
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: 12 November 2021

Appeal Ref: APP/X3540/W/21/3270972

North Green Farm, North Green, Kelsale cum Carlton, Suffolk IP17 2RL

- 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 Alison Coad against the decision of East Suffolk Council.
 - The application Ref DC/20/1127/FUL, dated 11 March 2020, was refused by notice dated 16 September 2020.
 - The development proposed is the erection of 1 no. single storey dwelling.
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Decision

1. The appeal is allowed and permission is granted for the erection of 1 no. single storey dwelling at North Green Farm, North Green, Kelsale cum Carlton, Suffolk IP17 2RL in accordance with the terms of the application, Ref DC/20/1127/FUL, dated 11 March 2020, subject to the attached schedule of conditions.

Preliminary Matter

2. Just after the determination of the application, on 23 September 2020, the Council adopted a new local plan, the Suffolk Coastal Local Plan (SCLP), superseding the previous plan dating from 2013. This appeal is accordingly determined in the light of the latest policies.

Main Issue

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

Reasons

Whether an acceptable form of development

4. The proposal is for a single storey dwelling on a parcel of land fronting onto Town Farm Lane. To the west lie Boxers, North Green Lodge and North Green Cottage, three bungalows/chalet bungalows set in good-sized plots, whilst to the east the site adjoins the open frontage of North Green Farm, a substantial Grade II listed farmhouse. Between the site and the farmhouse an access track leads to a group of farm buildings, one of which has planning permission for conversion to residential use with work already underway during the site visit¹. The plans for this dwelling include a new access drive running along the eastern boundary of the proposed plot leading to a turning area, double garage

¹ Permission reference DC/21/2803/FUL

and domestic garden running behind the appeal site to the grounds of North Green Cottage.

5. The site lies well outside the settlement boundary of Kelsale cum Carlton as defined under Policy SCLP3.3 and thus in the countryside for planning policy purposes. As such Policy SCLP5.3 precludes residential development other than in certain limited circumstances, one of which potentially applies in this case, namely Policy SCLP5.4 which allows for housing within 'clusters' in the countryside. 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. The starting point in Policy SCLP5.4 is that a cluster in the countryside consists of a group of five or more dwellings in a continuous line or close group adjacent to a highway. In this case, with three dwellings lining the road frontage to the west together with a farm building being converted to residential use and a farmhouse in extensive grounds just to the east, the basic requirement for five dwellings or more in a recognisable group is met. In the previous local plan it was also a requirement that the site was located within 150m of a recognised settlement or 300m if a footway is present but this requirement was dropped in the SCLP to allow more flexibility. The proximity of North Green to Kelsale and Saxmundham is therefore no longer relevant when applying the policy.
7. Criteria (b) to (d) of Policy SCLP5.4 are more subjective. Criterion (b) is that the proposal represents infilling within a continuous built-up frontage, is in a gap within the cluster, or has development on two sides. Whilst the first point is arguable, with existing and forthcoming houses to the west, north and the farmhouse to the east, the site lies fair and square within the cluster. With a domestic garden behind associated with the barn conversion and the grounds of North Green Cottage to the west, there will also be housing on two sides even if the farmhouse is considered to be set apart slightly on the third.
8. For the same reason the proposal would not represent an extension of the built-up area into the surrounding countryside, which is criterion (c). Finally, given the character of the existing group of residential properties set in the open countryside, to be reinforced by a further property shortly, the proposal for a relatively modest single storey bungalow would complement the existing character and appearance of the cluster rather than detract from it, and would not intrude into the surrounding landscape. In this way criterion (d) would also be met.
9. For these reasons the proposal would comprise an acceptable form of development having regard to the character and appearance of the area and the policies of the development plan. It would it fully comply with the criteria of Policy SCLP5.4.

Other matters

10. The proposed single storey dwelling would be aligned lengthways in the plot with two gables joined by a flat roofed section fronting the road and a low-pitched double carport in front. The contemporary design with twin pitched roof would be similar in scale to the adjacent barns and suitably subservient to the two storey farmhouse. As such the relatively modest and low profile design would not be out of keeping with the other bungalows/chalet bungalows in the cluster and the area as a whole. The carport in front of the general building

line would not be visually prominent. The details of the materials to be used could be controlled by condition enabling the neighbour's concerns regarding the metal roof to be considered.

