
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: 13th December 2019

Appeal Ref: APP/W3520/W/19/3235135

Land adjacent Bonny Cottage, Sharpes Row, Woolpit IP30 9RJ

- 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 and Mrs T Chilvers against the decision of Mid Suffolk District Council.
 - The application Ref DC/18/05520, dated 17 December 2018, was refused by notice dated 13 February 2019.
 - The development proposed is erection of detached dwelling (self-build).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The planning application was in outline, with all matters reserved except for access. I have had regard to the indicative layout plan and the artists impression of the proposed dwelling, but have considered all elements of this as indicative, apart from the details of the access.

Main Issue

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

Reasons

4. The appeal site is located at the end of Sharpe's Row which is a narrow single-track access road. The site forms part of the rear garden of Bonny Cottage. The site is predominately bordered by trees, hedging and fencing. To the east there are views of countryside and to the south there are existing dwellings off Warren Lane, however, these are largely obscured by the existing landscaping. Although the opportunities for public views of the site are limited, the site would still be visible from the neighbouring properties, the access road and the wider fields. Overall, the area has a formal, spacious and verdant character and appearance.
5. The application site lies outside of any settlement as defined within the adopted Mid Suffolk Core Strategy (CS) (2008), it is therefore in the countryside for planning purposes under the CS Policy CS1. There are existing dwellings along Sharpe's Row, arranged in a linear pattern with long gardens. There are also dwellings behind the site on Warren Lane, whilst they might appear to be backland development, they also follow a linear pattern of development.

6. The proposed development would sit behind the existing dwellings on Sharpe's Row and would extend built form into the area behind Bonny Cottage. The appellants state that an outbuilding would not appear out of place in this location. However, the proposed development would not be a subordinate outbuilding, but would instead appear as an unexpected principal feature in the existing landscape. As a principal dwelling, it would have associated infrastructure such as car parking and enclosed garden boundaries. The occurrence of outbuildings or dwellings set behind the existing pattern of development is not a common feature and it would form an unnatural extension of the existing pattern of development.
7. Although the Council would have control over the appearance, scale and layout of the development, the proposal would result in a form of development that would be out of character with the surrounding pattern of development. Given the predominant development pattern of the existing properties that front on to Sharpe's Row, I consider that the proposed dwelling set within a small backland site, would not be in keeping with its context. The proposal would appear as an incongruous feature, which would intrude into, and erode, the existing open and undeveloped character of the landscape. The harm arising could not be mitigated by landscaping, as this cannot be considered a permanent feature.
8. The appellants have provided examples of other planning applications which have been approved by the Council in backland locations, as well one on Sharpe's Row¹. Whilst I recognise these proposals have some similarities in terms of their siting, I do not find their context to be directly comparable. The proposal on Sharpe's Row is not directly comparable, as the dwelling proposed in that case was more closely aligned with the existing houses on Sharpe's Row. Thus, it would not encroach into the open area to the rear of the existing dwellings as the current proposal would. Furthermore, this was approved when the Council could not demonstrate a 5 year housing land supply. In any event I have assessed the scheme before me on its own planning merits.
9. For the reasons set out above, the proposed development would harm the character and appearance of the area. Therefore, it would be contrary to policies GP1, H13, H15 of the Mid Suffolk Local Plan (LP) (1998) and policies CS1, CS2 and CS5 of the CS (2008). These policies, amongst other things, seek to ensure that new development respects the character of its surroundings and maintains local distinctiveness.
10. Policies SB2 and H3 of the LP and have been cited in the Council's reason for refusal. However, as those policies refer to development within settlement boundaries, and the site is not within such a boundary, those policies are not relevant in this case. I also agree that paragraph 58 of the National Planning Policy Framework (the Framework) (2019) is not a relevant consideration for this proposal.

Other Matters

11. I note the Woolpit Parish comments regarding the effect on living conditions due to possible noise and disturbance from the coming and going of vehicles. However, as the proposed development is only for one dwelling, the additional vehicle movements would be limited. In any case as I have already found harm above, I do not need to consider this matter further in this case.

¹ Planning application reference DC/19/01248

Planning balance and conclusion

12. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires this appeal to be determined in accordance with the development plan, unless material considerations indicate otherwise.
13. For the reasons given above, the proposal would cause significant harm to the character and appearance of the area, in conflict with policies GP1, H13, H15 of the LP (1998) and policies CS1, CS2 and CS5 of the CS (2008).
14. I have been referred to an appeal² where the Inspector found policies CS1 and CS2 to be out-of-date, due them being not fully consistent with the Framework with regard to new development in the countryside. I have no reason to reach a different conclusion with regard to those policies, based on the evidence before me and, accordingly, attach only moderate weight to the conflict with them.
15. However, the policies which are most important for determining the application also include policies GP1, H13, H15 of the Mid Suffolk Local Plan (1998) and Policy CS5 of the CS (2008). I find those policies to be consistent with the Framework which requires developments to be sympathetic to local character and maintain a strong sense of place. I therefore afford substantial weight to the conflict with those policies.
16. It has been suggested by the appellants and interested parties, that the village would benefit from a family home and an individually designed house. They also state that it could help to sustain the vitality and viability of existing shops, services, and facilities in the village. The proposal would provide a new dwelling and therefore it would contribute to the local housing supply. However, this contribution would only be from one dwelling and as such it would be limited.
17. Although the site is outside Woolpit village, it is nonetheless quite close to it, and future occupants would have access to local services, facilities and public transport routes in the village, and it may provide some support for those existing services. However, the benefits arising from the single dwelling proposed would be very modest, and I afford them only limited weight.
18. When the Council made its decision on the original planning application it stated that it did not have a 5 year housing land supply. Paragraph 11 d) of the Framework, the presumption in favour of sustainable development, was therefore engaged. However, since then, the Council has confirmed that its housing land supply position is set out in the published Housing Land Supply Position Statement (2019), which demonstrates that they have a supply of 5.66 years, and I have no substantive evidence before me to suggest otherwise.
19. Taking the above factors together, even if the policies most important for determining the application are out-of-date, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the modest benefits identified above, when assessed against the policies in the Framework taken as a whole. Therefore, material considerations do not justify making a decision other than in accordance with the development plan in this case.

² APP/W3520/W/18/3194926

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

D Peppitt

INSPECTOR