
Appeal Decision

Site visit made on 1 April 2022

by Steven Hartley BA (Hons) Dist.TP(Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 8TH April 2022

Appeal Ref: APP/F3545/W/21/3282941

Hoys House, Waterhall Road, Wixoe CO10 8UD

- 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 and Mrs L. Nicoll against the decision of West Suffolk Council
 - The application Ref: DC/21/1075/OUT, dated 12 May 2021, was refused by notice dated 26 August 2021.
 - The development proposed is a new dwelling and garage on land within the curtilage of Hoys House.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. On 1 April 2019, Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by regulation. Therefore, I have considered the proposed development with reference to the policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.
3. West Suffolk Council has also adopted for development management purposes the Joint Development Management Policies document 2015 (JDMPD), which had been adopted by both previous councils, and which sets out policies for defined geographical areas within the new authority in accordance with Core Strategy policies. I afford it significant weight.
4. The appeal proposal is an outline application with all matters reserved for subsequent consideration other than access.

Main Issues

5. The main issues are (i) whether the proposed development is in a suitable location having regard to the development plan and (ii) the effect upon the character and appearance of the area.

Reasons

Suitable location

6. The appeal site forms part of the side amenity area to Hoys House and fronts Waterhall Road. There are other properties in the immediate vicinity and also facing the road.
7. Wixoe is a small settlement which does not fall within the spatial strategy and settlement hierarchy set by policies CS1 and CS4 of the adopted Core Strategy 2010 (CS). Policy CS13 aims strictly to control development outside the settlements referred to in policy CS4.
8. The JDMPD policy DM27 is supportive, as an exception, of residential development of small, underdeveloped plots in closely knit clusters of ten or more dwellings fronting a highway, where the scale of development consists of infilling a small undeveloped plot by one dwelling or a pair of semi-detached dwellings commensurate with the scale and character of existing dwellings within an otherwise continuous built up frontage, and where the development would not harm a visually important gap that contributes to the character and distinctiveness of the rural scene, or have an adverse impact upon the environment or highway safety.
9. While there are more than 10 dwellings fronting the highway and adjoining the appeal site, I do not consider that the appeal site is part of a closely knit cluster of such dwellings. There is a distinct change to the density of development to the East of Hoy House from that immediately to the west and encompassing the appeal site where the density of development is far more open. I acknowledge that the submitted illustrative plan shows that the appeal site, with a frontage of approximately 51 metres, could accommodate one dwelling at a density commensurate with Hoy House and the adjoining 'The Paddocks', but together they do not constitute a closely knit cluster of ten or more dwellings.
10. Even if the development of the site were to constitute a closely knit cluster of ten or more dwellings if houses to the east of Hoy House were to be included, and though the site is not isolated being next to other dwellings, the site is not readily accessible to services and facilities other than by private vehicles. Part of any such journey would be along a road without pavements and lighting. In addition, while the appellant refers to a bus service available from Wixoe village, I have no information before me as to its frequency or availability. In any event, I consider that most journeys would likely be by private motor vehicles. Home working and internet shopping would not prevent the need to travel for certain services, and the use of electric vehicles is not yet so prevalent as to entirely reduce carbon emissions from vehicular travel.
11. I have taken into account that the site formally had a dwelling on it, as shown on the Tythe Map of 1839, but as there is no evidence of it now, I have not given this any material weight as part of the determination of this appeal.

12. I have given consideration to paragraph 105 of the National Planning Policy Framework 2021 (the Framework) which notes that different considerations of accessibility to services and facilities should apply in rural as distinct to urban areas and that this should be considered in the decision-making process. In addition, I consider that one extra dwelling would not generate many traffic movements. Furthermore, paragraph 79 of the Framework states that where there are groups of smaller settlements, development in one village may support services in a village nearby.
13. However, such considerations relating to proposed development in rural locations do not justify the development of sites with very poor accessibility and with little evidence of alternatives to the private motor vehicle.
14. Therefore, I conclude that the proposed development would conflict with policies CS1 and CS4 of the CS which aim to direct development to accessible locations, and with policies DM2, DM5 and DM27 of the JDMPD which aim strictly to control development in rural areas, and with paragraph 127 of the Framework which seeks, amongst other things, to ensure that development is provided in accessible locations in order to reduce the need to travel.

Character and appearance

15. The appeal site is bordered by an evergreen, cut hedge approximately 1.5 metres high and bordering the road, affording somewhat restricted views over the site and beyond consisting of a rural vista with a considerable scattering of mature orchard trees and other vegetation.
16. While the character and appearance of the site is an attractive one, I have not been made aware of any special landscape protection afforded to it. In addition, and whilst the submitted plan is for illustrative purposes only with all matters other than access reserved for possible subsequent approval, I consider that, while the development of a dwelling on the site would restrict views, it would not completely prevent them to either side of the building.
17. The proposed development would involve the removal of much of the existing evergreen hedging but there would be opportunities for its replacement, at least in part, as part of any development of the site for a dwelling.
18. Therefore, I conclude that the proposed development would not cause any significant material harm to the character and appearance of the area and thus would accord with CS policies CS1 and CS4, JDMPD policies DM2, DM5 and DM27 and chapter 12 of the Framework, all of which, amongst other things, aim to protect the character and appearance of the rural area.

Other Considerations

19. The LPA considers that the Council can demonstrate more than a 5-year supply of deliverable housing sites. However, even if the LPA were not able to demonstrate a deliverable five-year supply of housing sites, and paragraph 11d of the Framework were engaged, the adverse impacts arising from my

conclusions on the first main issue would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the Framework taken as a whole.

Conclusion

20. While I have concluded that one dwelling would not result in any material harm being caused to the character and appearance of the area, I have found that the proposed development would be contrary to the development plan policies of the LPA, being in an unsustainable location. Therefore, the appeal should be dismissed.

Steven Hartley

INSPECTOR