



Appeal Decision

Site visit made on 7 June 2021

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 15 June 2021

Appeal Ref: APP/F3545/W/20/3251841

5C, Oak Tree Farm, Wildmere Lane, Holywell Row, Mildenhall, Suffolk IP28 8LX

- 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 & Mrs N Young against the decision of West Suffolk Council.
 - The application Ref DC/19/1217/FUL, dated 4 June 2019, was refused by notice dated 7 November 2019.
 - The development proposed is remove mobile home and erect a 3 bed dwelling and detached garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (a) the effect of the development on the living conditions of neighbouring occupiers with regard to light, outlook and privacy;
 - (b) the effect of the development on the provision of gypsy and traveller pitches within the Forest Heath area of West Suffolk;
 - (c) the effect of the development on the character and appearance of the area; and
 - (d) whether the development would be in an appropriate location having regard to the development plan and national policies.

Reasons

3. The appeal site comprises a mobile home with ancillary structures and hardstanding within Oak Tree Farm. The site is located on the eastern side of Wildmere Lane and set back from the road by a large gravel forecourt. There are other structures accessed from the forecourt including two additional mobile homes. To the north and accessed separately is a vehicle servicing business with a paddock and open countryside beyond that. To the south of the site is a public footpath and a number of dwellings on the northern edge of the small village of Holywell Row. Wildmere Lane connects to The Street / St John's Street which links Holywell Row to the larger village of Beck Row.

Living conditions

4. The Council's third reason for refusal relates to negative effects on the living conditions of occupiers of the mobile home and pitch immediately to the north

of the site. The Council's officer report indicates that this adjoining mobile home does not benefit from the 2012 planning permission¹ which permits the siting of 2 static mobile homes and the erection of two brick day rooms. While the Council has been making enquiries, I have no information on any enforcement investigation. I also have no detail on who occupies the adjoining mobile home. Therefore, I have assumed for the purposes of this appeal that this mobile home and pitch can be lawfully occupied as a separate unit.

5. With the exception of a single storey sun lounge at the rear, the proposed dwelling would sit forward of the front elevation of the adjacent mobile home. The scale and bulk of the gable end side elevation would be very visible from windows as well as the outdoor space in front of the mobile home. This would have an oppressive effect in terms of the outlook of neighbouring occupiers and reduce daylight levels. Sunlight levels would also be noticeably affected given that the dwelling would be located to the south.
6. A first floor bedroom window would overlook the outdoor space with negative effects on privacy. This window would be the main window for this bedroom with only two small rooflights at the rear. It would not be reasonable on future occupants to require its omission or obscure glazing and so the negative effect would be unavoidable.
7. In conclusion, the development would have an unacceptable effect on the living conditions of neighbouring occupiers with regard to light, outlook and privacy. Therefore, it would not accord with Policy CS5 of the Forest Heath Core Strategy Development Plan Document 2010 (CS) or Policies DM2 and DM22 of the Joint Development Management Policies Document 2015 (JDMPD) which seek to avoid adverse effects on residential amenity and environmental quality. The development would also not accord with paragraph 127 of the National Planning Policy Framework (NPPF) which seeks a high standard of amenity for existing and future users.

Provision of gypsy and traveller pitches

8. The 2012 planning permission was granted on the basis of an identified need for gypsy and traveller pitch provision within the district. This was informed by the 2011 Cambridge Sub-Regional Gypsy and Traveller Accommodation Needs Assessment (GTANA). The GTANA was updated in 2016 to reflect the new definition of gypsy and travellers for the purposes of planning policy in the government's 2015 version of the Planning Policy for Traveller Sites. The 2016 GTANA found there was no identified need within the Forest Heath area of West Suffolk. Section 8 of the Forest Heath Site Allocations Local Plan 2019 (SALP) confirms that no site allocations are necessary over the plan period. Nevertheless, the 2016 GTANA notes a potential need for up to 8 pitches to meet any unknown need that may arise during the period.
9. The government's Gypsy and Traveller Accommodation Needs Assessment 2007 was withdrawn in 2016. However, the issues it raised in paragraphs 15 and 16 regarding the accommodation requirements of gypsies and travellers remain relevant today. This includes overcrowded or unsuitable existing housing and the shortage of sites and local hostility as well as lack of income preventing gypsies and travellers from being able to access the accommodation

¹ F/2011/0768/COU

market. These issues underline the importance of retaining suitable sites wherever possible to ensure a sufficient supply to meet changing local needs.

