



Appeal Decision

Site visit made on 24 March 2024

by A Hartley, LLB(Hons), Solicitor, MBA

an Inspector appointed by the Secretary of State

Decision date: 07 May 2024

Appeal Ref: APP/W3520/D/24/3336927

Last Oak Westhorpe Road, Finningham, Stowmarket, IP14 4TW

- 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 Mrs S Perrin against the decision of Mid Suffolk District Council.
 - The application Ref DC/23/04246, dated 9 September 2023, was refused by notice dated 7 November 2023.
 - The proposed development is "Erection of Cartlodge."
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Decision

1. The appeal is allowed and planning permission is granted for a cartlodge at Last Oak Westhorpe Road, Finningham, Stowmarket, IP14 4TW, in accordance with the terms of the application reference DC/23/04246 dated 9 September 2023 subject to the following 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:

Location Plan dated produced 10 September 2023; Plan, Elevations, Block Plan & Site Location Plan 2312.01A dated April 2023.
 - 3) Notwithstanding the red brick materials shown on the submitted plan reference 2312.01A, the materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building unless otherwise approved in writing by the Local Planning Authority.
 - 4) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Last Oak, Westhorpe Road, Finningham, Stowmarket, IP14 4TW.

Procedural Matters

2. Since the planning decision was issued the Babergh and Mid Suffolk Joint Local Plan Part 1 has been adopted by Mid Suffolk District Council (21 November 2023) (JLP) and supersedes the previously saved policy CS2 of the Mid Suffolk

Core Strategy (2008) and Focussed Review (2012). As the main issues remain the same it was not necessary to seek further comment.

3. The National Planning Policy Framework (the Framework) has been updated since the parties' appeal submissions have been made. However, as the revisions do not affect the matters under consideration in this appeal (other than different paragraph numbering), it was not necessary to seek further comment.

Main Issues

4. The effect of (i) the open countryside location of the proposal and (ii) the proposal on the character and appearance of the host building and the surrounding area.

Reasons

Open Countryside Location

5. Last Oak is a large detached two-storey dwelling set back from the highway within its plot, which includes both side, front, and back garden areas. It is accessed via a private drive off Westhorpe Road. It lies within the village of Finningham, which has no defined settlement limit and is therefore within an open countryside location in policy terms.
6. The Development Plan and National Planning Policy Framework (the Framework) seek to direct development to sustainable locations. Policy SP03 of the JLP only permits development outside settlements where, amongst other things, it is in accordance with Policy LP03 (residential extensions) of the JLP. The purpose of this is to ensure that when identifying the broad location of new development outside settlement limits, such development does not unacceptably impact on the intrinsic character of the countryside, and that it reduces the need for travel to access services and facilities.
7. The proposed development is for a detached cartlodge building with bedroom/home office space and ensuite over garage accommodation. I noted at the site visit that it would replace an existing outbuilding and outdoor pool. It is intended to be used as ancillary accommodation to the main dwellinghouse.
8. Having regard to the overall purpose of the Development Plan and the Framework, I consider the proposal falls to be considered within the exception in Table 5 to SP03, - LP03 (residential extensions). Case law provided in the Appellant's submissions confirms that to qualify as an "extension", a building does not have to be physically attached to the host building. In this case, the building is very close to the host building and in my view capable of being considered as an extension within the Development Plan Policy LP03. LP03 requires certain criteria to be met, which are considered below.

Character and Appearance

9. The existing dwelling has been previously extended and is predominantly timber clad, which reflects the materials used in other large, detached dwellings in the immediate area. Notwithstanding the existing extensions to the main dwelling, from my observations on site, I consider that the proposal would retain adequate outdoor amenity space and would not result in over-

development of the plot. I also find that due to the proposed orientation of the building, space would remain between it and the existing dwelling, such that it would not result in a continuous form of built development across the width of the plot. Consequently, I find the proposal complies with policy LP03(b).

10. Further along Westhorpe Road, there is a distinct difference in the character of the area. A group of semi-detached red brick houses set back from the road with grassed open frontages and a uniformity in design and rhythm dominate the next phase of street scene. Last Oak, however, relates to the character and appearance of that part of Westhorpe Road featuring larger timber clad detached dwellings set back from the highway, with prominent curtilage buildings.
11. Subject to a condition requiring materials to match the host dwelling I find that the high standard of design would maintain the character and appearance of buildings, street scene and surroundings, which in the main features large detached, timber clad dwellings with prominent outbuildings in the street scene. As such, I consider the proposal complies with policy LP03(a).
12. The proposal provides additional parking spaces within the ground floor area and limited additional accommodation of one bedroom/office space and ensuite. As such, provided that the proposal is conditional upon being used as an ancillary building to the main dwellinghouse I consider the proposal complies with Policy SP03 and LP03 of the JLP.
13. I also find the proposal complies with policies LP 23 and 24 of the JLP, in that its size, siting, scale, bulk and location is in keeping with character and appearance of the main dwelling and the surrounding area. The proposal also includes solar panels.
14. Overall, I find that the proposal complies with the provisions of the Development Plan and the Framework and there are no material considerations that indicate a decision otherwise would be appropriate.

Conditions

15. I have had regard to the conditions suggested by the Council. I have imposed a condition specifying the approved plans as this provides certainty. In the interests of the visual amenity of the area I have imposed a condition regarding materials. In the interests of sustainability, I have imposed a condition requiring the use to be ancillary to the main dwellinghouse.

Conclusion

16. Having taken into account all representations made, for the reasons given above, I conclude that the appeal should be allowed subject to conditions.

A Hartley

INSPECTOR