



Appeal Decision

Site visit made on 16 March 2020 by Mariam Noorgat BSc (Hons)

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 April 2020

Appeal Ref: APP/W3520/W/19/3242019

Yew Tree Cottage, Mill Road, Wyverstone IP14 4SE

- 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 & Mrs T Hunting against the decision of Mid Suffolk District Council.
 - The application Ref DC/19/03972 dated 20 August 2019 was refused by notice dated 8 October 2019.
 - The proposal is described as the erection of detached single-storey dwelling.
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of detached single-storey dwelling at Yew Tree Cottage, Mill Road, Wyverstone IP14 4SE in accordance with the terms of the application, Ref DC/19/03972, subject to the conditions set out in the attached schedule.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural matter

3. The application was submitted in outline form with all matters except access reserved for later consideration. I have considered the appeal on the same basis, and so give little consideration to the position of the dwelling shown on the indicative layout plan.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area including the setting of the nearby Grade II listed building, Yew Tree Cottage, and other nearby heritage assets.

Reasons for the Recommendation

5. In line with the duty imposed on me by section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, I have given considerable importance and weight to the desirability of preserving the setting of the listed buildings.
6. The appeal site is within the land at Yew Tree Cottage which is a large plot that accommodates a two-storey Grade II Listed Building to the north, a large

modern single storey dwelling to the north west and incidental single storey buildings to the north and north west of the appeal site. The listed building generally has open, spacious land around it and as the surrounding buildings within close proximity are single-storey, they do not visually compete with it. There is an access way to the east of the appeal site that leads onto Yew Tree Cottage and this access is proposed to be shared with the appeal site. There is a tall hedge to the south of the appeal site that runs parallel to Mill Road. As such, although the listed building is visible through the access way, views generally from Mill Road are limited. Similarly, due to the hedge, the current undeveloped nature of the appeal site only contributes minimally to the street scene and the setting in which the listed building is seen.

7. There is a Grade II listed building to the east of the appeal site, Walnut Tree Cottages, and a Grade II listed building to the west of the site, Sudbourne Farmhouse, which are a considerable distance away from the site with thick vegetation in between. These are therefore not seen in the same context as the appeal site. The surrounding dwellings vary in design and scale and some are positioned close to Mill Road.
8. Due to the existing single storey buildings within close proximity to the listed building, the limited views from Mill Road and the retention by the development of a spacious gap to it, the proposed single storey dwelling would not detract from the setting of the listed building. Indeed, the description of the listed building states that it was 'almost certainly designed to be seen from the then new Rectory, now The Manor, Rectory Road.' Given that the proposed single-storey dwelling would be closer to Mill Road, the physical impact of the proposed dwelling in relation to this cited viewpoint of the listed building from Rectory Road, would not be disruptive. In addition, due to the distance and lack of visibility of Walnut Tree Cottages and Sudbourne Farm from the appeal site, the physical impact of the proposal in relation to their settings would also not be detrimental.
9. Although the proposed development would be closer to Mill Road compared to all the built form at Yew Tree Cottage; the varied siting of buildings along Mill Road, some of which are also close to this road, would mean siting a dwelling on this site would not appear incongruous within the street scene. Further, the single-storey nature of the proposal would not appear inconsistent with the various forms of dwellings witnessed along Mill Road.
10. For these reasons, the proposed site would not harm the character and appearance of the area and it would preserve the setting of the listed building at Yew Tree Cottage and nearby listed buildings. As such, there would be no conflict at this outline stage with Policy CS5 of the Mid Suffolk District Core Strategy Development Plan Document, Adopted September 2008, which seeks to ensure all development maintains and enhances the historic environment, and with Policy HB1 of the Mid Suffolk Local Plan, Adopted September 1998, (Local Plan), which seeks to protect the setting of listed buildings. Nor would there be conflict with Policies GP1, H13 and H15 of the Local Plan which seek to ensure the pattern and layout of development is consistent with, and maintains, the character and appearance of their surroundings.

Conditions

11. I have had regard to the conditions suggested by the Council and where necessary I have amended them in the interests of clarity and to reflect the

advice in the National Planning Policy Framework (the 'Framework') and national Planning Practice Guidance (PPG).

12. The standard conditions relating to the submission of details of the reserved matters are attached. I have imposed a condition specifying the timeframes for the reserved matters submission, commencement of development and the approved plans for the purpose of certainty.
13. In the interests of highway safety, conditions relating to the provision of the access, its visibility splays, its surfacing and drainage are necessary.
14. The Council suggests conditions in relation to hard and soft landscaping, placement of refuse/recycling bins, and layout of the vehicle parking and manoeuvring areas. These however would fall to be considered under the landscaping and layout details required to be submitted as part of the reserved matters. These have therefore not been imposed.
15. Paragraph 53 of the Framework states that planning conditions should not be used to restrict permitted development rights unless there is a clear justification for doing so. The PPG also states restricting the future use of permitted development rights should only be used in exceptional circumstances. There are no exceptional circumstances which justify the removal of permitted development rights in this instance. The condition suggested by the Council is therefore unnecessary.

Conclusion

16. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Mariam Noorgat

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Andrew Owen

INSPECTOR

SCHEDULE

CONDITIONS

- 1) Details of the appearance, layout, scale, and landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
- 3) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Plan at 1:2500 scale and Indicative Layout Plan.
- 5) The dwelling shall not be occupied until the existing vehicular access has been improved, laid out and completed in all respects in accordance with SCC-Highways Drawing No. DM01, and with an entrance width of not less than 3 metres. The improved access shall be retained as such thereafter.
- 6) The dwelling shall not be occupied until visibility splays of 2.4 metres by 90 metres in each direction from the centre of the vehicular access onto Mill Road have been provided. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level.
- 7) Prior to the development hereby permitted being first occupied, the improved access onto the highway shall be properly surfaced with a bound material for a minimum distance of 5 metres from the edge of the metalled carriageway, in accordance with details which shall previously have been submitted to and approved in writing by the local planning authority. The agreed material shall be retained thereafter.
- 8) Prior to the development hereby permitted being first occupied, details shall be submitted to and approved in writing by the local planning authority showing the means to prevent the discharge of surface water from the development site onto the highway. The approved scheme shall be carried out in its entirety before the dwelling is first occupied and shall be retained thereafter in its approved form.