
Appeal Decision

Site visit made on 17 October 2022

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th November 2022

Appeal Ref: APP/F3545/W/21/3287168

Moat Farm, Wickhambrook Road, Hargrave IP29 5HY

- 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 Batt against the decision of West Suffolk Council.
 - The application Ref DC/21/0740/OUT, dated 1 April 2021, was refused by notice dated 13 July 2021.
 - The development proposed is the erection of a single storey dwelling following the demolition of an existing building.
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of a single storey dwelling following the demolition of an existing building in accordance with the terms of the application Ref DC/21/0740/OUT, dated 1 April 2021, subject to the conditions in the attached Schedule.

Preliminary matters

2. The application is made in outline with only the detail of access to be considered at this stage. The matters of appearance, landscaping, layout and scale are reserved for later consideration.
3. The proposed site plan submitted with the application showed a layout. It was not labelled as being for illustration purposes only so this detail would have fallen to be considered as part of the proposal in line with the Planning Practice Guidance (paragraph 005 Reference ID: 21a-005-20190723) - despite the understanding of all parties that the only matter of detail for consideration was access. At my suggestion therefore, the appellant submitted an amended site plan labelled 'layout plan for illustrative purposes'. I see no prejudice in considering the annotated plan as part of the proposal because it merely gives effect to the understood position.
4. A new version of the National Planning Policy Framework was published on 20 July 2021, after the appeal application was refused but well before the appeal was submitted. All parties therefore had a chance to comment on this change in Government policy, during the appeal process.

Main issue

5. The main issue is whether the proposal would be in a suitable location with reference to development plan and national policies for the control of development in the countryside.

Reasons

6. The appeal site is located near the end of a ribbon of development just to the south of the small village of Hargrave, with fields in between. The proposal is to replace a large shed which has previously been in business use, plus some other minor sheds, with a single storey dwelling. A range of low single storey farm buildings just to the north of the site would be retained.
7. The development plan for the area includes the 2010 St Edmundsbury Core Strategy (CS), the 2015 West Suffolk Joint Development Management Policies Document (JDMP) and the Hargrave Neighbourhood Plan 2017-2031 (HNP). CS policy CS4 sets out a settlement hierarchy to guide development mainly to listed towns and villages. Hargrave is not one of the identified settlements. CS Policy CS13 states that development outside the listed settlements will be strictly controlled, with a priority on protecting and enhancing the character, appearance, historic qualities and biodiversity of the countryside while promoting sustainable diversification of the rural economy.
8. JDMP policies DM5 and DM27 take this forward, aiming to protect the countryside from unsustainable development. Policy DM27 does allow, however, for new dwellings in the countryside where these would: (a) be within a closely knit 'cluster' of 10 or more existing dwellings adjacent to or fronting an existing highway; and (b) consist 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.
9. The HNP confirms that there is a need for minor growth that will provide opportunities to maintain and slightly increase the population of the village. Its policies HAR1 and HAR2 identify a development boundary and allow for infill development within that boundary, in line with JDMP Policy DM27. These policies do not include any additional restriction on development outside of the village boundary. The appeal site lies well outside the boundary, near the edge of an area of development identified by the HNP as 'The Grove'. The HNP acknowledges at paragraphs 6.1 and 6.5 that JDMP policy DM27 creates opportunities for infill development within The Grove as well as in the main village.
10. Although the housing and other development in the immediate vicinity of Moat Farm is low density, it nevertheless forms a reasonably tight cluster of more than 10 dwellings. The proposal would be adjacent to the public highway and would infill the space between the existing house and the retained farm buildings without extending development into the important gap between The Grove and the village. The plot would be spacious, which is commensurate with others in the area. The only apparent point of conflict with the specifics of policy DM27 is that the site is not undeveloped. This weighs against the proposal, but in the absence of any clear reason or explanation as to why infill

sites should need to be undeveloped, I find that the proposal reasonably accords with the requirements of Policy DM27.

