



Appeal Decision

Site Visit made on 1 December 2020

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 16 December 2020

Appeal Ref: APP/F3545/W/20/3246246

Hill Cottage, Boyton End, Stoke By Clare CO10 8TA

- 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 Nicholas Seels against the decision of West Suffolk Council.
 - The application Ref DC/19/1365/FUL, dated 1 July 2019, was refused by notice dated 4 September 2019.
 - The development proposed is two-storey, four-bedroom detached family home.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: -
 - Whether the site is a suitable location for a dwelling having regard to local policy for the delivery of housing and accessibility to everyday local facilities and services by a range of modes of transport, and: -
 - The effect of the proposal on the character and appearance of the site and immediate area.

Reasons

Suitability of the location of the site

3. The appeal site is an enclosed landscaped area, formerly occupied by a dwelling, facing onto Boyton End, a single carriageway rural country lane with neither footways nor street lighting. The road is subject to a 60 MPH speed limit. The site lies in open countryside amongst agricultural land and is bounded by a mixture of low hedges and larger shrubs and trees. Along the road lie modest groups of dwellings, however the site lies away from any of these groups.
4. The site is situated outside any settlement boundary and is defined as countryside by the development plan. It is therefore in the countryside for the purposes of applying the policies in the development plan.
5. Policy CS2 of the St Edmundsbury Core Strategy -2010- (the Core Strategy) identifies the Council's commitment to the provision of sustainable development. Policy CS4 of the Core Strategy sets out the Settlement Hierarchy within the Council's Spatial Strategy and seeks to locate housing where it will have access to services and enhance or maintain the vitality of rural communities.

6. The site is located a significant distance from Haverhill, the nearest centre that would provide a range of services for the day-to-day needs of residents. The unlit nature of the intervening roads, with their lack of footways and vehicular speeds would be likely to deter pedestrians and cyclists, particularly after dark, with children or during inclement weather and so residents of the site would almost certainly rely very heavily on the private car to meet their day-to-day needs.
7. The nearest bus stop to the site is some distance away, giving access to Haverhill and Clare, as well as settlements further afield. However, this would be reached using some of these same roads and so would be subject to the constraints that I have referred to above. I have little information regarding the frequency of the bus service and so, on the evidence before me there is little to demonstrate that public transport would provide a realistic alternative to the use of the private car to cater for the day-to-day needs of residents.
8. There is thus no meaningful alternative to using the private car to satisfy the day-to-day needs of future occupiers. With, for such a limited scale of development, no real scope to improve connexions for walking, cycling or public transport dependency upon private motor vehicles would be almost total.
9. Whilst Policy DM5 of the West Suffolk Joint Development Management Policies Document -2015- (the JDMPD) protects the countryside for its own sake and limits development to that which of necessity requires being located there or which will preserve the character of the countryside, Policy DM27 of the JDMPD allows, subject to certain criteria being satisfied, development of housing in the countryside.
10. Policy DM5 allows the provision of a new or extended building, in accordance with other policies within the development plan, where it is for affordable housing for local needs in accordance with other policy, a small scale residential development of a small undeveloped plot, in accordance with policy DM27 or the replacement of an existing dwelling on a one for one basis, subject to certain caveats.
11. There is no evidence before me to demonstrate that the proposal is for affordable housing. Whilst the plot was formerly occupied by a dwelling, that dwelling has been demolished and there can no longer be considered to be a dwelling there.
12. Policy DM27 permits new dwellings in the countryside where the development is within a closely knit 'cluster' of 10 or more existing dwellings adjacent to or fronting an existing highway and where 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.
13. Whilst there are clusters of dwellings in the wider area, the appeal site is separated from these by open countryside and does not form part of an otherwise built up frontage.
14. I therefore conclude that the proposal does not gain support from Policies DM5 or DM27 of the JDMPD and, lacking accessibility to everyday local facilities and services by a range of modes of transport it would not be a suitable location for

a dwelling. The development is therefore contrary to the provisions of Policies CS2 and CS4 of the Core Strategy.

