



Appeal Decisions

Site visit made on 18 November 2024

by S Pearce BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th December 2024

Appeal A Ref: APP/F3545/W/24/3340394

Land at Cherry Tree Gardens (formerly The Bungalow, Stock Corner Farm), Beck Row, Suffolk IP28 8DR

- 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 and B Simmons against the decision of West Suffolk Council.
 - The application Ref is DC/22/1998/FUL.
 - The development proposed is described as the “erection of five detached homes following demolition of existing bungalow”.
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Appeal B Ref: APP/F3545/W/24/3340395

Land at Cherry Tree Gardens (formerly The Bungalow, Stock Corner Farm), Beck Row, Suffolk IP28 8DR

- 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 and B Simmons against the decision of West Suffolk Council.
 - The application Ref is DC/23/1603/FUL.
 - The development proposed is described as the “erection of four detached homes following demolition of existing bungalow”.
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Decision

Appeal A Ref: APP/F3545/W/24/3340394

1. The appeal is dismissed.

Appeal B Ref: APP/F3545/W/24/3340395

2. The appeal is dismissed.

Preliminary Matters

3. As set out above there are two appeals on this site. They differ in the number of dwellings proposed. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
 4. I have used the address set out on the appeal form in the banner heading above for Appeal A, as it more accurately sets out the location of the proposal. I have done the same with the address for Appeal B, however, the postcode was missing from the appeal form, so I have taken that from the planning application form.
 5. The appellant has submitted planning obligations in the form of signed Unilateral Undertakings (UU) dated 24 July 2024 in respect of both Appeal A and Appeal B. These are considered later in this decision.
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6. The Council have raised concerns with parking provision within their first reason for refusal. While the Council have cited conflict with Policy DM46 of the Joint Development Management Policies Document 2015 (JDMPD) in their delegated report, this policy is not referenced in the reason for refusal. I have sought the appellant's views in respect of JDMPD Policy DM46 and had regard to their comments.
7. Since the determination of the applications, a revised National Planning Policy Framework (the Framework) was published on 12 December 2024. Those parts of the Framework most relevant to the appeals have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the Framework, and I am satisfied that no party's interests would be prejudiced by my taking this approach.
8. Planning permission¹ was granted for nine dwellings on land forming part of the appeal site and on adjoining land (the approved scheme). The evidence indicates that eight of the approved dwellings have been completed, with work yet to commence in respect of plot 6. Plot 6 forms part of the appeal site associated with both Appeal A and Appeal B. The approved scheme is a material consideration in the determination of this appeal.

Main Issues

9. The main issues in respect of both Appeal A and Appeal B are:
 - whether the appeal site is an appropriate location for the development proposed, having regard to the development plan,
 - the effect of the proposed development on the character and appearance of the area, including landscaping,
 - the effect of the proposed development on the living conditions of existing occupiers of 1, 3 and 5 Cherry Tree Gardens, with regard to outlook,
 - the effect of the proposed development on parking provision, and
 - whether the appeal scheme makes adequate provision for affordable housing.

Reasons

Whether an appropriate location

10. While the appeal site is located in an edge of village location, nevertheless, having regard to the development plan, it lies outside of the defined settlement boundary of Beck Row, as defined by Policy SA1 of the Forest Heath area of West Suffolk Council Site Allocations Local Plan 2019 (SALP), in the countryside.
11. Policy CS1 of the Forest Heath Local Development Framework Core Strategy Development Plan Document 2010 (CS) sets out the spatial strategy for the borough, which directs development towards sustainable settlements.
12. CS Policy CS10 states, among other things, that residential development will only be permitted in accordance with a closed list of exceptions. Based on the

¹ Planning application reference: DC/19/2265/FUL

evidence submitted, the development proposed in respect of Appeal A and Appeal B does not meet any of the criteria listed.

13. While JDMPD Policy DM5 seeks to protect areas designated as countryside from unsustainable development, it does state that new development will be permitted subject to a number of specific criteria. Criterion f) permits small scale residential development of a small undeveloped plot, in accordance with JDMPD Policy DM27.
14. JDMPD Policy DM27 sets out two criteria that must be satisfied. The first requires that proposals for new dwellings are located within a closely knit 'cluster' of 10 or more existing dwellings adjacent to or fronting an existing highway. The second criterion states that the scale of development consists of infilling a small undeveloped plot by one dwelling or a pair of semi detached dwellings.
15. Notwithstanding the number of residential properties that adjoin three of the appeal site's boundaries, Appeal A seeks to construct five detached dwellings and Appeal B proposes four detached dwellings. Therefore, the appeal schemes do not accord with the scale of development envisaged by the development plan in the countryside.
16. For these reasons, the appeal site is not in a suitable location for the development proposed, contrary to SALP Policy SA1, CS Policies CS1 and CS10 and JDMPD Policies DM5 and DM27, as set out above.

