



Appeal Decision

Site visit made on 24 September 2020

by Martin H Seddon BSc MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 November 2020

Appeal Ref: APP/F3545/W/20/3248980

Land at Riverside Paddocks, Stow Road, Ixworth, Suffolk, IP31 2JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Dover Farm Developments Limited against the decision of West Suffolk Council.
 - The application Ref: DC/19/2476/FUL, dated 21 December 2019, was refused by notice dated 10 March 2020.
 - The development proposed is erection of 3 detached dwellings with garaging (resubmission).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal is in a suitable location for the erection of dwellings taking into account national and local planning policies and the character and appearance of the area,
 - the effect on the living conditions of neighbours in terms of noise, disturbance, and privacy, and
 - the effect on boundary trees.

Reasons

Whether a suitable location

3. The appeal site is part of an area of mainly overgrown land previously used as paddocks. It includes a small outbuilding. The land is located to the immediate south of residential development at Stow Road and it slopes gently down towards the Black Bourn river. The eastern and western boundaries of the site adjoin the curtilages of other dwellings. The site is close to the boundary with the Ixworth Conservation Area.
4. The development plan includes the St Edmundsbury Core Strategy (2010) (SE Core Strategy), the West Suffolk, Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (2015) (Local Plan JDMP Document). Rural Vision 2031 is a relevant development plan document.

5. SE Core Strategy policy CS1 sets out the spatial strategy for the area, with the towns of Bury St Edmunds and Haverhill being the main focus for development. SE Core Strategy policy CS2 concerns sustainable development. The site is outside, but immediately adjoining, the settlement boundary of Ixworth and within the countryside, as defined by SE Core Strategy policy CS4. Ixworth is categorised as a Key Service Centre. The appellant considers that the settlement boundary is not drawn consistently. However, it is part of the adopted development plan.
6. Policy CS13 of the SE Core Strategy indicates that developments outside settlement boundaries will be strictly controlled, with priority on protecting and enhancing the character, appearance, historic qualities, and biodiversity of the countryside while promoting sustainable diversification of the rural economy. This is supported by Rural Vision 2031 policy RV3 concerning housing settlement boundaries. Policy DM5 of the Local Plan JDMP Document seeks to protect the countryside from unsustainable development and sets a number of criteria whereby a new or extended building would be allowed in accordance with other policies within the plan. Criterion f concerns small scale residential development of a small undeveloped plot in accordance with policy DM27.
7. Policy DM27 of the Local Plan JDMP Document sets out the circumstances in which development would be allowed outside settlement boundaries. However, the proposal would not meet any of the listed circumstances. It is not within a closely knit cluster of 10 or more existing dwellings adjacent to, or fronting, an existing highway. It would also not constitute the infilling of a small undeveloped plot by one dwelling, or a pair of semi-detached dwellings, commensurate with the scale and character of existing dwellings within an otherwise continuous frontage.
8. The appellant considers that policies DM5 and DM27 of the Local Plan JDMP Document are out of date because they do not reflect the balanced approach to sustainable development in the National Planning Policy Framework (the Framework). The appellant has referred to a recent appeal at Flempton ref: F3545/W/20/3244428 where, according to the appellant "development was allowed despite conflict with those policies". In that case the Inspector did not determine that the policies were out of date and remarked that there was there was "some conflict with DM5 and DM27". He considered that the proposal for a single house would be in a group of 8 dwellings and indicated that "the main purpose policies DM5 and DM27 are seeking to achieve is to protect and enhance the character and quality of the countryside and the appeal proposal is consistent with that purpose".
9. The appellant claims that the site may be considered as previously developed land in accordance with Annex 2 of the Framework. The site includes a stable building near its western boundary, with the majority being former grass paddocks. The appellant has referred to appeal ref: APP/Y0435/W/17/3178790 in which an area of equestrian paddocks was determined to be a brownfield site. However, although paragraph 117 of the Framework supports the development of previously developed land, footnote 44 adds "except where this would conflict with other policies in this Framework, including causing harm to designated sites of importance for biodiversity".
10. The appeal site is relatively self-contained at the rear of existing houses and with trees along its eastern and western boundary and next to the river. The

visual impact of development on the streetscene would therefore be limited. Although the development would not extend to a greater depth than adjacent curtilages, the proposed houses on plots 1 and 2 would project further to the south when compared to the existing pattern of built development. A backland form of development has been implemented on sites further to the west along Stow Road. Nevertheless, the circumstances in which the individual developments were allowed would have been different, compared to those at the appeal site. The character of this particular part of the settlement comprises modest dwellings located alongside Stow Road. In contrast, the courtyard form of development comprised of 3 detached houses around a central area with parking places would have an uncharacteristic urbanising effect.

