



Appeal Decision

Site visit made on 31 January 2023

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 February 2023

Appeal Ref: APP/F3545/W/21/3289095

South of The Barn, Wilde Street, Beck Row IP28 8BL

- 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 Norman against the decision of West Suffolk Council.
 - The application Ref DC/21/0738/FUL, dated 1 April 2021, was refused by notice dated 23 July 2021.
 - The development proposed is 'proposed new dwelling and cart lodge'
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are:
 - The effect of the proposed development on the character and appearance of the surrounding area.
 - Whether the appeal site is a suitable location for the proposed development having regard to its accessibility to services and facilities and sustainable modes of transport.

Reasons

Character and Appearance

3. The appeal site comprises a roughly triangular plot of land which is located directly east of an existing dwelling known as 'The Barn'. There is an existing cart lodge located on the appeal site which would be demolished and replaced with a single storey dwelling and a new cart lodge. The existing dwelling would share a courtyard with the new dwelling and the new cart lodge would be located to the north of the appeal site.
4. The character of the surrounding area is predominantly rural and comprises a cluster of residential development with variations in scale and architectural style. Whilst there are more compactly distributed dwellings located further to the south of Wilde Street, the predominant character in the vicinity of the appeal site is far more spacious, with dwellings separated by their relatively large plots. The spacious character in this location is emphasised by the open land directly opposite the appeal site.
5. The proposed development would significantly interrupt this spacious character. Indeed, when viewed within the street scene, the existing dwelling, proposed dwelling and proposed cart lodge would be particularly cramped given their

close proximity to each other. As a result, the visual impact of the three buildings when viewed within the street scene would also be uncharacteristically dominant. This harm would be exacerbated by the shared courtyard which would further serve to visually amalgamate the three buildings. The proposal would therefore result in visual harm to the character and appearance of the area.

6. The fact that the existing cart lodge would be removed does not sufficiently mitigate this harm. Whilst it is set at an awkward angle it is materially smaller than the proposed development and is therefore less visually intrusive.
7. The appellant has provided various historic maps and a photograph indicating that a dwelling previously existed towards the front of the appeal site. Nonetheless, whilst there may have once been a dwelling in this location, which appears to have been relatively prominent in the street scene, that does not mean that it was not harmful to the prevailing character. Indeed, the existing spacious character of the area is valuable in its own right, regardless of the previous historic layout of development on the appeal site.
8. The proposal would harm the character and appearance of the area and would therefore conflict with Local Plan¹ Policies DM2, DM22 and Core Strategy Policy CS5². These policies collectively seek to ensure that new development is in keeping with local character.
9. There would also be a conflict with Framework Paragraph 130 insofar as it requires new development to be sympathetic to local character.

Location

10. The appeal site is located outside of the development plan settlement boundary of Beck Row, which is approximately 300 metres to the south-west. Local Plan Policy DM5 outlines that new buildings in the countryside will be permitted if they meet certain criteria. Criterion 'f' allows for small scale residential development of a small undeveloped plot subject to compliance with Local Plan Policy DM27.
11. Criterion 'a' of Policy DM27 outlines that new dwellings in the countryside must be located within a closely knit 'cluster' of 10 or more existing dwellings, adjacent to or fronting an existing highway. Whilst the surrounding dwellings are typically located within spacious settings they are nonetheless concentrated within a relatively small area fronting the highway. As such, they form a cluster. The appeal site is located relatively centrally within this cluster³, with neighbouring dwellings to the north, south and west. The number of residential properties in the cluster exceeds 10. As such, criterion 'a' is met.
12. Policy DM27 criterion 'b' requires that the scale of development consists of infilling a small undeveloped plot by one dwelling or a pair of semi-detached dwellings. Whilst the appeal site is capable of physically accommodating a detached dwelling in terms of its overall size, Policy DM27 requires that the character of the development is 'commensurate' with that of existing dwellings

¹ Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document February 2015

² Forest Heath Local Development Framework Core Strategy Development Plan Document 2001 – 2026 (with housing projections to 2031) Adopted May 2010

³ Which differentiates it from the appeal for the neighbouring site considered under PINS reference APP/H3510/W/18/3193518

within the built-up frontage, with similar plot size and spacing to adjacent properties.

