



Appeal Decision

Site visit made on 16 May 2024

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 May 2024

Appeal Ref: APP/X3540/W/23/3327597

Silverleys Barn, Silverleys Green, Cratfield, Suffolk, IP19 0QJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Gladwell of R G Landscape and Construction Ltd against the decision of East Suffolk Council.
 - The application Ref is DC/23/0493/FUL.
 - The development proposed is described as 'erection of 1 x No single storey dwelling'.
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Decision

1. The appeal is allowed, and planning permission is granted for the construction of 1x No. single storey dwelling at Silverleys Barn, Silverleys Green, Cratfield, Suffolk IP19 0QJ, in accordance with the terms of the application, Ref: DC/23/0493/FUL and subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues in this appeal are: 1) Whether the appeal site is an appropriate location for the proposed development, with reference to the spatial strategy in the development plan and the effect on the character and appearance of the area; and 2) Whether the proposed development would provide adequate living conditions for future occupants with reference to privacy, light and the extent of outdoor amenity space.

Reasons

The appropriateness of the location with reference to the spatial strategy

3. As part of an overarching strategy for growth set out in Policy SCLP3.1 of the *Suffolk Coastal Local Plan 2020* (LP), Policy SCLP3.2 outlines a settlement hierarchy intended to guide the location of new development. The 'countryside' is the lowest tier where new development is limited to a handful of development categories as summarised in Policies SCLP3.3 and SCLP5.3 and Table 3.4 of the LP. To support small rural communities, new housing outside of defined settlement boundaries but within existing clusters of five or more homes is a category of development that is permitted in the countryside provided the criteria in Policy SCLP5.4 of the LP are adhered to.
4. It is important to note that Policy SCLP5.4 only requires schemes to be well located to major centres, towns or villages if between three and five dwellings are proposed. This means that schemes for three homes or fewer do not need to be well related to defined settlements and the services and facilities therein.

Thus, a conflict with Policy SCLP7.1 of the LP would only occur if Policy SCLP5.4 is not adhered to. Indeed, the Council confirmed this in its submissions¹.

5. Policy SCLP5.4 supports housing in clusters subject to four criteria. In this respect the Council and appellant agree that Silverleys Green is a cluster of development, and that the proposal would not represent an extension of the built-up area into the countryside due to the enclosure provided by surrounding buildings. Accordingly, there is common ground between the Council and appellant that the appeal scheme would adhere to criteria a) and c) in Policy SCLP5.4. This is also a view that I share.
6. Criteria b) of Policy SCLP5.4 requires development to consist of infilling within a continuous built-up frontage, is in a clearly identifiable gap within an existing cluster, or is otherwise located adjacent to existing development on two sides. The use of the term 'or' could be taken to mean that a scheme need only meet one of the circumstances to adhere to criteria b).
7. The appeal site encompasses the large front garden of Silverleys Barn and is positioned between two dwellings. These dwellings form part of a discernible frontage on the western side of the lane with properties set a broadly consistent distance back from the street edge. Silverleys Barn is a notable departure from the pattern of development because it has an untypically deep front garden creating a discernible gap in the street scene. As such, the proposal would be infilling within a built-up frontage and would occupy a clearly identifiable gap within the cluster. The proposal would also have development located on at least two sides. As a result, the appeal scheme would adhere to all the circumstances listed in criteria b).
8. The final criteria states that a scheme should not cause undue harm to the character and appearance of the cluster. In this respect, the cluster of Silverleys Green is characterised by its spacious verdant street scene, which is a result of buildings being set in large plots with generous well vegetated front gardens. Indeed, houses on the western side of the lane are quite discrete. Those on the eastern side are positioned closer to the road or, in the case of a recent replacement dwelling, is very large and strident. The boundaries of the appeal site are marked by mature hedges and the deep front garden is broadly given over to lawn with some ornamental tree planting. The appeal site therefore adds to the spacious verdant character of the cluster.
9. The introduction of a new dwelling at the appeal site would erode the openness of the cluster but that is an inherent consequence of permitting infilling. Importantly, the new dwelling would be positioned to align with the houses either side and therefore respect the building line. This would ensure that a generous front garden would be retained. Moreover, the new dwelling would be single storey and thus reflective of a common building typology in the cluster. Furthermore, it would be set in from the site boundaries thereby enabling a leafy appearance to be preserved due to the retention of mature boundary hedges and several trees. As a result, the appeal scheme would not appear relatively cramped despite occupying a smaller plot than, and being comparatively close to, the two dwellings either side.

