



Appeal Decision

Site visit made on 26 October 2023

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2023

Appeal Ref: APP/F3545/W/23/3316413

The Spinney, Bury Road, Hawstead, Suffolk IP29 5NJ

- 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 Henry Brewis against the decision of West Suffolk Council.
 - The application Ref DC/22/1564/FUL, dated 31 August 2022, was refused by notice dated 18 November 2022.
 - The development proposed is the erection of a one and a half storey dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a one and a half storey dwelling at The Spinney, Bury Road, Hawstead, Suffolk IP29 5NJ in accordance with the terms of the application, Ref DC/22/1564/FUL, dated 31 August 2022, subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues are whether the site would be a suitable location for a new dwelling, having regard to national and local planning policies and the effect of the development on the character and appearance of the area.

Reasons

3. Policies CS1 and CS4 of the St Edmundsbury Local Development Framework Core Strategy (December 2010) (the Core Strategy) set out the spatial strategy and settlement hierarchy for the area. These aim to direct most new development to larger settlements. The appeal site is located within the small settlement of Hawstead, which does not have a housing settlement boundary. As such, for planning purposes, it is classified as countryside.
4. Policy DM5 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015) (the Local Plan) relates to development in the countryside. It supports, amongst other things, small scale residential development that would accord with Policy DM27.
5. Policy DM27 states that new dwellings will be permitted provided that they are a) within a closely knit cluster of 10 or more existing dwellings adjacent to or fronting an existing highway; and b) the scale of development consists 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. It goes on to state that permission will not be granted where a proposal would harm or undermine a visually important gap or where development would have an adverse impact on the environment or highway safety.

6. The supporting text to Policy DM27, refers to the National Planning Policy Framework (the Framework) and its recognition of the fact that some limited new housing in rural locations can support existing services and facilities in other nearby villages. As Policies DM5 and DM27 of the Local Plan are not out of date or inconsistent with the Framework, I afford them significant weight.
7. It is common ground that the site is within a settlement comprising more than 10 dwellings. Due to the position of the site on a bend, it does not have a wide road frontage. It is nevertheless an infill plot adjacent to the highway, which has a continuous row of dwellings on either side of it, and on the opposite side of the road. The generous size of the plot is consistent with others in the area. Despite the looser grain and lower density of development in the area, which is typical of rural villages, the dwellings still form a closely knit cluster, as opposed to a ribbon of sporadic dwellings with large undeveloped areas in between. The Council refer to a gap of 75 metres between the dwellings on either side of the appeal site. However, this measurement includes the large side garden of the adjacent listed Alms Houses and the village green and parking area, which they are sat behind. There is no other open gap between the adjoining curtilages of the Alms Houses and the appeal site.
8. The proposal relates to a single dwelling on a plot that is largely undeveloped, except for some small timber stables and sheds. Although Policy DM27 refers to sites that are undeveloped, it clarifies that 'A small undeveloped plot is one which could be filled by one detached or a pair of semi-detached dwellings where the plot sizes and spacing between dwellings is similar to adjacent properties and thereby respects the rural character and street scene of the locality'.
9. The dwelling would be a one and a half storey property of traditional design to reflect its rural village surroundings. It would be set no further back from the highway than the existing buildings on the site or the adjacent terrace of houses to the southwest. Surrounding dwellings vary significantly in terms of age, design and appearance, but are for the most part detached, one and a half or two-storey properties, in large plots of land, which are set back from the highway to varying degrees due to the curved nature of the road. The scale of both the plot and the proposed dwelling, would therefore be commensurate with the scale and character of existing dwellings in the settlement and would not urbanise the site.
10. There are a large number of trees within and adjacent to the site, which are protected by a Tree Preservation Order. The trees make a positive contribution to the character and appearance of the area. It has been demonstrated, through the submission of an Arboricultural Impact Assessment, that only a small number of low-quality trees would need to be removed to accommodate the proposal. To mitigate this loss, new trees and hedging would be planted, which would infill an existing gap in the landscaping on the southern boundary of the site. New hedge planting adjacent to the access drive and parking areas is also proposed.
11. Based upon the evidence before me and my own observations on site, there is nothing to suggest that any trees would need to be removed along the site frontage to ensure that the existing visibility splays are maintained. I also note that the local highway authority is satisfied with the visibility that can be achieved from the existing access.

12. I acknowledge that given the absence of any services and facilities within the village, the very limited bus service, and the lack of footpaths and street lighting, future occupiers of the proposed new dwelling would be heavily reliant upon private vehicles. However, Policy DM27 of the Local Plan, recognises that this will be the case, and restricts development to one or two infill dwellings for this reason. Moreover, the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.
13. Given the size of the settlement and the location of the site within it, I do not consider that the proposed new dwelling would be isolated. Paragraph 79 of the Framework recognises that in smaller settlements, development in one village may support services in a village nearby. In this case the proposal could support local services in the nearby village of Sicklesmere. The larger town centre of Bury St Edmunds is only approximately 4.5 miles away.
14. I therefore conclude that the site is a suitable location for a new dwelling and that the proposal would not harmfully affect the rural character of the area. As such it would accord with Policies CS1 and CS4 of the Core Strategy, Policies DM2, DM5, DM13, DM22 and DM27 of the Local Plan and paragraphs 79 and 80 of the Framework. These policies seek to ensure, amongst other things, that development is located in appropriate locations according to its scale, is designed to respect the character, scale, density and massing of the locality and would not adversely affect important landscape characteristics.

