



Appeal Decision

Site visit made on 14 December 2021

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st January 2022

Appeal Ref: APP/F3545/W/21/3272980

Kilrush, The Green, Risby IP28 6QH

- 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 Peter Tarrant against the decision of West Suffolk Council.
 - The application Ref DC/20/1820/OUT, dated 19 October 2020, was refused by notice dated 22 January 2021.
 - The development proposed is described as an “outline application for the erection of a single detached dwelling house on garden land, to the south of Kilrush, the Green Risby”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was submitted in outline form with all matters reserved for future consideration. The appellant has provided an indicative layout and floor plans which I have treated as illustrative for the purposes of this appeal.
3. The Council’s delegated report refers to Kilrush and Gage Cottage as Grade II listed buildings. However, on clarification the Council confirm that Kilrush is not a listed building.
4. Since the submission of the appellant’s appeal, the revised National Planning Policy Framework (the Framework) was published and came into force on 20 July 2021. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

Main Issues

5. The Council’s decision notice has four reasons for refusal, the first two of which refer to the effect of the development on the setting of designated heritage assets and the character and appearance of the area. Therefore, having regard to the above, I have considered issues 1 and 2 together and the remaining issues individually. Therefore, I find that the main issues in this appeal are:
 - 1) the effect of the development on the character and appearance of the area and whether the development would preserve or enhance the setting of designated heritage assets, 2) the effect of the development on highway safety and 3) its effect on European designated sites.

Reasons

Character and Appearance and Designated Heritage Assets

6. The area is generally semi-rural in character with dwellings arranged in a linear manner along the highway. The appeal site forms part of the garden area that belongs to the host property, which is mainly laid to grass and bound by mature landscaping and vegetation. The host property is sited to the north of the village, with its core to the south and open fields and agricultural land to the north.
7. Although properties in the area tend to be close knit, they nonetheless benefit from decent sized private rear gardens. There are also examples of large, detached properties that benefit from generous garden areas, which includes the appeal site. Consequently, the area is characterised by a fairly traditional mix of houses with some sense of spaciousness which help define the area's local pattern of development and character.
8. The proposal seeks to sever part of the rear garden area from the host property and to erect a single, detached dwelling on the land. The indicative plan depicts the proposed dwelling sited between Gage Cottage and the host property, facing onto the road with off-street parking, positioned centrally within the site. As the appeal site lies between existing development, I am not persuaded that it contributes to the open and spacious character of this part of the village, which extends into the surrounding open countryside and agricultural fields that lie beyond the main dwelling.
9. However, the proposed dwelling would be sited close to its front and rear boundaries and although amenity space would be provided within the site, from the indicative plans, this would be rather limited. The proposal would fail to display the same degree of spaciousness as properties in the vicinity, such as those to the south opposite the village green which have long, deep garden areas and those on Woodland Close which, on the whole, also have decent sized rear garden areas.
10. I acknowledge that as the appeal site lies within the settlement boundary of Risby, the principle of the development is acceptable. However, whatever its final form, given the limited depth of the site, the introduction of a dwelling would result in an increase in the density of development within the locality, which is generally characterised by good sized gardens. This would lead to a constrained and discordant form of development which would be both out of character and harmful to the overall appearance of the area and one that would be visible through the proposed access, above existing landscaping and from surrounding properties.
11. With regard to the setting of designated heritage assets, although not within the Risby Conservation Area (RCA), the appeal site is within the setting of the designated heritage asset. Additionally, Gage Cottage to the southeast of the appeal site is a Grade II listed building. Paragraph 199 of the Framework states that great weight should be given to the conservation of heritage assets and defines the setting of an asset at Annex 2, as the surroundings in which it is experienced. Therefore, in undertaking this duty, I have based my assessment on the evidence presented before me and the observations I made during my site visit.

12. I find the significance of the RCA to derive from its traditional rural character as an attractive village with interesting groupings of cottages and larger houses. The significance of Gage Cottage derives principally from its age as an historic thatched dwelling. Although the appeal site lies adjacent to the RCA and Gage Cottage, there is nothing before me to suggest that the site is historically or functionally associated with the listed building or the RCA. Whilst it provides a generally pleasant and open backdrop to these buildings, I am not persuaded that the development of the appeal site with a single dwelling would alter the way that the heritage assets are experienced. Thus, the site and development would have a neutral contribution to their significance as heritage assets as set out above.
13. Thus, I am not persuaded that the development would harm the setting of the adjoining RCA or the setting of the adjacent listed building known as Gage Cottage. It would not be in conflict with Policies DM15 and DM17 of the Forest Heath and St Edmundsbury Joint Management Policies Document 2015 (DMPD), Policy CS3 of the St Edmundsbury Core Strategy 2010 (CS) and paragraphs 199 and 200 of the Framework, which seek, amongst other things, to ensure that developments respect the area's character and its setting.
14. However, for the reasons as set out above, the development would result in harm to the character and appearance of the area. It would be in conflict with Policies CS2, CS3 and CS4 of the CS, Policies DM2 and DM22 of the DMPD and paragraph 130 of the Framework which seek, amongst other things, to ensure that developments recognise the character of an area and local distinctiveness.

Highway Safety

15. The development proposes to create a new access onto The Green. Although access is a reserved matter, the Council argue that in the absence of supporting evidence, the proposal would result in adverse impacts upon highway safety.
16. Several properties on the same side of the road as the appeal site benefit from an access onto the road. Additionally, I noted that a timber gate and a dropped kerb already allows vehicular access into the site and although a classified highway, I have not been provided with any evidence that The Green is the subject of excessive speeds, that it is particularly dangerous or that highway safety is an ongoing issue.
17. Moreover, there is nothing before me to suggest that appropriate visibility splays could not be achieved at the access or that sufficient and suitable parking could not be provided within the site. Thus, I am satisfied that access into the site could be adequately dealt with as a reserved matter for future consideration.
18. Thus, the development would not result in harm to highway safety. It would not be in conflict with Policies DM2 and DM46 of the DMPD or paragraph 111 of the Framework which seek, amongst other things, to ensure that developments are appropriately designed to maintain or enhance the safety of the highway network.

European Designated Sites

19. The appeal site lies within the 1500m buffer zone of the Breckland Special Protection Area (SPA). Natural England confirm that visual disturbance caused

by buildings, increased recreational disturbance, noise and light, and pet predation have the potential to harm bird populations, such as the Stone Curlew.

20. As the appeal is being dismissed on other substantive issues, it is not necessary to look at this matter in detail. Moreover, had I been minded to allow the appeal, I would have explored the necessity for undertaking an Appropriate Assessment and whether sufficient information has been provided regarding the effect of the development on the SPA and whether any harm could be avoided or sufficiently mitigated.

Other Matters

21. The appellant states that Policy CS4 of the CS is recorded by the Council as being out-of-date. However, whilst I have not been provided with any evidence that this is the case, this does not mean it does not apply, and overall, the proposal conflicts with the development plan as a whole. Moreover, the development would only make a limited contribution towards boosting the supply of housing and limited economic benefits during its construction phase. Thus, I would afford moderate weight to these matters in favour of the development. However, the effect of the development on the character and appearance of the area is serious and, in my view, that significantly and demonstrably outweighs the benefits.
22. I note that representations were made by the Parish Council raising additional concerns. However, given my findings on the main issues, it is not necessary to consider these matters in detail.

Conclusion

23. Thus, I conclude that there are no material considerations of such weight as to indicate that a decision be taken other than in accordance with the development plan. Therefore, the appeal is dismissed.

Graham Wyatt

INSPECTOR