11. Residents of the appeal dwelling would very likely have to rely heavily on the use of the private car for access to services and facilities. There are few local facilities and the bus service through Hargrave is infrequent. The roads to other nearby villages generally do not have footways or street lighting so walking would be difficult especially in the dark. JDMP policy DM27, however, does allow for infilling of any cluster of dwellings in the countryside without qualification regarding accessibility and transport sustainability. Likewise, the National Planning Policy Framework (the Framework) only specifically restricts housing development in the countryside in isolated locations, and this is not such a location.
12. The proposal would help to meet the local need for minor growth, as set out in the HNP. In light of this, I find that the proposal would align with Framework paragraph 79's statement that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities – even though the range of local services here is limited and the proposal's contribution would be very minor.
13. I conclude that, despite its position in the countryside outside of the village, the proposal would be suitably located in relation to development plan and national policies. I find no significant conflict with the combined aims of CS policies CS4 and CS13, JDMP policies DM1, DM5 and DM27, HNP policies HAR1 and HAR2 and the Framework, to restrict development in the countryside in general while allowing for some limited growth in particular circumstances.
14. I have taken account of all other matters raised. The District Council report and Hargrave Parish Council raise a question about the loss of a business site. JDMP policy DM30 generally seeks to restrict such changes from an employment use to a non-employment use. Given that this policy has not been cited as a reason for refusal of the application, however, it appears that the District Council finds no significant conflict here. The business appears to be closed down and the building is not of high quality. No evidence or compelling argument has been presented to suggest that the premises would likely be re-used for a business purpose.
15. I am satisfied that with sufficient care a dwelling could be designed that would respect the setting of the nearby grade II listed building, the rural character of local development and the adjacent area of open countryside. The Parish Council is concerned about the possibility of a further application seeking another dwelling in this location, where local services are not readily accessible except by car. I cannot prejudge any other application and have considered this proposal on its own merits, in light of current circumstances and policies.
16. The appellant has referred to 2 other appeals where a house has been allowed in the countryside¹. I do not know the full circumstances of those cases and reiterate that this appeal proposal is considered on its own merits.
17. I have assessed the Council's suggested conditions in light of the advice in the Planning Practice Guidance. The standard conditions relating to outline planning permissions and the submission of reserved matters are imposed in line with

¹ APP/E3525/W/15/3139957 and APP/F3545/W/20/3244428

legal requirements. A condition listing the approved plans is included in the interest of certainty. Conditions regarding construction work hours and dust management are needed to protect nearby properties from noise, dust and general disturbance.

18. A set of conditions requiring investigation of potential land contamination is necessary, in line with the recommendations of the submitted Phase 1 Geo-Environmental Desk Study and Preliminary Risk Assessment, to protect waters, people and ecological systems from potential pollution. Two further conditions regarding ecological issues are needed to protect biodiversity and to secure enhancements commensurate with the scale of the development. Finally, a condition requiring provision of an electric vehicle charging point is imposed in the interest of sustainability and local air quality.
19. Two of these conditions, regarding dust management and land contamination, require action before development can commence, to minimise environmental impact. The Council has also suggested a condition regarding the water efficiency of the new dwelling, but this matter is already dealt with in the Building Regulations.

Conclusion

20. Although there are real concerns here about the sustainability of the site in terms of access to local services, I find that the proposal would accord with the development plan taken as a whole and with the Framework. For the reasons set out above, I conclude that the appeal should succeed.

Les Greenwood

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: the Location plan and the access details shown on drawing no 4338-01 (version annotated 'Layout Plan for illustrative purposes only').
- 5) Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays, public holidays or bank holidays.
- 6) Prior to commencement of the development hereby permitted, including any works of demolition, a Dust Management Statement shall be submitted to and

approved in writing by the Local Planning Authority. The works shall thereafter be carried out fully in accordance with the measures set out in the approved Statement.

- 7) Prior to commencement of the development hereby permitted the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:
- i) A site investigation scheme;
 - ii) The results of a site investigation based on (i) and a detailed risk assessment, including a revised Conceptual Site Model; and
 - iii) Based on the risk assessment in (ii), a remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions.

The development shall be carried out fully in accordance with the approved remediation strategy.

- 8) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted an additional remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and has obtained written approval from the Local Planning Authority. The development shall be carried out fully in accordance with the approved additional remediation strategy.
- 9) The dwelling hereby permitted shall not be occupied until a verification report demonstrating completion of works as set out in the remediation strategy(s) is submitted to and approved in writing by the Local Planning Authority.
- 10) The development hereby permitted shall be carried out fully in accordance with the precautionary ecological measures recommended in the Preliminary Ecological Appraisal by Aspen Ecology dated January 2021, as submitted with the planning application.
- 11) Prior to occupation of the dwelling hereby permitted details of biodiversity enhancement measures to be installed at the site, based on the Preliminary Ecological Appraisal by Aspen Ecology dated January 2021 and including details of the timescale for installation, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be installed in accordance with the agreed timescales and thereafter retained as so installed.
- 12) Prior to occupation of the dwelling hereby permitted, the dwelling shall be provided with an operational electric vehicle charge point at a reasonably and practicably accessible location, with an electric supply to the charge point capable of providing a 7kW charge.