



Appeal Decision

Site visit made on 23 June 2021

by Martin H Seddon BSc MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 August 2021.

Appeal Ref: APP/F3545/W/20/3263394

Land adjacent to Moonstone, Chilton Street, Clare, CO10 8QS

- 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 Reynolds against the decision of West Suffolk Council.
 - The application Ref: DC/19/0270/FUL, dated 12 February 2019, was refused by notice dated 19 May 2020.
 - The development proposed is erection of paragraph 79 dwelling with associated landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In determining this appeal, I have based my decision on the Council's description of development as (i) 1no. dwelling (ii) garage with habitable space above and associated landscaping, as it is a more accurate specification for the proposal.
3. The National Planning Policy Framework (the Framework) was revised on 20 July 2021. The appellant and the Council were given the opportunity to comment upon the revised version in relation to the appeal proposal.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - effect on biodiversity, and
 - effect on trees.

Reasons

Character and appearance

5. The appeal site is a grassed paddock located to the north of development within the small linear settlement of Chilton Street, which has been established alongside the route of the Chilton Stream. The site lies within the open countryside, near the property of Moonstone.

6. The development plan includes the St Edmundsbury Core Strategy (2010) (Core Strategy) and the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (Local Plan JDMPD). Chilton Street is a small settlement and does not fall within the spatial strategy and settlement hierarchy set by Core Strategy policies CS1, and CS4, which guide proposals for new development. The Council's document: Rural Vision 2031, indicates that new residential development will be permitted within housing settlement boundaries where it is not contrary to other policies in the plan. Local Plan JDMPD policy DM5 seeks to protect the countryside from unsustainable development and Local Plan JDMPD policy DM27 restricts housing in the countryside to clusters of ten or more existing dwellings, adjacent to, or fronting a highway, or in cases of infill development. The proposal clearly conflicts with all these development plan policies.
7. The Council also made reference to material conflict of the proposal with Core Strategy policy CS3 and Local Plan JDMPD policies DM2, DM13 and DM22 concerning its design, the locality's countryside character and the impact on its immediate and wider setting.
8. The proposed dwelling would be located to the west of Moonstone and close to the edge of existing development at Chilton Street. However, the Council considers that, on balance, and as a matter of planning judgement, the site is isolated because it is outside any settlement boundary, has no access to public transport and remote from any local services or facilities. Having regard to the judgement in *Braintree District Council v Secretary of State for Communities and Local Government & Ors [2018] EWCA Civ 610* I see no reason to disagree.
9. Paragraph 80 of the revised Framework effectively replaces paragraph 79 of the previous Framework. It indicates that the development of 'isolated' homes in the countryside should be avoided unless special circumstances apply. These circumstances include:
 - (e) the design is of an exceptional quality in that it:
 - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas, and
 - would significantly enhance its immediate setting and be sensitive to the defining characteristics of the area.
10. Paragraph 70 (e) of the previous Framework included the words "is truly outstanding or innovative". Although the test of "or innovative" no longer applies, I note that paragraph 134 of the revised Framework advises that outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area may be given significant weight, so long as they fit in with the overall form and layout of their surroundings.
11. The proposal was accompanied by a detailed Design and Access Statement. The development would include a barn-like family five bedroom home and a smaller barn-like building to provide a garage and office space. The layout is intended to reflect the agricultural grouping of buildings characteristic in the area. Both buildings would have external material shrouding comprising Corten steel sheets with laser cut leaf silhouette patterns. The steel would weather to provide a red finish. The main building would measure around 33.2

m x 8.2 m with a ridge height of around 11.25 m. The garage would have a ridge height of around 7.7 m. These measurements include the Corten steel frames, which essentially increase the dimensions of the building structure which they would cover. The buildings would be oriented in a direction to complement the linear topography formed by the Chilton stream valley. New boundary hedgerows and trees would be planted at the site.

