



Appeal Decision

Site visit made on 5 March 2024

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 28th June 2024

Appeal Ref: APP/W3520/W/23/3322793

Land north of Dagwood Farm, Ashfield Road, Elmswell, Bury St Edmunds, Suffolk IP30 9HJ

- 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 Robert Dyball against the decision of Mid Suffolk District Council.
- The application Ref DC/22/06230, dated 14 December 2022, was refused by notice dated 8 March 2023.
- The development proposed is the development of bungalow, highways improvements and ecological enhancements of the site.

This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 2nd April 2024

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the site address from the Council's decision notice as this is more detailed and accurate than that provided in the application form.
3. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach.
4. The Council adopted the Babergh and Mid Suffolk Joint Local Plan - Part 1 (the JLP) in November 2023. Accordingly, the development plan policies previously relied upon by the Council in its decision have been superseded by those in the JLP. The Council advised which policies of the JLP were relevant to this appeal and the appellant has had an opportunity to comment on this as part of the appeal process.

Main Issues

5. The main issues are: whether the proposal would be consistent with the Council's spatial strategy; whether the proposal is in a suitable location for housing having regard to the accessibility of the site to services and facilities; and the effect of the proposal on the setting of a listed building.

Reasons

Spatial Strategy

6. The appeal site is an area of land set back from the western side of Ashfield Road, located outside of the Elmswell settlement boundary. It was formerly in equine use as a paddock linked to Bennetts Farm. The surrounding area comprises a range of uses but has a notable residential feel with a variety of property styles and forms along Ashfield Road. Immediately to the south of the site construction of an additional dwelling is under way, and further south the Grade II Listed Building of Dagwood Farmhouse is located.
7. Policy SP03 of the JLP states that outside of settlement boundaries development will only be permitted in certain circumstances, including where it is in accordance with certain policies such as Policy LP01 of the JLP. Policy LP01 relates to proposals for windfall infill development, defining infill as the filling of a small undeveloped plot in an otherwise built up highway frontage. It states that proposals for such development outside of settlement boundaries where there is a cluster of at least 10 well related dwellings will be acceptable subject to certain conditions.
8. The appeal site sits within close proximity to a variety of dwellings, such that the proposal would be well-related to numerous residential properties nearby. However, even if this were to amount to a cluster of 10 well related dwellings, the proposal would not meet the test of Policy LP01 due to its positioning. I observed examples of built up frontages along certain sections of Ashfield Road, with linear placement of development directly abutting the highway. However, the appeal site does not represent an undeveloped plot in such a frontage. Both the site itself and the immediately neighbouring development to the south are set significantly back from Ashfield Road, such that the proposal would not fill a gap in, or form part of, a built up highway frontage.
9. While I acknowledge that set back development accessed via long driveways is not uncommon in the vicinity, this does not alter the fact that the positioning of the proposal relative to both Ashfield Road and neighbouring development would not be infill development for the purposes of Policy LP01. Accordingly, the proposal would not meet the test of this policy. There is also nothing before me to suggest that the proposal would benefit from one of the other circumstances for development outside of settlement boundaries as listed in Policy SP03.
10. I note the appellant's comments relating to the age of the settlement boundaries, which have not been updated in the JLP. I further acknowledge the level of development that has taken place to the north of Elmswell, and the reference to a previous decision of the Council which suggested that being outside of the settlement boundary was not a determinative factor. However, I must make my decision on the merits of the scheme before me, and in accordance with the current policy position. Policy SP03 is clear that the settlement boundaries defined on the Policies Map are carried forward without change at the present time. While there is an expectation that settlement boundaries will be reviewed in the future, it remains that at the present time the appeal site lies outside any designated settlement boundary.
11. For the reasons given above, the proposal would not be consistent with the Council's spatial strategy. As such, it would fail to comply with Policies SP01,

SP03 and LP01 of the JLP insofar as they relate to development outside of settlement boundaries.