13. I have already concluded that the proposed development would not be in keeping with the more spacious character of surrounding development, owing primarily to the proposals cramped layout when the new dwelling and garage are considered in conjunction with the existing dwelling. For this reason alone, the proposal would not meet the requirements of criterion 'b' and it would therefore conflict with Local Plan Policy DM27.
14. Core Strategy Policy CS1 outlines a spatial strategy and settlement hierarchy for new development. It aims to direct most development to the district's larger settlements with smaller growth within primary and secondary villages. The smaller settlements and the countryside surrounding them are not identified as locations for major development, with only certain types of development supported. The proposed development would not constitute a form of development which this policy permits in the countryside.
15. Core Strategy Policy CS10 expands on the spatial strategy set out under Policy CS1. This Policy sets out that in small settlements in the countryside (those without a settlement boundary) development will only be permitted in exceptional circumstances or where it meets other criteria, none of which apply to the proposed development.
16. Whilst there would be a conflict with the overall strategy set out under Core Strategy Policies CS1 and CS10, this strategy (in particular, the references made to development in the countryside) is not consistent with the more recently adopted Local Plan Policies DM5 and DM27 which do allow for residential development in the countryside, beyond that categorised within CS1 and CS10. As such, I do not attribute any significant weight to the conflict with Policies CS1 and CS10.
17. In addition, Policy CS1 does not outline that development must be located in locations with good access to services and facilities. Whilst that appears to be the overall aim of the Policy, to read beyond the policy text and make assumptions is not the proper approach. Policy CS10 does suggest that a review of settlement boundaries will aim to focus development in sustainable locations. However, this is a reference to the plan-making process. To rigidly apply this for decision-making purposes would partially remove the effect of Policy DM27, given that it is inevitable that many sites in the countryside will have lower access to services and facilities.
18. The Framework also deals with issues pertaining to access to services and facilities. However, I address this later insofar as the Framework is a material consideration in the determination of this appeal.
19. In summary, the proposed development would conflict with the Council's strategy for the location of residential development. This strategy is intrinsically linked with the emphasis on ensuring that development in the countryside is in keeping with surrounding rural character. For this reason, the proposal would conflict with Local Plan Policies DM5 and DM27.

Other Matters

20. The appeal site is not isolated within the terms of Framework Paragraph 80, given that it is located within a cluster of dwellings. Whilst the Framework does

seek to ensure that development is located in locations with good access to services and facilities, it also recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Indeed, the latter is consistent with the approach taken in Local Plan Policy DM27. As such, I find that there would not be any additional harm in this regard, despite the physical separation of the site from services and facilities.

21. The appellant suggests that the appeal site comprises previously developed land. However, the Framework glossary states that previously developed land excludes land where the remains of the permanent structure or fixed surface structure have blended into the landscape. As such, a large part of the appeal site, which has the appearance of a residential garden, is not previously developed land, in spite of having formerly been occupied by a dwelling.
22. However, there would be a small element of previously developed land utilised, including the existing cart lodge and parking area. However, these are relatively small areas and therefore the benefits of utilising this land would not outweigh the harm caused by the proposal.
23. There would be social and economic benefits associated with the proposed development as a result of the increase in housing stock⁴, increased local population and temporary support for construction jobs. However, these benefits would be limited by the small scale of the development and they would therefore only be of moderate weight. This weight is not sufficient to outweigh the conflict with the development plan.

Conclusion

24. The proposed development conflicts with the development plan taken as a whole. There are no material considerations raised of sufficient weight to indicate a decision other than in accordance with the development plan. The appeal is therefore dismissed.

Luke Simpson

INSPECTOR

⁴ Which is also consistent with the emphasis at Core Strategy Policy CS7