¹ See Paragraph 3.16 of the Council's Statement of Case and Page 9 of the Delegated Report, which confirms that Policy SCLP5.3 'allows development in unsustainable locations' (with reference to access to services)

10. The position of the appeal scheme to the front of Silverleys Barn would result in a tandem arrangement and the new dwelling being close to the back of its plot. This would not be an entirely alien disposition though, because Silverleys Barn, Gothic Cottage and South Cottage are positioned towards the back of their plots, as is The Silver House. Moreover, there is a large barn in front of Poplar Farm and the Silver House is located behind a large garage. In the wider area there is a vernacular cottage behind Pygphrey and plots are shallow in depth.
11. However, it would be an over statement to suggest tandem development is a common features of the area. This arrangement, which I would describe as untypical, would be visible from the footpath which runs along the southern boundary of the site. Nevertheless, a generous gap would be retained between Silverleys Barn and the proposed dwelling. In this respect neither would appear unduly cramped and the presence of both would be softened by landscaping. On balance, the tandem arrangement with the new house towards the back of its plot would be acceptable in this instance.
12. Given that the pattern of development, including the form of the cluster and the broad curtilage pattern, would not be harmed by the proposal, there would be no conflict with the objectives for Area I5 – Linstead and Framlingham Plateau Landscape Character Area. Nor would there be harm to the historic settlement referred to in the Suffolk Historic Environmental Record as Cratfield Silverlace Green. I have also carefully considered the Council's *Housing in Clusters and Small Scale Residential Development Supplementary Planning Document* and am satisfied the proposal would respect the role of spaces between buildings within the cluster. This is because the appeal scheme would retain well vegetated boundaries and a generous front garden comparable in depth to the properties either side. In this respect, the part of the existing gap that contributes positively to the character of the cluster would be retained.
13. In conclusion, the appeal scheme would adhere to the four criteria in Policy SCLP5.4 and therefore it would adhere to Policy SCLP3.2 by extension. On account of this, there is no requirement for the scheme to be well related to services and facilities. Moreover, the proposal would preserve the character and appearance of the area and thus adhere to Policies SCLP10.4, SCLP11.1 and SCLP12.34. The proposal would adhere to the spatial strategy in the development plan when considered as a whole.

The adequacy of living conditions for future occupants

14. The proposed dwelling would be oriented with most of its windows facing east towards the lane. Only a kitchen window and bedroom window would face towards Silverleys Barn. The front garden of this property would be located close to the rear elevation of the proposed dwelling. The most private garden area of Silverleys Barn is to the west of the garage and north of the property. As a result, the retained front garden may not be intensively used.
15. Nevertheless, if it were, then the occupants of Silverleys Barn would be able to look into the bedroom and kitchen of the proposed dwelling. To address this, the drawings show a newly planted hedge, the detail of which could be secured by a planning condition. If planted at sufficient maturity and depth, then the hedge would filter views and thus provide adequate privacy in this context. It is important that a hedge is planted, rather than a fence erected, to prevent the single aspect bedroom window from having an enclosed outlook. Indeed, a deciduous hedge would provide interest, seasonal variety and additional light

would be able to penetrate in the winter months. I am also satisfied that a sufficient distance would be retained with surrounding buildings to ensure no loss of light or overbearing impacts would occur.

16. The main garden for the proposed dwelling would be to the front of the property. There would be sufficient space to sit out, dry washing, store bins and erect a small shed/bike store. The parking area would dominate the garden but there would still be a reasonably large area of greenery where future residents could garden, and small children could play. This would not be immediately next to the bungalow but would not be far from it. That said, the orientation of the garden to the front of the property is untypical and could result in both a loss of privacy and domestic paraphernalia being on show. However, in this instance, the garden would adjoin a quiet country lane and a mature front boundary hedge would ensure adequate screening and privacy. The drawings also show a hedge planted around the patio as a means of providing a private sitting out area screened from the lane, public footpath and the access track to Silverleys Barn.
17. In conclusion, and subject to conditions, the appeal scheme would provide a dwelling with adequate light, privacy and outdoor amenity space. Accordingly, there would be no conflict with Policy SCLP11.2 of the LP or Paragraph 135(f) of the National Planning Policy Framework, which both seek high standards of amenity for future occupants.

Other Matters

18. Local residents have raised concerns that a newly built home is being proposed when properties nearby are empty and, in the case of Gothic Cottage, appear to be deteriorating. These are understandable frustrations, but they do not render the appeal scheme unacceptable, especially as the Council has powers to deal with empty homes. I understand that water puddles on the lane as demonstrated by photographs submitted by interested parties. That said, the evidence before me does not demonstrate the appeal site is at medium to high risk of surface water flooding, or indeed any source of flooding. As a result, there is no need to apply the sequential test or for a flood risk assessment to be submitted. Foul drainage would be addressed via building regulations.
19. The Local Highway Authority has not raised any concerns with the level or location of parking, the potential for damage to the road during construction or the additional use of the access. Given what I observed on site, I have no reason to disagree with this expert view. There would be space for delivery vehicles to pull off the lane and bins to be stored. The property may be rented out, but this is not a matter that requires consideration in this instance as substantive evidence is not before me to demonstrate this would be harmful.
20. Poplar Farm and is a Grade II listed building and the appeal scheme would be within its setting. It is a very attractive thatched cottage typical of the local rural vernacular. It therefore has architectural, aesthetic and historic value and significance. The verdant semi-rural setting of the building is important to how its rural significance is experienced. Breathing space around the building also allows its architectural quality to be understood, studied and appreciated. The appeal scheme, being single storey and recessive in appearance, would not compete with the listed building. Space would also be retained for landscaping, including boundary planting. This would maintain the verdancy of the locality. The proposal would therefore preserve the setting of Poplar Farm. The same

