
Appeal Decision

Site visit made on 17 September 2021

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 October 2021

Appeal Ref: APP/X3540/W/21/3271488

Land South of Carlton Road, Kelsale, Saxmundham IP17 2NP

- 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 Landfast Ltd against the decision of East Suffolk Council.
 - The application Ref DC/20/4380/OUT, dated 1 November 2020, was refused by notice dated 6 January 2021.
 - The development proposed is the erection of dwelling with garage (all matters reserved).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was submitted in outline with all matters reserved for later determination. The appeal has been considered on this basis, treating the submitted site layout as illustrative only.

Main Issue

3. The main issue is whether the proposal would comprise an acceptable form of development having regard to the settlement pattern, the character and appearance of the area and the policies of the development plan.

Reasons

4. The proposal is for a dwelling within a short undeveloped gap between housing on the southern side of Carlton Road at a point where there is also open space between development on the northern side of the road. The site thus forms part of a relatively narrow gap between two built up areas. Although the appellant and Council appear to regard Kelsale cum Carlton as a single settlement, the Parish Council with their local knowledge are clear that the area forms a break between Carlton to the west and Kelsale to the east. The two villages are closely related and linked for administrative and many practical purposes, but their separate identities are corroborated by individual names on the Ordnance Survey map and the existence of two parish churches.
5. The appeal site is excluded from the settlement boundaries of Kelsale cum Carlton as defined under Policy 3.3 of the Suffolk Coastal Local Plan 2020 (the SCLP) and is therefore in the countryside for planning policy purposes. As such Policy 5.3 precludes residential development other than in certain limited circumstances. The appellant argues that one of these applies in this case,

namely Policy 5.3(g) which allows for 'other residential development consistent with the policies of the National Planning Policy Framework' (NPPF). There is no suggestion that the most important policies for determining the application are out-of-date, nor that the Council is unable to demonstrate a five-year supply of deliverable housing sites.

6. Kelsale cum Carlton offers a range of services and facilities and as a 'small village' in the SCLP settlement hierarchy is regarded as suitable for limited housing development. Indeed, one specific housing allocation is made.
7. In this case the gap on the southern side of the road between the settlement boundaries of Carlton and Kelsale is being narrowed by two new frontage dwellings. The first, now under construction, adjacent to the bungalow 'Hilltop' to the east was allowed on appeal in February 2018¹ with the Inspector arguing, inter alia, that the development 'would not lead to Kelsale and Carlton coalescing with one another'. The second, next to the first, was permitted by the Council in October 2018² presumably following the same logic. The current proposal would result in a third and final dwelling filling the gap up to a lane with public right of way (PROW) status and the detached property 'Park House' which fronts the PROW (not the road) beyond.
8. Although the undeveloped gap has been somewhat compromised by previous decisions, the proposal would lead to Kelsale and Carlton finally coalescing with one another, contrary to the previous Inspector's decision. It would also conflict with SCLP Policy 10.5 which precludes the coalescence of settlements. Although limited in width, with its well vegetated frontage and combined with the open space opposite, the site remains an important break between built up areas. If access is gained from the PROW the presence of the dwelling would still be readily apparent to passers-by.
9. The appeal site also forms part of the historic Carlton Park, shown on the SCLP Policies Map as a non-designated heritage asset. This 66 ha area of parkland, with some remaining scattered trees, extends well to the south encompassing the site of Carlton Hall and Carlton Parish Church. The previous Inspector noted the encroachment into the parkland would be very limited, however this does not justify further erosion³. Importantly, the PROW adjacent to the site provides a main route for local residents to access and enjoy the parkland and wider countryside to the south. Whilst the previous Inspector considered the effect of 'built development brought closer to the PROW by one plot width' would not be significant, the proposal would bring built development and a domestic, perhaps fenced, curtilage right up to the PROW. This would restrict the existing attractive views of the parkland from Carlton Road and narrow the current verdant approach to the width of the lane. Neither the imposition of restrictive conditions nor control of details at reserved matters stage would overcome this fundamental objection.
10. The site contains the first in a long avenue of Lime trees planted along the sides of the lane leading into the parkland towards the hall and church. These draw attention to the importance of the PROW as the entrance to Carlton Park beyond. Access to the dwelling from the PROW as shown on the illustrative

¹ Ref. APP/J3530/W/17/3187529

² Ref. DC/18/2907/OUT

³ The reference in the Council's Historic Parks and Gardens SPG 1995 to parkland characteristics being destroyed along the northern park edge only relates to the land now developed for housing, not adjacent land.

layout would cross the start of the avenue and may involve tree loss⁴, whilst the dwelling itself would result in pressure to remove or cut back the growing trees within the rear garden. This would damage the visual contribution of the avenue to the character and appearance of the area.

11. The illustrative access would also introduce undesirable pedestrian/vehicle conflict with additional turning movements at the entrance to the PROW. Alternatively, access direct from Carlton Road would involve removal of the frontage hedgerow opening the dwelling to full view and reinforcing the coalescence of the two villages.
12. For these reasons the proposal would not comprise an acceptable form of development. It would harm the settlement pattern and the character and appearance of the area by leading to the coalescence of Carlton and Kelsale, filling an undeveloped gap between built up areas, obscuring views of the historic parkland to the south and causing significant harm to the PROW approach and avenue of Lime trees leading towards the park. In relation to the development plan the proposal would conflict with SCLP Policies 3.3 and 5.3 which strictly control development outside defined settlement boundaries and also Policies 10.4, 10.5 and 11.8. These seek to protect the special qualities and features of an area, the environment around settlements and their landscape setting, protect distinctive landscape elements⁵, preclude the coalescence of settlements, and aim to preserve and enhance parklands, their surroundings and immediate settings.
13. The argument that SCLP Policy 5.3(g) applies as a result of compliance with the NPPF is not made out. Policy 5.4 relates to clusters of five or more houses in the countryside and is not relevant in this case.

Conclusion

14. The proposal would provide an additional dwelling which would make a useful contribution towards local housing needs notwithstanding the existing five-year supply of deliverable land. As a small scheme, it would probably be delivered quickly, a further benefit, and could deliver a net gain for biodiversity. Both during construction and occupation the additional dwelling would provide social and economic benefits for the area including employment and expenditure in local shops and services. However, the conclusions in paragraph 12 and the associated conflict with the development plan outweigh these benefits and lead to a planning balance against the proposal.
15. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR

⁴ No detailed tree survey including root protection areas and an allowance for growth has been submitted.

⁵ Such as the avenue of Lime trees