Character and appearance

17. Cherry Tree Gardens is located in an edge of village location. It comprises a small development of two storey, detached dwellings, sited in predominately generous plots, with modest front gardens and larger rear gardens. The development in the locality is typically laid out in a linear arrangement, fronting the road, with garages largely located in rear or side gardens. The layout of the built development, plot sizes, landscaping and edge of village location give the area a spacious character.
18. The appeal site is flanked on one side by open countryside and comprises a single storey dwelling set back from the highway, sited in a large, spacious plot (the existing dwelling). While the appellant contends the location of the existing dwelling creates an incongruous layout with the adjacent development, it, nevertheless, contributes towards the character and appearance of the area, by reason of its plot size.
19. The development proposals seek to replace the existing dwelling and plot 6 of the approved scheme with five, detached properties in the case of Appeal A, and four detached properties in respect of Appeal B. With regard to Appeal A, the three plots to the rear of the appeal site would be incongruously narrow, with small rear gardens. Moreover, plot 4 would be orientated with its frontage facing the driveway, leaving it with very little rear garden and a small side garden.
20. While the plot sizes proposed within Appeal B would be more generous, Plots 1, 2 and 3 in Appeal A and plots 1 and 2 in Appeal B would be located to the rear of the two frontage plots, accessed via a narrow driveway. The driveway would be located between the two frontage plots in each respective scheme.

21. The garages and parking spaces serving plots 4 and 5 in Appeal A would be located adjacent to the proposed turning head. Appeal B proposes a similar layout, with two detached garages, to serve the four dwellings, located at opposite ends of the turning head. The proposed garages and parking spaces in Appeal A and Appeal B would be prominently located and dominate the frontages of plots 1 and 3 within Appeal A and plots 1 and 2 in Appeal B.
22. While noting the siting of the existing dwelling in relation to plot 6 of the approved scheme, the siting of dwellings immediately behind two frontage plots, with prominently located garages and parking spaces, would contrast starkly with the prevailing linear pattern of development in the locality. Moreover, the subdivision of the site to the extent proposed in both Appeal A and Appeal B, would have an urbanising effect that would significantly erode the spaciousness of the appeal site.
23. The evidence indicates that the layout proposed in both Appeal A and Appeal B would reduce the depth of the rear gardens serving 3 and 5 Cherry Tree Gardens, formerly known as plots 7 and 8 of the previous scheme. This reduction would further reduce the spaciousness of the area. Consequently, while the appellant contends the appeal schemes would complete the 'sense of place' created by the neighbouring development, the layouts proposed in regard to Appeal A and Appeal B would result in an incongruous form of development at odds with, and detrimental to, the prevailing pattern of development in the locality.
24. While the appellant asserts the rural character of this area has been eroded by the approved scheme, the evidence indicates that the existing property and plot 6 would be sited within spacious plots.
25. The Council have indicated that mature boundary vegetation, including mature pine trees, were required to be protected and retained as part of the approved scheme. While the appellant states that the mature coniferous trees were senile and in poor health, with limited long-term future, they indicate that a landscaping scheme could be dealt with by condition, which would allow for native species on the boundaries. While noting this, having regard to the size of appeal site and quantum of development, extent of the access driveways, parking and turning areas, together with the proximity of the proposed development to the appeal site boundaries, the scope to provide landscaping, in both Appeal A and Appeal B, to mitigate against that which has been removed, is limited.
26. Appeal A proposes five detached, four bedroom dwellings. Appeal B seeks to secure a development of four detached, four bedroom properties. There is limited substantive evidence outlining what an appropriate mix of housing for this location would comprise. Nevertheless, notwithstanding the harm identified in respect of character and appearance, properties in the vicinity of the appeal site are typically large, detached dwellings. Therefore, the proposed development, in respect of both Appeal A and Appeal B, would comprise a mix of housing and unit sizes suitable for the location and would comply with JDMPD Policy DM22, insofar as it relates to this matter.
27. I therefore conclude that the proposed development in Appeal A and Appeal B would unacceptably harm the character and appearance of the area, including landscaping, contrary to CS Policy CS5 and JDMPD Policies DM2 and DM22.

Collectively, these seek, among other things, to ensure new development is designed to a high quality and reinforces local distinctiveness.

