

# Appeal Decision

Site visit made on 6 September 2022

**by Philip Mileham BA(Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 27<sup>th</sup> September 2022**

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**Appeal Ref: APP/D3505/W/22/3295637**

**Land at Wix House, Great Green, Cockfield, IP30 0HQ**

- 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 Luke O'Brien against the decision of Babergh District Council.
  - The application Ref DC/21/05655, dated 13 October 2021, was refused by notice dated 2 March 2022.
  - The development proposed is an application for outline permission for an All Matters Reserved Save for Access (Self Build Dwelling).
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## Decision

1. The appeal is dismissed.

## Applications for costs

2. An application for costs has been submitted alongside this appeal which has been considered in a separate decision.

## Preliminary Matters

3. The description of development differs between the application form and the Council's decision notice. There is nothing before me to indicate that the description on the application form is inaccurate and as such, I have utilised this in my decision.
4. The appeal proposal has been made in outline with all matters reserved except for access and I have considered it on that basis. An indicative site plan has been submitted to demonstrate how the proposal could be accommodated on the site and I have had regard to this in reaching my decision.

## Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area.

## Reasons

6. The appeal proposal would be located in the village of Cockfield which is identified in policy CS2 of the adopted Babergh Core Strategy (2014) (the BCS) as a hinterland village. Policy CS2 indicates that all proposals in hinterland villages will be assessed against policy CS11 and where site allocations would be made to meet identified needs. Policy CS11 states that proposals for development in hinterland villages will be approved where they are able to demonstrate a close functional relationship to the existing settlement on sites

where the relevant issues are addressed to the satisfaction of the decision-maker subject to the criteria listed in the policy.

7. The appellant considers policy CS2 of the BCS does not accord with the National Planning Policy Framework (the Framework) having regard to a recent appeal decision. Policy CS2 takes a more restrictive approach to development in rural areas and as a result, I would concur with this view. Accordingly, its weight is reduced.
8. The appeal site is located to the rear of Chapel Road which is outside the Built-up Area Boundary (BUAB) as defined in the Babergh Local Plan (2006) (BLP). The proposed development would be sited on an irregular plot of land which is bounded by residential development to the north and west and to agricultural land to the east and accessed off Birds Lane. The area is characterised by broadly linear development of detached and semi-detached two-storey dwellings along the frontage of Chapel Road.
9. The appellant considers that the appeal proposal would be read as being part of Birds Lane rather than a backland development of Chapel Road. There is no indication that the appeal proposal was part of any of the rear gardens of the properties along Chapel Road, nonetheless it would be located to the rear of the existing development. The appeal proposal would introduce a dwelling to the rear of the existing linear development and thereby fail to reflect the pattern and grain of development in the vicinity. As a result, it would not positively contribute to the established pattern of development in the area contrary to the requirements of policy CS11.
10. Whilst the appellant considers the proposal would be read as being part of Birds Lane rather than a backland development of Chapel Road, only the single width entrance of the site fronts Birds Lane. Furthermore, the indicative plan shows that to satisfactorily accommodate a dwelling on the site, it would need to be located further to the rear of the site where the plot would be wider. As a result, the proposed development would appear when viewed from Chapel Road, as a backland development behind the existing pairs of semi-detached dwellings rather than part of Birds Lane. In this regard, the proposal would be harmful to the existing character and appearance of the area by altering the views available between the dwellings on Chapel Road.
11. The side boundaries of the site comprise of verdant hedging interspersed with mature trees. As a result, the proposed development would be well screened from the adjacent residential development to the west and the agricultural land to the east. The appellant has indicated that there would be no concern to restricting the proposed development to a single-storey dwelling which would ensure that the proposal would not be prominent in the landscape. Due to the verdant eastern boundary, subject to a condition limiting the height of the proposal, the proposal would not be prominent when viewed from Birds Lane across the agricultural land. However, this is not sufficient to outweigh my concerns above regarding the effect of the proposal on the pattern of development and character and appearance of the area.
12. The appellant has drawn my attention to a number of recent infill developments in the village some of which are in the immediate vicinity of the appeal proposal. However, I have not been provided full details of the reasons why all of these schemes put forward were allowed. The appellant has also drawn to my attention two further proposals allowed at appeal with the

decision notices included in the appeal evidence. In the case of appeal reference APP/D3505/W/20/3251308 matters of character and appearance were not in dispute between the parties and the Inspector found the location to be suitable. In case reference APP/D3505/W/19/3222941, the conflict with adopted policy and effect on the landscape was outweighed by the provision of a new dwelling having regard to an insufficient demonstration of the required 5 year land supply. As such, these examples are not directly comparable to the scheme and the evidence before me and are therefore of limited weight.

13. The appellant has provided evidence from the emerging joint Babergh and Mid Suffolk Local Plan which is currently under examination to indicate the position of the revised built-up area boundary for the village. However, the Local Plan examination is still in progress and as such, the new plan and its accompanying boundaries and designations has not been adopted. Therefore, it can only be given limited weight at this time.
14. In light of the above, I conclude that the proposed development would result in harm to the character and appearance of the area. As a result, it would fail to accord with policies CS2 and CS11 of the BCS which requires development in hinterland villages is appropriate in layout and character to its setting and the village and is well-related to the existing pattern of development for that settlement. It would also fail to accord with policy CN01 of the Babergh Local Plan (2006) which seeks to ensure proposals pay particular attention to the scale, form and nature of adjacent development.
15. The proposal would also fail to accord with paragraph 130 of the National Planning Policy Framework (the Framework) which seeks to ensure that developments add to the overall quality of the area.

### **Other Matters**

16. Concerns have been raised in respect of the effect of the proposed development on Great Green House, a Grade II Listed Building. Due to the distance between the appeal proposal and Great Green House, and the extent of intervening screening, I do not consider the proposal would have any effect on the setting of the designated heritage asset. However, as I am dismissing the appeal for other reasons it is not necessary for me to consider this matter in further detail.
17. The proposed development would provide economic and social benefits. Economic benefits would arise through the jobs supported through the construction of the proposed development and in the accompanying supply chain. Further social benefits would arise through the appellant being able to stay within the village. The proposal would also make a contribution to local housing supply through the creation of a single dwelling.
18. The appellant has indicated that allowing the proposed development would enable them to stay in the village adjacent their grandparents. Whilst this proposal would allow for such, the appellant's desire to do so is not sufficient to outweigh the conflict with the development plan I have identified.

### **Conclusion and planning balance**

19. As I have set out above, the appeal proposal would fail to respect the existing pattern of development in the area. Whilst the weight afforded to policy CS2 is reduced due to its conflict with the Framework, I consider the appeal proposal

would nonetheless fail to accord with the policies of the Development Plan when read as a whole.

20. Whilst the proposal would result in a number of benefits set out above, as the proposal is for a single dwelling, these benefits would be limited, and in the case of the benefits arising from construction, would be temporary. As such, these are not sufficient to outweigh the harm to the character and appearance of the area and the resulting conflict with the Development Plan.

21. As a result, the appeal is dismissed.

*Philip Mileham*

INSPECTOR