



Appeal Decision

Site visit made on 14 December 2021

by Jonathan Price BA(Hons) DipTP MRTPI DMS

an Inspector appointed by the Secretary of State

Decision date: 20TH December 2021

Appeal Ref: APP/W3520/W/21/3278553

3 The Paddocks, Badwell Ash, Bury St. Edmunds, Suffolk IP31 3LW

- 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 Mr A MacNamara against the decision of Mid Suffolk District Council.
 - The application Ref DC/21/02142, dated 9 April 2021, was refused by notice dated 10 June 2021.
 - The development proposed is a new dwelling
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made for outline planning permission with all matters reserved. I have dealt with the appeal on this basis.

Background and Main Issue

3. The proposal relates to part of a wider parcel of land used for the keeping of horses. The Council has previously refused planning permission for the erection of a single storey detached dwelling and garage on land covered by this current proposal, with the appeal against this dismissed on 4 February 2021¹. In that decision, the Inspector had noted that, whilst not part of any protective landscape or other designation, the proposal lay outside a logical settlement boundary for Badwell Ash, where the dwelling would protrude within the countryside and harm the character and appearance of the area.
4. The appeal site contains an existing stable building and the case made is that the previous decision failed to give adequate weight to that proposal being the re-use of previously developed land. The main issue in this appeal is whether the weight given to this factor would be sufficient to outweigh any harm found to the character and appearance of the area.

Reasons

5. The Council's decision notice provides a summary of the development plan policies relevant to its decision. Copies of these have been provided. The development plan comprises the 1998 Mid Suffolk Local Plan² (LP), the 2008

¹ Appeal Ref: APP/W3520/W/20/3247843 proposed erection of single storey detached dwelling & garage at 3 The Paddocks, Badwell Ash IP31 3LW dismissed on 4 February 2021

² Mid Suffolk Local Plan adopted September 1998.

Core Strategy³ (CS) and the 2012 CS Focused Review⁴. The latter mainly introduces the presumption in favour of sustainable development that had been brought in that year by the National Planning Policy Framework (the Framework).

6. The appeal site is immediately adjacent to but outside the settlement boundary defined for Badwell Ash, within what is classed as countryside for development plan policy purposes. The proposal therefore conflicts with policies CS1 and 2, which restrict developments in the countryside to those supporting the rural economy, meeting affordable housing needs or other defined categories not applicable here. The proposal also conflicts with LP Policy H7, which imposes strict control over proposals for new housing outside settlement boundaries in the interests of protecting the existing character and appearance of the countryside. This is apart from replacement dwellings, residential conversions and key agricultural worker dwellings supported under Policy H10.
7. The dwelling would lie just outside the settlement boundary, where occupiers would have the same good access as those of the existing dwellings to the services and facilities provided in this quite large village. The previous appeal decision hinged only on the harm caused to the character and appearance of the area, through development extending beyond the village settlement boundary and encroaching into the countryside. In that regard, this proposal would, in the same way, extend beyond a quite even and clearly defined settlement edge provided by the existing dwellings within The Paddocks and Orchard Way.
8. I note that there is permission for additional stabling here. However, this and the existing small stable building and associated equestrian features would be replaced by a much larger dwelling and garden, along with the associated domestic paraphernalia. This would quite clearly extend a suburban form of development into an area which still retains the appearance of countryside.
9. A definition of previously developed land is provided by the Framework. This is land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. Whilst the appeal site might be classed previously developed land, this status does not necessarily obviate concerns over character and appearance.
10. Although the Framework's definition of previously developed land covers the curtilage of an existing permanent structure, it clearly points to this not indicating that the entire development of this is therefore necessarily appropriate. This proposal does not cover the much larger area of land used here for equestrian purposes, but nonetheless relates to quite a large part of it. Despite the appellant's offer to close the gap between the existing areas of trees with further planting, to help screen the site from view, there would remain harm to the countryside setting of the settlement by the proposed dwelling protruding beyond its existing limits.
11. The harm to the character and appearance of the area would bring the proposal into conflict with Policy CS5 and LP policies GP1, H13, and H15, insofar as these pertain to this consideration. These remain consistent with the

³ Mid Suffolk Local Development Framework Core Strategy Development Plan Document adopted September 2008.

⁴ Mid Suffolk Local Development Framework Core Strategy Focused Review adopted December 2021.

Framework and specifically paragraphs 130, for decisions to ensure developments add to the overall quality of the area and are sympathetic to local character, including the surrounding built environment and landscape setting, and 174 over recognising the intrinsic character and beauty of the countryside. The status of the site as previously developed land would be insufficient to outweigh the harm to the character and appearance of the area that would arise from this proposal.

Balance and conclusion

12. The fact that a further dwelling in this location would have reasonable access to the facilities that exist within this village is indicative of an absence of harm in this regard, rather than amounting to any material benefit. The Framework quite clearly favours the development of previously developed land over that which is not, to protect the countryside and help foster a sustainable pattern of development. The fact that the equestrian site comprises previously developed land is similarly an absence of harm, given that the scheme would thus not encroach upon land, such as agricultural, categorised as greenfield.
13. The proposal would provide some small social benefit through making a readily available contribution towards the supply of housing. It would be a self-build dwelling, thus providing specific benefits in meeting such a demand. There would be local economic benefits through the construction and support to village services. However, a previous planning appeal decision, particularly one so recent and relating to such a similar proposal, is a weighty consideration. The status of this site as previously developed land would not amount to sufficient grounds for me to depart from my colleague's earlier considerations in respect of character and appearance, where this current proposal would give rise to a similar degree of harm.
14. The Mid Suffolk development plan is more restrictive over housing proposals outside settlement boundaries than the Framework, which overall provides for a more flexible and balanced approach. In this regard, the Council's policies might be deemed inconsistent with those of the Framework and therefore out of date. This would thus engage the presumption in favour of sustainable development set out in Framework paragraph 11.
15. However, the adverse impacts on the character and appearance of the area would significantly and demonstrably outweigh the proposal's benefits, when assessed against the Framework policies as a whole. As such, this proposal would not benefit from the Framework's presumption in favour of sustainable development and this would not therefore provide a material consideration to indicate my decision be made otherwise than in accordance with the development plan, with which there would be conflict when considered as a whole. Consequently, I conclude that the appeal should be dismissed.

Jonathan Price

Inspector