Character and appearance

15. Policy CS3 of the Core Strategy seeks to protect the landscape and natural environment whilst Policy DM2 of the JDMPD requires development to recognise and address the key features, characteristics, landscape character, local distinctiveness and special qualities of the area.
16. The site lies on elevated land which provides it with a prominent position. It lies within an area of undulating land characterised by small groups of buildings and hedge-enclosed fields with sparse tree cover. The current appearance of the site accords with this landscape form and makes a positive contribution to the rural scene.
17. The proposed dwelling would be a substantial building of 1.5 storeys in height. Although views of the dwelling would be restricted from the wider area by existing planting, the building would still be visible from the road and nearby dwellings and its prominent position would emphasise its presence.
18. The building, together with its residential paraphernalia would reintroduce an urbanising feature into the rural landscape. This increased urbanisation of the rural landscape would, in this instance, result in material harm to the character and appearance of the site and the immediate area.
19. The appellant has proposed additional planting on the boundaries of the site to increase screening. Whilst such planting could be provided by planning condition, I am not satisfied that such measures would, of themselves, be adequate to mitigate the harm identified, as new planting would take time to establish itself and there is no substantive evidence before me that sufficient screening would be achieved to address the matter successfully.
20. I therefore find that the proposal would result in material harm to the character and appearance of the site and immediate area and would thus be contrary to Policy CS3 of the Core Strategy and Policy DM2 of the JDMPD.

Other Matters and Planning Balance

21. The JDMPD and Core Strategy pre-dates the National Planning Policy Framework -2019- (the Framework) and so policies within it should be assessed and given weight in terms of their consistency with the aims of the Framework. The Framework does not impose a blanket restriction on development outside defined settlements, nor does it explicitly prevent the use of such boundaries.
22. The appeal site is located in close proximity to existing dwellings and is not isolated and so the countryside location does not conflict with paragraph 79 of the Framework. Paragraph 78 of the Framework states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and that planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.
23. The Framework recognises that sustainable transport solutions will vary between urban and rural areas and that rural housing development in smaller

settlements can enhance or maintain the vitality of rural communities. The appeal site lies in an area of only sporadic development, where dwellings form small loose groups or hamlets with few or no services within them requiring, in all likelihood, a trip into the local town to satisfy their day-to-day needs. Thus it could not be said that the development would contribute meaningfully to the vitality of villages outside the town

24. Thus, the policies in the Core Strategy and JPMP Plan that are most important in this case are broadly consistent with the aims and policies set out in Sections 5, 9 and 15 of the Framework. However, they are more restrictive than the approach taken within the Framework and so I afford the conflict with them moderate weight.
25. The development would provide benefits in terms of delivering an additional home on a previously developed site to boost housing supply in accordance with Government's aim to significantly increase housing delivery. However, a single home would only have a limited benefit. There would be minor benefits to the local economy in terms of short term employment in the construction industry and longer term support to shops and businesses. The long term support to shops and businesses would be mainly felt in the local town, rather than supporting rural villages. Taken together these benefits carry limited weight.
26. Given the location of the site and the lack of access to safe walking and cycling routes or public transport to provide for day to day needs it is likely that future occupants of the development would be heavily reliant on private motor vehicles to access local shops and services. This, together with the harm that I have found the development would cause to the character and appearance of the site and immediate area are significant factors weighing against the scheme.
27. In conclusion the limited benefits provided by the proposal would be outweighed by the identified harm when considered against development plan policies and the Framework when read as a whole.
28. My attention has been drawn to an appeal decision¹ at Oaklands Park within Maldon District Council's bailiwick. However, I have limited information regarding the circumstances of that appeal, or the policies most relevant to that case. The site does not form part of the context of the appeal site and I have, in any case, determined this appeal on its own merits.

Conclusion

29. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal fails.

I Dyer

INSPECTOR

¹ PINS Ref: APP/X1545/A/14/2215598