Living conditions

28. The rear boundaries of 1, 3 and 5 Cherry Tree Gardens adjoin the side boundary of the appeal site. Nos 1, 3 and 5 are two storey detached properties, which are orientated with their rear elevations facing towards to the appeal site. Having regard to the siting and height of the existing dwelling and spaciousness of the appeal site, the occupiers of Nos 1, 3 and 5 have a good level of outlook.
29. Plots 1 and 5 in Appeal A and plots 1 and 3 in Appeal B, are two storey properties. These plots would be orientated with their side elevations close to the shared boundary with Nos 1 and 5. Moreover, the evidence indicates that the rear garden serving No 5 and a small section of the rear garden serving No 3 would be reduced in depth as part of Appeal A and Appeal B.
30. Therefore, having regard to the height, width and orientation of plots 1 and 5 of Appeal A and plots 1 and 3 of Appeal B, together with their proximity to the shared boundary and the reduction in depth of the rear garden serving No 5, the proposed development would result in a visually dominant form of development that would materially affect the outlook for the occupiers of Nos 1 and 5.
31. With regard to No 3, both Appeal A and Appeal B seek to site a garage close to the shared boundary with this property. Given that plot 1 in both Appeal A and Appeal B would be located at an oblique angle to the rear of No 3 and that the garages in respect of both appeals would be single storey in height, the development proposed in Appeal A and Appeal B would not materially affect the outlook of the occupiers of No 3.
32. For these reasons, notwithstanding the conclusions in regard to No 3, the development proposed in both Appeal A and Appeal B would harm the living conditions of existing occupiers of 1 and 5 Cherry Tree Gardens, with regard to outlook. This is contrary to JDMPD Policy DM2 which seeks, among other things, to ensure development proposals do not affect adversely residential amenity.
33. The Council have referred to JDMPD Policy DM22 within their reason for refusal. This policy requires that all residential development proposals should maintain or create a sense of place and/or character. As this policy does not refer to living conditions of existing occupiers, with regard to outlook, it is not relevant to the main issue.

Parking provision

34. The appeal site lies within a residential area where the majority of properties have some off-street parking provision. Consequently, while only a snapshot in time, during a quieter part of the day, there was very limited on street parking in the vicinity of the appeal site.
35. JDMPD Policy DM2 states that all development proposals should produce designs, in accordance with standards, that maintain or enhance the safety of the highway network.

36. JDMPD Policy DM46, while seeking to reduce the over-reliance on the car, states that all proposals for redevelopment will be required to provide appropriately designed and sited car parking in accordance with the adopted standards current at the time of the application.
37. The Suffolk Guidance for Parking Technical Guidance Fourth Edition October 2023 (SGP) provides guidance in respect of parking. It states that to be considered a parking space, garages must meet the minimum internal dimension of 7.0m x 3.0m. This measurement is, however, contradicted by the measurements required for car ports or cart lodges, which states that inner dimensions should be the same as a garage, a minimum of 6.0m x 3.0m. In any case, the SGP advises that reduced minimum internal garage dimensions of 6.0m x 3.0m will be deemed a parking space if additional fixed enclosed storage for cycles is provided.
38. The Council have indicated that the provision of cycle storage could be secured by condition. Having regard to the layout in respect of Appeal A and Appeal B, I see no reason to disagree with this approach.
39. In respect of both Appeal A and Appeal B, while garage measurements have been provided, these are external only. The appellant acknowledges this and indicates that the garage details could be reserved by condition, as any change to the footprint would only be a few millimetres. Having regard to this and notwithstanding the harm identified in respect of the character and appearance of the area, there would be sufficient space within the proposed layouts to accommodate a minor increase in the garage footprints to ensure they are of sufficient size to accommodate a modern, family-sized car.
40. In respect of Appeal A, the SGP advises that where a minimum of three parking spaces is required, 'triple' tandem parking, where three spaces are provided in line regardless of whether in or outside a garage or car port, is not acceptable, as it creates regular manoeuvring of cars and greater demand for on-street parking. With regard to Appeal B, the SGP requires one visitor parking to serve a development of four dwellings. No such space has been provided within the site layout.
41. Given the amount of development proposed, the layout of the surrounding built development and the demand for on-street parking in the area, the proposed parking layouts in respect of both Appeal A and Appeal B would not materially increase on-street parking in the area to the detriment of highway safety, nor would any additional movements, associated with the proposed parking layout, be unduly onerous for future occupiers.
42. For these reasons, the development proposed in respect of Appeal A and Appeal B provides adequate parking provision in accordance with JDMPD Policies DM2 and DM46, as set out above.

