



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/E3525/W/19/3224316

Plot of land at High Green, Bury St Edmunds IP29 5LZ

- 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 was made by Mr Edgar Webber against the decision of St Edmundsbury District Council.
 - The application Ref DC/18/1796/OUT, dated 4 September 2018, was refused by notice dated 14 November 2018.
 - The development proposed is as described on the application form is the construction of a detached 1 1/2 storey house with double garage (self-build).
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Procedural Matters

1. The appeal was initially lodged by the planning applicant Mr Edgar Webber. Following probate the appeal is progressed on behalf of the Executors of Mr E R J Webber. The application is in outline with all matters reserved for future consideration.
2. Prior to 1 April 2019, the appeal site was within the administrative boundaries of St Edmundsbury District Council and the planning application was made to that 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 St Edmundsbury District Council.
3. The description of development includes reference to "self-build" and the Design and Access Statement says that the future user will be a member of the family of the applicant. The Planning Practice Guidance says that in considering whether a home is a self-build or custom build home, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout. I have seen no details to support this such as inclusion on the Council's self and custom-build register and, in the circumstances, I have considered the proposal on its merits as market housing.

Decision

4. The appeal is dismissed.

Main Issue

5. The main issue is whether or not the appeal site is a suitable location for a house taking into account local and national planning policies.

Reasons

6. Nowton is a dispersed village containing two distinct parts: High Green and Low Green, together with Nowton Park and a scattering of other properties. Policies CS1, CS4 and CS13 of the St Edmundsbury Borough Council, Core Strategy 2010 (the CS) seek to direct development to the two main towns of Bury St Edmunds and Haverhill and those villages which have a range of services and facilities to meet local needs, as being the most sustainable locations, and to strictly control development outside the defined settlements. Nowton is not defined as a settlement and lies within the countryside for planning policy purposes. The proposed development would therefore conflict with the overall spatial strategy for housing supply set out in the development plan.
7. The appeal site is a plot of undeveloped land on the western side of High Green. It has a concrete vehicular access which was granted permission to be retained in association with the use of the land for agricultural purposes (including the use of the land as an allotment) planning Ref E/90/2162/P.
8. Policy DM5 of the DMPD seeks to protect the countryside from unsustainable development with some exceptions. One such exception is that of small scale residential development of a small undeveloped plot that meets the requirements of Policy DM27¹. The proposal would amount to small scale residential development of an undeveloped plot.
9. Policy DM27 of the DMPD provides for new dwellings in the countryside within a closely knit 'cluster' of ten or more existing dwellings adjacent to or fronting an existing highway. High Green meets Park Lane a little distance to the south from the site. To the northern side of the appeal site, and separated from it by an area of mature trees, are four terraced Alms-houses. To the southern side of the appeal site, on the junction with Park Lane, is the dwelling known as 'Benets'. Opposite this is the Thatched Cottage. Behind, and opposite, the site are fields.
10. There are seven properties on the same side of the road as the appeal site and so the site is not isolated in terms of planning policies. There are other dwellings sprinkled along High Green and Park Lane. However, whilst agreeing with a colleague Inspector determining an appeal at Great Barton Ref: APP/E3525/W/15/3139957 that there does not appear to be particular significance to the threshold of ten dwellings in Policy DM27, in the case before me, the dwellings are spaced out, with two blocks of intervening woodlands, and some are a significant distance away.
11. For these reasons I do not consider the dwellings amount to a closely knit 'cluster' as envisaged in the Policy. Nor do I consider that, due to their spacing, relative positions and intervening woodland, the existing properties form an otherwise continuous built up frontage, or that the appeal site would amount to an infill plot of a continuous and built up frontage. The pattern of development at High Green differs to that of Great Barton so I do not consider that appeal sets a particular precedent in the case before me.

¹ The evidence does not indicate any of the other exceptions under Policy DM27 apply in this case

12. The site is overgrown and enclosed by hedges with some mature trees. Nevertheless it forms part of an open undeveloped gap which helps to preserve the rural character of the countryside locally. The site slopes up from the highway and, even if limited to a house with the first floor rooms in the roof space, the proposed house would interrupt this openness and reduce the rural character despite the presence of vegetation on the boundary, particularly during times when trees and hedges are not in leaf. While it appears unused at present, I have seen no conclusive evidence that it could not be put to good use in conjunction with agricultural uses in the vicinity.
13. Policy DM1 of the DMPD reflects the presumption in favour of sustainable development set out in the National Planning Policy Framework (the Framework). Nowton village, some distance away, offers a limited range of facilities including a church, village hall, and cricket ground together with some limited employment opportunities. There is a recreational path which leads into the Low Green part of Nowton and onto Nowton Park, but this for a long section relies on crossing a field and neither this, or the narrow unlit road without footpaths, can be considered as providing a realistic alternative access to the limited range of facilities available in the village or into Bury St Edmunds on foot or by cycle. Even whilst recognising that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, I conclude that the appeal site is not a particularly accessible location for a new dwelling.
14. I conclude for the reasons set out above that the site is not a suitable location for a house taking into account local and national planning policies. It would conflict with Policies DM1, DM5, and DM27 of the DMPD; Policies CS1, CS4 and CS13 of the CS; and those principles of the Framework that seek to direct development to the most sustainable locations and to protect the countryside.

Planning Balance and conclusion

15. I have found that the appeal site, due to its location and harm to the countryside, would not be a suitable location for development. I give these matters considerable weight.
16. The proposed house would be energy efficient; would utilise sustainable building methods; and a high quality design could be secured at reserved matters stage. However, these are matters which are to be expected from any development and do not add specific weight in favour of the proposal. Similarly ensuring an acceptable effect on the living conditions of occupiers of adjacent properties and satisfactory parking and access to the site are expected from any development.
17. The proposal would, in a very small way, add to the supply of housing and additional residents would help support the local community. There would be some economic benefits during the construction period and by spend from additional residents. I give these benefits some weight in favour of the proposal. However, these benefits would be tempered by the small scale of the proposal and would not out-weigh the harm I have identified.
18. In failing to comply with Policies DM1, DM5, and DM27 of the DMPD and Policies CS1, CS4 and CS13 of the CS the proposal cannot be said to comply with the development plan as a whole. I have found no material considerations

to indicate the decision should be other than in accordance with the development plan. The appeal is dismissed.

S Harley

INSPECTOR