



Appeal Decision

Site visit made on 29 September 2021

By Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 November 2021

Appeal Ref: APP/W3520/W/21/3272921

**Land West of Wickham Lane, Cotton, Stowmarket, Suffolk Easting
606782 - Northing 267833**

- 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 Malcolm Freebody against the decision of Mid Suffolk District Council.
 - The application Ref DC/21/00098, dated 6 January 2021, was refused by notice dated 5 March 2021.
 - The development proposed is erection of detached eco dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the appeal site is suitable for the development proposed, having regard to local and national policies concerned with the location of new development and the effect on the character and appearance of the local area.

Reasons

3. The proposal is for a single storey 2 bedroom house that would utilise a lime rendered strawbale wall form of construction, and would involve the further use of other features such as a planted 'green' roof, solar panels with battery storage and rain water harvesting, in an effort to limit the environmental impact of the proposed building.
4. The proposed dwelling would be setback from the road on the appeal site, which is a large site neighboured on either side by two large dwellings set within their own substantial grounds. These make up a part of a disparate group of 5 residential properties that occupy much of a triangular rural location bounded by Wickham Lane and Cotton Lane.
5. The appeal site is situated outside of the defined boundaries of any developed area and is defined as countryside by Policy CS1 of the Mid Suffolk Local Development Framework Core Strategy Development Plan Document (2008) (CS). Policy CS2 of the CS also restricts development to defined categories in accordance with other CS policies. The appeal proposal is not for any of the

development types listed in these policies. Policy H7 of the Mid Suffolk Local Plan (1998) (LP) repeats the strict control over new housing in the countryside and directs development to existing settlements.

6. The National Planning Policy Framework (2021) (the Framework) does, however, set out a less restrictive approach to housing in small settlements. These policies are, therefore, not in full conformity with the Framework and I can afford them less than substantial weight in my considerations. In this regard the tilted balance for the presumption in favour of sustainable development set out in Paragraph 11 d) ii of the Framework therefore applies.
7. I have considered the location of the proposal having regard to paragraphs 78 and 79 of the Framework and the Braintree caselaw¹, which concluded that the definition of 'settlement' within the context of paragraph 79 is not defined and that the Framework contains no definitions of a 'community', a 'settlement' or a 'village', so that whether a site is considered 'isolated' or not, will be a matter of fact and planning judgement for the decision-maker.
8. From my site visit it is apparent that this loose grouping of disparate residential properties on very substantial plots is surrounded by open fields and interspersed with very large open areas, such as the appeal site, and does not appear to be, or is experienced as, a defined cluster of development.
9. Although the proposal would introduce a dwelling between 2 of the group properties I have identified above, it would not take the form of infilling a gap within an already developed area. Rather, it would be introducing built form into an area that appears to be a field between 2 existing but entirely separated and isolated residential properties on very large plots. The proposal would therefore result in the appearance of an isolated residential development in the countryside that would be contrary to Paragraph 80 of the Framework.
10. The Council is in the early stages of producing a Joint Local Plan with Babergh District Council, which includes emerging Policy LP01, which would allow for the infill development within clusters of dwellings in the countryside. Given the stage this plan is at on its way to adoption, I can only afford very limited weight to this emerging policy. However, as detailed above, I do not find that the proposal would be infilling a gap within a cluster of development in the countryside.
11. Given the above, the proposed dwelling would result in a loss of the existing open character of the appeal site and wider area, which would, given its setback position on the site, be moderately harmful to the character and appearance of this countryside location. This would be contrary to Policies CS5 of the CS, Policies GP1, H7 and H15 of the LP and paragraphs 130 c) of the Framework, which collectively seek development that is sympathetic to local character, including landscape setting.
12. Whilst the Council is meeting its housing delivery targets, these are not capped and windfall sites that provide for additional dwellings do collectively make an important contribution to housing stock. However, the benefit of a single dwelling is a modest contribution to the council's housing stock within this

¹ Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610

context and is a matter of only very limited weight in favour of the appeal scheme.

13. The proposed dwelling does include extensive design features intended to achieve a high degree of environmental sustainability, including energy use and water run-off. These are not, however, exceptional and without any detailed comparative information provided, the environmental benefits would appear to be relatively limited and would not fully mitigate the hard surfaces proposed, or the total energy use of the occupants of the house when in active use. This is especially when compared to the environmental sustainability of the undeveloped rural plot as existing that constitutes the appeal site and, therefore, I can afford this only limited weight in favour of the proposal.
14. Whilst the construction of the proposal could potentially lead to temporary construction jobs and the occupancy of the dwelling could potentially lead to spending in shops and other local services, these benefits would be limited in scope and would have a minimal impact on the local economy and, for this reason, carry little weight in favour of the proposal.
15. The proposed development does not appear to be within easy walking distance of local services, bus routes, or other forms of public transport for the purposes of local commuting and access to limited and somewhat distant local services in the village of Bacton. Whilst cycling is a potential option for the occupiers of the proposed dwelling, it would also be heavily reliant on the use of the car and other vehicular servicing. The proposal does not, therefore, commend itself as an exceptionally sustainable form of development in this regard.
16. Whilst the appellants Supporting Statement for the planning application gives some details and chosen excerpts of reports and decisions related to planning applications and appeals decisions for other developments outside of development boundaries, these applications and appeals would have been considered on their own individual merits, and I have done likewise in my consideration of this appeal. I have therefore afforded these limited weight in my considerations.

Planning Balance and Conclusion

17. In terms of the three overarching objectives of sustainable development set out in Paragraph 8 of the Framework, the proposed development does not, as I have set out above, deliver benefits of any significance. It is my view that the proposal would not constitute a sustainable form of development and that no overriding social, economic or environmental benefits, sufficient to take priority over the locational conflict with the established spatial strategy, have been demonstrated. In judging each of the objectives in this case in line with Paragraph 9 of the framework, which does not require economic, social and environmental gains to be sought jointly and simultaneously, I have found, as set out above, only very limited benefits alongside harmful environmental effects.
18. Consequently, I conclude that the appeal site is not suitable for the development proposed, having regard to local and national policies concerned with the location of new development and does not, therefore, comply with Policies CS1 and CS2 of the CS, Policy H7 of the LP, in so far as they are in line with the Framework and Paragraph 80 of the Framework. The harmful impact

of the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply and for the reasons given, I conclude that the appeal should be dismissed.

Victor Callister

INSPECTOR