11. I find that the proposed erection of dwellings at this location would conflict with policies CS1, CS2, CS4 and CS13 of the SE Core Strategy, policies DM5 and DM27 of the Local Plan JDMP Document and policy RV3 of Rural Vision 2031. The proposal would conflict with SE Core Strategy policy CS2 and policies DM2 and DM22 of the Local Plan JDMP Document which seek to ensure that developments respect local character and distinctiveness.

Effect on living conditions

12. The proposed access road would follow the rear garden boundary of the pair of semi-detached dwellings of Lantana and Misuka. Close boarded fencing and screen planting is proposed between the track and the rear boundary of the houses. This would help to reduce any impacts from car lights on the occupants of the properties.
13. The appellant has provided estimates for vehicle generation from the three properties at around 1.6 to 2.2 movements per hour assuming that most movements would take place between 07:00 and 20:00 hrs. Whilst traffic would be passing along Stow Road at the front of Lantana and Misuka, their rear garden areas, facing the former paddocks, would be relatively tranquil. These gardens face south and are likely to be key amenity space for the occupants. I consider that there would be a significant increase in noise and disturbance for the occupants of these dwellings because of the proximity and level of passing traffic which would be generated by occupants and visitors to and from the proposed 3 detached family homes.
14. There would also be a potential loss of privacy for the occupants of the two dwellings, in particular Misuka, as a result of the potential for overlooking of their rear gardens, at an angle, from the first floor windows of the proposed dwelling at plot 1. These windows would serve stairs and also a bedroom. I accept that obscure glazing of the proposed stairs window at that plot would reduce the potential loss of privacy. Given the separation distance of around 28 m between the rear elevation of Misuka and the proposed north facing bedroom window of the proposed dwelling at plot 1, I consider that any loss of privacy would be insignificant.
15. I find that the proposal would have an adverse effect on the living conditions of neighbours in respect of noise and disturbance from traffic movements, contrary to SE Core Strategy policy CS2 and policies DM2 and DM22 of the Local Plan JDMP Document.

Effect on boundary trees

16. There are several trees along the eastern boundary of the site, but outside the ownership of the appellant. No BS5837 compliant arboricultural report was submitted with the application to demonstrate their condition, the area affected by tree roots and whether there would be any harmful impact from the proposed development. The dwellings at plots 2 and 3 and their garages would be sited relatively close to this boundary. In the absence of an arboricultural report, the effect on the future health of the trees cannot be determined. Although a condition could be imposed to require protective fencing to be installed during the construction period, it would fail to guarantee that any tree roots would not be adversely affected. In view of the absence of information the proposal conflicts with policy DM13 of the Local Plan JDMF Document which seeks to ensure that landscape features are not unduly threatened.

Other Matters

17. The Council considers that the proposal would cause no conflict with Local Plan JDMF Document policy DM17 regarding the effect on the Ixworth Conservation Area. I see no reason to disagree because, in view of the location of the site, and its self-contained form, the proposal would preserve the character and appearance of the conservation area.
18. The appellant has drawn my attention to appeal ref: APP/E3525/W/16/3147831 in which a proposal for 9 dwellings was allowed in the countryside around 100 m outside the defined settlement boundary for Stanton. However, that development is not directly comparable as it involved a brownfield site which was part of the curtilage of a former public house. Permission had previously been granted for conversion of the public house and associated buildings to three dwellings. The Inspector advised that "if the extant permission is realised the quantum of buildings in the immediate area would amount to 7 dwellings, alongside the petrol station and associated businesses. Consequently, given the size and nature of the existing building pattern and its proximity to Stanton, I do not consider that the appeal before me would have an adverse effect on the Council's objective of restricting residential development in the countryside". Even though the appeal proposal cannot be considered to be isolated, as in the Stanton case, and within a Key Service Centre, I consider that the circumstances of that decision fail to provide justification for allowing the appeal before me.

Conclusion

19. I have found that the proposal would conflict with development plan policies for the protection of the countryside. It would have an adverse effect on the character and appearance of the area and on the living conditions of neighbours in respect of noise and disturbance. There is also no guarantee that the boundary trees would not be adversely affected where they are situated close to the proposed buildings.
20. In terms of benefits, the proposal would help to maintain services and facilities in Ixworth, and it is close enough to make pedestrian access to these feasible. The village is also served by bus stops in Stow Road which provide access to services to Bury St Edmunds and Diss. It would also make a small contribution to the housing land supply by providing 3 additional family homes. I have considered the need to boost the supply of homes in the Framework. The

Council has advised that it can demonstrate that it has an up to date 5 year housing land supply. The appellant does not dispute this but advises that it should not be seen as a minimum requirement.

21. Overall, I find that the benefits from the proposal would not outweigh the harm which I have identified from the proposed development in this countryside location and harm from the conflict with development plan policies. 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. I find insufficient material considerations in this case to indicate the proposal should be determined other than in accordance with the development plan. I have taken all other matters raised into account, but for the reasons given above I conclude that the appeal should be dismissed.

Martin H Seddon

INSPECTOR