Affordable housing

43. CS Policy CS9 sets out the requirement for affordable housing provision. The main parties are in agreement that affordable housing is provided on schemes above 10 or more dwellings. The development proposed under both Appeal A and Appeal B fall below the threshold stipulated in this policy.
44. The Council contend that when combined with the approved scheme, the development proposed in both Appeal A and Appeal B would trigger the

requirement for affordable housing, as set out in CS Policy CS9. Although the appellant disputes this, they have submitted signed and dated UU's in respect of both appeals. The Council have confirmed these are acceptable and meet the requirement in respect of CS Policy CS9.

45. Due to their proximity and layout, the proposed developments in Appeal A and Appeal B would have a close physical relationship with the approved scheme. While the Council state that the appellant for both Appeal A and Appeal B is the same applicant listed for the approved scheme, the appellant disputes this. Notwithstanding this, at the time the approved scheme was considered by the Council, the evidence indicates that the current site, which includes the existing dwelling, was not available for purchase.
46. While the Council also highlight that the intensification of the former red line application site boundary would trigger an affordable housing contribution, nevertheless, the appeal red line application site boundaries in Appeal A and Appeal B differs to that of the approved scheme.
47. Therefore, having regard to the evidence before me, on balance, the appeal site forms a separate development proposal to that granted under the approved scheme. Therefore, I conclude that it would not be reasonable to require affordable housing provision in respect of Appeal A or Appeal B. Therefore, there would be no conflict with CS Policy CS9, as set out above, with regard to either scheme.

Planning Balance

48. Having regard to paragraph 11 d) and footnote 8 of the Framework, there is limited evidence demonstrating that the policies which are most important for determining an application are out-of-date. Moreover, while the development plan predates the Framework, paragraph 232 of the Framework states that existing policies should not be considered out of date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework.
49. Even if I were to accept that paragraph 11 d) were engaged, the proposed development in regard to both Appeal A and Appeal B would cause harm to the character and appearance of the area and the living conditions of existing occupiers. As such, it would not accord with the development plan as a whole. The weight to be given to this conflict is significant, as the policies in respect of these matters broadly reflect the provisions of the Framework.
50. However, while harm has also been identified in respect of the location of housing, having regard to the proximity of the appeal site to the defined settlement boundary and the adjoining development, including the approved scheme, the appeal site would not be in an isolated location. As such, there would be no conflict with paragraph 84 of the Framework. Having regard to the particular site circumstances of these cases, the weight to be given to the conflict identified in respect of the settlement strategy is limited.
51. The development proposed in Appeal A and Appeal B would make a meaningful contribution towards the areas housing supply. The Framework supports the development of windfall sites and the Government's objective is to significantly boost the supply of homes. The appellant highlights that both Appeal A and Appeal B intend to provide family homes, reflecting the best of local vernacular

and built using high quality materials to the highest sustainability standards. The proposals in respect of Appeal A and Appeal B would lead to some social and economic benefits through the construction of the properties and the activities of the future residents. An absence of harm in respect of overlooking, loss of privacy and overshadowing are neutral matters.

52. In respect of the approved scheme, I have limited evidence before me which indicates that plot 6 could not be built and, as such, there is a greater than theoretical possibility that the development might take place as a fallback position should this appeal fail. However, for significant weight to be afforded to a fallback position there needs to be not only a greater than theoretical possibility of it taking place, but also it would need to be equally or more harmful than the appeal scheme.
53. Plot 6 comprises a single, detached dwelling sited in a large plot, located away from Nos 1, 3 and 5. The evidence indicates that the existing dwelling did not form part of the approved scheme and would be retained, albeit with a smaller, but still sizable, curtilage. The development sought in respect of Appeal A and Appeal B would increase the number of dwellings, when compared with the approved scheme. As such, the development proposed in both Appeal A and Appeal B would have a greater impact on the character and appearance of the area and living conditions of future occupiers, than the approved scheme, having regard to the layout and amount of development proposed. Consequently, I afford the fallback position limited weight in support of Appeal A and Appeal B.
54. While there is support for new housing, the benefits in respect of Appeal A and Appeal B would be limited. Therefore, the harm identified in respect of the main issues would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

55. For the above reasons, I conclude that while Appeal A and Appeal B provide sufficient parking and do not require an affordable housing provision, the harm I have identified in respect of the site location, the character and appearance of the area and living conditions of existing occupiers is determinative. Therefore, the development proposed in both Appeal A and Appeal B would conflict with the development plan as a whole. There are no material considerations, including the Framework, that indicate I should conclude other than in accordance with it. Therefore, I conclude that both Appeal A and Appeal B should be dismissed.

S Pearce

INSPECTOR