12. The proposal was referred to the Suffolk Design Review Panel (the Panel). The first meeting was held on 7 June 2019. The second meeting was held on 9 January 2020 after amendments to the scheme and further information. In the summary the Panel stated that there were two critical questions still to be answered. The Panel assumed that the size and location of the proposal would sit comfortably in terms of scale with the neighbouring barns, although the presentation had not made it clear that it was the case. It was not the Panel's view that the buildings should be invisible, but that they should be of an appropriate size, i.e., they should be of a similar size or smaller than the large barns in the group and appear as part of the group, if indeed they would be seen at all. The Panel concluded that they were supportive of the scheme and confirmed that the proposal, in its view, satisfied the criteria in (former) paragraph 79 of the Framework, subject to confirmation sought with respect to illustrations of the scale of the main building in its context.
13. The appellant has drawn my attention to an Inspector's analysis in appeal ref: APP/Z3285/W/19/3243352 regarding the consideration of (former) paragraph 79 of the Framework in relation to a proposal in Horsham District. The Inspector indicated that for planning permission to be granted for a proposal it must be shown to be of the exceptional quality required by paragraph 79 and that this outweighs the conflict with the adopted plan. I note that the Inspector also advised that while they attached considerable weight to the views of the Design South-East review panel, the views were not necessarily the determining factor when reaching a decision.
14. Turning to paragraph 80 of the revised Framework, the notes of the Panel meetings explained that the guiding principle was to maintain the traditional barn form, monolithic from a distance and only apparent as a dwelling when one gets closer to the building. The visual impact of the main building would be from the external Corten steel frame. Although the building it enclosed would incorporate high standards of insulation and would rely on renewable energy sources, it would be a contemporary design with significant areas of glazing. The Corten steel frame could be considered to be innovative, but it is essentially an integral structure designed to create a barn-like appearance. One of the considerations of paragraph 80 is whether the proposal would help to raise standards of design more generally in rural areas. Whether that would be the case is uncertain because the principle of the proposal is to mask the residential part of the building with the Corten steel frame, rather than express its architecture visually, and more openly, in the landscape.
15. Whilst the Panel supported the scheme it did have additional questions still to be clarified in terms of its context, local characteristics and visibility of the proposed development. The immediate setting of the appeal site is distinctly rural and classed as a Valued Landscape, being within the Stour Valley Project area. The site is adjoined to the south by tree cover alongside the Chilton stream. The stream separates a pair of small semi-detached cottages and a detached cottage from the site. A public footpath crosses the stream just to

the west of the cottages and runs parallel to the western edge of the site. Although there is significant tree cover alongside the Chilton stream it is likely that the proposed development could be glimpsed from the road of 'Chilton Street' in the winter months when the trees would not be in leaf.

16. The main developed area of Chilton Street lies immediately to the east of the site. The buildings vary in form, design, size and scale with no particular pattern in their layout. Vernacular buildings form an enclosed area at Moonstone and Mott's Farm House with larger dwellings at Rushbrooke and Willow Bank Cottage separating that cluster of buildings from Home Farm. South of Home Farm and the Chilton stream, the Old Maltings and other cottages occupy land next to the road. The landscape is more open to the west and north of the site. The site can be approached along a farm track from the B1063 next to large former mill buildings. The track passes a modern agricultural building, open at one side, and described as the "red barn". A former windmill is prominent in the landscape to the east of the B1063.
17. From the north, the proposed buildings would be seen against the backdrop of trees alongside the Chilton stream. The drawing, showing the north-south section of the proposal looking east, indicates that the proposed dwelling would be greater in height than the red barn. The proposed main structure as a whole would have a significant bulk and massing, and because of its height, would be more prominent than the red barn. Despite the silhouette effect of the Corten Steel frame, I consider that it would not offer enough visibility through its perforations to mitigate its overall visual impact or appearance of the building ridge on the skyline. It would fail, along with the proposed garage, to complement the smaller scale of domestic buildings and barns in the vicinity. In that sense, the proposal would not be sensitive to the rural vernacular development which contributes towards the defining characteristics of this rural area. The proposed main building would be a prominent dominant feature in the countryside, visible from nearby dwellings, and would not significantly enhance its immediate setting. Although it could be considered to be innovative, it would not fit in with the overall form and layout of its surroundings and would harm the character and appearance of the area, contrary to paragraph 134 of the Framework.
18. I find, therefore, that the proposal would not be compliant with the special circumstances set out in paragraph 80 of the revised Framework.

Effect on biodiversity

19. The ecological survey report noted that the wooded area next to the Chilton Stream offered foraging habitats for bats, although no recording of bat species was carried out. The report set out measures which could be adopted to ensure that light pollution impacts on bats would be avoided. I consider that a condition could be imposed to ensure that light emanating from the proposed buildings and within the grounds would be of an appropriate specification and design to mitigate any potential harmful effects.

Effect on trees

20. No detailed tree survey was submitted with the application. However, the main area of concern for the Council is the effect of the proposed garage on the root protection area of adjacent trees. I consider that this is a matter which could be addressed by a planning condition requiring the provision of a construction

methodology and means of protection for any trees which may be affected by the proposal.

Conclusion

21. Although the issues of biodiversity and the effect on trees could be resolved through the imposition of appropriate conditions, I conclude that the proposal would not meet the requirements of paragraph 80 of the revised Framework and would not outweigh the conflict with development plan policies that I have identified above.
22. I have taken all other matters raised into account. However, for the reasons given above I conclude that the appeal should be dismissed.

Martin H Seddon

INSPECTOR