
Appeal Decision

Site visit made on 15 August 2023

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th September 2023

Appeal Ref: APP/X3540/W/23/3316587

Land at Farm View 4 Millville, Mill Lane, Campsea Ashe, Suffolk, IP13 0PL

- 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 Justin Fuller against the decision of East Suffolk Council.
 - The application Ref. DC/22/4534/FUL, dated 17 November 2022, was refused by notice dated 6 January 2023.
 - The development proposed is retention of existing access (contrary to condition 4 of planning permission DC/22/1103/VOC), retention of existing storage building and erection of domestic wind turbine.
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Decision

1. The appeal is dismissed.

Procedural Matters & Background

2. The address of the appeal site has been taken from the planning application form.
3. A dwelling and garage are being built on land to the east of the appeal site, under planning permission ref. DC/22/1103/VOC. The description of development to that permission also included "2no. new vehicular accesses (one to serve new dwelling, one to serve host dwelling)". Condition 4 of DC/22/1103/VOC required that, prior to the new accesses being brought into use, all other means of vehicular access into the site from Mill Lane was to be effectively stopped up and closed in accordance with an approved scheme. The appellant questions the validity of the condition, but this is not an appeal to remove or vary a condition under section 73 of the Town and Country Planning act 1990, and the access is within this appeal site area.
4. There is not yet a formal crossover to the dwelling under construction, but the frontage is clear so that vehicles can access the site. A second access point has been installed to serve the neighbouring house. A third access point serves an outbuilding, both of which form part of this appeal. The submitted plans show a section to be added to this outbuilding, and I have considered the appeal on the basis of the 'proposed' building shown on the plans, rather than the retention of the existing building. The proposed solar panels to the outbuilding and wind turbine have not been installed.
5. The reason for refusal refers to an extension to the residential curtilage, but a change of use is not included in the description of development applied for. However, the appellant's Statement and Final Comments acknowledge that the

red edged appeal site would be extended curtilage. As both parties assessed the appeal site as constituting a curtilage extension I have done the same.

Main Issue

6. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

7. The appeal site is part of a wider parcel of former agricultural land (described as 'meadow' on the planning application form) on the outskirts of the settlement of Campsea Ashe. The land sits next to the intended garden of an adjacent dwelling under construction, and both are within the same ownership. The proposal has three aspects: a storage building on an extended curtilage, the access, and the wind turbine, and the visual impact of each on the character and appearance of the area is addressed below.

(a) Proposed Building & Curtilage Extension

8. There is a hedgerow along the roadside boundary, but despite its shallow roof and dark colour, the utilitarian building which has been constructed is visible from outside of the site, in views across the access but also from the west, where the roadside hedging is less effective. The visual impact of the building would increase with the extra floor area proposed. Although the submitted plans show a 1.5m by 2.0m high hedge next to the outbuilding, it is likely that this would need to be reduced in depth and height in order to achieve visibility splays were the access point to be retained. Moreover, given the shallow roof of the building, the hedge height would need to be controlled to avoid shading of the proposed solar panels.
9. The Supporting Statement to the application advised that the outbuilding is needed to store maintenance equipment for the meadow, battery storage for the solar panels and a backup generator for the house. Limited information has been supplied of the equipment needed to be stored, but the proposed building footprint would appear to be generous for its intended purpose.
10. Policy SCLP10.4 of the East Suffolk Council Suffolk Coastal Local Plan 2020 (LP) expects development proposals to demonstrate that their location, scale, form, design and materials will protect and enhance the special qualities and features of the area, the visual relationship and environment around settlements and their landscape settings, and distinctive landscape elements including hedgerows and field boundaries. In this context, the proposed outbuilding would erode the rural character of this end of Mill Lane, by extending built form into what is otherwise open countryside. The building would be set away from the dwelling that it would serve, and would appear as a largely unrelated and incongruous structure in this rural location. Although the appellant advises that other locations for the building were discounted as more harmful in landscape terms, the proposed siting would nevertheless be visually intrusive.
11. The expansion of the residential curtilage and the gravel hardstanding would add to the visual intrusion of the development, and would create a sprawling curtilage. Although some properties in the area have wide linear plots, this would appear excessive in scale in this edge-of-countryside location, and poorly related to the existing development pattern. The size of the curtilage would not respect the scale and location of the dwelling as required by LP Policy

SCLP5.14, and would have a harmful impact on the landscape and character of the area as a result of the proposed development on the land.

