



Appeal Decision

Site visit made on 12 January 2022

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th January 2022

Appeal Ref: APP/W3520/W/21/3280030

Oaklands, Flordon Road, Creeting St Mary, IP6 8NH

- 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 K Denny against the decision of Mid Suffolk District Council.
 - The application Ref DC/21/02618, dated 28 April 2021, was refused by notice dated 30 June 2021.
 - The development proposed is the erection of three dwellings with detached garages and access.
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of three dwellings with detached garages and access at Oaklands, Flordon Road, Creeting St Mary, IP6 8NH in accordance with the terms of the application, Ref DC/21/02618, dated 28 April 2021, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. This appeal seeks outline planning permission with all matters reserved other than access. I have accordingly treated the submitted plans as indicative only, other than with regards to access.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site is part of the garden of the host dwelling, Oaklands. It is open to view from the site access behind a relatively low wall, although there is a tall hedgerow along the street frontage providing some screening from the road. The site forms part of a small cluster of development including a commercial building. The Breheny site lies to the north, but due to the mature trees on the boundary there is little intervisibility between the two sites. The site is otherwise in a rural setting with no development on the opposite side of the street and a significant gap to the next cluster of buildings to the south.
5. Within this context the appeal site is a prominent area of open land in views along Flordon Road. It exists at a point where this cluster of development, including the neighbouring Breheny site, transitions into undeveloped countryside. Any development of the site would be prominent and, while the submitted plans are indicative, the proposal is for six new buildings on site.

This would inevitably result in a significant change in its character, with the loss of openness and rural character being harmful given its prominence and rural surroundings.

6. The appeal proposal would therefore conflict with Policies GP1 and H15 of the Mid Suffolk Local Plan 1998 and Policy CS5 of the Mid Suffolk Core Strategy 2008. Taken together these policies require that development maintain or enhance the character and appearance of their surroundings and be of a high quality design that respects the local distinctiveness.

Other Matters

7. Concerns have been raised regarding the overall scale of development occurring in the local area, taking account of nearby developments, including the effects that this is having on traffic and highway safety, and the potential impacts on trees and wildlife from this development. However, the Council did not refuse permission on these grounds. Given the relatively small scale of development, and potential for management of any impact at reserved matters stage, I see no reason to disagree with this conclusion.

Planning Balance

8. The Council accepts that the most important policies for determining this appeal are out of date. The presumption in favour of sustainable development set out in the National Planning Policy Framework (the Framework) therefore applies in this case.
9. The development would result in the creation of three new dwellings, supporting the Government's objective of significantly boosting the supply of homes. There is no identified shortfall in the Council's housing land supply, but this does not diminish the value of housing in the planning balance. There would be short-term financial benefits from the construction of the houses, and ongoing benefits from their occupation. The development could be carried out using sustainable construction techniques, and control of landscaping at the reserved matters stage could ensure biodiversity enhancement measures are included. Collectively these amount to moderate weight in favour of the proposed development.
10. Set against this is the harm to the character and appearance of the area from the proposed development. The site is relatively open and prominent, and the houses and garages would be clearly visible as an extension of built development in this rural setting, although control over the scale and appearance of development would fall to be considered at reserved matters stage. In addition, the site is in a rural location and there is no evidence of access to public transport. Future residents would be likely to be dependent on private vehicles for access to day to day services and facilities.
11. There would therefore be harm arising from the proposed development due to its impact on the rural character of the area, and due to its location. However, the site is garden land forming part of an existing cluster of development and is not significantly more remote than nearby dwellings including those under construction on the Breheny site. This harm therefore attracts moderate weight overall and would not significantly and demonstrably outweigh the benefits in this instance when assessed against the policies in the Framework taken as a whole.

Conditions

12. I have considered the conditions suggested by the Council and amended the wording as appropriate in accordance with national planning practice guidance.
13. I have imposed the standard conditions relating to the approval of reserved matters and the commencement of development (1, 2, 3), as well as a condition specifying the approved site plan (4) for the sake of certainty.
14. As the site is in a relatively open, rural location and the permission includes detached garages for each house, I am satisfied that a condition (5) restricting permitted development rights relating to garages, car ports and means of enclosure passes the tests of reasonableness and necessity.
15. The approval of the external materials of construction and the layout of the development would be addressed through the reserved matters. The access as shown leads onto the existing driveway serving the host property and commercial building. Separate conditions relating to these matters are therefore not necessary.

Conclusion

16. For the reasons set out above, the appeal succeeds.

M Chalk

INSPECTOR

Schedule of conditions for APP/W3520/W/21/3280030

Oaklands, Flordon Road, Creeting St Mary, IP6 8NH

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 2718/01, and 2718/04 (only insofar as it relates to access).
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no garage, car port, fence, gate, wall or any other means of enclosure, building or structure shall be erected on the site, except pursuant to the grant of planning permission on an application made in that regard.

End of schedule