
Appeal Decision

Site visit made on 31 May 2023

by John Felgate BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Levelling Up, Housing and Communities

Decision date: 12 June 2023

Appeal Ref: APP/F3545/W/22/3310950

Land at Barningham Road, Stanton, Suffolk IP31 2DT

- 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 J Flatt & Son against the decision of West Suffolk Council.
 - The application Ref DC/22/1280/OUT, dated 15 July 2022, was refused by notice dated 13 September 2022.
 - The development proposed is erection of 4 dwellings and construction of access.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues in the appeal are:
 - whether the appeal site is a suitable location for development, having regard to the relevant planning policies relating to housing development in the area;
 - the effects of the development on the character and appearance of the area;
 - and the effects on trees.

Reasons for decision

Policy considerations

3. The appeal site comprises a rectangular paddock at the junction of Barningham Road with Chare Road. The site is well outside the main built up area of the village of Stanton, and adjacent to an area of sporadic development, which includes ribbon development in Chare Road and Dale Road, and a small 1970s-style estate at Heron Way. On the Policies Map for the area, the appeal site is about 1 km outside the main settlement boundary area for Stanton, and also just outside the smaller, detached settlement boundary which is drawn around some of the houses in the above three roads. For planning purposes therefore, the site is within the countryside.
4. The spatial strategy for the area is set out in Policies CS1 and CS4 of the St Edmundsbury Core Strategy (the SECS), adopted in December 2010. New housing is to be focussed on Bury St Edmunds and Haverhill. At other settlements, including Stanton, lesser levels of development are proposed, within settlement boundaries. The underlying aims of this strategy seem to me to be to provide for appropriate levels of development in the most sustainable locations, whilst also protecting the countryside.

5. In the countryside, development is controlled by the policies of the West Suffolk Development Management Policies Document (the DMPD), adopted in February 2015. In that plan, Policy DM5 states that the designated countryside is to be protected from unsustainable development. Exceptions are provided for certain types of development, including for purposes such as agriculture or forestry, and affordable housing for local needs, but the present appeal proposal falls outside any of these categories. Policy DM 27 permits the infilling of a small plot, by one dwelling or two semis, provided this is within an otherwise continuously developed frontage, forming part of an existing housing cluster. In the present case however, both the proposed development and the appeal site itself are too large to come within this category. The appeal proposal therefore conflicts with Policies DM5 and DM27.
6. The appellants argue that Policies DM 5 and DM27 are inconsistent with paragraphs 79 and 80 of the National Planning Policy Framework (the NPPF). But the NPPF acknowledges, at paragraph 2, the legal requirement for applications to be determined in accordance with the development plan, unless material considerations indicate otherwise¹. Although paragraph 79 advises that rural housing should be located to enhance the vitality of communities, it does not advocate unfettered development in such areas; nor does it seek to prevent the use of settlement boundaries as a way of guiding rural housing to the most suitable locations for that purpose, according to local circumstances. Paragraph 80 seeks, amongst other things, to avoid isolated homes in the countryside, but does not in any way suggest that development everywhere else should be supported. In any event, these paragraphs are clearly intended to be read alongside paragraph 174, which makes it clear that policies and decisions should recognise the countryside's intrinsic character and beauty. In the present case it is agreed that the district has more than a 5-year supply of land for housing, and there is no evidence that the DMPD's policies have failed to support rural communities in any other way. I therefore find no inconsistency between Policies DM5 and DM27 and the policies of the NPPF.
7. It is suggested that the appeal site is a sustainable location, due to its proximity to the village facilities in Stanton. But the site is around a mile from the centre of the village, along the moderately busy B1111, where there is fast-moving traffic and only limited provision for pedestrians and cyclists; and with the need to then also cross the rather busier A143. Although there is a bus stop close by, the service appears quite limited, with irregular timings, sometimes lengthy gaps, and no service in the evenings. Car trips to Stanton itself would be relatively short, but for anything other than day-to-day needs, longer journeys to Bury St Edmunds or Thetford would be required. In any event, Policies DM5 and DM27 are designed to apply throughout the area defined as countryside, and are not dependent on a site-by-site assessment of this nature.
8. From the above, it is evident that the appeal proposal would be clearly contrary to DMPD Policies DM5 and DM27, which seek generally to resist new housing in the countryside. Furthermore, as a result of that conflict, the proposed scheme would also conflict with and undermine the overall strategy for the area, as comprised in SECS Policies CS1 and C4. In the light of these conflicts with the most relevant development plan policies, I conclude that the appeal site is not a suitable one in policy terms for the development now proposed.

