



Appeal Decision

Site visit made on 7 February 2023

by Philip Mileham BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 February 2023

Appeal Ref: APP/X3540/W/22/3296951

Land adjacent 146 Kirton Road, Trimley St. Martin IP11 0QL

- 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 S. Last against the decision of East Suffolk Council.
 - The application Ref DC/21/3393/FUL, dated 14 July 2021, was refused by notice dated 21 March 2022.
 - The development proposed is a café and woolstores and workshop.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. East Suffolk Council was formed in 2019 by the merger of Suffolk Coastal District Council and Waveney District Council. Whilst the appeal is made against the decision of East Suffolk Council, the site would be located within the former Suffolk Coastal administrative area, and as a result, the policies of the Suffolk Coastal Local Plan (2020) (the SCLP) are applicable to this decision.

Main Issues

3. The main issues are:
 - Whether the proposal would be in a suitable location for new retail and commercial uses having regard to local and national policy; and
 - The effect of the proposal on the character and appearance of the area having regard to a nearby tree.

Reasons

Suitable location

4. The appeal proposal would be sited on an area of land at the edge of the village adjacent existing residential dwellings. Policy SCLP3.1 of the SCLP identifies the strategy for growth in the area which includes, amongst other things, supporting growth in retail, commercial leisure and town centres. Policy SCLP3.1 seeks to support appropriate growth in rural areas that will help to support and sustain existing communities albeit does not expressly preclude new retail uses in the countryside.
5. Trimley St. Martin is identified in the SCLP as a large village and Policy SCLP3.3 defines settlement boundaries for these villages. Land outside the settlement

boundaries is designated as countryside for the purposes of the policy. Policy SCLP3.3 indicates that outside settlement boundaries new residential, employment and town centre development will not be permitted unless subject to other policies in the plan. The appeal development proposes retail and commercial floorspace outside the settlement boundary of the village, thereby conflicting with the provisions of SCLP3.3.

6. Policy SCLP4.5 of the SCLP seeks to support economic development in rural areas subject to a number of criteria. Policy SCLP4.5(b) indicates that proposals will be supported where the scale of the enterprise accords with the settlement hierarchy. The settlement hierarchy is set out in Policy SCLP3.2 and table 3.4 of the supporting text provides further guidance on the approach to employment in large villages, including cross-referring retail development being directed to defined district centres in SCLP4.8. Due to the proposed development being for a retail use in a rural location, it would fail to accord with the settlement hierarchy and thereby not accord with Policy SCLP4.5(b).
7. Policy SCLP4.8 of the SCLP indicates that priority will be given to concentrating retail and commercial leisure development within town centres and at locations specified in the retail hierarchy including the main town centre of Felixstowe, other town, district or local centres. The policy also seeks to focus retail and commercial leisure proposals within defined town centre boundaries and indicates that such proposals will only be permitted in out of centre locations where there are no town centre or edge of centre sites and subject to criteria. The appeal proposal's location by virtue of it being within a village and away from any town, district or local centre would fail to accord with the both the settlement hierarchy and retail hierarchy for the area. As a result, it would conflict with Policy SCLP4.8 of the SCLP.
8. Paragraph 87 of the National Planning Policy Framework (the Framework) indicates that the sequential test should be applied to proposals for main town centre uses that are neither in an existing centre nor in accordance with an up-to-date plan. The proposal includes retail development and a café which would fall within main town centre uses as set out in the Framework. I note the appellant considers the proposal will have no impact on town centres. However, there is no evidence before me that alternative locations which could be sequentially preferable to the appeal site have been considered that the Framework requires. Therefore, the proposal would fail to accord with the expectations of Policy SCLP4.8 and paragraph 87 of the Framework in this regard.
9. The appellant has indicated that the proposal would be primarily intended to serve the local community. However, there is no evidence that there would be a sufficient scale of population in the vicinity to support the proposal. The appellant has also indicated that the proposal would reduce social isolation for elderly users. A café would be capable of providing a meeting place for isolated residents. Therefore, the proposal would help to support gatherings of those experiencing isolation which would provide a limited social benefit of the proposal.
10. The appellant considers that the proposal would be supported by the Framework which seeks at paragraph 81 to support the need for economic development and the proposal would provide economic benefits through local spending and job creation. There is no evidence before me of the extent of

potential spending although I note that two full time and six part time jobs would be created as a result of the proposal. As such, the creation of additional jobs and spending would result in a limited economic benefit of the proposal.

