

Appeal Decision

Site visit made on 23 September 2024

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 November 2024

Appeal Ref: APP/F3545/W/24/3337628

**Land adjacent Bungalow 4, Stanchils Farm, Stanchils Farm Lane,
Hengrave, Bury St Edmunds, Suffolk IP28 6NB**

- 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 Luke Humphreys and Miss Alexandra McDonnell against the decision of West Suffolk Council.
 - The application Ref is DC/23/0566/FUL.
 - The development proposed is a 3-bedroom bungalow on a site that forms part of a farm but is only used for domestic purposes (currently maintained by farm).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application form states that the appeal site is 'No 5 The Bungalows', whereas the appeal form and decision notice refer to the site as 'Land adjacent Bungalow 4'. I have taken the address from the appeal form as this is a more precise description of the site address. I do not consider that this has prejudiced any of the parties and I have proceeded on this basis.

Main Issues

3. The main issues are:
 - whether the site is a suitable location for housing having regard to development plan policy and accessibility to services and facilities; and
 - the effect of the proposed development on the character and appearance of the area.

Reasons

Suitable location

4. The appeal site is an undeveloped parcel of land fronting Stanchils Farm Lane. The site is within a row of five dwellings, which are contained by mature trees surrounded by open fields. Beyond a wooded area to the side of the detached dwelling is a collection of converted farm buildings, cottages,

a farmhouse and agricultural buildings. The site lies outside of any defined settlement boundary and the site is therefore an area designated as countryside for planning purposes.

5. Policy DM5 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document 2015 (JDMPD) states that such areas will be protected from unsustainable development. The policy makes provision for small scale residential development of a small undeveloped plot, in accordance with Policy DM27 of the JDMPD.
6. Policy DM27 sets out the criteria by which new dwellings will be permitted in the countryside. Criterion a) requires that the development is within a closely knit 'cluster' of 10 or more dwellings adjacent to or fronting an existing highway. Although the site currently separates a detached two-storey dwelling from the remaining two pairs of semi-detached bungalows, the properties are closely related to each other and form a group of dwellings.
7. The other dwellings referred to above are largely set back from Stanchils Farm Lane. While there may have been historical links between the two groups of dwellings relating to the agricultural use of the area, a considerable area of woodland creates a clear physical separation between them. Given the separation distance and intervening features, the two areas of dwellings would not comprise a single closely knit cluster of 10 or more existing dwellings adjacent to or fronting an existing highway, as required by Policy DM27 of the JDMPD.
8. The site is detached from the nearest settlements and remote from everyday services and facilities. Furthermore, there is a lack of suitable footways and street lighting, which may discourage walking and cycling. In addition, there is no indication as to the proximity of bus stops to the site or the service provision available. Accordingly, the likelihood is that future occupiers would be reliant on private vehicles to access facilities and services in larger settlements. The appellants indicate that the increased use of electric vehicles would make the site more sustainable. Nonetheless, there is no mechanism to obligate future occupants of the dwelling to use electric vehicles.
9. Policy DM5 of the JDMPD makes provision for a dwelling for a key worker essential to the operation of agriculture, forestry or a commercial equine-related business. The dwelling would be occupied by one of the appellants, who is a locally employed electrician with a working relationship with the farm. While the dwelling would be close to the appellant's place of work, it has not been adequately demonstrated that the appellant is a key worker essential to the operation of agriculture, forestry or a commercial equine-related business. Consequently, the proposal would not accord with this element of Policy DM5 of the JDMPD.
10. I conclude that the site would not be a suitable location for the proposed development having regard to the development strategy and the accessibility of services and facilities. The development therefore conflicts with Policy CS1 of the St Edmundsbury Core Strategy 2010 (CS), which sets out the spatial strategy for development and Policies DM5 and DM27 of the JDMPD, which collectively seek to protect the countryside from unsustainable development.

Character and appearance

11. The row of dwellings within which the site is situated is typically set back from Stanchils Farm Lane and is visually contained by the mature wooded areas to the side and rear. Each is set within generous plots, giving a spacious feel to the area.
12. The proposed dwelling would be single storey in scale with a forward projecting gable, reflecting the scale and design of the neighbouring bungalows. The dwelling would be set in from the side boundaries and, given that it would be set back from the frontage, it would retain the spacious character of the area. While the dwelling would occupy an undeveloped plot and be visible from the lane, it would not appear out-of-character given the presence of the dwellings on either side of the site.
13. The dwelling would have a similar height to the neighbouring bungalows. In addition, the proposal would retain the boundary hedges, including that to the front. Moreover, the wooded area that wraps around the row of dwellings would significantly reduce the visual effect of the development within the wider landscape. Consequently, the dwelling would not appear incongruous or visually intrusive within the rural setting.
14. I conclude that the proposal would have an acceptable effect on the character and appearance of the area. The development would therefore accord with Policy CS3 of the CS and Policies DM2 and DM22 of the JDMPD, which collectively require proposals to recognise and address the key features, characteristics, landscape character, local distinctiveness and special qualities of the area and utilise characteristics of the locality to create buildings and spaces that have a strong sense of place and distinctiveness and the Framework, which requires that developments are well-designed and are sympathetic to local character.

Other Matters

15. The site is located within the 7.5km buffer zone of the Breckland Special Protection Area. Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 indicates that the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposed development. Therefore, given my overall conclusion on the first main issue, it is not necessary for me to consider this matter in any further detail.
16. I have had regard to concerns raised by the appellant about the way that the Council handled the application. Nonetheless, this issue is a procedural point, which is not relevant to my consideration of the case before me.

Planning Balance

17. The proposed development would deliver a single dwelling, which would provide a boost to the supply of housing through the efficient use of land and existing infrastructure. In addition, the proposal would deliver social and economic benefits both during construction through the creation of jobs, and following occupation through the use of facilities and services in the surrounding settlements. However, the contribution of a single dwelling and the associated benefits are limited by the scale of development proposed.

18. The appellant asserts that the dwelling would make a contribution to meeting the Council's requirements in respect of self-build and custom housing. There is no substantive evidence that demonstrates that shortfall and whether the Council is not meeting its requirements in this regard. Moreover, there is no mechanism before me, including a planning obligation, that would ensure that the proposed dwelling would contribute to the delivery of self-build and custom housing.
19. The scheme would deliver an energy efficient dwelling, utilising renewable energy features and would provide an opportunity to deliver biodiversity enhancements. Moreover, the living conditions of the occupants of neighbouring properties would be safeguarded, whilst the proposal would not harm the character and appearance of the area. Nevertheless, I note that these elements are minimum requirements of planning policy and are therefore neutral in the planning balance.
20. I acknowledge the intention to improve security at the appeal site, reduce costs relating to the maintenance of the land and the spread of seeds, and note the lack of any objections to the scheme. However, these elements would only be of limited benefit in favour of the proposal.
21. Taking the stated benefits together, collectively there would be limited benefits associated with the appeal scheme. However, the harm that would result from conflict with the spatial strategy of the development plan would be of greater significance.

Conclusion

22. The proposal conflicts with the development plan. The material considerations do not indicate that a decision should be made other than in accordance with the development plan. For the reasons given above the appeal should be dismissed.

J Pearce

INSPECTOR