¹ Section 38(6) of the Planning and Compulsory Purchase Act 2004

Effects on character and appearance

9. The appeal site is currently open land. It contributes a pleasant, green space, in a fairly prominent corner position. The proposed development would replace this with four houses, and their associated garages, driveways, parking and gardens. The appellants' Planning Statement acknowledges that the development would cause some visual harm.
10. But nevertheless, I saw on my visit that the site is enclosed by trees and hedgerows, limiting the extent of any views either into or across it. Although the development to the north and east of the site is scattered, it adds somewhat to the sense of visual containment. In addition, the site has no physical contiguity with any larger areas of open land, and no visual relationship with the wider landscape; and the recently permitted development at the site known as George Hill Nurseries will further reinforce this separation. Other than its openness and green appearance, the site itself has no notable qualities or features. It is not identified as having any special role or importance in any local plan or neighbourhood plan. The submitted illustrative plan shows that the development could be easily accommodated, whilst leaving adequate space for landscaping.
11. On balance, I agree that in visual terms the net effect of the loss of the appeal site's current openness and greenness would be likely to be perceived as an adverse one. However, the extent of the harm would in my view be minor. As such, the development would not significantly detract from the setting, townscape or environmental quality of its surroundings, nor would it involve the loss of an important open, green or landscaped area. In these respects therefore, I find no further conflict with SECS Policy CS4, nor any conflict with the relevant provisions of DMPD Policy DM2.
12. Policy DM22 appears to me to be a design policy, primarily concerned with encouraging good design and layout, but in any event, for similar reasons to those already stated, I see no particular conflict with that policy.
13. In the circumstances, I conclude that the proposed development could be carried out without significant harm to the character or appearance of the area, and thus a refusal of permission based on this ground would not be justified. However, this does not overcome the clear policy objection that I have identified elsewhere in this decision.

Trees

14. Whilst there are some attractive and mature trees on and around the site, these are largely confined to the boundaries. As I have already noted, the site appears to have ample space available, and there is no apparent reason to anticipate any likely impacts on trees, other than possibly for access. In the circumstances, had permission been granted, this issue could have been dealt with adequately by way of conditions.

Other matters

15. I appreciate that the housing target used for the 5-year supply calculation is not intended as a ceiling. Given the NPPF's aim to significantly boost housing supply, the provision of additional housing, over and above that target, is therefore a benefit to be weighed in the planning balance. And in addition, the development would also have other social and economic benefits. But none of

these are specific to the present appeal site or the proposed scheme. As such, they do not outweigh the conflict that I have found with development plan policies.

16. I have had regard to the appeal decision relating to the George Hill Nurseries site. In that appeal however, the site evidently comprised brownfield land, with substantial vacant and run-down buildings, and this was clearly a matter to which the inspector gave significant weight. The present appeal site is clearly not comparable.

Conclusion

17. For the reasons explained in this decision, the appeal proposal would conflict with DMPD Policies DM5 and DM 27, which are concerned with development in the countryside, and with SECS Policies CS1 and CS4 which relate to the spatial strategy for development in the area.
18. This conflict with the most relevant policies of the development plan is not outweighed by the scheme's generic social and economic benefits. The lack of harm to the area's character and appearance, and to trees, weighs neutrally. No other significant material considerations have been identified.
19. Having considered all of the other matters raised, none changes or outweighs this conclusion. The appeal is therefore dismissed.

J Felgate

INSPECTOR