11. Paragraph 84 of the Framework seeks to support the retention and development of accessible local services and community facilities such as shops. The appellant has drawn my attention to the frequency of local bus services that can be accessed in the village. Public transport services are available, although their frequency is limited. In combination with the proposal's rural location and limited number of potential users within walking distance, this would result in future users accessing the site by private vehicular transport. However, the extent of public transport and the presence of nearby footpaths would provide reasonable accessibility and thereby not result in conflict with the provisions of paragraph 84 of the Framework.
12. My attention has been drawn to the Council's support for an artisan smokehouse in nearby Falkenham. Although a copy of the decision notice has been provided in support, full details of the reasons that this scheme was approved by the Council are not before me nor the accompanying policy circumstances at that time. I note that this scheme was determined prior to the adoption of the SCLP, and as such, is of limited weight in my decision.
13. In light of the above, the proposal would not be in a suitable location for new retail and commercial uses having regard to local and national policy. As a result, it would fail to accord with policies SCLP3.1, SCLP3.3, SCLP4.5 and SCLP4.8 for the reasons described above.
14. The proposal would also fail to accord with paragraphs 87 of the Framework which seeks to ensure that proposals for retail development accord with the sequential approach to site selection.

Character and appearance

15. The appeal proposal would result in the creation of a new single storey building which would be sited towards the northern boundary of the site with limited separation between the side and rear boundaries. Due to the positioning of the proposal, it would be located beneath part of the canopy of a large mature oak tree (referred to as T1) which lays just outside the site boundary.
16. The oak tree is a large mature example and although not subject to formal protection, it is a highly visible feature in the street scene due to the absence of any other significant scale trees in the immediate vicinity. The appeal site is located at the edge of the settlement where the existing residential development transitions into more open countryside. As a result, the tree makes a significant positive contribution to the transition between the developed area and countryside and thereby the character of the area.
17. The appellant has indicated that the Council did not seek an arboricultural impact assessment for the effect of the proposal on the tree during its initial determination of the proposal. There is no evidence before me that the appeal proposal would not result in harm to the oak tree. The proximity of the proposed building is such that damage to the root system during construction cannot be ruled out and an adverse impact on the tree avoided. Furthermore, the proximity of the edge of the proposed building to the canopy and lower limbs of the tree could result in future pressure on the tree. Over time, this

could adversely affect the positive contribution the tree makes to the character and appearance of the area.

18. The appellant has indicated that any potential effects on the tree could be addressed through the imposition of a Grampian-style condition. However, due to the siting of the proposed building, this would not be effective as there is no evidence that would indicate any potential harm to the tree arising from the proposal would be avoided whilst according with the submitted plans.
19. In light of the above, I conclude that the proposal would result in a harmful effect on the character and appearance of the area having regard to a nearby tree. As such, the proposal would fail to accord with Policies SCLP 10.4, SCLP11.1, SCLP12.34 which collectively seek to ensure development proposals will be expected to demonstrate their location, scale, form design and materials will protect and enhance distinctive landscape elements including trees and take account of any important landscape features and provide enhancements for biodiversity.
20. The proposal would also fail to accord with paragraph 174(b) of the Framework which seeks for planning decisions to contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefit from natural capital and ecosystem services, including, amongst other things, trees.

Planning balance and conclusion

21. The proposal would result in economic benefits through the creation of local jobs and social benefits through reducing social isolation. However, in light of the harm I have identified in respect of the character and appearance of the area, the proposal would not result in environmental benefits. Having regard to the scale of the proposal, the extent of the economic and social benefits would be limited and I afford them limited weight.
22. In light of the extent of the proposal's conflict with the policies in the development plan when read as a whole and the Framework, the other considerations identified are not of a significant magnitude that would outweigh the conflict. As a result, the proposal should be determined in accordance with the development plan in this instance.
23. In light of the above, the appeal is dismissed.

Philip Mileham

INSPECTOR