



Appeal Decisions

Site visit made on 29 October 2024

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2024

Appeal A Ref: APP/W3520/W/24/3340356

Hemingstone Fruit Farm, Main Road, Hemingstone, Suffolk IP6 9RJ

- 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 J Gorham against the decision of Mid Suffolk District Council.
 - The application Ref is DC/23/03872.
 - The development proposed is the erection of additional E(g) business units building, and associated works.
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Appeal B Ref: APP/W3520/W/24/3348237

Hemingstone Fruit Farm, Main Road, Hemingstone, Ipswich IP6 9RJ

- 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 J Gorham (C&L Construction Ltd) against the decision of Mid Suffolk District Council.
 - The application Ref is DC/24/01438.
 - The development is the continued use of land for storage associated with C&L Construction Ltd.
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Appeal C Ref: APP/W3520/W/24/3348238

Hemingstone Fruit Farm, Main Road, Hemingstone, Ipswich IP6 9RJ

- 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 J Gorham (C&L Construction Ltd) against the decision of Mid Suffolk District Council.
 - The application Ref is DC/24/01437.
 - The development is the continued use of land for the parking of ambulances and the siting of a modular building for use as an office/control room.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.
3. Appeal C is dismissed.

Preliminary Matters

4. As set out above there are three appeals on this site. I have considered each proposal on its individual merits. However, there are a number of considerations that are common to all three appeals. Therefore, to avoid duplication I have dealt with the three schemes together, except where otherwise indicated.

5. The Barbergh and Mid Suffolk Joint Local Plan – Part 1 2023 (LP) was adopted subsequent to the determination of the planning application for Appeal A. As a consequence, the policies of the Mid Suffolk Core Strategy 2008 and the Mid Suffolk Local Plan 1998 referred to on its decision notice no longer form part of the development plan and I have not had regard to them in my determination of that appeal. It is evident from their submissions that the appellant is aware of this change to the development plan.
6. The development subject to appeals B & C has already been undertaken and therefore planning permission is sought on a retrospective basis. I have determined the appeals accordingly.

Main Issues

7. The common main issue in all three of the appeals is whether the developments accord with the development plan where it relates to the provision of new development outside of settlement boundaries.
8. There is a second main issue with regard to appeals B & C, which relates to the effect of the developments on the character and appearance of the area and the landscape.

Reasons

Location

9. None of the areas of land subject to the three appeals are within the settlement boundaries defined in the LP. Outside of settlement boundaries, Policy SP03 2) of the LP states that development will only normally be permitted where it meets one of four criteria. This includes development that is in accordance with one of the other development plan policies listed in an accompanying table. Of those policies, the Council's cases focus on Policy SP05 whereas the appellant refers to Policy LP09 in support of their cases.
10. Policy SP05 1), 2) and 5) of the LP refer to the protection of existing employment sites, to ongoing regeneration at named sites and to the delivery of employment sites along strategic transport corridors respectively. None of those criteria are relevant to the proposal before me, and therefore the policy does not offer support to the location of new employment development on the appeal sites for the purposes of Policy SP03.
11. Policy LP09 seeks to support a prosperous economy. However, the table accompanying Policy SP03 refers only to part 2) of Policy LP09. That relates to the change of use to small scale employment within a residential curtilage and therefore is not relevant to the appeal proposal. Consequently, Policy LP09 of the LP does not offer support to the location of new employment development on the appeal sites for the purposes of Policy SP03 either.
12. Whilst my attention has been drawn to a recent appeal decision¹ made subsequent to the adoption of the LP, that appeal related to a development on an existing employment site that was deemed to accord with Policy SP05 1) and therefore with Policy SP03. There are no submissions before me to demonstrate how or why the current appeal developments, as new

¹ APP/W3520/W/23/3328850

development on land which does not form part of the previously approved employment site and thus would extend it, would comply with Policy SP05 1). Indeed, the appellant's own submissions find that policy strand not to be relevant.

13. In conclusion therefore, the development in each of the three appeals fails to accord with Policy SP03 of the LP, where it relates to new development outside of settlement boundaries.

Character and appearance – Appeal B

14. At the time of my site visit the land subject to Appeal B was being used for the storage of construction materials, equipment and vehicles. These were readily visible from outside the site and from a footpath located close by owing to the absence of any significant screening around the appeal site, representing an encroachment beyond the area previously permitted for employment use. Even noting that it is viewed against larger buildings in the backdrop, this results in a prominent and unsightly development in a rural location which lacks the coherent screening of other parts of the site that do benefit from planning permission.
15. Whilst a bund has been created around the land, this offers little screening benefit due to its low height. It is possible that further planting could be provided to lessen the impact, but this would not be likely to be effective in the short term until the planting became established. The fact that this appeal site juts out beyond the existing westernmost tree planting line is a further impediment to visual integration. Although reference is made to a certificate of lawful use for the fruit farm, it is not clear what, if any, operational development or storage it allows for on the land.
16. For the reasons set out, the development subject to Appeal B has caused harm to the character and appearance of the area and to the landscape. It therefore fails to accord with Policy LP17 of the LP where it requires development to be sensitive to the landscape and visual amenity impacts on the natural environment and built character.