10. Even though there is no identified need, the fact there remains a potential need means that the loss of a gypsy and traveller pitch would reduce the overall ability to provide for pitches within the Forest Heath area. I have little evidence that planning applications and pitches continue to come forward within the area to meet local need. The loss of high grade agricultural land to housing is not a direct or particularly useful comparison as this involves a very different land use to that which relates to a gypsy and traveller use.
11. Nevertheless, from the evidence before me, it is not clear whether the site actually comprises a gypsy and traveller pitch in planning terms as the description of development in the 2012 permission simply refers to the siting of 2 mobile homes and the erection of two brick day rooms with no reference to the specific use of the land. Therefore, it could be argued that the development would not result in the loss of a gypsy and traveller pitch at all. As a consequence, and based on the lack of identified need, the development would have a limited negative effect on the provision of gypsy and traveller pitches within the Forest Heath area of West Suffolk.

Character and appearance

12. The site's existing mobile home and the adjoining two other mobile homes at Oak Tree Farm are single storey and not particularly large in terms of width or depth with a standardised appearance. Ancillary structures on the site are small and low key. While the mobile homes are non-permanent and moveable, the site and Oak Tree Farm are well-established with boundary fencing and large areas of hardstanding. The various structures are visible from the access onto Wildmere Lane and from the public footpath. Further north or south along the lane, the site is obscured by intervening buildings and vegetation.
13. The dwellings to the south along Wildmere Lane and within Willow Close are bungalows of varying size and design including taller roofs accommodating a second floor. Some of these dwellings are situated tightly within their plots with limited outdoor space. They are loosely scattered but present a strong residential character and appearance on the edge of the village. A number of these dwellings are visible from the site and forecourt to Oak Tree Farm.
14. Therefore, while the site lies within the countryside in planning policy terms, it bears little resemblance to the surrounding fields or paddocks. Instead, it is more closely related to the rest of Oak Tree Farm and the dwellings to the south in terms of a residential character and appearance.
15. The proposed dwelling would be noticeably taller than any of the mobile homes with two floors of accommodation. As a bricks and mortar dwelling, the development would have greater permanence than the mobile homes. As a consequence, it would contrast markedly with the rest of Oak Tree Farm. However, the development would also be seen within the context of the adjacent dwellings. It would not be significantly taller or larger than some of these dwellings and would utilise a chalet bungalow design with front gables and a modest dormer window in keeping with these dwellings.
16. The dwelling would not affect the loose grain of development on the edge of the village and would not be highly visible apart from the access onto the lane

and along the public footpath where various other buildings are already visible. There would be a reasonable amount of external space retained to the front and rear and the dwelling would not occupy the full width of the plot. Overall, the development would not harm the character and appearance of the countryside or settlement edge. Instead, it would utilise a design in harmony with its residential surroundings.

17. In conclusion, the development would have an acceptable effect on the character and appearance of the area. Therefore, it would accord with JDMPD Policies DM2 and DM22 which seek to recognise and address the key features and characteristics of the area, with designs that respect the character and scale of the locality and maintain a sense of place. The development would also comply with NPPF paragraph 124 which seeks good design and high quality buildings.

