



Appeal Decision

Site visit made on 4 January 2022

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 FEBRUARY 2022

Appeal Ref: APP/F3545/W/21/3278209

Land south of The Chestnuts, Worlington, Suffolk

- 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 J Chester, REL Land Development Ltd against the decision of West Suffolk Council.
 - The application Ref DC/20/2252/OUT dated 18/12/2020, was refused by notice dated 21/04/2021.
 - The development proposed is described as Outline- Erection of 1 no. Dwelling (with access)
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline with all matters reserved for future consideration, with the exception of access. A block plan has been provided; however, I understand that this has been provided for indicative purposes only. I have considered the appeal on this basis.
3. Since the determination of the application the National Planning Policy Framework 2021 (the Framework) has been published. The revised Framework does not diverge significantly from the previous version with regard to relevance to this appeal. No party has been prejudiced or caused any injustice by me proceeding with the appeal in light of this change in policy.

Main Issues

4. The main issues in this appeal are (i) whether the development would be in a location suitable for a new dwelling, and (ii) the effect of the proposed development on the character and appearance on the area.

Reasons

Location

5. The Council confirm that the appeal site is located outside of the any settlement boundary and from my observations it forms part of a field accessed via a drive serving the adjacent residential property, The Chestnuts. The site is bounded to east and north by residential properties set within large gardens, and open countryside lies to the west and south. As such for the purposes of development plan policy, is within the countryside.

6. Policy DM5 of the Forest Heath and St Edmundsbury Local Plan, Joint Development Management Policies Document (2015) (the Local Plan) allows for development outside of defined settlement boundaries subject to criteria.
7. Policy DM27 of the Local Plan allows for new dwellings in the countryside subject to satisfying criteria such as infilling a small undeveloped plot and being within a close-knit cluster of 10 or more dwellings adjacent to or fronting a highway. The proposed development does not meet the criteria outlined within Policy DM5 or DM27.
8. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard to the development plan is to be had then determination of an appeal must be made in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the Framework also makes it clear; the development plan is the 'starting point for decision making', not its end.
9. The cornerstone of the Council's case in relation to the first reason for refusal is that the proposed development would be outside of any settlement boundary and there would be a reliance on private motor vehicles to access services. Worlington is a short distance from the appeal site.
10. Policy CS1 of the Forest Heath Local Development Framework, Core Strategy Development Plan Documents 2001-2026 (with housing projected to 2031) (2010) (the Core Strategy) identifies Worlington as a Secondary Village. I observed from my site visit that Worlington provides limited local services however would still meet some of the day to day needs of its residents. A bus service a short walk away provides access to Mildenhall, a market town, which is within close proximity to Worlington.
11. The pre-ambles to Policy CS1 of the Core Strategy identifies that secondary villages should only accommodate a very limited amount of new minor development. Policy CS1 outlined that development outside the settlement boundary will be restricted to developments listed in the policy.
12. The proposed development would be contrary to Policy CS1, one of the key strategic policies of the Core Strategy. In the context of a plan-led system, this must weigh against the proposal. However, I do not consider that the proposed development would undermine the Council's settlement strategy by being outside of the settlement boundary.
13. In the first reason for refusal the Council cite that pursuant to paragraph 79 of the National Planning Policy Framework 2019 (now paragraph 80 of the 2021 version (the Framework)) new homes in the countryside should be avoided unless there are special circumstances. Paragraph 79 and now reiterated in paragraph 80 of the Framework is clear that this relates to the avoidance of the development of isolated homes in the countryside unless specific circumstances apply.
14. The appeal site is adjacent residential properties in an area which is characterised by large dwellings set within substantial plots. The area does have a rural sense of openness which is enhanced the further one travels along Newmarket Road to the south. Notwithstanding this sense of openness, the proposed development is within the area which provides a transition between the built-up area of Worlington and the open countryside. The site is not

isolated as it lies adjacent to other dwellings and whilst outside of the settlement boundary would spatially read as being part of the village.

15. Whilst there is conflict with Policies DM5 and DM27 of the Local Plan, given my findings in terms of its relationship with the spatial form of the village I do not consider that the proposed development would undermine the purpose of the policies which are seeking to protect and enhance the quality of the countryside.
16. Notwithstanding this, the footpath from Worlington towards the site does not extend up to the shared access from Newmarket Road. I took the opportunity during my site visit to walk from the end of the footpath at the entrance to The Paddocks along to the site and observed no streetlighting for this short stretch of the road, the highway verge was worn up to the access with Golf Links Road indicating use as an informal footpath. The remainder of the route was via road, without a footpath, which has a speed limit of 30mph. Highway verge would be available for pedestrians to move into should it be necessary.
17. Nonetheless accessing local services on foot would be unrealistic for some potential users of the development and at some times of the day and year. I have taking into account that opportunities to maximise sustainable transport options will vary between urban and rural locations. However, the circumstances I observed do not lend themselves to safe use by pedestrians. Similarly, the lack of street lighting would be unlikely to encourage cycling to the nearest services and facilities after dark.
18. My attention has been drawn by the Appellant to an appeal decision within the administrative boundary of the Council. I have taken a similar approach in terms of assessing the site however there are no substantive details before me which allows comparison of that site to the proposal before me in terms of access to services, provision of pedestrian and cycle access. Nevertheless, each development must be considered on its individual merits, and I have reached my conclusion based on the individual merit of the appeal proposal.
19. On this basis I find that there would be a reliance on private motor vehicles and conclude that the proposed development would not be a suitable location for a new dwelling. The proposed development conflicts with Policies DM5 and DM27 of the Local Plan and Policy CS1 of the Core Strategy and the Framework which seeks to ensure developments are located within areas which are suitable locations.

Character and Appearance

20. The appeal site lies within a semi-rural area where there is a sense of openness. Notwithstanding this the site lies within an area where residential properties are located within substantial plots. The proposed development as demonstrated on the illustrative block plan provided could accommodate a similar scale of development to that of the property to the north, The Chestnuts, to the north east The Oaks and the property adjacent to the east, Queens Hill.
21. The appeal site forms part of an open field, accessed via a shared drive/track, there is limited opportunity to view the plot from public vantage points. There are also opportunities for landscape enhancements to be provided which would

assist in strengthening the boundary between the site and the open countryside beyond. Similar to the landscaping in adjacent plots.

22. The proposed development would not be dissimilar to the surrounding residential properties and would not introduce an incongruous form of development to the area.
23. I conclude that the proposed development would not harm the character and appearance of the area. There is no conflict with Policies DM2, DM22 and DM13 of the Local Plan and Policy CS5 of the Core Strategy which seek amongst other things to ensure development respects the prevailing character, scale and density of the locality.
24. There is no conflict with the Framework which seeks to ensure developments are of good design appropriate and sympathetic to their surroundings.

Conclusion

25. I have found that the proposed development would not harm the character and appearance of the area, however this does not outweigh my findings that the proposed development would be on an unsuitable site for housing.
26. For the above reasons I conclude that this appeal should be dismissed.

C Pipe

INSPECTOR