
Appeal Decision

Site visit made on 17 May 2022

by Paul Jackson B Arch (Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 30th May 2022

Appeal Ref: APP/F3545/W/21/3273735

Land adjacent to Moonstone, Chilton Street, Clare, CO10 8QS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Reynolds against the decision of West Suffolk Council.
 - The application Ref DC/20/1445/FUL, dated 28 August 2020, was refused by notice dated 9 March 2021.
 - The development proposed is erection of detached dwelling and associated works.
-

Preliminary note

1. The application sought to address the reasons for refusal of a previous application and appeal refs DC/19/0270/FUL and APP/F3545/W/20/3263394. I have considered it accordingly.

Decision

2. The appeal is dismissed.

Main Issues

3. The main issues are as follows:
 - The effect of the proposed new dwelling on the character and appearance of the area;
 - The effect on biodiversity; and
 - Whether there is adequate justification for the proposed dwelling, in the light of development plan policies which seek to restrict residential development in the countryside, having regard to guidance within paragraph 80 of the National Planning Policy Framework (NPPF).

Reasons

4. The development plan for the area includes the St Edmondsbury Core Strategy of December 2010 (CS) and the Forest Heath and St Edmondsbury Local Plan Joint Development Management Policies Document of 2015 (DMP). St Edmondsbury Council prepared a Rural Vision in 2014 for the period up to 2031 which is intended to complement the CS in ensuring that, amongst other things, 'development is located on sites well related to the existing settlement, services and facilities, including local employment opportunities, to help reduce the need to travel by unsustainable means' (objective 5); to 'achieve an appropriate scale and form of development that meets local needs and maintains the villages' identities' (objective 6) and 'to ensure that development

is built to high standards of environmental sustainability guided by the need to mitigate and adapt to a changing climate paying particular attention to reducing energy and water demand and ensuring their sustainable supply' (objective 8).

5. It is common ground that the proposed development would conflict with the aims of CS and DMP policies that seek to restrict new isolated residential development in the countryside outside settlement boundaries. These policies reflect long standing national guidance that discourages isolated homes in the countryside. The application was made utilising an 'exceptional circumstance' clause in paragraph 79 of the 2019 NPPF (replaced by paragraph 80(e) of the 2021 NPPF). The relevant text states: *'Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply.....(e) the design is of exceptional quality, in that it: - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.'*
6. Chilton Street consists of a small elongated group of dwellings and farm buildings on the B1063 between Clare and Haverhill. It lies in the valley of the Chilton Stream, which feeds into the Stour. The proposed site consists of a small field on the northern edge of the hamlet. Although there is a footway along the road to the nearest town of Clare (designated a Key Service centre), there are no bus services and in practice, residents would need to use motor vehicles for many day-to-day purposes. Like the Inspector who considered the earlier appeal, as a matter of fact and degree, and having regard to the judgement in the Court of Appeal in *Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd* [2017] EWHC 2743 (Admin); [2018] EWCA Civ 610, I consider the proposed dwelling would be 'isolated' in the terms used in NPPF guidance.
7. The character of the area stems mainly from the large agricultural fields that surround the hamlet. Utilitarian agricultural buildings, some large and/or of heritage value, are prominent features of the settlement, as is the remaining structure of an abandoned windmill on the valley slope nearby. Existing dwellings are almost all near the road and are mixed in character, older cottages and farmhouses being supplemented by a few later 20th century houses, mostly on the eastern edge. Mature native trees grow along the riverbanks and in blocks and plantations that are conspicuous in the landscape. I agree with the assessment referred to in the Alison Farmer Associates Final Report of 2020 (prepared on behalf of the appellant) where it is stated that *'This landscape retains a strong pastoral valley character although in places the arable land uses of the valley sides has extended onto the valley floor and the distinction between valley floor and valley side is diminished. Settlements are of exceptional quality and intactness. Settlements are not visually prominent, nestled into the lower slopes and filtered by vegetation'*¹.
8. The proposed dwelling and 3 car garage would be located on the northern edge of the settlement and would be unrelated to any agricultural use. It would consist of 2 main storeys with rooms in a 3rd storey within the roof pitch and the garage would accommodate an office/relaxation area on a 2nd floor. The

¹ Central Stour and Glem Valley area, AONB Management Plan

bulk of both buildings would be appreciable seen from the road through trees, (more so in winter months) and it would be conspicuous seen from a public footpath leading by the side and up the hill behind. I therefore concur that the development would not be in accordance with the Council's Rural Vision or development location policies of the CS. None of the exceptions in DMP sustainability policy DM5 or permissive policy DM27 would apply.

