



Appeal Decision

Site visit made on 1 November 2023

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 16 January 2024

Appeal Ref: APP/W3520/W/23/3316612

Land north of Vicarage Road, Vicarage Road, Wingfield IP21 5RG

- 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 Mr Michael Bullingham against the decision of Mid Suffolk District Council.
 - The application Ref DC/22/04063, dated 12 August 2022, was refused by notice dated 10 November 2022.
 - The development proposed is the demolition of existing shed, hardstanding surround and erection of 3Nr new dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Babergh and Mid Suffolk Joint Local Plan – Part 1 (November 2023) (JLP) was adopted by the Mid Suffolk District Council on the 20 November 2023 and replaces the previous Mid Suffolk Local Plan (September 1998), Core Strategy Development Plan Document (September 2008) and Core Strategy Focused Review (December 2012). Both main parties have had the opportunity to comment on the implications of this for the appeal and I have taken the JLP into account in coming to my decision.
3. The Government published a revised version of the National Planning Policy Framework (the Framework) on 19 December 2023. Whilst this made certain revisions to aspects of national planning policy, the provisions in respect of the main issues of this case are largely unchanged. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework from the parties, and that no party would be disadvantaged by such a course of action.
4. The appeal scheme relates to an outline proposal, with all matters reserved for future consideration. I have considered the appeal accordingly. Plans have been submitted as part of the appeal which indicate how three dwellings could be accommodated on the site. I have taken this plan into account for indicative purposes only.

Main Issues

5. The main issues are:
 - the effect of the proposal on the character and appearance of the area;

- whether the appeal site would be a suitable location for the proposed development, having regard to local policy; and
- the effect of the proposal on protected species, with particular regard to great crested newts.

Reasons

Character and appearance

6. Although not cultivated, the appeal site appears to comprise part of a prominent, large agricultural field at the edge of Wingfield, which forms part of the rural approach into the village. While there are a several dwellings in close proximity, the appeal site is separated from the main bulk of the village by Goulders Farm Lane which is further delineated by a public footpath and a wide hedge row.
7. The appeal site can be distinguished from the wider field due to the change in ground cover, however there is no high-level separation. Although the parties agree that the appeal site is previously developed and there is an existing shed with an area of hardstanding on site, it visually relates most closely to the open countryside and contributes significantly to the open rural character.
8. The proposal would create a similar cul-de-sac arrangement as seen elsewhere alongside Goulders Farm Lane and would not have a deeper north to south footprint than the bulk of properties on Vicarage Lane. However, the subdivision of the agricultural field and its development with three dwellings and associated features, including areas of hardstanding would urbanise the appeal site. Due to its prominent location at the edge of the village, the proposal would result in an incongruous transition between the village and the countryside.
9. Whilst the introduction of soft landscaping would soften the effects of the proposal, the construction of a residential development on the appeal site would visually intrude into the open countryside beyond the natural boundary of the village. The proposal would greatly reduce the sense of openness on approach to the village, diminishing the contribution that the appeal site makes to its rural setting.
10. Overall, I conclude that the proposal would harm the character and appearance of the area, in conflict with Policy LP17 of the JLP which seeks to ensure development integrates with the existing landscape character of an area and reinforces local distinctiveness and identity of individual settlements. The proposal would also conflict with the Framework where it requires development to be sympathetic to local character, including the built environment and landscape setting.

Location

11. JLP Policy SP03 outlines how growth will be managed within the district, primarily focusing development within established settlement boundaries. However, development outside of the established settlement boundaries is supported where the site is allocated for development, or it is in accordance with other policies of the plan. The site has not been allocated for development within the JLP. The proposed dwellings would not be isolated, however the appeal site is located outside of the defined settlement boundary of Wingfield

and as described above, the site relates most closely to the surrounding open countryside.

