

Appeal Decision

Site visit made on 23 September 2024

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 October 2024

Appeal Ref: APP/W3520/D/24/3342065

2 Rooks Mead, Barrells Road, Thurston, Bury St Edmunds IP31 3SF

- 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 T Lucas against the decision of Mid Suffolk District Council.
 - The application Ref is DC/23/05885.
 - The development proposed is a shed, greenhouse and picket fence.
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Decision

1. The appeal is allowed and planning permission is granted for a shed, greenhouse and picket fence at 2 Rooks Mead, Barrells Road, Thurston, Bury St Edmunds IP31 3SF in accordance with the terms of the application, Ref DC/23/05885.

Preliminary Matter

2. The shed, greenhouse and picket fence are present on the site, and I am therefore determining the appeal on this basis. I have amended the description of development in the banner heading and my formal decision to remove reference to retention as this is not an act of development under Section 55 of the Town and Country Planning Act 1990.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site comprises No 2 Rooks Mead (No 2), a detached two-storey dwelling positioned within a row of dwellings forming Rooks Mead and Maplefields. To the rear are large gardens with associated domestic paraphernalia and outbuildings, including sheds and greenhouses. To the rear of the gardens, the land is open with a raised bank separating the land from the railway and the fields beyond. The rear part of the appeal site has permission for use in association with the residential purposes of No 2.
5. The Council raises concerns about the principle of the proposal with regard to Policy SP03 of the Babergh and Mid Suffolk Joint Local Plan 2023 (JLP) and Policy 1 of the Thurston Neighbourhood Development Plan 2019 (NP), because for the purposes of the policies the appeal property is not within a settlement boundary. Policy SP03 of the JLP has two main objectives,

referred to in the supporting text, which are to accommodate development in settlements where the need to travel can be reduced; and to safeguard the intrinsic character of the countryside. In addition, Policy 1 of the NP sets out the spatial strategy in Thurston for guiding new development in the NP area.

6. The development in this case cannot reasonably be said to have a direct bearing on the first objective as it would be on land that is used in association with the residential use of the dwelling. Moreover, the Council indicates that permitted development rights for the erection of buildings and fences were restricted to the rear part of the site in the interests of the amenity of the locality and to safeguard local distinctiveness. Consequently, for these reasons, it is reasonable that the main consideration in this case is the effect of the proposal on the character and appearance of the area.
7. The development is on land immediately adjacent to the rear garden of No 2 and is used in association with the property. The visual effect of the development is limited due to its small scale and the discreet position adjacent to an outbuilding. While there are fleeting views of the development from Barrels Road, the shed, greenhouse and fence are primarily seen within the context of the neighbouring dwellings and their associated gardens. Moreover, the scale, form and material finish of the development accords with the typically domestic character of the area.
8. I conclude that the development does not harm the character and appearance of the area. The scheme therefore accords with Policies LP17 and LP24 of the JLP and Policies 4 and 9 of the Thurston Neighbourhood Plan 2019, which requires all development to be of high quality design, including responding to and safeguarding the existing character/context and to minimise the impact on the landscape and the rural environment.

Other Matters

9. Concerns have been raised that the scheme would set a precedent for future development in the area. Nevertheless, where planning permission is required for similar development, each proposal should be considered on its individual merits and with appropriate regard to the development plan and any material considerations.

Conditions

10. As the development has already taken place, it is not necessary to impose a condition requiring that it is carried out in accordance with the approved plans.
11. The Council has suggested a condition requiring the submission and implementation of a biodiversity enhancement plan. However, householder developments, such as the appeal scheme, are currently exempt from biodiversity net gain requirements. Accordingly, I do not consider such a condition would be reasonable or necessary and would not meet the tests, as set out in Paragraph 57 of the National Planning Policy Framework.

Conclusion

12. For the reasons given above the appeal should be allowed.

J Pearce

INSPECTOR