

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/W3520/W/21/3289657

Land adjacent Plot 14, Rising Sun Hill, Rattlesden IP30 0SP

- 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 Harton Hutton Ltd against the decision of Mid Suffolk District Council.
 - The application Ref DC/21/02742, dated 10 May 2021, was refused by notice dated 12 July 2021.
 - The development proposed is erection of single-storey detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed dwelling on the character and appearance of the larger approved residential development at this location.

Reasons

3. The appeal site is part of an approved scheme of 22 dwellings¹ on a substantive gap in built development on the eastern side of Rising Sun Hill. The Council explains that the layout and design of the scheme under the reserved matters application² is informal to achieve a suitable scale and density for the rural village setting.
4. The dwellings to the north-western half of the overall development scheme, which includes the appeal site, have been completed. The low density, informal layout is readily apparent from the generous plot sizes, open front gardens and overall sense of spaciousness.
5. The appeal site is an area of undeveloped land next to Plots 13 and 14, which accommodate a pair of semi-detached dwellings. The site currently creates a buffer between these dwellings and the entrance to the large area of public open space to the east of the approved scheme.
6. The proposed dwelling would be single storey and of limited size compared to a number of the larger detached dwellings. It would, nonetheless, have a

¹ Outline permission ref DC/18/00229.

² Ref DC/19/03840.

significant effect in this location due to its proximity to the neighbouring dwellings and the limited plot size compared to the more generous plots that are characteristic of the overall layout of the scheme. As a result, it would appear cramped on the site with little space between the built form and side boundaries. It would be prominent in views from the main road access to the development, from the public realm within the scheme and from neighbouring dwellings. From these views, the incongruous and uncharacteristic layout and appearance of the dwelling compared to the consistent planned layout of the wider scheme would be readily apparent.

7. While the proposal would make more efficient use of the site it would, for the reasons given, harm the overall planned layout of the wider scheme. The fact that the appeal site is to be grassed rather than planted with trees or shrubs does not alter the harmful effects on its openness that would result from the proposal.
8. Therefore, for these reasons, I conclude that the proposed dwelling would have an unacceptably harmful effect on the character and appearance of the approved residential development at this location. Consequently, it is contrary to the following development plan policies: CS9 of the Mid Suffolk Core Strategy (2008), which indicates that lower densities may be justified in villages to take account of the character and appearance of the existing built environment; and GP1, H13, H15 and H16 of the Mid Suffolk Local Plan (1998), all of which require development proposals to maintain or enhance the character and appearance of their surroundings, including respect for the scale and density of surrounding development. It is also contrary to the National Planning Policy Framework (the Framework), which promotes good design.

Other Matters

9. The Framework requires that plans and decisions should apply a presumption in favour of sustainable development³. The Council indicates that it can demonstrate the requisite five year supply of housing land. While I accept the appellant's contention that this does not prevent additional residential development it does, nonetheless, mean that the presumption is not engaged as a result of housing under-supply.
10. I am not aware of any substantive arguments that the most important policies for determining the application are out-of-date and I do not consider them to be so because they are consistent with section 12 of the Framework concerning good design. Consequently, the presumption is not engaged.
11. While the proposal would help to meet the Framework's objective of boosting housing supply, this is not a sufficient reason to outweigh the harm and conflict with the development plan that has been found.

Conclusion

12. The proposal is contrary to the development plan and the Framework as it would have a materially harmful effect on the character and appearance of the approved development at this location. The presumption in favour of sustainable development does not apply and there are no other material

³ Paragraph 11.

considerations that outweigh the conflict with the development plan.
Accordingly, it is concluded that the appeal should be dismissed.

J Bell-Williamson
INSPECTOR