Suitable Location

12. The Framework seeks at paragraph 84 to avoid development of isolated homes in the countryside, subject to certain exceptions. It has been established that in this context the term isolated should be given the ordinary meaning. The main parties agree that the proposal would not represent an isolated home and, due to the presence of surrounding properties, I have no reason to disagree.
13. This is, however, a separate consideration from the accessibility of services. I observed during my visit that Elmswell contains a range of services, to include convenience stores, churches, restaurants, a pub, a school, a post office and a doctor's surgery. While I do not doubt that residents of Elmswell and the immediate surrounds may travel to access larger scale services, and note the presence of the railway station in this regard, it nevertheless remains that there is an ample range of facilities in Elmswell to support day to day living.
14. The site is outside of the settlement boundary of Elmswell. I accept that future occupiers of the proposal could cycle along Ashfield Road, and that the site is within a reasonable walking time to the services of Elmswell, with a section of this journey on foot being via an established public footpath. Nevertheless, it remains that this trip would still involve walking along an unmade track in grass verges for a not insignificant portion of the journey within the vicinity of the site before joining up with the footpath.
15. While this would not be the case for the entirety of the trip, this track is narrow and uneven, directly abutting Ashfield Road, which is likely to be serving passing traffic. Overall, it would be an unsuitable option for wheelchair users, people with limited mobility or those travelling with pushchairs. In addition, combined with the limited lighting serving the track, future occupiers of the proposal would be unlikely to undertake this journey on foot at night or during poor weather conditions. While reference has been made to the presence of bus services, limited substantive information on the nature and frequency of such services, or the position of bus stops relative to the appeal site, has been provided. During my visit I did not observe a bus stop within the immediate vicinity of the site, such that it is likely the access to bus services would also require travelling on foot via grass verges or unmade tracks, as is the case for accessing Elmswell train station.
16. Based on my observations there would therefore be limited opportunity for future occupiers of the proposal to access services and facilities for day to day living by means other than private vehicle. Even acknowledging that the proposal would reuse previously developed land, that opportunities to maximise sustainable transport will vary between urban and rural areas, that it would be located among other dwellings, and that car journeys into Elmswell may be short, it remains that there would likely be an unduly heavy reliance on private vehicles arising from the proposal due to the nature of the journey required from the site to the services.
17. I note previous decisions of the Council, made prior to the adoption of the JLP, found that residential development in the vicinity of the appeal site, including that dwelling under construction immediately to the south of the site, would have adequate access to the services and facilities of Elmswell. Nevertheless, on the basis of my observations and the information before me I have found that the walking route to Elmswell would not represent a suitable or realistic choice for

future occupiers. For the reasons outlined above I find that there would be an unduly heavy reliance on private motor vehicles to access such services.

18. In addition, while future occupiers would utilise the existing local services and work would be provided during the construction of the proposal, given its single dwelling nature and the temporary construction period, it would overall provide limited maintenance or enhancement to the vitality of rural communities, which would not outweigh the harm identified due to the heavy reliance on private vehicles. As such, overall the appeal site would not represent a suitable location for a dwelling.
19. For the reasons given above, the proposal would not be in a suitable location for housing having regard to the accessibility of the site to services and facilities. As such, it would fail to comply with Policy LP24 of the JLP which states that development should prioritise movement by foot, bicycle and public transport and to the provisions of the Framework which seek to promote sustainable transport.

