

Appeal Decision

Site visit made on 26 July 2022

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2022.

Appeal Ref: APP/F3545/W/21/3286447

Oakage, Freewood Street, Bradfield St George IP30 0AY

- 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 and Mrs Ellis against the decision of West Suffolk Council.
 - The application Ref DC/21/1435/FUL, dated 8 July 2021, was refused by notice dated 3 September 2021.
 - The development proposed is change of use of an existing outbuilding to a residential dwelling along with the subdivision of the plot.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposed dwelling would be in a suitable location, with particular reference to development plan policies concerned with housing in the countryside; and the effect on the character and appearance of the appeal site and surrounding area.

Reasons

3. Oakage is a detached two storey dwelling occupying a generous plot to the east of the village of Bradfield St George. The appeal building is single storey and is situated in the large garden to the west of the host dwelling. The site is bounded by roads and dwellings to three sides with open countryside to the east.

Suitability of the Location

4. Policy CS1 of the St Edmundsbury Core Strategy (2010), which is part of the development plan for West Suffolk, sets out the spatial strategy for the area. This identifies the towns of Bury St Edmunds and Haverhill as the main focus for the location of new development, supported by appropriate levels of development in Key Service Centres, Local Service Centres and Infill Villages, as defined in the settlement hierarchy by Policy CS4 of the Core Strategy. The overall aim of this approach is to direct development to sustainable locations.
 5. Bradfield St George is defined as an Infill Village in Policy CS4, but the appeal site is outside the settlement boundary and, therefore, is within the countryside
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- in terms of the spatial strategy and relevant development plan policies. Policy CS13 of the Core Strategy says that development outside the settlements defined in Policy CS4 will be strictly controlled and that policies in other development plan documents will set out detailed uses which are appropriate in rural areas.
6. Policy RV3 of the Rural Vision 2031 (2014) says that planning permission for residential conversion schemes, as in this case, will be permitted within housing settlement boundaries where it is not contrary to other policies in the plan. A number of other policies from the Council's Joint Development Management Policies Document (2015) are referred to by the Council.
 7. Policy DM5 concerning development in the countryside includes circumstances where a new or extended building will be permitted, but none of these apply to the appeal proposal. Policy DM27 is more permissive in terms of housing in the countryside, but requires new dwellings to be within a 'cluster' of 10 or more existing dwellings adjacent to or fronting an existing highway; or to consist of infilling a small undeveloped plot within an otherwise continuous built-up frontage. Neither of these provisions applies to the appeal site.
 8. Policy DM33 allows for the conversion of buildings in the countryside for residential use, but only where this accords with Policy DM28. This policy allows for the conversion of redundant or disused barns or other buildings. As the appeal building is currently in use as a storage and workshop building, ancillary to the host dwelling, Policy DM28 does not apply.
 9. The Council also refers to the likely reliance on private vehicle use to access services and facilities from this location. While limited evidence is provided in support of this, from the site inspection it appears that Bradfield St George includes very few, if any, of the facilities necessary for day-to-day living. The appellants indicate that the nearest Local Service Centres are some three miles away, while Bury St Edmunds is seven miles away. While there are bus stops at the junction of Freewood Street and Felsham Road I am unaware of the destinations that these serve or the frequency of services.
 10. I acknowledge that the National Planning Policy Framework (the Framework) recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this should be taken into account in decision-making¹. However, in this case future occupiers of the proposed dwelling are likely to be heavily reliant on car journeys to access most if not all facilities necessary for day-to-day living. Despite the fact that the proposal is for a single dwelling, this would serve to undermine the purpose of the spatial strategy to direct development to sustainable locations.
 11. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Framework is a material consideration in planning decisions². It says that policies and decisions should play an active role in guiding development

¹ Paragraph 105.

² Paragraph 2.

towards sustainable solutions, but in doing so should take local circumstances into account³.

