



Appeal Decision

Site visit made on 13 April 2021

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th April 2021

Appeal Ref: APP/W3520/W/20/3263277

The Acorns, Nursery Gardens, Brockford Street, Stowmarket IP14 5NX

- 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 A Dossett against the decision of Mid Suffolk District Council.
 - The application Ref DC/20/03577, dated 18 August 2020, was refused by notice dated 30 October 2020.
 - The development proposed is Erection of two detached dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is made in outline with all matters reserved for future consideration except for access. I have considered the appeal on this basis. An indicative layout plan has been provided, which I have had regard to as indicative only.

Main Issue

3. The main issue is the effect of the proposed development upon the character and appearance of the area.

Reasons

4. The appeal site includes the access, a track and part of a rear garden off a small close known as Nursery Gardens on the western side of the A140, which comprises a small cluster of dwellings and outbuildings in a small almost horseshoe-like shaped cluster. The dwellings of Nursery Gardens are partly set within the large verdant rear gardens of Red Oak House and The Acorns which remain largely open and undeveloped, forming part of and integrating with the countryside. The distinctive layout and setting within the generous rear gardens is highly discernible from within the close, and in filtered views when approaching from the north and the open countryside to the north, south and west, positively contributing to the character and appearance of the area.
5. The provision of two dwellings, access spur, circulation areas, and parking areas would result in a significant amount of built development. The proposed density in itself would not be out of keeping with the wider area. However, the position of the site means that its development would project development significantly out to the west of the established settlement pattern and cluster of

dwelling into the largely rural open garden space and countryside. Consequently, it would not appear as an organic extension to Nursery Gardens. As well as the increase in built development there would be an increased intensity of vehicular activity and parking, boundary treatments and residential paraphernalia. The development would therefore significantly and detrimentally urbanise what is currently a largely open and undeveloped area of grassland/lawn.

6. The location of the site means its proposed development with two dwellings would be highly discernible as a sizeable and incongruent back land development, significantly at odds with the existing layout and pattern of development in Nursery Gardens and west of The Street in this part of the settlement. The effect on the wider district would be very limited. However, the location of the development would be visible from a number of nearby dwellings and gardens, some of the access drive, and markedly discernible in more filtered views approaching from the north on the A140 and the surrounding countryside, particularly when the trees are not in leaf. Consequently, two dwellings on this appeal site would be inherently harmful and would be highly discernible as being at odds with the existing pattern of development and significantly harmful to the character and appearance of the area.
7. A number of elements such as the detailed layout, scale, landscaping, and appearance of the scheme would be subject to future approval by reserved matters applications. However, given the position of the appeal site and the nature of the harm to the character, appearance, and distinctiveness of this area, I am not persuaded the harm could be adequately mitigated by reserved matters submissions.
8. Two plots of land nearby have been identified for housing in the emerging Joint Babergh Mid Suffolk Local Plan east of the A140. I have no further details of the southern allocation, which appears as a linear plot along the A140 similar to the pattern of dwellings to its north. The north of the two allocations was granted permission for nine dwellings. The pattern and position of built development to its north and south, such as the dwellings and substantial petrol station and mechanical garage, result in a significantly different context and pattern of development surrounding that site. As a comprehensively planned layout it is markedly different to this appeal proposal, and nine dwellings provide greater social and economic benefits. The approval of that development and the existence of the other allocation does not justify allowing this appeal proposal, which I have considered on its own merits.
9. For the reasons set out above the proposed development would be significantly harmful to the character and appearance of the area. It conflicts with Policies GP1, H13, H15 and H16 of the Mid Suffolk Local Plan (1998) (the Local Plan). Amongst other things these policies expect development to be consistent with the pattern and form of neighbouring development, to have regard to, respect and maintain, or enhance, the character and appearance of their surroundings, including the protection of spaces that contribute to local character and appearance that are important for amenity purposes. The development also conflicts with paragraph 127 of the National Planning Policy Framework (2019) (the Framework) which expects development to be sympathetic to local character, including the surrounding built environment and maintain a strong sense of place.

10. Many of the criteria of Policies GP1 and H13 may be relevant to design and layout matters. However, given the position and shape of the appeal site and given the policies refer to the character and appearance of the surroundings, both policies are applicable to principle of this development in relation to the pattern of development and surrounding character. Notwithstanding the title of Policy H16 as it refers to the protection of spaces that contribute to local character and appearance that are important for amenity purposes, it is of relevance to this proposal.

Other Matters

11. The Council has suggested that the development affects the setting of The Old Griffin, which is a Grade II Listed Building, lying approximately 130m to the south of the appeal site. Special regard should be given to the desirability of preserving the setting of a Listed Building under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. However, as this appeal fails I have not gone on to consider this matter further.

Planning Balance

12. The conflict with the policies referred to brings the appeal scheme into conflict with the development plan and the Framework as a whole. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Framework is a material consideration.
13. The appellant is of the view Policies H3 and H7 of the Local Plan, and Policies CS1 and CS2 of the Mid Suffolk District Core Strategy (2008) (the CS) and Policy FC1 of the Mid Suffolk District Core Strategy Focused Review (2012) (the CSFC) are out of date, citing a submitted appeal decision letter¹. I see no reason to disagree with the Inspector's or appellant's view. In accordance with paragraph 11d) of the Framework, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
14. The Council has advised that it can demonstrate a housing land supply of 7.67 years. There is no substantive evidence that would lead me to a contrary view. The development would make a more efficient use of land, providing a small social benefit from two dwellings a short distance from local bus services, and some services and facilities. There would be a small temporary economic benefit during construction, and some small on-going spend in the local economy once occupied, making a small contribution to the vitality of rural communities and services. Notwithstanding the reasonably accessible location and proximity to the settlement, I am not convinced by the evidence before me the location of the development would result in an overall environmental benefit, and this would be a neutral matter.
15. Taking into account the effects of the Covid-19 pandemic, the combined economic and social benefits of two dwellings are small and afforded limited weight. If the development were to be considered to comply with policies in respect of matters such as the living conditions of neighbouring occupiers, garden sizes, accessibility, and parking provision, these would be neutral matters attracting neutral weight.

¹ APP/W3520/W/18/3194926

16. Despite their age Policies GP1, H13, H15 and H16 are consistent with the aims of the Framework in seeking a good quality contextually appropriate design of development, that is sympathetic to local character and that maintains a strong sense of place. The conflict with the policies is significant and given the harm identified the conflict still attracts significant weight against the development. The harm to the character and appearance of the area significantly and demonstrably outweighs the benefits of the development when assessed against the policies of the Framework taken as a whole. Therefore, the appeal should be dismissed.

Conclusion

17. The proposed development conflicts with the development plan and the Framework taken as a whole. There are no material considerations, including the policies of the Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, the appeal should not succeed.

Dan Szymanski

INSPECTOR