



Appeal Decision

Site visit made on 13 August 2024

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2024

Appeal Ref: APP/W3520/W/24/3336286

The Willows, Park Road, Wetherden, Stowmarket, IP14 3JS

- 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 K Eastham against the decision of Mid Suffolk District Council.
 - The application Ref is DC/23/04563.
 - The development proposed is the erection of 2 No. single storey residential dwellings with garages and new vehicular access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are: i) the extent to which the proposal would be sustainable development; ii) whether the proposal is good design and of sustainable construction.

Reasons

3. The appeal site is occupied by a detached bungalow, built post war and set back from the eastern side of Park Road. It is part of a small group of dwellings that project to the south from the main part of the village of Wetherden. There is other residential development on the opposite side of Park Road that extends further to the south, projecting into the agricultural countryside. The group of dwellings of which the appeal site is part, has similar countryside to the east and south. Within this group, the 5 dwellings to the south have had development within what had been their rear curtilages, one dwelling at the back of each frontage bungalow.

The extent to which the proposal would be sustainable development

4. The starting point is the development plan, which in this case is the recently adopted Babergh and Mid Suffolk Joint Local Plan – Part 1 (JLP). This was adopted in November 2023. Policy SP03 – ‘The sustainable location of new development’ carries forward settlement boundaries from earlier Local Plans and Core Strategies without change. The site is not within a settlement boundary and Wetherden does not have a Neighbourhood Plan.
5. As far as is relevant to this appeal, Policy SP03 includes the statement “Outside of settlement boundaries, development will normally only be permitted where:
a) the site is allocated for development, or b) it is in accordance with a

Neighbourhood Plan, or c) it is in accordance with the policies of this Plan listed in Table 5; or d) it is in accordance with paragraph 80¹ of the NPPF 2021" (the National Planning Policy Framework).

6. JLP Table 5 of Policy SP03 includes a number of development categories: of relevance here is infill housing development. This is relevant since row LP01(1) of Table 5 is 'infill housing development'. The opening statement of Policy LP01 begins "1. Proposals for windfall infill¹⁸ development outside settlement boundaries". It will be seen that footnote 18 provides a definition of 'infill' as "The filling of a small undeveloped plot in an otherwise built-up highway frontage." This, or similar wording, is widely used in planning policies.
7. The appellant suggests that Policy SP03 has already been found to be fundamentally flawed, and sets out a number of arguments to support this contention, including that it is more restrictive than the NPPF. A written representation appeal is not a suitable vehicle to challenge the soundness of an recently adopted development plan, especially when the examination of the plan will have tested the soundness against a recent version of the NPPF. In determining an appeal proposal, in accordance with s38(6) of the Planning and Compulsory Purchase Act 2004, decisions must be made in accordance with the development plan, unless material considerations indicate otherwise. Of course, the NPPF is a material consideration of importance.
8. The appeal proposal is not infill development according to the definition in the JLP, and is not supported by the relevant policies of that plan. It is therefore appropriate to look at other material considerations.
9. The appeal site is set within the established residential area of Wetherden village. The village of Wetherden is located approximately 1.5km to the east of Elmswell and 5km to the west of the town of Stowmarket. Stowmarket is the largest urban centre in Mid Suffolk District. Elmswell is one of the four largest villages in the district. Both Elmswell and Stowmarket benefit from railway stations on the Ipswich to Cambridge line. Stowmarket Railway Station is also on the Norwich to London Railway Line.
10. In particular, paragraph 83 (was 79) of the NPPF states in part "*To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities*" *"Where there are groups of smaller settlements, development in one village may support services in a village nearby"*.
11. The appellant contends that the proposed development would not only help to support the local pub, The Maypole, but it would also help to support the local services and facilities in the nearby villages of Haughley and Elmswell. Both are nearby: Haughley is relatively small but has a number of facilities. It is not fanciful to suggest that additional residential development in Wetherden would help support facilities in Wetherden itself, but also in Haughley and Elmswell. Wetherden is an established village close to the larger settlements, and therefore not requiring extensive journeys by motor vehicles, and equally is reasonably close to railway stations, enabling journeys to Cambridge, Norwich and Ipswich, and beyond.

¹ This is now paragraph 84 of the NPPF of December 2023

12. As I have stated, the NPPF is a material consideration of importance, and paragraph 83 lends support to the appeal proposal. That support does not fit with the development plan policies already mentioned, but such policies cannot govern every eventuality, as the inclusion of the word 'normally' implies, and it is necessary to consider whether particular circumstances in an individual case warrant a decision that is not in strict accord with the plan.
13. The site is within the built up area of an established village, which is close to other villages and a town, there are railway stations giving access to large towns and cities. The proposal is therefore in a reasonably sustainable location, as would be an infill proposal in the village, allowed by the JLP.

Whether the proposal is good design and of sustainable construction.

14. The Willows benefits from a substantial plot. The existing access and parking area would be retained to serve the existing dwelling, with an additional access and driveway proposed within the front curtilage lawned area, on the south side of The Willows, serving the two proposed dwellings. Each bungalow would have a detached garage. Whilst this deals acceptably with avoiding kerb-side parking, the design is dominated by hard surfacing access and car parking.
15. However, the density of the development is greater than the backland development that has taken place to the south. It does not reflect the character of the rural village. The private amenity areas are small, especially that of plot 1. There would be little scope for soft landscaping which is a reasonable requirement for a situation on the edge of the open fields. The bedrooms of plot 2 would be passed by the vehicles associated with plot 1. The proposal represents a cramped form of development. For these reasons, the proposal does not provide for reasonable living conditions and does not amount to good design.

Conclusion

16. I have taken account of all other matters, including the sustainable construction point in the refusal reasons. A condition could deal with that, had planning permission been granted. However, whilst the location of the site is reasonably sustainable, for the reasons that I have explained in paragraphs 14 to 15, the proposed development represents over-development of the site, does not provide reasonable living conditions for future occupiers, and does not amount to good design. For these reasons the appeal will be dismissed.

Terrence Kemmann-Lane

INSPECTOR