11. The Council draw attention to a dismissed appeal relating to a new dwelling at Ferry Road on the edge of Felixstowe which was not considered to meet the definition of a cluster. However, the circumstances of North Green are very different from the fringes of the large town involved in that case².
12. The site falls within the setting of North Green Farmhouse, a large Grade II listed building dating from the 16th century which lies to the east but set in its own substantial grounds and surrounded by open countryside on three sides. The existing cluster of dwellings already form an established part of its setting and a further property within the group would not cause any significant harm, particularly once the access drive to the barn conversion severs the site from the wider grassed frontage of the farmhouse. The proposal would therefore preserve the setting of this listed building.
13. The access drive to the barn conversion is due to run along one side of the new dwelling. However, the number of vehicle movements would be limited, the elevation concerned would be set back and it includes the entrance porch and a kitchen window rather than living or bedroom windows which would minimise any disturbance. With both properties also benefiting from good sized gardens the living conditions of the occupiers would be acceptable.
14. The new dwelling would lie within the zone of influence of various European Designated Sites where visitor pressure from additional residents may adversely affect the integrity of the habitats concerned. However, the Suffolk Recreational Disturbance Avoidance and Mitigation Strategy has identified a series of suitable measures to address this issue and the appellant has made the necessary contribution to the Council. There is consequently no objection to the proposal in this respect.
15. In relation to other points made, there is no objection to the development of greenfield sites or the sustainability of the location if Policy SCLP5.4 is met. The adjacent footpath is protected by other legislation. No safety issues are raised by the local highway authority subject to conditions nor ecological concerns by the Suffolk Wildlife Trust. Finally, the circumstances of the proposal are unique and thus no precedent would be set for any further development at North Green.
16. The Council has suggested eight conditions should the appeal be allowed and these have been assessed against the relevant tests, making amendments as necessary. In addition to the standard implementation time limit a condition to define the approved plans is necessary in the interests of certainty. Further conditions to control external materials, the means of enclosure and to require a landscaping scheme and its maintenance are necessary to ensure the satisfactory appearance of the development. Finally, conditions are necessary to ensure an acceptable means of access, the provision of visibility splays and a parking/turning area in the interests of highway safety. In the case of the first two of these the drawing numbers given by the Council appear incorrect so the details need to be confirmed prior to implementation.

² Appeal reference APP/X3540/W/20/325265

Conclusion

17. The proposal would provide an additional dwelling which would help meet local housing needs and have social and economic benefits for the area. It would comply with the criteria of Policy SCLP5.4 for limited additional housing in rural housing clusters and would not harm the character and appearance of the area. The proposal is therefore in accordance with the development plan and no material considerations indicate that permission should be withheld.
18. Having regard to the above the appeal should be allowed.

David Reed

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall not be carried out other than in complete accordance with drawing nos:
 - A1-LOC-01 Location Plan
 - B1-LOC-01 Location Plan Proposed
 - B2-SIT-01 Site Plan Proposed
 - B2-SIT-02 Site Plan Topo Proposed
 - B2-SIT-03 Site Elevations Proposed
 - B3-PLN-01 Ground Floor Proposed
 - B4-SEC-01 Cross Section
 - B5-ELE-01 Detail Elevation
 - B5-ELE-02 Elevations Proposed
 - B5-ELE-03 Elevations Proposed
- 3) Notwithstanding the approved plans, no development above slab level shall take place until full details of all external materials to be used in the construction of the dwelling have been submitted to and approved in writing by the local planning authority. The development hereby permitted shall then be carried out in accordance with these approved details.
- 4) No development above slab level shall take place until details of the means of enclosure (i.e. hedgerows, fences, gates etc) for the application site have been submitted to and approved in writing by the local planning authority. The approved means of enclosure shall then be erected prior to first occupation of the dwelling hereby permitted and thereafter shall be retained in their approved form.
- 5) No development above slab level shall take place until satisfactory precise details of a tree and/or hedge planting scheme (which shall include species, size and numbers of plants to be planted) has been submitted to and approved in writing by the local planning authority. The scheme shall be

implemented by the end of the first planting season following completion of the dwelling, and any trees or other plants which within a period of 5 years from the completion of the development, die, are removed, uprooted, are significantly damaged, become diseased or deformed, shall be replaced during the next planting season with others of the same size, species and quality as approved.

- 6) Before the access is first used visibility splays shall be provided in accordance with details to be submitted to and approved in writing by the local planning authority. The visibility splays shall be retained thereafter in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the area of the visibility splays.
- 7) The vehicular access shall be laid out and completed in all respects in accordance with details to be submitted to and approved in writing by the local planning authority. The entrance width shall be 3m. The access shall be made available for use prior to first occupation of the dwelling hereby permitted and shall thereafter be retained in the specified form.
- 8) The dwelling hereby permitted shall not be first occupied until the area within the site shown on drawing No. B2-SIT-01 for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area shall be retained and used for no other purpose.