12. The appellants contend that paragraph 80 of the Framework is material to this case. This requires that policies and decisions should avoid the development of isolated homes in the countryside unless one or more of five criteria apply. The appellants refer to criteria concerning the re-use of redundant or disused buildings and that the development would involve the subdivision of an existing building. However, the appeal site is located on the settlement edge, surrounded by dwellings on three sides and it cannot, therefore, reasonably be considered to be an isolated location in terms of the Framework, as confirmed by case law⁴. For this reason, this particular provision in the Framework, which applies to isolated homes only, is not directly relevant to the appeal proposal. As such, the appeal decisions referred to by the appellants concerning development proposals where paragraph 80 had a bearing cannot be considered to provide any support in this case.
13. With regard to the appeal at Oak Farm Barn, Rougham⁵, while many of the same policies referred to above were relevant, the proposal appears to involve an annexe building which was already in residential use. As such, there is a clear difference with the proposal in this case and, more generally, each case should be considered on its individual merits based on the particular circumstances that apply.
14. The appellants also contend that the development plan policies referred to above are out-of-date as they pre-date that current Framework and, therefore, are inconsistent with it. However, such matters are properly considered as part of the planning balance concerning the presumption in favour of sustainable development included in the Framework, which is separate to consideration of the main issues against relevant development plan policies as required by Section 38(6)⁶.
15. Reference is made in support of the appeal to a decision by the Council to grant permission for conversion of an ancillary building to a dwelling at a property known as 'Ardrella'. This is also outside the Bradfield St George settlement boundary and, therefore, raises similar issues to the current appeal. However, I note from the Council Committee report that the proposal complied with Policy DM27, referred to above, because it would fit within a closely knit 'cluster' of 10 or more existing dwellings adjacent to or fronting an existing highway. As such, there is a clear difference with the appeal proposal where there is no such policy compliance and, therefore, I give this previous decision little weight for the purposes of determining this appeal.
16. Therefore, taking these findings as a whole, I conclude that the proposed dwelling would not be in a suitable location due to its failure to comply with any of the development plan policies referred to above, which seek to promote sustainable patterns of development in accordance with the adopted spatial strategy.

³ Paragraph 9.

⁴ In particular *Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd* [2018] EWCA Civ 610.

⁵ APP/F3545/W/20/3259096 dated 11 February 2021.

⁶ As clarified by paragraph 12 of the Framework.

Character and Appearance

17. The large garden of the host dwelling, the majority of which forms the appeal site, is bounded by roads and dwellings to three sides. The separate garden of Oakage would form most of the eastern boundary, with only a small boundary with the open countryside to the east. The access that would serve the proposed dwelling is already in use as is the parking area behind the building. Moreover, the site is well-screened from public view due to the extensive boundary planting. There is no basis to suggest that this would not be retained and would continue to be effective.
18. The single storey dwelling would be of similar size and visibility to the current building. While there would inevitably be some greater intensity of use associated with the proposal, this would occur in a substantial setting, which is already in residential use. As such, the effects of the proposal compared to the current single residential curtilage would not be so significant or apparent to result in material harm. The majority of the large site would in my view retain the role that it currently plays as a buffer between the more intensely-developed settlement and open countryside to the east.
19. Accordingly, for these reasons, I conclude that the proposed dwelling would not have an unacceptably harmful effect on the character and appearance of the appeal site and surrounding area. Consequently, there is no conflict with Policy DM2 of the Joint Development Management Policies Document, which concerns development principles and local distinctiveness, and includes the requirement that development should maintain or create a sense of place and/or local character; or with Policy DM13 of the same document, which concerns the effects of development on the character of the landscape. There is also no conflict with the Framework's requirement to recognise the intrinsic character and beauty of the countryside⁷.

Other Matters

20. The Framework requires that plans and decisions should apply a presumption in favour of sustainable development⁸. The Council indicates that it can demonstrate a five year supply of housing land. Consequently, the presumption is not engaged as a result of housing under-supply.
21. The Framework also requires consideration of whether policies which are most important for determining the application are out-of-date. The most important policies are included in the Core Strategy, Rural Vision 2031 and Joint Development Management Policies document, all of which pre-date the current Framework. However, the Framework is clear that existing policies should not be considered out-of-date simply because they were adopted prior to the Framework's publication. Due weight should be given to them according to their degree of consistency with the Framework⁹.
22. Policies CS1, CS4 and RV3 all seek to limit development outside settlement boundaries in support of the spatial strategy. Policy CS13 says that development in such locations will be strictly controlled. However, Policies

⁷ Paragraph 174b).

⁸ Paragraph 11.

⁹ Paragraph 219.

DM5, DM27, DM28 and DM33 are permissive of different forms of development in the countryside. As such, these policies taken as a whole do not seek to unduly restrict development in the countryside, contrary to the Framework; rather, they seek to balance the benefits of promoting development in the most sustainable locations with the need to provide some housing in rural areas.

23. Policies DM2 and DM13 are consistent with the Framework's provisions to preserve and enhance local character and the natural environment. Consequently, for the purposes of this appeal, these policies should not be considered to be out-of-date and, therefore, the presumption in favour of sustainable development is not engaged.
24. The appellants assess the proposal against each of the three objectives of sustainable development. However, the Framework says that these objectives are not criteria against which every decision can or should be judged¹⁰. Moreover, the benefits that are put forward in support of the proposal are not sufficient to overcome the conflict with relevant development plan policies.

Conclusion

25. I have found in the appellants' favour with regard to one main issue, concerning the effect on character and appearance. However, this does not outweigh the fact that the proposed dwelling would not be in a suitable location due to the conflict with relevant development plan policies. The presumption in favour of sustainable development is not engaged and there are no other material considerations that outweigh the conflict with the development plan. Accordingly, it is concluded that the appeal should be dismissed.

J Bell-Williamson
INSPECTOR

¹⁰ Paragraph 9.