(b) Vehicular Access

12. The appellant's statement includes images which seek to show that the access has not caused loss of hedgerow, and is in a position where there has always been access into this land. However, the images are not particularly clear, and in my assessment do not indicate a vehicular access with the appearance and permanence of the gated entrance which has been installed. In the absence of more conclusive evidence, I have determined the appeal on the basis of the retention of the access applied for.
13. The parties confirm that the access would not harm highway safety. It is the visual impact of the opening and the likely loss of hedgerow to facilitate a safe access at issue in this appeal. The retention of a gated access and drive into part of the meadow creates an unnecessary break in the roadside hedgerow (more so once the proposed planting takes place), and would have a somewhat domesticated appearance at odds with the rural character of the site. Attention has been drawn to other accesses in the area, but as these serve dwellings within the settlement boundary rather than a meadow and outbuilding in the countryside, the effect on the rural streetscene is not comparable.
14. The Supporting Statement to the application advised that the access was constructed to facilitate the delivery of materials associated with the build. With the near completion of the dwelling and its open frontage, that need for the access would no longer appear to be necessary. I do not share the appellant's view that the 'eastern access' (in front of the new dwelling) would offer limited accessibility to the house by larger vehicles, and no access to the land to the west of the property: the boundaries in front of the house and between the garden and meadow are open, allowing free access between the two. An approved layout plan may show a hedgerow planted north to south along the boundary between the garden and meadow, but as it has not been planted an opening could be created to facilitate access. I am not convinced that maintenance machinery stored by the house would prevent any formal landscaping of the front or rear gardens; maintenance of a meadow is unlikely to need overly large equipment, and need not be stored on the eastern side of the garden.

(c) Wind Turbine

15. The benefits of energy generation to serve the property are an important aspect of this proposal. However, the proposed turbine would appear as an incongruous feature within the context of the meadow. The appellant advises that a turbine on the house would be highly prominent and difficult to maintain. However, as the proposal seeks a ground mounted turbine, it is unclear why it could not be sited elsewhere within the approved garden, closer to the dwelling which it would serve. Whilst such a location would also be visible in the landscape, being grouped with other domestic paraphernalia and buildings in the 'original' curtilage would minimise its visual impact on the surrounding countryside. The planting of a hedgerow around the adjacent site would not mitigate the impact given the proposed height of the turbine.

16. I acknowledge that the proposal would be seen in the context of a landscape that is dominated by electricity pylons, but these have a more strategic role and would not justify the intrusion of a standalone turbine.

Planning Balance

17. The appellant advises that the proposal would make more efficient and effective use of land, but recognition must also be given to the intrinsic character and beauty of the countryside, as set out in the National Planning Policy Framework (the Framework).
18. I agree with the appellant's assessment that the proposed access would not give rise to highway safety concerns, but this would be dependent on what are likely to be significant alterations to the size of the boundary hedge.
19. The proposal would not harm residential amenity or heritage assets, nor be at risk from flood risk or land contaminants. However, this absence of harm would be largely neutral in its benefits.
20. The appellant indicates that the provision of hedgerow will deliver significant biodiversity benefits. However, as it would appear that new hedging would replace hedgerow that has been removed, as indicated in the images included at paragraphs 5.25 and 5.26 of the appeal statement, it is not evident that there would be a net gain for biodiversity.
21. The storage benefits to the appellant would not be justified by the expansion of buildings into otherwise open land at a transitional point between the settlement and the countryside. As I do not share the appellant's assessment that the proposal would cause no harm to the setting of the wider landscape or the street scene, nor that it would be well-designed, this would be a negative factor in the balance.
22. The renewable energy generation that would be created by the wind turbine and solar panels weigh in favour of the development. Limited information has been supplied of the likely output of these facilities, but as there would appear to be other options available for their siting, the environmental benefit would not significantly and demonstrably outweigh the visual harm of these incongruous features in part of a meadow, set apart from the dwelling which they would serve.
23. I therefore conclude that the proposal would detract from the character and appearance of the rural area, contrary to LP Policies SCLP10.4 and SCLP5.14, and with LP Policy SCLP11.1, which amongst other criteria seeks locally distinctive and high quality design that demonstrates a clear understanding of the character of the built and natural environment, and responds to local context and the form of surrounding buildings. Having considered the paragraphs of the Framework cited by the appellant, none alter this conclusion.
24. As a storage building, I find no conflict with LP Policy SCLP5.13, which relates to residential annexes. However, this does not change my overall conclusions.
25. For the above reasons, I conclude that this appeal should be dismissed.

H Lock

INSPECTOR