
Appeal Decision

Site visit made on 9 December 2022

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 09 January 2023

Appeal Reference: APP/W3520/W/22/3299568

Harveys Garden Plants, Great Green, Thurston, IP31 3SJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr R Harvey against Mid Suffolk District Council.
 - The application reference DC/20/00585 is dated 6 February 2020.
 - The development proposed is "*Erection of Dwelling with Associated Works, Including Provision of Landscaping and Internal Access Road*".
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Decision

1. The appeal is dismissed.

Preliminary points

2. In the planning application form, the proposed development is described as follows: "*Full Planning Permission for the Erection of Three Dwellings with Associated Works, Including; Provision of Landscaping and Internal Access Road*". Nevertheless, the proposal was significantly amended during the course of the application process and the proposed development was reduced to a single dwelling. The new description, which was agreed between the local planning authority and the applicant, is as follows: "*Erection of Dwelling with Associated Works, Including Provision of Landscaping and Internal Access Road*". This is the description that I have adopted in the banner heading above.

Main issue

3. The main issue to be determined in this appeal is the effect of the proposed development on the character and appearance of the surroundings. In addition, it is necessary to consider the sustainability of the proposed development.

Reasons

4. Thurston is a substantial village, with a range of services and access to public transport. Great Green, on the other hand, is a small and somewhat dispersed hamlet, in the Suffolk countryside to the east of Thurston. The hamlet includes a number of residential properties, as well as other premises and agricultural enterprises. Significant development has been committed to at Thurston but

recent development at Great Green appears to have been limited to a small number of dwellings.

5. The appeal site occupies part of the site of a garden centre that is now evidently disused and somewhat overgrown. There are some associated structures on the land, including a tea shop or café that evidently served customers of the garden centre. Recent development has also taken place on adjoining land that appears to have been part of the original site of the garden centre.
6. The area of the old garden centre and associated land extends well beyond the area that is shown on the submitted application site plan. To the rear (east) of the site there is an area of horticultural polytunnels and other features that appear still to be in use, while to the south the horticultural land extends into a further area, in front of the house and garden at 'The Garden House'. The appeal site is not clearly delineated on the ground but it covers the area of the café and areas that had previously been more intensively managed.
7. The proposed new dwelling would be a single storey building (with a substantial detached garage), although it would be significantly larger than the existing tea shop.
8. The 'National Planning Policy Framework' emphasises the aim of promoting sustainable development and it acknowledges the importance of the natural and local environment, recognising the intrinsic character and beauty of the countryside, among other things. It also has the more general aim of "achieving well designed places" in the broadest sense (notably at Section 12), while making effective use of land and encouraging economic activity.
9. Policies in the Development Plan have the same aims. In particular, Policy CS5 of the 'Core Strategy' (which was adopted in 2008) is a wide-ranging Policy that seeks to promote good design, protecting the local character of the countryside, among other things. Other Policies in the Development Plan promote sustainable development, in principle focussing new development on larger settlements that have a range of facilities and services.
10. The 'Thurston Neighbourhood Development Plan 2018-2036' (which was "adopted" in October 2019) also seeks to focus new development in Thurston parish "within the settlement boundary of Thurston village", in support of the broad strategy of promoting sustainable development.
11. I accept that the existing site has characteristics in common with "previously developed land", due to the presence of a significant building and other aspects of the commercial site, but much of the site has an open rural appearance, especially as the natural vegetation has encroached on formal elements that previously existed. It is not to be assumed that the whole of the curtilage could be redeveloped, however, as the 'National Planning Policy Framework' makes clear in respect of previously developed land.
12. The appeal scheme would evidently bring about a significant change to the core of the old garden centre site. The existing building would be removed and a new garden layout would be created, suited to a private house, even if some of the existing elements were to be retained. The new dwelling would be attractive in itself, well designed and suited to its location, in spite of its larger

- scale than the existing tea shop. Architecturally, the new building would be a worthy addition to the local landscape.
13. Nevertheless, the scheme as presented would be unsatisfactory. Much of the site of the garden centre is excluded from the planning application (and appeal), being edged blue on the location plan to show that it is in the same ownership but excluded from the application. I am convinced that a coherent scheme for the whole site is now needed and that, therefore, if the current proposal were to be adopted, considerable additional detail would be needed, to clarify the future of the remaining horticultural or agricultural land.
 14. Since the adjoining land is in the same ownership, I have considered whether conditions could be applied (including landscaping conditions), to deal with this matter, but I have concluded that they would need to be so detailed and complex, and to cover such a significant area, that they could not reasonably be imposed in this appeal.
 15. The appeal site lies outside the defined settlement boundary for Thurston and is not well located in relation to local services or facilities. Development that encroaches on the countryside is often unsatisfactory, because of its impact on the character and appearance of the countryside and its effect on the local character of the area. Although it is argued that planning policies should not be overly protective of the countryside (and that the 'Core Strategy' is out of date), the underlying principle of recognising the intrinsic qualities of the countryside is still an important consideration in this case.
 16. Nevertheless, this site clearly has its own special nature. The existing building on the land and its previous commercial nature create an unusual site that already has an air of dilapidation and dereliction. I am persuaded that in this case the benefits of enhancing the site could outweigh the impact of new development on the rural surroundings, in principle. Although the proposed dwelling and garage would be rather larger than the existing building at the garden centre, I do not believe that they would be disproportionate in all the circumstances.
 17. Even so, I believe that the lack of clarity about the remainder of the site undermines this assessment. The proposed new development would only represent an enhancement of the site if it were part of a comprehensive approach, since otherwise the descent into further dereliction might not be prevented.
 18. Without a clear and secure planning benefit, therefore, I am convinced that the creation of a new dwelling in the hamlet would have an undesirable effect on the character and appearance of the surroundings, and that it should not be allowed in the form that it comes before me.
 19. In reaching that conclusion, I have had regard to other decisions that have been referred to in the submissions but I am conscious that this proposal has unique characteristics and that every case must be decided on its own merits.
 20. The proposed new development would add a single dwelling to the supply of houses in the District but the Council have demonstrated an adequate supply of housing land in accordance with planning policies and the pressure for additional housing land is limited, therefore. Moreover, the development that

is now proposed would be poorly located in relation to services and facilities, notwithstanding the attractiveness of Thurston itself. Hence, the new dwelling would be contrary to both national and local policies that are intended to promote sustainable development.

21. In short, I am convinced that the harm that would be done to the character and appearance of the surroundings very clearly and decisively outweighs the benefits of the project, even though the same might not be true of a different, comprehensive proposal. Hence, I have concluded that the scheme before me would conflict with both national and local planning policies (including the Development Plan) and that it ought not to be allowed. Although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.
22. As indicated above, in making my decision I have considered whether the appeal could be allowed but subject to conditions that might overcome the concerns that I have identified. In view of all the uncertainties involved, however, I have formed the opinion that it would not be possible to frame suitable and precise conditions to address them and that therefore the appeal must be dismissed.

Roger C. Shrimplin

INSPECTOR