



Appeal Decision

Site visit carried out on 9 November 2020

by Mrs J A Vyse DipTP DipPBM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 November 2020

Appeal Ref: APP/W3520/W/20/3250165

Rookwood, New Road, Tostock IP30 9PJ

- 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 Mr and Mrs R Perks against the decision of Mid Suffolk District Council.
 - The application Ref DC/19/04749, dated 11 October 2019, was refused by a notice dated 5 December 2019.
 - The development proposed is the erection of a dwelling.
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Decision

1. For the reasons that follow the appeal is dismissed.

Main Issue

2. The main issue in this case relates to the effect of the development proposed on the character and appearance of the surrounding area.

Reasons for the Decision

3. Rookwood is a substantial detached property that is located towards the front of its plot, with an extensive rear garden. It is located within a short run of detached dwellings on the eastern side of New Road, all of which are located towards the front of their plots. The long rear gardens to Rookwood and its neighbours to the north extend back to an area of mature woodland, the treed nature of those gardens forming part of the woodland edge. The appeal site comprises the rear half of the long rear garden to the host property. An existing garage to the side of Rookwood would be demolished to facilitate access to the backland site.
4. The settlement boundary for Tostock runs along the rear boundary of four dwellings to the south of Rookwood (two dwellings that have recently been constructed and two currently under construction) cutting across the long rear gardens to Rookwood and its neighbours to the north. As a consequence, the rear half of those long gardens, including the location for the dwelling proposed, lies outwith the defined settlement boundary, on land that is designated as open countryside for the purposes of planning policy. The appeal site, and the woodland behind, also lie within a Special Landscape Area, the boundary to which is contiguous with the settlement boundary here.
5. The identity and character of a place comes from the way that buildings, streets, spaces and landscape combine together and how people experience them - local character makes a place distinctive. Here, whilst there is variety in the size, style and type of housing there is a consistency in that, with a

single exception, the dwellings on New Road are located towards the front of their plots, following an established building line each, with a presence within the street scene, all of which creates a strong and distinctive linear pattern of development that is readily discerned from the street. In relation to the properties on the eastern side of New Road, that character is enhanced by the distinctive mature woodland backdrop.

6. The exception to that pattern of development is a single storey dwelling erected behind No 6 New Road, a semi-detached property on the opposite side of the road from Rookwood, approved by the Council in 2018.¹ I have no information about the background or any planning history that led to that permission. Importantly, however, unlike the appeal site, it lies within the defined settlement boundary for Tostock, where there is no presumption against the principle of new development. Neither, so far as I can tell, is it located within the Special Landscape Area. In my view, whilst the presence of that building cannot be ignored, it is uncharacteristic of the prevailing settlement pattern here and is not a typical or definitive development form in this part of the village.
7. In July last year, a proposal for four dwellings on land to the south of Rookwood was dismissed at appeal.² Whilst the front part of that site included the land on which the two dwellings currently nearing completion referred to earlier are located, it also included two dwellings to the rear of the frontage properties. My Inspector colleague took issue with the siting of the dwellings to the rear, finding that the intensification of built development behind the frontage dwellings would constitute a significant incursion of development into the countryside, which would significantly harm the rural edge-of-settlement character. In coming to that view, he was clearly aware of the dwelling to the rear of No 6, which is specifically referenced in his decision. Those same concerns hold true in relation to the current proposal.
8. The separation provided by the long rear gardens to existing properties, between the frontage dwellings and the woodland behind, is an important part of the character and appearance of the area, creating a pleasing sense of spaciousness along this edge of the settlement which is readily apparent from the road. The introduction of a dwelling into that space, behind the frontage development, would be at jarring odds with its surroundings, reducing that spaciousness and undermining the existing coherent identity that I have referred to. There would be material harm in this regard, to the established character and appearance of the area, contrary to policies H13 and H15 of the Mid Suffolk Local Plan (1998) and policy CS5 of the Mid Suffolk Core Strategy (2008), which together and among other things require that development takes account of the character of a site and its surroundings in order to ensure that it is consistent with the existing pattern of development and retains local distinctiveness.
9. In addition to the dwelling behind No 6 New Road, the appellant refers to other developments in depth elsewhere in the village. So far as I can tell however, all are located within the defined settlement boundary for Tostock. Neither do they appear to be located within the Special Landscape Area. As such, direct parallels with the development the subject of this appeal are not easily drawn and they do not provide a precedent which readily translates to the appeal site.

¹ DC/18/05272 and DC/19/0203

² APP/W3520/W/19/3225661 Dismissed 22 July 2019

10. I recognise that pre-application advice provided to the appellant by the Council was favourable. However, whilst that advice confirms that backland development is normally resisted as it is often contrary to the prevailing pattern of development and detrimental to the character of the area, it does not expressly assess the development against the prevailing development pattern here. It is also relevant that the Note pre-dates the appeal decision referred to. In any event, the advice given is not binding on the outcome of any formal application or any subsequent appeal.

Overall Planning Balance and Conclusion

11. The conflict with the policies referred to brings the appeal scheme into conflict with the development plan as a whole. However, whilst the Council can demonstrate a five year supply of housing land, it accept that since policy CS5, one of the most important policies in this case, does not embrace the balanced, criteria-based approach promoted by the National Planning Policy Framework, then it is to be considered as out of date. That engages the so-called tilted balance set out at paragraph 11d) of the Framework.
12. However, just because a policy is out of date, reducing the weight to be given to conflict with it, that does not mean necessarily that it has no relevance. Inasmuch as policy CS5 requires that development respect local distinctiveness, there is consistency with the Framework, which requires developments to be sympathetic to local character and maintain a strong sense of place. In any event, policies H13 and H15 still carry full weight and are consistent with the Framework despite their age.
13. The development would contribute a single family home to the local housing supply, although that is at a time when the Council can currently demonstrate a five year supply. Whilst the Authority may have a long history of undersupply (as alleged by the appellant) that will be accounted for in the current supply position. I also recognise that there are likely to be some social benefits through the contribution of future occupiers to the local community in Tostock and other nearby settlements, plus some temporary economic benefits during the construction process. However, given the scale of the development proposed, these benefits would be limited.
14. In the overall planning balance, the environmental harm that I have identified to the character and appearance of the area is such that it significantly and demonstrably outweighs the benefits when assessed against the policies of the Framework taken as a whole. The proposal does not therefore benefit from the presumption in favour of sustainable. On balance therefore, I conclude that the appeal should not succeed.

Jennifer A Vyse

INSPECTOR