Listed Building

20. The appeal site is located to the north of the Grade II Listed Building of Dagwood Farmhouse, which derives its significance from its traditional architectural style reflective of its historic rural environment and agricultural setting in addition to its pattern of rural development in connection with a grouping of other listed farmhouse buildings to the south. Special regard must be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses when dealing with planning applications.
21. Although some distance to the north, from certain viewpoints the proposal would be experienced in the context of the Farmhouse. Accordingly, it would be within the setting of this listed building. However, this setting comprises a range of other development, including both former farm buildings that have been converted to residential use, and the development of a dwelling which I observed to be in construction between the site and the listed building. On the basis of the information before me the proposal would be of a similar style and design to this approved dwelling being constructed.
22. It is within this setting that the proposal would primarily be experienced, immediately adjacent to, and separated from the listed building by, a dwelling of a notably similar design to that proposed such that it would not in its own right erase a sense of undeveloped land between Dagwood Farmhouse and modern development to the north. The proposal would not be an incongruous addition that would unduly alter the current setting of the listed building, but would be a continuation of a form and style of development within the setting. Rather than reading as out of place within or immediately adjacent to the farmyard, the intervening distance and development would ensure the proposal is seen as a separate element of the streetscape. It would not unduly visually compete with Dagwood Farmhouse and its positioning to the north would also have no impact on the rural pattern of development that Dagwood Farmhouse shares with the other listed buildings to the south.
23. I acknowledge the approved dwelling adjacent to the site provided benefits in removing buildings of limited architectural merit, and that the scheme does not provide such benefits. Nevertheless, given its construction status this approved dwelling makes a contribution in its own right to the setting of the listed building, within which the proposal would be experienced.

24. As such, even acknowledging its positioning relative to the listed building, the proposal would not erode any of the elements which contribute positively to its special interest and significance. It would not detract from the setting of this heritage asset or the ability to appreciate and understand it. Overall, it would have a neutral effect on the setting of the listed building and would not result in harm to its significance as a heritage asset.
25. For the reasons given, I have found that the proposal would not result in harm to the setting of a listed building. As such, it would comply with Policies SP09 and LP19 of the JLP insofar as they relate to preserving the historic environment.

Other Matters

26. The appellant has referred to discussions with the Council both prior to the application being made and during the application period, including asserting that assurances were made that planning permission would be granted. This has little relevance to my assessment of the planning merits of the appeal, with pre-applications discussions with the Council carrying limited weight.
27. Reference was made to numerous decisions relating to the consistency of the local development plan with the Framework. However, the JLP has now been adopted, with its policies having been recently examined and found to be sound. On that basis, the JLP is not out of date and the proposal is not subject to the test set out in Paragraph 11 d) ii) of the Framework.
28. The Council has also referred to an appeal decision¹, which refused permission for a residential scheme within the vicinity of the site. I note the different circumstances of this scheme. Similarly, I note that the appellant has made reference to numerous decisions within the area. Each application is decided on its own site specific merits and reference to development elsewhere will carry little weight. For the avoidance of doubt I have made my decision on the basis of the merits and circumstances of the appeal proposal before me
29. Environmental benefits of the proposal have been noted, including the incorporation of PV panels, electric vehicle charge points, solar water heating, ground source heat pump and triple glazing and the ecological enhancement proposed. It would also have social and economic benefits and contribute to the local economy in providing construction jobs, new customers to surrounding shops and services thus enhancing and maintaining the local facilities. Reference has also been made to the fact that payments would be received through CIL, council tax and housing bonus payments. However, due to the single dwelling nature of the development these benefits are limited.
30. The proposal would contribute to the housing mix and supply of the area, among other residential development. However, overall this benefit attracts only moderate weight given the single dwelling nature of the proposal. Even when taken together with the other matters listed above, this would not outweigh the harm identified.
31. The Council has made reference to Policies SP10, LP15, LP16, LP23 and LP27 of the JLP. These deal with climate change, environmental protection, biodiversity, sustainable construction and design, and flood risk respectively. These are not matters that are in dispute in this case.

¹ APP/W2520/W/22/3305372

Conclusion

32. I have found that the proposal would not result in harm to the setting of the listed building of Dagwood Farmhouse. This represents a lack of harm, which is neutral in the planning balance. Even when taken together with the other matters outlined above, this would not outweigh the harm I have found resulting from the failure of the proposal to: be consistent with the Council's spatial strategy; and be in a suitable location for housing having regard to the accessibility of the site to services and facilities.
33. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR