



Appeal Decision

Site visit made on 5 February 2024

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 1st March 2024

Appeal Ref: APP/F3545/W/23/3325255

**Land adjoining Tilhill House, Brandon Road, Culford, Bury St Edmunds
IP28 6UE**

- 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 Grahame Sutton against the decision of West Suffolk Council.
 - The application Ref DC/22/1934/FUL, dated 7 November 2022, was refused by notice dated 5 January 2023.
 - The development proposed is a single storey dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's decision notice referred to policies CS1, CS8, CS9 and CS10 set out in the Forest Heath Core Strategy (2010). The appellant raised comments about this being incorrect, as the appeal site is located within the former administrative area of St Edmundsbury which merged with Forest Heath to become West Suffolk Council. Following consultation on this matter, the Council has clarified that the relevant policies are CS2, CS3 and CS4 set out in the St Edmundsbury Core Strategy (2010) (CS). The appellant has been consulted on these policies and I have taken their comments into account in my consideration of the appeal.
3. The policies referred to in the Council's decision from the Development Management Policies Document February 2015 (DMPD) are relevant as this document was adopted by both previous Councils and was taken forward when the new administrative area was formed.
4. The Government published a revised National Planning Policy Framework (the Framework) in December 2023. Those parts of the Framework most relevant to this appeal have not been significantly amended. Therefore, I am satisfied that there is no requirement to seek further submissions on the revised Framework and that no party's interests have been prejudiced by my taking this approach.

Main Issues

5. The main issues are whether the site would be a suitable location for this proposal, having regard to the development plan, the accessibility of services and facilities and the character and appearance of the area.

Reasons

6. The settlement of Culford and the area nearby where the appeal site is located are not specifically referred to in the settlement hierarchy set out under Policy CS4 of the CS and therefore are considered to be in the countryside for the purposes of the development plan.
7. Policy DM5 of the DMPD relates to development in the countryside. The proposal would not represent agricultural or forestry development, equine related activities relating to the horse racing industry, an outdoor sport, recreation or tourism facility, commercial development, a replacement dwelling, affordable housing or a key worker dwelling essential for the operation of agricultural, forestry or equine related business. The remaining criteria under Policy DM5, where development will be permitted in the countryside relates to small scale residential development of a small undeveloped plot, in accordance with Policy DM27 of the DMPD.
8. Policy DM27 of the DMPD states that proposals for new dwellings will be permitted in the countryside subject to satisfying two criteria. Firstly, that the development is within a closely knit 'cluster' of 10 or more existing dwellings adjacent to or fronting an existing highway and secondly, that 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.
9. Whilst there is a cluster of dwellings located adjacent to the appeal site, there are not 10 or more existing dwellings within this closely knit group. The appeal site is also located in a backland position and whilst the appeal site is situated between existing dwellings, the proposed development would not consist of the infilling of a small undeveloped plot in an otherwise built up frontage.
10. The appeal site is removed from the main built up area of Culford. I have not been made aware of any services and facilities within Culford other than the employment opportunities at the private independent school which I saw during my site visit. The village of Ingham, approximately 2.5km from the appeal site, is identified as a local service centre under Policy CS4 of the CS and has some limited services including a Post Office and shop, public house and commercial units.
11. Although a limited range of services, facilities and employment opportunities are located within the nearby settlements of Ingham and Culford, there is no continuous separate pavement along the roads to either. Whilst only a snapshot in time, during my site visit, I noted that the road was relatively busy. There are signs stating that the maximum speed around the tight bend along the road that the appeal site has access on to is 20 miles per hour. However, the majority of the route would be the national speed limit and unlit. The verges alongside the road were narrow in width in places due to the presence of boundary hedgerows which means there would be limited opportunities for pedestrians to stand clear of the road.
12. Therefore, due to the nature of the road conditions along with the distances involved, walking to access services, facilities and employment opportunities would not be an attractive option. Cycling maybe an option for some but not necessarily attractive to a majority given the lack of separate cycle routes.