analysis is broadly applicable to South Cottage, which is also a Grade II listed building located a little way to the north of the appeal site.

21. Gothic Cottage is an attractive period property that appears to retain much of its original form and detailing despite being neglected in recent times. It is therefore of architectural significance. On account of this, it is a non-designated heritage asset because the degree of significance and interest merits consideration in my assessment. The scale and siting of the appeal scheme, alongside the retention of the intervening hedge, is such that the setting of this building would be preserved.
22. The Council has referred to a couple of appeal decisions², but in both instances I understand that the Inspector found a conflict with Policy SCLP5.4. Therefore, the circumstances are not the same as the scheme before me, where a conflict with the policy would not occur for the reasons already given.

Conditions

23. I have considered the advice in the Planning Practice Guide and the conditions suggested by the Council. In addition to the standard commencement condition, it is necessary to impose a drawings condition in the interests of precision. Conditions relating to materials, landscaping, land contamination and removal of permitted development rights are necessary in the interests of safeguarding the character and appearance of the area and providing adequate living conditions. Permitted development rights must be removed for fencing given the importance of soft landscaping to the character and appearance of the area. To safeguard biodiversity, conditions are required to secure mitigation and enhancement measures.
24. The appeal site is already served by an existing access with a hardened cross over. It is unclear why the Council is seeking access improvements including a bound surface. Consequently, it has failed to demonstrate the necessity of a condition along these lines. Similarly, the submitted drawings show the existing field gate back from the highway and proposed bin storage area logically positioned next to parking spaces. It is therefore unclear why further details are being sought and consequently the Council has not demonstrated the necessity of conditions along these lines either. It is however necessary to secure further details of the cycle store shown on the drawings prior to occupation in the interests of promoting sustainable transport. Although the site is in an area of archaeological potential the County Archaeologist has not requested a condition and one has not been recommended by the Council.

Conclusion

25. The appeal scheme would adhere to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal has succeeded.

Graham Chamberlain
INSPECTOR

² APP/X3540/W/22/3309813 and 3301185

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans or any other plans approved pursuant to a condition hereby imposed:
 - 1193/08 R4 – Proposed Site Plan,
 - 1193/07 R4 – Proposed Site Plan with RPA,
 - 1193/09 R3 – Visibility Splay,
 - 1193/05 R1 – Roof Plan,
 - 1193/01 R2 – East Facing / North Facing Elevation,
 - 1193/02 R2 – West Facing / South Facing Elevations,
 - 1193/04 R2 – Ground Floor Plan;
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials, colours and finishes specified in the application details and plans and thereafter retained as such.
- 4) Prior to the occupation of the dwelling, a landscaping scheme based on that outlined in Drawing 1193/09 R3 shall have been submitted to and approved in writing by the local planning authority. The scheme shall include details of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. It shall also include details of all proposed planting, including location, species, size at planting and planting density.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out during or before the first planting and seeding seasons following the occupation of the buildings.

Any trees 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) Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Ecology Report (MHE Consulting, February 2023, REV 1) as submitted with the planning application and agreed in principle with the local planning authority prior to determination.
- 6) No removal of hedgerows, trees or shrubs, brambles, ivy and other climbing shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority
- 7) Before the development is occupied details of the area for cycle storage indicatively shown on Drawing No. 1193/08 R4 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 for no other purpose

- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of the hereby approved dwellinghouse.
- 9) In the event that contamination which has not already been identified to the Local Planning Authority (LPA) is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority. Unless agreed in writing by the LPA no further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety.

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS 10175:2011+A1:2013 and CLR11) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

Where remediation is necessary a detailed remediation method statement (RMS) must be prepared and is subject to the approval in writing of the Local Planning Authority. The RMS must include detailed methodologies for all works to be undertaken, site management procedures, proposed remediation objectives and remediation criteria.

The approved RMS must be carried out in its entirety and the Local Planning Authority must be given two weeks written notification prior to the commencement of the remedial works. Following completion of the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation must be submitted to and approved in writing by the LPA.

End of schedule