



Appeal Decision

Site visit made on 9 April 2025

by **Jonathan Price BA(Hons) DipTP DMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 April 2025

Appeal Ref: APP/W3520/W/24/3357489

Drinkstone Road, Beyton, Bury St Edmunds, Suffolk IP30 9AQ

- 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 Craig Smith against the decision of Mid Suffolk District Council.
 - The application Ref is DC/24/01519.
 - The development is erection of a new field gate and upgraded field access (retention of).
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Decision

1. The appeal is allowed and planning permission is granted for a new field gate and upgraded field access at Drinkstone Road, Beyton, Bury St Edmunds, Suffolk IP30 9AQ in accordance with the terms of the application, Ref DC/24/01519, subject to the following conditions.
 - 1) The development hereby permitted shall be in accordance with the following approved plans: 0280-0101 PO1 and, in respect of visibility only, 0280-0101 PO2.
 - 2) The visibility splays shown on plan no. 0280-0101 PO2 shall be kept free of any obstruction exceeding 1.0m in height.

Main Issues

2. The effects of the works on landscape character and biodiversity.

Reasons

Landscape character

3. The application refused was for a reinstated and widened access onto arable farmland to enable use by farm vehicles and lorries picking up sugar beet. The field gate and entrance appear fairly typical of a farming operation. Drinkstone Road is quite narrow, with vehicles meeting having to slow and stop to allow safe passage. Although subject to the national limit, speeds would be much lower than this. Nevertheless, adequate visibility at the entrance needs to be maintained.
4. The Council does not find the galvanised metal gate, and improved access area itself, to negatively impact on the landscape. Such concerns relate only to the removal of trees and hedging for 40 metres to achieve improved visibility to the north. I generally agree that the foliage along this road frontage is a striking feature that contributes positively to the street scene, and to the character, experience and enjoyment of the countryside. To this end, policies SP09 and LP17 of the Joint

Local Plan¹ (JLP) seek to secure development that responds to, and is compatible and harmonious with, its location and retains important natural features such as hedgerows and trees.

5. As evident from my site visit, the 40m northerly visibility splay has necessitated the cutting back of previously overgrown hedging to a height of about one metre. In a southerly direction, adequate visibility is already provided by the existing highway verge. The appellant advises that one metre provides adequate visibility for drivers of tractors, lorries and other farm vehicles. These drivers would be sitting much higher up than those of cars or vans, who would less likely be using such an entrance. Therefore, the hedge need not be lowered further to the 600m sought by the local highway authority.
6. Roadside hedging is generally the subject of maintenance in the countryside, for farming and highway safety reasons. The hedging appears from photographs of it prior to such maintenance, to have become rather overgrown and straggly. Managed at a height of one metre adequately preserves the attractively verdant character of this rural street scene. Therefore, the development is of no material harm to landscape character and complies with policies JLP SP09 and LP17.

Biodiversity

7. The Council quite appropriately recognises its duty under Section 40 of the Natural Environment and Rural Communities Act 2006 regarding conserving and enhancing biodiversity. Trees and hedges are part of such biodiversity and provide an important habitat for various species. It falls to the developer to provide survey evidence over the biodiversity impacts of proposals. However, in this case, the Council has not sought any specialist ecological advice of its own over the likely presence of protected species, such as great crested newts, dormice and badgers. There is also no evidence the hedging was reduced in height when birds would have been nesting.
8. Evidently no significant trees were cut down in reducing the previously overgrown hedge to one metre in height, which in its managed state would still offer biodiversity and natural habitat. The appellant had not been requested to produce an ecological assessment and would have been amenable to planting more trees along his existing boundary to mitigate the height reduction of a quite short section of hedge.
9. JLP Policies SP09 and LP16, Policy BTN 8 of the Beyton Neighbourhood Plan and paragraphs 187 and 193 of the National Planning Policy Framework seek to protect, enhance and manage the natural environment, placing a specific emphasis on biodiversity. However, notwithstanding any conflict with these policies, there is no evidence the reduction in height of this stretch of hedging has caused either significant or lasting harm to biodiversity.

Conclusion

10. The Council considers the proposal to be a technical departure from JLP Policy SP03. This is a strategic policy governing the sustainable location of new development, aimed at focussing most growth to within settlement boundaries. This policy is clearly not aimed at small scale agricultural operations in the countryside,

¹ Babergh and Mid Suffolk Joint Local Plan – Part 1 November 2023.

where farming is the predominant land use, and so this development is not considered to depart from the JLP.

11. The use of any land for agriculture shall not be taken to involve development for the purposes of the 1990 Town and Country Planning Act. As the field could continue to be cultivated just beyond the entrance, the local highway authority's standard access requirements, including the gate having to be set back 15m from the road, would not be appropriate. The appellant advises that a small turning area in an unbound granular material enabled vehicles to leave the field in a forward-facing gear when the sugar beet on this field was last harvested. This avoided the need to access the fields from the narrow Cangles Lane, where previously sugar beet lorries had blocked the road. Such highway benefits would outweigh any likely biodiversity harm and warrants approval for the reinstated entrance provided. The works are in place and so conditions are necessary only to confirm the approved access plan and require the ongoing maintenance of the agreed visibility onto the highway. Subject to these, I conclude that the appeal succeeds.

Jonathan Price

INSPECTOR