



Appeal Decision

Site visit made on 17 March 2020

by S Harley BSc(Hons) MPhil MRTPI ARICS

an Inspector appointed by the Secretary of State

Decision date: 1st April 2020

Appeal Ref: APP/F3545/W/19/3242504

Manor House, Manor Farm Road, West Row IP28 8NZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission in principle.
 - The appeal is made by Mr O Loveridge against the decision of West Suffolk Council.
 - The application Ref DC/19/1880/PIP, dated 13 September 2019, was refused by notice dated 23 October 2019.
 - The development proposed is three to five dwellings.
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Procedural Matter

1. Prior to 1 April 2019, the appeal site was within the administrative boundaries of Forest Heath District Council. However, on 1 April 2019, Forest Heath District Council and St Edmundsbury Borough Council were replaced by the single West Suffolk Council. I am advised that the development plans for the previous local planning authorities were carried forward to the new Council by Regulation. Earlier plans set out policies for defined geographical areas within the new Council the exception being the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document 2015 (the DMPD), which had been adopted by both Councils. As such, the appeal scheme falls to be determined with reference to policies set out in the plans adopted by the now dissolved Forest Heath District Council.

Decision

2. The appeal is dismissed.

Preliminary Matters and Main Issue

3. The proposal is for permission in principle, as provided for in the Town and Country Planning (Permission in Principle) Order 2017. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle from the technical detail. Planning permission does not exist unless both the permission in principle and the technical details are approved. This appeal relates to the first of these two stages.
 4. The PPG advises that the scope of permission in principle applications is limited to location, land use and amount of development. The amount of residential development must be expressed as a range, indicating the minimum and maximum number of new dwellings.
 5. The main issue is whether the appeal site is a suitable location for residential development of between three and five dwellings.
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Reasons

6. Between them Policies CS1 and CS10 of the Forest Heath Core Strategy Development Plan Document 2010 (the CS) and Policy SA1 of the Forest Heath area of West Suffolk Council Site Allocations Local Plan 2019 (the SALP) establish the spatial strategy for the area. West Row is designated as a Primary Village under Policies CS1 and SA1. These are settlements that provide basic local services where new development can be accommodated to meet local needs subject to specified criteria.
7. Areas beyond defined settlement boundaries are considered to be in the countryside. The appeal site is outside the settlement boundary for West Row as identified in both the CS and in the SALP, and therefore is in the open countryside for planning policy purposes. Policy DM5 of the DMPD states that areas designated as countryside will be protected from unsustainable development. New residential development will not be permitted in the countryside, or in villages/small settlements not identified for a specific level of growth, other than for specified exceptions¹. There is no indication that the proposal amounts to one of the exceptions and it therefore conflicts with the overall spatial strategy for housing supply set out in the development plan.
8. Manor House is a large detached house on the north side of Manor Farm Road. It is the last property on this side of the Road. There is a patio area immediately adjoining the western elevation of Manor House. The remainder of the land to the west of this, up to the post and rail fence on the boundary with an open field, is mainly laid to grass with a few trees. The northern boundary comprises a mix of hedge and wall. There are two wooden shed-like structures positioned by the hedge alongside the track that extends westwards from the end of the Manor Farm Road cul-de-sac. The appeal site comprises part of the grassed area. It would not adjoin the settlement boundary, which adjoins the eastern edge of the relatively extensive Manor House curtilage, being separated from it by the Manor House itself and a large part of its garden.
9. The Council describes the appeal site as amenity/garden space. On this basis it is likely to fall within the definition of previously developed land in the glossaries to the Framework and the SALP as being curtilage of developed land (which excludes gardens in built-up areas from the definition). However, it should not be assumed that the whole of the curtilage should be developed. Due to the manner of its cultivation and its extensive, largely open appearance and character I consider the appeal site, and the land to the west of it, to be visually more related to the fields and open countryside beyond, separated only by a post and rail fence, rather than to the adjacent settlement, or even Manor House itself. As a result, I am of the view that the appeal site, together with the adjoining land to the west, both up to and beyond the post and rail fence, performs an important role in providing the immediate setting of the settlement edge.
10. The proposed western edge of the appeal site in particular cuts across the otherwise open grassed area, and appears as a contrived artificial boundary that is unrelated to any physical feature. As a consequence the larger part of

¹Exceptions under Policies DM5 and CS10 include affordable housing for local needs, a dwelling for a key agricultural, forestry or commercial equine worker, small scale development of 1 or 2 dwellings (in accordance with Policy DM27) or the replacement of an existing dwelling

the grassed area would be divorced from the Manor House curtilage with no logical use.

11. As required, the application specified the amount of residential development for which permission in principle is sought: in this case between three and five dwellings. The accompanying Site Location and Block Plan indicates three detached dwellings, positioned one behind the other, served by a shared access perpendicular to Manor Farm Road. Whilst this is only one way in which properties could be laid out, it is difficult to imagine a significantly different way of arranging three, let alone five, dwellings on the land, given the relatively narrow and rectangular shape of the site. The amount and extent of buildings arranged in this manner would create a hard edge on this currently open land, extending further west even than the development currently under construction on the southern side of the road (planning Ref DC/16/1571/OUT). Moreover, there would appear to be little or no scope for landscaping to soften the effect of the proposal, or to achieve a less regimented form of layout that characterises the built-up area to the east. In this respect it would not amount to good design.
12. I acknowledge the potential for growth of the village, and note that the Policy SA14 of the SALP allocates 152 dwellings for West Row up to 2031, including land east of Beeches Road. Concentrating growth on one site would allow development to take place in a plan-led manner and would allow infrastructure benefits to be maximised. The appellant indicates that the appeal proposal could deliver houses at a speedier rate. However, there is no guarantee that this would be the case. Neither matter leads me to any different conclusion in respect of the appeal before me.
13. For the reasons set out above I find that the appeal site is not a suitable location for residential development of between three and five dwellings. The proposal would therefore conflict with Policies DM5; DM27; SA1; CS1 and CS10 and those principles of the Framework that seek to protect the countryside; to respect the character of the area; and to achieve good design.

Planning Balance and Conclusion

14. The proposal would add between three and five houses to the local housing stock. There is no dispute that the Council is able to demonstrate a five year housing land supply but I am mindful of the Government's intention to significantly boost the supply of housing. There would be some economic benefits generated during construction and future occupiers would contribute to the local economy and support the local community. I give these benefits some weight in favour of the proposal.
15. Although the CS is somewhat dated, the SALP is recently adopted, and accords with the Framework. I therefore see no reason to consider the most important development plan policies to be out of date and award them full weight. Policy CS10 of the CS provides for settlement boundaries to be reviewed as part of the recently adopted SALP. The boundary was not extended at that time to include the Manor House and its extensive curtilage.
16. Planning decisions should be taken in accordance with the development plan unless material considerations indicate otherwise. The Framework is a material consideration and it is clear from Paragraph 9 that the objectives of achieving sustainable development should be delivered through the preparation and

implementation of plans: they are not criteria against which every decision can or should be judged.

17. The benefits identified above, even when taken together, would not in my view be sufficient to outweigh the conflict with the development plan and the harm that I have identified. I find insufficient material considerations in this case to indicate that the proposal should be determined other than in accordance with the development plan. In failing to comply with Policies DM5; DM27; SA1; CS1 and CS10 the proposal cannot comply with the development plan as a whole. The appeal is dismissed.

S Harley

INSPECTOR