The appropriateness of the location

18. The site adjoins the Holywell Row settlement boundary and so lies within the countryside in terms of the development plan. CS Policy CS1 states that secondary villages such Holywell Row will provide nominal housing growth where local capacity allows, with no urban expansion considered, and development outside of the settlement boundary restricted to particular types of development, none of which are applicable to this proposal.
19. CS Policy CS10 sets out exceptions for housing in villages and small settlements in criteria (a) to (f) including a focus on suitable sites within a defined settlement boundary. Criterion (e) allows for the replacement of an existing dwelling, but I concur with the Council that the existing mobile home does not constitute a dwelling in a legal context. SALP Policy SA1 clarifies that planning permission for new residential development will be permitted within settlement boundaries where is it not contrary to other planning policies.
20. JDMPD Policy DM5 states that areas designated as countryside will be protected from unsustainable development. New buildings will be permitted where it accords with other policies and meets one of a number of criteria. The only potentially applicable criterion is (f) concerning small scale residential development of a small undeveloped plot in accordance with JDMPD Policy DM27. This policy permits housing 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 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.
21. The dwellings to the south form a closely knit cluster of at least 10 dwellings adjacent to Wildmere Lane. However, the site adjoins this cluster rather than being located within it and does not form an undeveloped plot within a continuous built up frontage. Therefore, the development would not accord with JDMPD Policies DM5 or DM27 and would also conflict with CS Policies CS1 and CS10 and SALP Policy SA1.
22. However, there are factors which moderate the extent of harm caused by the policy conflict. As noted above, the impact on the character and appearance of the area including the countryside would be acceptable. While Wildmere Lane is narrow and without pavements or lighting, it is a short walking distance to the

junction with The Street / St John's Street. A pavement then connects Holywell Row to Beck Row. Holywell Row has very limited facilities apart from a number of bus services to nearby settlements. Beck Row has more facilities including education and retail. It is possible therefore to walk from the site to the bus stop as well as Beck Row, while cycling to Beck Row is also feasible with the speed limit along the whole route restricted to 30mph. Therefore, future occupants would not be wholly reliant on the private car to access services and facilities.

23. Given the location adjacent to existing dwellings and Holywell Row, the development would not represent an isolated home in the countryside. Thus, there would be no conflict with NPPF paragraph 79. The location of the development would help in a small way to enhance or maintain the vitality of rural communities as advocated by NPPF paragraph 78, with a range of transport modes possible.
24. Concluding on this main issue, the location of the development would not be appropriate having regard to the development plan and it would conflict with a number of policies as outlined above. However, this conflict should be balanced against the ability to access services and facilities by a range of transport modes, the lack of negative effect on the character and appearance of the countryside, and the absence of conflict with NPPF paragraphs 78 and 79.

Planning balance

25. JDMPD Policy DM1 sets out a presumption in favour of sustainable development. NPPF paragraph 11 contains a similar presumption and sets out the economic, social and environmental objectives in achieving sustainable development.
26. The development would generate economic benefits from the construction and occupation of the dwelling, supporting local services and businesses. There would be social benefits from the provision of a new dwelling mindful of the need to boost the supply of housing even when there is no known shortfall in supply. The occupants of the dwelling would contribute to the local community. Environmentally, occupants would not be wholly dependent on the private car as discussed above, while the dwelling would reflect current building regulation standards to reduce carbon emissions and energy usage. The dwelling would represent an effective use of land as advocated by NPPF paragraph 117. As a single dwelling, all of the above benefits would be modest but nevertheless weigh in favour of the development.
27. The family who occupy the existing site and mobile home seem to have done so since the 2012 planning permission. The appellants' appeal statement refers to the family being settled on site. It is evident that the family need more space to accommodate their children who are schooled locally while there are apparent health needs within the family. However, the provision of enlarged living accommodation represents a private benefit which could be applied to any proposal for a new or extended bricks and mortar dwelling. In the absence of any further evidence on personal circumstances, I can only attribute modest weight to this benefit. I note that the Parish Council supports the development but they have not explained why.
28. Turning to the adverse effects, the development would have a limited negative effect on the provision of gypsy and traveller pitches. The development would

not be in an appropriate location having regard to development plan policies but this only carries moderate weight due to the relative accessibility and the acceptable effect on character and appearance. However, the development would have a significant negative effect on the living conditions of neighbouring occupiers due to the level of impact outlined above.

29. Concluding on the planning balance, the benefits of the development would not outweigh the adverse impacts. As a consequence, the proposal would not benefit from the presumption in favour of sustainable development as set out in JDMPD Policy DM1 or NPPF paragraph 11. There would be conflict with CS Policies CS1 and CS10, SALP Policy SA1, and JDMPD Policies DM2, DM5, DM22 and DM27 with no material considerations that outweigh that conflict.

Conclusion

30. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR