



Appeal Decision

Site visit made on 4 September 2020

by S A Schinaia MSc EngD FGS

an Inspector appointed by the Secretary of State

Decision date: 30th November 2020

Appeal Ref: APP/F3545/W/20/3253268

Land To The South Of 8A Bobbys Way, Stanton IP31 2FE

- 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 M&D Developments against the decision of West Suffolk Council.
 - The application Ref DC/20/0323/FUL, dated 17 February 2020, was refused by notice dated 15 May 2020.
 - The development proposed is described as 'Proposed pair of detached dwellings with car ports, parking and garden land'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single authority, West Suffolk Council. The appeal site is within the dissolved St Edmundsbury Borough Council area and the appeal has been assessed against the policies of St Edmundsbury Core Strategy (2010) (CS) and the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (2015) (Joint DM).

Main Issues

3. The main issues of the appeal are:
 - (i) whether the appeal site is an appropriate location for the proposed development, having regard to local and national planning policies;
 - (ii) whether the proposal would offer a realistic opportunity for future occupants to access local services and facilities by sustainable modes of transport; and
 - (iii) the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site is an open grassed area that lies at the southern end of Bobby's Way, a cul-de-sac running along the edge of an area designated as ancient woodland, High Wood. To the other side of Bobby's Way there are single storey dwellings. The appeal site is within land formerly owned by the RAF. Bobby's Way is a small residential development located to the east of the main settlement of Stanton. The area is characterised by single storey dwellings in

single rows around the central ancient woodland of High Wood. Behind the dwellings and the appeal site there is farmland and agricultural land. Therefore, the character of the surrounding area is rural.

5. The proposed scheme includes 2 large 3-bedroom detached dwellings with car ports, parking and private rear gardens.

Principle of development

6. The site is located outside of the defined housing settlement boundary for Stanton, as defined by the spatial strategy of the Council set out by Policy CS1 and CS4 of the CS. It is therefore within open countryside for planning purposes. Furthermore, Policy CS4 states that development outside of the settlement boundaries will be strictly controlled, with a priority on protecting and enhancing the character, appearance, historic qualities and biodiversity of the countryside.
7. The only exceptions to allow housing in the countryside are set out under the policies of the Joint DM. I do not consider that the scheme meets any of the exceptions set out by Policies DM26 and DM29. Housing in the countryside is permitted by Policy DM5, where it would be in accordance with Policy DM27 (criterion f.) and where it would represent a replacement dwelling (criterion g.).
8. Dealing with these in turn, Policy DM27 identifies that new housing may be acceptable in the countryside within (a) a closely knit cluster of 10 or more existing dwellings adjacent to or fronting an existing highway and (b) the scale of development consists of infilling 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 built up frontage.
9. Whilst I accept that the group of dwellings close to the appeal site could be described as a cluster of dwellings, the proposed dwellings would be erected at the end of the row of dwellings along Bobby's Way. On this basis, and given that there would not be any built development on one side of the scheme, I am of the view that the appeal site is not located within a closely knit 'cluster' of existing dwellings and it does not represent a small undeveloped infill plot. The scheme does therefore not meet the requirements of Policy DM27.
10. Turning now to whether the proposed dwellings should be considered replacements in accordance with Policy DM5 (g.), I accept that there used to be dwellings on the site that were destroyed in a plane crash in 1962. I understand that the appeal site is located within the southern area of the plot of land where a planning application was refused for a scheme of 4 dwellings and the subsequent appeal was dismissed¹. Further, a scheme² of 2 semi-detached dwellings adjacent to the appeal site was approved in 2016 and recently completed. The appellant contends that this application has been submitted 'to complete the scheme' on the basis that there were formerly 4 dwellings on the wider site.
11. However, the aircraft crash happened almost 60 years ago and the land is mostly grassland. In fact, to expose the footings of the previous dwellings

¹ APP/E3525/A/13/2194808

² DC/16/0163/FUL

destroyed by the crash, it appears to have been necessary to remove the surface soil.

12. Furthermore, the National Planning Policy Framework (2019) (the Framework) advises that previously developed land excludes land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape. Therefore, given the above, the proposals could not be considered as 'replacement' dwellings. This conclusion is also supported by the findings of the previous Inspector³ and adds weight to my findings.
13. Given all of the above, I conclude that the proposed scheme conflicts with the Council's spatial strategy and does not meet any of the exceptions where housing is allowed in the countryside. I conclude that the proposed development would be contrary to the Policies DM5 and DM27 of the Joint DM and to Policies CS1 and CS4 of the CS. As such, the appeal site would not be an appropriate location for the proposed development, having regard to local and national planning policies.
14. I acknowledge the need for consistent decision making and I accept that the Council did grant permission for 2 dwellings adjacent to the appeal site in 2016. However, I must consider the proposal on its own merits and on the evidence before me, including that now provided by the Council. In this case the scheme clearly conflicts with the development plan with regard to the principle of the development.

Access to local services and facilities

15. Stanton is a market town with a good range of services and facilities. During my site visit, I walked the route from Stanton to the appeal site. It is clear that the appeal site is a significant walk from the local services and facilities that Stanton offers. However, I am mindful that distance alone is not the only factor. There is footpath that runs parallel to the A143 and is separated by vegetation, but I observed that the footpath is not lit and would not be attractive during the hours of darkness. Furthermore, there are no footpaths along the access road into the airfield that would allow a future resident of the scheme to access the footpath along the A143 safely. On this basis, I am not of the view that walking would be an attractive option to future residents.
16. In terms of cycling, I observed that the footpath along the A143 is not a cycle path and the A143 is a busy road with vehicles travelling at high speeds. I am not of the view that this would represent a feasible option for accessing the local services and facilities in Stanton, other than for very experienced cyclists.
17. There are bus stops in Stanton within cycling and walking distance from the appeal site, but the nature of the journey by either means is likely to deter future residents from reaching them. Furthermore, from the Council's evidence it would appear that the public transport service is poor.
18. The appellant considers that the site is well located to the Shepherds Grove Employment Area. However, based on the nature of the journey to the employment area, I am not convinced that future residents would opt to utilise sustainable modes of transport over the use of a private motor vehicle.

³ APP/E3525/A/13/2194808

19. Therefore, for the above reasons, I conclude the proposal would not offer a realistic opportunity for future occupants to access local services and facilities by sustainable modes of transport. Therefore, the proposal would be contrary to Policies CS1, CS4, and CS7 of the CS and the Framework, with regard to sustainable transport.

Character and appearance of the area

20. The appeal site is currently an open parcel of land that has a close relationship with agricultural fields to the south and east and ancient woodland to the west. Despite the location of the adjacent housing to the north, the appeal site has a rural context.
21. The construction of the proposed dwellings together with the associated infrastructure such as boundary treatments and private gardens would introduce a further level of domestication that would intrude into the open countryside resulting in harm to the character and appearance of the area.
22. For the reasons set out above, I conclude that the proposed development would erode the existing countryside to the detriment of the character and appearance of the surrounding area. Consequently, the proposal would be contrary to the aim of Policies CS2, and CS3 of the CS and Policy DM2 of the Joint DM.

Planning balance

23. The addition of two dwellings would provide limited further support and enhancement of the vitality of the rural community in terms of social and economic benefits. The proposed scheme would also result in a very small contribution to housing land supply.
24. However, I have found that the scheme: runs contrary to the Council's spatial strategy due to the sites location outside of any settlement boundary; does not offer a realistic opportunity for future occupants to access local services and facilities by sustainable modes of transport; and would cause harm to the character and appearance of the area.
25. I am not of the view that the benefits of the scheme are sufficient to outweigh the identified harm. Therefore, the scheme does not accord to the development plan when taken as a whole and there are no material considerations that warrant a decision other than in accordance with the development plan.

Conclusion

26. For the reasons set out above, I conclude that the appeal should be dismissed.

S A Schinaia

INSPECTOR