



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: 22 FEBRUARY 2022

Appeal Ref: APP/F3545/W/21/3278673

Former Duke Of Marlborough, Bury Road, Hepworth, Suffolk IP22 2PY

- 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 Gary Sutton against the decision of West Suffolk Council.
 - The application Ref DC/21/0219/FUL dated 03/02/2021, was refused by notice dated 25/05/2021.
 - The development proposed is Planning application - two dwellings, vehicular parking, landscaping and associated works.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. 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

3. The main issues in this appeal are (i) whether the development would be in a location suitable for new housing, and (ii) the effect of the proposed development on highway network.

Reasons

Location

4. The appeal site is located outside of any settlement boundary alongside the main road (A143, Bury Road) providing a link between the settlements of Wattisfield, Stanton and Hepworth. The site is an area of hardstanding adjacent a former public house which has been converted to residential properties. Whilst the appeal site lies within a grouping of residential properties, for the purposes of development plan policy, it is within the countryside.
5. 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.

6. 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.
7. 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.
8. The Council have drawn my attention to a dismissed appeal for residential development at the site¹. Whilst there are no substantive details before me which allows comparison of that scheme with that now proposed I am mindful that access to services, provision of pedestrian and cycle access would be similar. 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.
9. There are a small number of dwellings within in the vicinity of the appeal site, whilst the dwellings at the converted public house would be within close proximity the other dwellings fronting Bury Road have a degree of detachment from the site and therefore do not form a closely knit cluster of 10 or more dwellings.
10. The appeal site is adjacent residential properties within an area which does have a sense of openness. Notwithstanding this sense of openness, the site is not isolated as it lies adjacent to other dwellings and whilst outside of a settlement boundary would not spatially be out of keeping or separated from other residential properties.
11. The Council's contend that the proposed development would be outside of any settlement boundary and there would be a reliance on private motor vehicles to access services. Policy CS1 of the St Edmundsbury Core Strategy, Local Development Framework (2010) (the Core Strategy) promotes the use of previously developed land and buildings for new development, albeit favouring development locations within settlements. Policy CS1 confirms that the protection of the natural and historic environment, the distinctive character of settlements and the ability to deliver infrastructure will take priority when determining the location of future development.
12. The proposed development would be contrary to Policy CS1 of the Core Strategy, 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 given the proximity of other properties and the proposed reuse of previously developed land.
13. Whilst there is conflict with Policies DM5 and DM27 of the Local Plan, I do not consider that the proposed development would undermine the purpose of the

¹ Appeal Ref: APP/E3525/W/18/3206125

policies which are seeking to protect and enhance the quality of the countryside.

14. In relation to accessing services and facilities, there is a footpath adjacent the site, however accessing local services on foot would be unrealistic for some potential users of the development and at some times of the day and year as the footpaths leading towards the nearby settlements are in a poor state of condition or non-existence in places. There is also a lack of streetlighting.
15. There is a bus service a short walk away which I understand provides access to settlements which would meet the day to day needs of the future occupants. Notwithstanding this I have not been provided with substantive evidence confirming the regularity of services.
16. 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 via this busy road.
17. 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 new housing. The proposed development conflicts with Policies DM5 and DM27 of the Local Plan and Policies CS1 and CS7 of the Core Strategy and the Framework which seeks to ensure developments are located within areas which are suitable locations.
18. The proposal includes measures to reduce energy consumption including EV charging points, whilst this and other measures proposed are positive features of the proposed development, I am not persuaded that this outweighs the locational issues I have identified above.

Highway Network

19. I understand due to concerns from the Council's Highways Team the provision of a pedestrian route from the dwellings to Bury Road was included on an amended Site Plan during the application process. There are conflicting emails from the Highway Team in terms of the proposed development, however from the evidence before me the Highways Team considered the scheme unacceptable on the basis that the development would remove parking associated with the existing properties.
20. I observed during my site visit that parking occurs to the front of the existing properties however I have not been provided with substantive evidence to demonstrate that this parking meets the requirements of the existing dwellings in terms of numbers, size and manoeuvrability.
21. The wider site is predominantly hardstanding, presumably used for car parking for the former public house. As the appeal site and the wider site are within the same ownership there would be opportunity to relocate the displaced parking, if the existing parking arrangements were not deemed to be satisfactory. This could be controlled through the imposition of a planning condition.
22. On this basis I conclude that the proposed development would not harm the highway network. There is no conflict with Policies DM2 and DM46 of the Local

Plan which seek amongst other things to ensure development maintain or enhance the safety of the highway network and provide appropriately designed and sited car parking.

23. There is no conflict with the Framework which seeks to ensure developments do not compromise highway safety or harm the highway network.

Conclusion

24. I have found that the proposed development would not harm the highway network, however this does not outweigh my findings that the proposed development would be on an unsuitable site for housing.

25. For the above reasons I conclude that this appeal should be dismissed.

C Pipe

INSPECTOR