13. I note that Bury St Edmunds and Thetford are within the local area and provide a wide range of services and facilities. Nevertheless, they are some distance from the appeal site, and I have no information before me that demonstrates these settlements can be accessed from the appeal site via public transport services.
14. Whilst the appeal site would not be isolated in terms of the Framework test, given its proximity to adjacent built form, future occupants would be heavily reliant upon the private vehicle to access services and facilities required to meet day to day needs.
15. The appeal site is located in a backland position situated between two existing dwellings. Tilhill House is located to the west of the appeal site and has frontage onto the road. The appeal site shares an existing access point with Tilhill House. Another dwelling is located to the east, which is also in a backland position. The appeal site comprises an area of maintained grass and a timber workshop building which was being used for storage at the time of my site visit. A digger bucket, teleporter and materials were also stored on part of the site. A telegraph pole stands within the site along with a mature tree to the front of the workshop building. The appeal site is enclosed by boundary fencing and mature trees.
16. The Council state that the appeal site is located within the Wordwell Special Landscape Area, however, I have limited information on this designation. Nevertheless, Policy DM13 of the DMPD relates to landscape features and states that individual proposals within or adjacent to these areas will be assessed based on their specific landscape and visual impact.
17. Given the presence of the adjacent existing development and the set back position of the appeal site, it appears distinct from the wider agricultural landscape beyond to the east and west. The proposal would not appear as an encroachment of built form into the open countryside. As a result, the proposal would not undermine a visually important gap that contributes to the character and distinctiveness of the rural scene, nor would it have a harmful effect on the wider rural landscape.
18. Whilst the proposal would be visible from neighbouring properties, given the backland location of the appeal site and the presence of adjacent built form and vegetative screening, public views of the proposal would be limited. I am satisfied that existing mature trees within the site and along the boundary could be retained as part of the proposal and that conditions relating to soft landscaping, tree protection measures and landscape management could be attached to ensure the verdant character of the site is maintained.
19. During my site visit I noted the presence of the workshop building and the nature and context of the site give it a sense of it being used previously for another use. The proposed design of the dwelling would respond appropriately to the scale, detailing and appearance of the existing dwellings that the appeal site sits between. Therefore, whilst there would be some impact on the character and appearance of the site through the provision of additional built form, it wouldn't be detrimental to the surrounding area.
20. I find that the proposal would not be harmful to the character and appearance of the area and would therefore comply with Policies CS2 and CS3 of the CS and Policies DM2, DM13 and DM22 of the DMPD in relation to conserving and

enhancing the local landscape, wider countryside, local context and distinctiveness. The proposal would comply with the relevant paragraphs of the Framework in this regard.

21. Notwithstanding my findings on character and appearance, I find that the appeal site would not be a suitable location for this proposal having regard to the development plan and due to any future occupants being heavily reliant on private vehicles to access services and facilities. The proposal is therefore contrary to Policy CS4 of the CS and Policies DM5 and DM27 of the DMPD. These policies seek, amongst other things, that developments are located in line with the settlement hierarchy and that the countryside is protected from unsustainable development. The proposal would also be contrary to the Framework with regards to achieving sustainable patterns of development.

Other Matters

22. The proposal would contribute one additional dwelling to the housing supply. I accept that there would be some social benefit from the provision of a dwelling and a minor economic benefit during the construction phase and through future occupants spending in the local area. Nevertheless, given the scale of the proposal, these benefits would be limited.
23. I note that there have been previous applications for planning permission, prior approval and a lawful development certificate relating to the appeal site and that the proposal before me has been amended to resolve issues previously raised by the Council. I also note the recent delivery of the neighbouring dwelling which sits in a backland position adjacent to the appeal site, however, I have not been provided with sufficient information to understand the policy context of that scheme and whether there were other material planning considerations in that case. Nevertheless, I must deal with the appeal on its individual merits.
24. The appellant asserts that the proposal would not result in harm to highway safety or the living conditions of adjacent existing residents. Even if I were to agree, a lack of harm in these respects would be a neutral consideration and would weigh neither for, nor against the proposal.
25. The appeal site is outside of but adjacent to the West Stow and Culford Park Conservation Area (CA). The significance of the CA as a whole relates to the built form of the settlements of West Stow and Culford including Culford Hall and how these relate to the areas of woodland and open space which are an important feature. Given the spatial and visual separation from the CA, the scale of the proposal and the location of the appeal site sitting between existing built form, the proposal would not be harmful to the significance of the adjacent CA.
26. I note that a letter of support was received from an Interested Party. However, for the reasons stated above I have reached a different finding on the suitability of the location for an additional dwelling in this case.
27. The Council referred to policies within the incorrect Core Strategy in its report and decision. I acknowledge that this has been frustrating for the appellant. However, this does not weigh in favour of the proposal.

Conclusion

28. The proposal conflicts with the development plan as a whole, and there are no material considerations that indicate that I should take a decision other than in accordance with it. The appeal is therefore dismissed.

G Dring

INSPECTOR