therefore, I have no reason to differ in my conclusions on policy consistency.
15. Whilst I note the site is within walking distance of the public house, the church, the village hall and the recreation ground; the overall range of services and facilities within Troston would not meet all day-to-day needs of future occupiers.
16. The appellant has highlighted that there is a footway along Livermere Road and bus stops in The Street, which provides access to Bury St Edmunds and Thetford. I also note the variety of services and facilities provided in Honington and Ixworth. However, the distances and road conditions to facilities and services beyond Troston, are unlikely to be from sustainable modes of transport, such as walking and cycling. Therefore, the use of the private motor vehicle is likely to be favoured to make these journeys. Consequently, the occupiers of the proposed dwellings would be likely to rely on the private motor vehicle to access a number of day-to-day services and facilities. Nonetheless, this would not be materially different to the position faced by the existing community in Troston.
17. Paragraph 78 of the Framework states that housing should be located where it will enhance or maintain the vitality of rural communities to promote sustainable development. I acknowledge that the development would make a modest contribution to help sustain local services in Troston, as well as helping to sustain the viability of services in other nearby villages.

18. The proposed development would be in close proximity to other dwellings and not be physically isolated. As such the proposal would not conflict with Paragraph 79 of the Framework and it is not necessary to demonstrate any exceptional circumstances.
19. I note that the Parish Council has raised that proposals such as this can help small communities thrive and it would provide a safe pedestrian route to the playing fields, which it could not afford to do itself. They also suggest that there is a lack of development in rural areas such as Troston, compared to other villages such as Ixworth. Whilst I recognise that some social and economic benefits could arise from the appeal proposal, including the provision of a footway, this does not outweigh the conflict with the development plan and in particular, the harm I have found to the character and appearance of the area.
20. It has been suggested that the Council cannot demonstrate a five year housing land supply. However, this is not an area of disagreement between the main parties, and I do not have any substantive evidence before me to support this claim, or to demonstrate what the shortfall might be. The Council has recently published a five year housing land supply statement², which states it has a 6.2 years supply of housing land.
21. I acknowledge that there are no objections to the proposal from members of the local community or consultees. However, the lack of objections, does not necessarily mean that harm does not exist, and whilst I have had regard to these responses, I have come to my own judgement on the evidence before me.
22. It has been suggested that there is a local need for smaller homes, and that 2 bungalows would help to maintain a balanced community by having a range of house types and sizes within Troston. However, the appeal proposal is only in outline form, and no substantive evidence is before me to demonstrate that there is such a local need that cannot be met elsewhere, through proposals which would accord with the development plan.
23. The appellant has provided an example of a similar proposal that was granted planning permission. Whilst this is on the edge of the development, I do not consider this is directly comparable, as it is only for a single dwelling and has a different local context in terms of the pattern of development. I have also been directed to other settlements, such as East Barton and Chedburgh, which have had development outside the settlement boundary. However, I have not been provided with the full details of these examples. Consequently, this limits the degree to which they can provide any assistance in determining this appeal.
24. The Council has also provided extracts of examples of recent appeals that have been dismissed. However, I do not have the full details before me, and as such I cannot be satisfied that they are directly comparable. In any event I have to determine the appeal on its own merits.
25. Taking all matters into account the proposed development would not be in an appropriate location. Accordingly, it would conflict with Policies RV3 of the Rural Vision 2031; CS1 and CS4 of the CS; and Policies DM5 and DM27 of the DMP. These policies, amongst other things, seek to set out a sustainable

² Assessment of a five year supply of housing land taking a baseline date of 31 March 2019 - The five years covered in this assessment are 1 April 2019 to 31 March 2024 (September 2019)

development strategy by directing development to the settlements listed in Policy CS4. In this case I do not find the other material planning considerations presented to be sufficient as to outweigh the conflict with the development plan.

26. The reason for refusal also cites policies DM26 and DM29 of the DMP; and Paragraph 77 of the Framework. However, the proposal has not be presented as either agricultural/essential workers dwellings or a rural exceptions scheme. As such these policies are not directly relevant to this appeal.

Conclusion

27. For the reasons set out above, I conclude that the appeal should be dismissed.

D Peppitt

INSPECTOR