9. The appellant relies on the quality of the architecture to justify the scheme, referring to its energy efficiency credentials, a 'barn' like form which it is suggested would have a strongly agricultural appearance, and unusual perforated Corten steel clad structural and cladding, inspired by the nearby tree belt. There would be a new wild flower meadow to replace the existing grazing and new native planting to reinforce existing tree belts and hedges around the site.
10. The roof and cladding from first floor upwards would consist of Corten steel laser cut panels in an organic pattern resembling tree branches and leaves. I consider that these would appear solid or permeable, depending on the angle of view, and would transmit sunlight variably according to the season. The design intent is that plants and wildlife use the panels as support and habitat. This would be an interesting design feature that in time, could resemble and reinterpret a traditional 'reddle' finish characteristic of Suffolk. I also accept that in longer views, the overall impact of the building in the broader landscape would not be dissimilar to a modern large agricultural shed, an example of which lies a short distance to the east. However, from any appreciable distance, the detail of the perforated Corten steel roof and cladding would not be obvious.
11. Whilst not unlike a barn in overall massing, much of the ground floor facing west, south and east would be full-height glazed. The columns supporting the upper floors and roof would be seen at this level along with the interior of the main living areas, depending on whether blinds or fabric screens are employed. Facing north, away from the settlement and towards open countryside, the ground floor would consist of traditional brickwork but with a high level glazed strip under the first floor and a number of conventional openings, most of them glazed and some of significant dimensions. The Corten elements are intended to appear to 'float' above the ground floor. As a result, the building would appear strongly domestic in character. This impression would be further emphasised by the detached 3-car garage with ancillary accommodation above which would be a significant structure on its own.
12. In contrast to the earlier proposal, the ridge height would be lower than an existing barn to the east, but the building would retain very substantial bulk and mass. The perforated Corten leaf cladding panels would do little to mitigate for its assertive appearance as a new dwelling on the edge of the hamlet and unless seen close to, the tracery of the Corten elements would not be clearly perceived or understood to be inspired by the belt of trees behind. The bulk of the first and second floor accommodation within would appreciably reduce any real sense of permeability that the Corten steel panels are intended to impart. Windows and internal lighting would distinguish it from any farm building and large openings at first floor would be clearly seen behind the cladding, especially in the evenings and at night. It would be impractical to impose a condition to control use of shutters or window blinds and the building would appear quite conspicuous and incongruous on the edge of the hamlet. Its bulk

and height would appear particularly jarring seen from the footway on the B1063 through trees alongside the river and from the public footpath on the west side of the site. Planting to screen the building would have some effect but would not sufficiently mitigate the impression of a long and high dwelling.

13. In closer views in which the leaf cladding would be clearer to the viewer, the usual domestic paraphernalia such as play equipment and parked cars would be very likely to add to the general appearance of a dwelling rather than an agricultural building: such things cannot realistically be controlled by imposing conditions. In summary, the building would be a fairly conventional dwelling with a novel method of camouflage. In principle, this approach is unlikely to meet the requirement to enhance, let alone significantly enhance, its immediate setting. That idea could be embraced to justify new dwellings in the countryside in many sensitive and unsustainable locations. As such, it would not be sensitive to the defining characteristics of the wider area. Moreover, the approach could not be described as truly outstanding. Whilst undoubtedly of high quality in terms of materials, and accepting that the steel leaf panels would be artistically innovative and unusual, it is difficult to see how this proposal would raise standards of design more generally in rural areas.
14. My doubts about the architectural concept are reinforced by the lack of sufficient detailed information on building services and performance. The principle of developing the scheme on 'passivhaus' principles is laudable but unusually, for a development seeking to demonstrate excellent environmental performance, there is nothing before me beyond a rough sketch diagram and vague assertions to provide any assurance that the heating/cooling demands of the building would be capable of being met by the proposed remote solar panels, batteries and ground source heat recovery system in the spaces allocated. There would also be substantial quantities of mass concrete, brickwork and steel, involving significant carbon emissions and embodied energy in the build. Given that any permission would need to realise the environmental benefits through conditions, there is insufficient information to enable the scheme to proceed with any assurance that they would indeed be implemented.

Biodiversity

The nearby river and woodland together with field boundaries provide suitable habitat and foraging for bats. I note that the Council's Ecology Officer draws attention to the potential for lighting to be disruptive to foraging bats and the scheme would undoubtedly increase the level of artificial light. The first floor windows and the large areas of ground floor windows would spread light beyond the building. However the types of external light fittings and their location can be controlled and there would be significant enhancement of the biodiversity value of the site generally, which is in any case in a settlement with other sources of light. New bat boxes would be installed and this could be ensured by condition. On balance, I do not find that the effect on protected species should weigh against the scheme and it would not conflict with the relevant parts of CS policy CS2 or DMP policies DM10, DM11 or DM12.

Other matters

15. I have taken account of all the other matters raised including the concerns of local occupiers of cottages on Clare Road which would have a direct view of the proposed dwelling, albeit through trees. I have commented above on the more

general effect of the bulk and height of the scheme on the character and appearance of the area. There is no right to a view, though it can be a material consideration. In this case, for reasons of distance and screening, I do not find that there would be any unacceptable impact on their living conditions in terms of privacy or outlook.

Conclusion

16. Recognising that the Design Review Panel felt the scheme capable of meeting the requirements of NPPF paragraph 79 (as was), I have found that the scheme falls short of the high hurdle set in paragraph 80 of the 2021 NPPF for isolated dwellings in the countryside. It would conflict with the relevant aims of CS policies CS1, CS3 and CS4 and DMP policies DM2, DM5, DM13, DM22 and DM27.
17. For the above reasons the appeal should be dismissed.

Paul Jackson

18. INSPECTOR