12. JLP Policy LP01 supports windfall infill housing development outside settlement boundaries where there are at least 10 well related dwellings, subject to certain criteria, including not being detrimental to the character and appearance of the area and usually being limited to only one or two dwellings. JLP Policy LP01 defines infill as the filling of a small undeveloped plot in an otherwise built-up highway frontage.
13. The main bulk of Vicarage Road to the west of the appeal site primarily contains road fronting properties arranged in a uniform pattern. In contrast, the properties on Goulders Farm Lane, form a loose cul-de-sac in a backland position, comprising fewer than 10 dwellings and separates the appeal site from the rest of the village. In addition, there are no dwellings to the northeast.
14. Although it is possible for infill development to comprise more than two dwellings, in this case, the overall width of the appeal site cannot be considered small, and the adjacent development does not form a continuous built-up highway frontage within which the appeal site is located. Consequently, the proposal would not constitute an infill development as defined by JLP Policy LP01. Moreover, as highlighted above the proposal would harm the character and appearance of the area.
15. Therefore, I conclude that the appeal site would not be a suitable location for the proposed development. It would conflict with Policies SP03 and LP01 of the JLP which seek to control development within the district by identifying where growth and development should be focussed and ensuring development would not be detrimental to the character and appearance of the settlement or landscape.

Protected species

16. The appeal site comprises an open area of rough grass land with a variety of mature hedges, adjacent to open fields. The Preliminary Ecological Appraisal documents the ecological value of the site and notes that it is capable of supporting protected species locally, including bats, foraging and nesting birds, reptiles and great crested newts (GCN). Further, the proposal has the potential to affect a number of species. A series of additional ecology surveys, including a Reptile Survey, a Bird Breeding Survey and eDNA survey for GCN, were recommended to fully determine the effect of the proposal on protected species.
17. Generally, the surveys undertaken determined that subject to suitably worded conditions regarding ecological mitigation and enhancement, the proposal would not harm the status of the majority of protected species. The only exception being for GCN. The eDNA survey confirmed the presence of breeding GCN in the area and recommended further action, either in the form of a Population Class Assessment with a view to obtain a European Protected Species Licence or to join the District Level Licensing Scheme for GCN.
18. The appellant has submitted a GCN District Level Licensing Impact Assessment and Conservation Payment Certificate (IACPC) with the appeal. The IACPC has been countersigned by Natural England and indicates that the scheme meets

the favourable conservation status test and secures adequate compensation for any impact. Consequently, subject to suitably worded conditions ensuring mitigation and enhancement, I consider it unlikely that protected species would be affected by the proposed development.

19. Therefore, I conclude that the proposal would not harm protected species, with particular regard to great crested newts. The proposal would not conflict with Policy LP16 of the JLP which requires development to conserve, restore and contribute to the enhancement of biodiversity, including priority species. Similarly, the proposal would accord with the Framework where it seeks to promote the protection and recovery of priority species.

Other Matters

20. The proposal would provide three additional houses on previously developed land in a relatively accessible location. It would also contribute to the variety of properties available in the area. Whilst the Framework seeks to boost the supply of housing, the evidence indicates that the Council can provide for the required amount of housing in the area. Short term employment would be provided during the construction and in the long term the future occupiers would benefit the local economy and community by helping to sustain the vitality and viability of the existing settlement. That said the social and economic benefits of three additional dwellings would be limited and there is no indication that local services and facilities are in danger of closing. Overall, these matters do not outweigh the harm I have identified above.
21. Whilst the installation of electric vehicle charging points is commendable, this is a neutral factor which neither weighs in favour of, or against the proposal and in any event, would be expected of any well-designed development.
22. I note the planning history of the site and acknowledge the correspondence with the Council regarding matters of principle at the appeal site. However, the previous permission¹ lapsed in February 2021 and cannot be relied upon as a fallback position. Whilst I note similarities between the schemes, the policy context and the housing land supply position has changed in the intervening time, and I confirm that I have determined the appeal on its planning merits.

Conclusion

23. Overall, for the reasons given above, I conclude on balance that the proposal would conflict with the development plan as a whole, and there are no material considerations, including the provisions in the Framework and the benefits of the proposal, which indicate that the development should be determined other than in accordance with it. Therefore, the appeal is dismissed.

K Allen

INSPECTOR

¹ Application Reference: DC/17/05514