Character and appearance – Appeal C

17. The development subject to Appeal C is similarly not screened to any extent to its most prominent boundary, that being the western boundary. The appellant refers to the land as having been previously hard surfaced with buildings and having vehicles parked on it and has provided an aerial photograph in support of this. However, it is not disputed that the appeal site is outside of the area on which employment use has been permitted nor are details provided as to what type of development might be permissible under the certificate of lawful development for the fruit farm use. I am not therefore persuaded that the development utilises underused land or brings environmental benefits as is suggested.
18. The modular building is of a poor visual appearance and clearly visible from outside the site and from the footpath nearby, as are the parked ambulances. Again, this impact on the rural surroundings is not alleviated by larger buildings being visible in the backdrop. The bund that is in place is also low and provides no real screening function, and there are no firm details of how

landscaping could be achieved that might lessen the impact. Again however, this would not be likely to be effective in the short term, and it would not address the concerns as to the visual appearance of the modular building.

19. The Council further refers to the impact of emergency vehicles entering and leaving the site resulting in the urbanisation of the rural location outside of the settlement boundary. However, the vehicles are said not to move to and from the appeal site to attend emergencies. On that basis, it does not appear that there would be overly frequent movements, and in the context of the larger employment site that in itself would not lead to harm.
20. Consequently, taken as a whole, I find that the development subject to Appeal C has also resulted in harm to the character and appearance of the area and to the landscape and too fails to accord with Policy LP17 of the LP.

Other Considerations

21. There are economic benefits deriving from each appeal development including through employment and I acknowledge that there is full support from the Council's Economic Development & Regeneration Team for the Appeal A proposal in their consultation response. Reference is also made to Paragraphs 85, 88 and 89 of the National Planning Policy Framework (the Framework), which offer support for economic development and for the growth of businesses in rural areas. In particular paragraph 88 seeks to support the sustainable growth and expansion of all types of businesses in rural areas and paragraph 89 recognises that sites to meet local business or community needs in rural areas may have to be found adjacent to or beyond existing settlements.
22. No details have been provided as to the potential occupiers of the new units that would be provided under the Appeal A development. As such it is not shown that the development would meet local business or community needs or be the growth and expansion of a business. Nor can there be any certainty that the other benefits suggested, such as providing a sustainable work life balance by reducing commuting and allowing car sharing, would actually transpire. Whilst the income from the Appeal A development would benefit the existing appellant's business, there is nothing substantive to show that this is needed to ensure the vitality and viability of the existing operation.
23. The Appeal C development accommodates a business that it does not appear was previously present on the wider employment site. On that basis it would not represent the growth and expansion of a business in a rural area. It is stated the site has been chosen due to the proximity to a number of users of the services provided and to enable the operator to service rural areas, but it is not evidenced why this could only be achieved on the appeal site and not a site that would be permissible under the policies of the development plan. Again, there would be some benefit to the appellant's business from income but there is nothing to show that this is needed to ensure its vitality and viability. Paragraph 89 of the Framework further requires that development is sensitive to its surroundings, which I have found is not currently the case with regard to the Appeal C development.
24. The Appeal B development is to expand the area available to the appellant's business but there is no justification provided as to why this requirement and

the associated benefits, such as sustaining existing jobs, can only be met by expanding the site as opposed to accommodating the storage on the existing approved site. Expanding the site comes with an impact on the character and appearance of the area and the landscape, and therefore it is reasonable to be able to understand why an expansion of the site area is needed in order that this can be balanced against the harm, in particular if other parts of the site are being sublet to other businesses as the Council suggests is the case.

25. For the reasons I have outlined, I find that the appeal submissions do not demonstrate that the developments should receive support from paragraphs 88 or 89 of the Framework and, overall, there is a lack of explanation and or/ justification for each of the developments in this location. Irrespective therefore of the appellant's concerns as to the provision that the development plan makes for business development in rural areas, I find that the sections of the Framework to which my attention has been drawn do not serve to support each of the specific appeal developments.
26. I acknowledge that the Appeal A development would promote sustainable construction and include provision for renewable energy, and this carries moderate weight in its favour. Whilst it would appear that the pre-application advice provided for Appeal A was positive, I have determined that appeal on the merits of the case that is before me, and against what is a new development plan.

Planning Balance & Conclusion

27. The developments subject to Appeals A, B and C fail to accord with the strategic policies of the development plan where they refer to the location of new development outside of settlement boundaries. The developments in Appeals B and C have also resulted in harm to the character and appearance of the area and the landscape. In all of the appeals therefore, the developments fail to accord with the development plan taken as a whole.
28. I have set out why the other considerations put forward and the evidence provided to support them do not provide justification for the developments. Without such, there is not support found in the Framework aside from where it more generally seeks to promote economic development. There are benefits in that regard along with some social benefits, but it has not been shown that these benefits should be realised on the appeal sites. There would also be a benefit from the Appeal A development in terms of renewable energy, but this would be of moderate weight in its favour and would not outweigh the conflict with the development plan I have found in respect of that appeal.
29. The appeal developments therefore fail to accord with the development plan taken as a whole and I find that the other considerations do not indicate that determinations should be made otherwise than in accordance with the development plan. Accordingly, the appeals should be dismissed.

Graham Wraight

INSPECTOR