Other Matters

15. The row of four terraced Alms Houses, known as Metcalfe Alms Houses, adjacent to the site are Grade II Listed. The significance of these houses is their age, architecture and the open setting within which they are experienced. The appeal site lies to the north of the listed buildings and is separated from these by a large area of side garden, a stone boundary wall and mature landscaping comprising protected trees.
16. The existing timber and corrugated steel-clad buildings on the appeal site are sited close to the boundary wall in an area with very limited landscape screening. Whilst modest in scale, they are viewed in context with the listed terrace and do not make a positive contribution to its setting.
17. The new dwelling would be located on the northern side of the site, further away from the listed building than the existing buildings that are to be removed. Its scale and siting, together with the removal of the existing buildings and the planting of a new hedge and tree screen that would infill the existing gap in the landscaped boundary between the listed buildings and the appeal site, would ensure that the significance of the listed buildings and their setting is preserved. As such, the statutory test ¹ would be complied with.
18. I have had regard to comments made by the Parish Council and I am satisfied that the access and visibility splays would have no impact on the protected village green. Replacement planting of trees that were subject to a Tree Preservation Order (TPO) and have been removed outside of the scope of this application are not a matter currently before me for consideration.

¹ Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

19. Whilst not a reason for refusal, the Council's report raises some concern regarding the potential effect of the development upon protected species. Having regard to the Preliminary Ecological Appraisal submitted, I am satisfied that subject to compliance with the precautionary methods set out in section 5.2 of that report, any impacts would be negligible.

Conditions

20. The Council provided a list of suggested conditions, which I have considered in line with paragraph 56 of the Framework and Planning Practice Guidance. It is necessary to impose conditions setting out the time limit in which the development must be commenced and listing the approved drawing numbers, to provide certainty.
21. Conditions to ensure appropriate external materials are used, to ensure trees to be retained are protected and appropriate new landscaping is provided are necessary to protect the character and appearance of the area. Measures to ensure that the existing access is adequately surfaced and drained and that onsite parking and manoeuvring space is provided prior to occupation of the development are necessary in the interests of highway safety. The provision of secure cycle storage is necessary to encourage cycling as an alternative means of travelling. In the interests of protecting existing wildlife and enhancing biodiversity, conditions are necessary to ensure appropriate site clearance and construction methods are used and that new habitat features are incorporated into the development.
22. As electric vehicle charging points and water consumption rates are covered by Building Regulations legislation, it is not necessary to duplicate these requirements. I have not been provided with any justification for the higher standard of water efficiency or how such a condition would be enforced. Given the small scale of the development and the space available within the site, it is not necessary to impose restrictions on the construction phase. Similarly, given the small-scale residential nature of the development, I see no reason why external lighting would be of a level that needs to be controlled. I have not been made aware of any nearby uses or activities that would justify the noise attenuation condition requested by Environmental Health. As there is ample space within the site to provide for the safe storage and collection of waste and recycling bins, as demonstrated on the approved site plan, there is no need to control this by condition. As the access is already in use and visibility splays already exist, it is not necessary to condition these.

Conclusion

23. The proposal would accord with the development plan and there are no material considerations, including the Framework, that would indicate a decision should be taken otherwise. The appeal is therefore allowed.

R Bartlett

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Location Plan Scale 1:1250, Drawing Nos. 01 B, 02 A and 03, Drawing No 8890-D-AIA, The Tree Survey, Arboricultural Impact Assessment Preliminary Arboricultural Method Statement and Tree Protection Plan dated 8th July 2022 and the Preliminary Ecological Appraisal dated 16th August 2021.
- 3) No development shall commence until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall commence until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed new hedge and tree screen indicated on Drawing No. 8890-D-AIA, including species, planting sizes and numbers. All new planting identified in the approved scheme of landscaping shall be carried out no later than the first planting season following the first occupation of the dwelling or the completion of the development, whichever is the sooner; and any trees, hedges or plants, which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.
- 5) All existing trees and hedgerows within and adjacent to the site, identified as being retained on Drawing No. 8890-D-AIA, shall be protected throughout the course of the development in accordance with the recommendations set out in the submitted Arboricultural Impact Assessment and the requirements of BS 5837 (2012) 'Trees in Relation to Design, Demolition and Construction'. The protection measures shall be implemented prior to the commencement of the development and shall be retained for the entire period of the duration of any work at the site, in connection with the development hereby permitted.
- 6) Prior to the first occupation of the dwelling hereby approved, the existing access to the site shall be properly surfaced with a bound impervious material for a minimum distance of 5 metres from the edge of the metalled carriageway, and shall incorporate measures to prevent the discharge of surface water from the development onto the public highway, in accordance with details previously submitted to and approved in writing by the Local Planning Authority.
- 7) The areas shown for the manoeuvring and parking of vehicles shall be provided in accordance with drawing No. 01 B prior to the first occupation of the dwelling hereby permitted and shall thereafter be retained and used for no other purpose.
- 8) Prior to the first occupation of the dwelling hereby approved, details of the secure, covered and lit cycle storage area to be provided shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter.

- 9) Prior to the first occupation of the dwelling hereby approved details of biodiversity enhancement measures to be provided within the site, including details of the timescale for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full, in accordance with the agreed timescales and shall thereafter be retained.
- 10) The development shall be carried out in accordance with the precautionary methods set out in section 5.2 of the Preliminary Ecological Appraisal by Aspen Ecology, which was submitted with the application.

End of Schedule