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# Appeal Decision

Site visit made on 22 November 2022

**by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI**

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

**Decision date: 13 February 2023**

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**Appeal Ref: APP/F3545/W/22/3292877**

**Doctors Barn, Cloak Lane, Wickhambrook CB8 8UJ**

- 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 K Warnock against the decision of West Suffolk Council.
  - The application Ref DC/21/1517/FUL, dated 20 July 2021, was refused by notice dated 24 January 2022.
  - The development proposed is a new dwelling following the dismantling of an existing barn.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are whether the proposal would (a) be appropriately located, having regard to the spatial strategy under the development plan and (b) would comply with national planning policy which seeks to steer new development away from areas at the highest risk of flooding.

## Reasons

### *Spatial strategy*

3. The application site comprises a two storey dwelling and ancillary barn, which lies on Cloak Lane. Cloak Lane connects two roads, The Duddery and Shop Hill. Along the lane, dwellings are varied in their frontage siting, plot sizes and spacing, with some separated by expansive garden or green space. The dwelling at Doctors Barn has significant separation from its neighbours at Cloak House and Pound House at the corner of the lane with The Duddery.
4. Under the St Edmundsbury Core Strategy(CS) 2010, Policy CS1 details a spatial strategy which provides a framework for environmentally sustainable economic growth. It indicates that the protection of the natural and historic environment, the distinctive character of settlements and the ability to deliver infrastructure will take priority when determining the location of future development.
5. The appeal site lies outside the settlement boundary of Wickhambrook and is designated as countryside under the adopted Rural Vision 2031 (2014), and Policy CS4 of the CS. Under CS Policy CS13, development outside the settlement 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. Policy DM5 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document(DMPD) states that areas designated as countryside will be protected from unsustainable development and sets out the circumstances where new or extended buildings will be permitted, such as small scale housing development under Policy DM27.

6. DMPD Policy DM27 states that proposals for new dwellings will be permitted in the countryside subject to satisfying criteria. The development is required to be within a closely 'knit' cluster of 10 or more existing dwellings adjacent to or fronting an existing highway. The scale of the development should 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.
7. The proposal would be for a single dwelling within a cluster of dwellings along Cloak Lane. However, dwellings are separated from one another by spacious surroundings, comprising green spaces, even with inclusion of the mobile home near Cloak House. Consequently, the lane cannot be considered as closely tight-knit or to possess a continuous built up frontage for purposes of compliance with the policy.
8. DMPD Policy DM33 relates to the conversion of buildings, and in exceptional circumstances, the replacement of a building in the countryside. It refers to a wide variety of buildings types that could include ancillary buildings. Amongst its criteria, it must result in a more acceptable and sustainable development than might be achieved through conversion. No exceptional circumstances have been put forward and it has not been demonstrated that the existing building would be structurally unsound.
9. For all these reasons, the development would conflict with the district's spatial strategy and settlement hierarchy, and accordingly, there would be conflict with Policies CS1, CS4 and CS13 of the CS, and Policies DM5, DM27 and D33 of the DMPD.

#### *Flood risk*

10. The appellant's Flood Risk Assessment (FRA) shows the site not to be within a functional floodplain but within Environment Agency designated Flood Zone 3a.
11. The development would replace an existing building within the curtilage of an existing dwelling. However, it would result in a new separate dwelling and therefore cannot be considered as a minor development. Minor development relates to non-residential extensions, alterations not increasing the size of the host building and householder proposals. It would be classified as non-major development and the dwelling's residential use as 'More Vulnerable'.
12. Consequently, the Sequential Test must be applied to assess whether new development can be steered to areas with the lowest risk of flooding. No Sequential Test assessment has been carried out. The FRA details evidence to support the Exception Test being passed but there is no requirement to assess this until Sequential Test has been passed.
13. For all these reasons, the scheme fails to consider, reasonably available sites with a lower probability of flooding in conflict with paragraph 162 of the National Planning Policy Framework.

## **Conclusion**

14. The proposal would boost housing land supply but this would be a very small benefit given the scale of the proposal. There would be conflict with the spatial strategy and settlement hierarchy of the development plan, and there is a failure to apply the Sequential Test in the interests of managing flood risk. There would be conflict with policies of the CS and DMPD, and the development plan taken as a whole. There are no material considerations of sufficient weight or importance that determine that the decision should be taken other than in accordance with the development plan and therefore, planning permission should be refused.
15. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Jonathon Parsons*

INSPECTOR