



Appeal Decision

Site visit made on 24 June 2025

by A Phillips MPlan BA CertHE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 July 2025

Appeal Ref: APP/F3545/W/25/3359511

103 Westward Deals, Kedington, Suffolk CB9 7PL

- 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 Greg Pyke against the decision of West Suffolk Council.
 - The application Ref is DC/24/1257/FUL.
 - The development proposed is described as: Project: Electric Vehicle charging point - Driveway & Ramp Application
 1. Transform existing Front Garden (Currently Grass lawn) into Permeable Tarmac or Paving stones bricks Driveway to park 1-2 Vehicles maximum. This would be size of 6.4m x 6.4m in dimension. This applies to planning specifications.
 2. Install Access ramp across "Unregistered Land" grass bank, to permeable driveway length 6.95m x Maximum of 3m (as specified under planning specifications).
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Greg Pyke against West Suffolk Council. This application is subject of a separate decision.

Preliminary Matters

3. Within the context of an appeal under section 78 of the Town and Country Planning Act 1990 (as amended) (the Act) it is not within my remit to formally determine whether the proposed development requires planning permission as raised by the appellant. However, I shall consider the evidence as to whether permission is required so far as it is material to this appeal. If the appellant wishes to ascertain whether the development would be lawful, they may make an application under section 192 of the Act.

Main Issues

4. The main reasons are the effect of the development on:
 - Character and appearance of the local area; and
 - Highway safety, specifically the proposed access on the safety of pedestrians.

Reasons

Character and appearance

5. The local area is defined by landscaped areas of grass with a selection of trees at the front of dwellings, with parking located to the rear. This landscaped area remains uninterrupted, apart from a few footpaths and one road T-Junction from Dash End to the southern end of Westend Lane and has different levels of embankment. This landscape area has the appearance of a deliberate architectural choice to the layout when Westward Deals was developed, so that a large proportion of dwellings face onto an uninterrupted green space with clear separation from the road. These landscaped areas are therefore of great importance to the overall character and appearance of this local area and separates it from other areas of the village.
6. The proposal seeks to create a driveway across the sloped grass space in front of 103 Westward Deals and the conversion of its front garden to park up to two cars. From the Council's Delegated Report, the main area of conflict is the creation of the access over the grassed area of space.
7. While the driveway would not be overly wide, it would be the first driveway to break this landscaped area. This would significantly harm the character and appearance of the local area, as it would fundamentally change the nature of this open space to its detriment.
8. The appellant has pointed out that the area of the grass bank used is very small and would not be seen unless in very close proximity to the site. However, this does not overcome that it would significantly undermine an important characteristic of this green space, by creating the first break in this space that does not involve a public benefit e.g. a public footpath. Therefore, while the physical area effected is small there would be a significant impact to the distinctiveness of this area.
9. It is therefore concluded that the proposal would harm the character and appearance of the local area. On this basis, the proposal does not comply with Policy DM2 of the Forest Heath and St Edmundsbury Local Plan - Joint Development Management Policies Document 2015 (Local Plan), which seeks to maintain a sense of place/local character and preserve important green/landscaped areas.

Highway safety

10. The proposal seeks to create a driveway over a pedestrian path, unregistered area of open space and onto the carriageway. This path is uninterrupted from Dash End to the T-Junction of Westward Deals to the south of the application site.
11. The proposal would create the first crossing over this stretch of footpath and this would create a new area of conflict between vehicles and pedestrians. However, it is noted that the Local Highways Authority has considered the crossing to be acceptable subject to conditions. The Council has put forward that the conditions might not be achievable, though not provided further evidence of this.
12. From the evidence submitted and following a site visit it is very likely that there would be sufficient visibility in either direction for pedestrians and exiting vehicles to see one another, as well as very limited reprofiling of the existing footpath. So,

while there would be some risk to pedestrians, the risk is likely limited and is unlikely to give rise to pedestrians using this footpath less.

13. With the risk to pedestrians being limited the proposal does not have an unacceptable impact on highway safety or reduction in sustainable transport movements. On this basis the proposal complies with Policies DM2 and DM46 of the Local Plan, which seek to ensure that developments are safe, promote sustainable transport movements and provide suitably designed parking areas.

Other Matters

14. The appellant has put forward the argument that the driveway across the grass open space is permitted development under The Town and Country Planning (General Permitted Development) (England) Order 2015 Part 2 Class B. However, while it is accepted that the appellant is seeking access onto an unclassified road the length of the driveway over unregistered land likely goes beyond what Class B allows. On this basis only limited weight is given to the potential of fallback position based on permitted development rights.
15. The proposal is seeking to create electric vehicle charging points at the front of the dwelling, which is a benefit to the scheme. While it is noted that the site has rear parking, it is accepted that there are limitations on how useable this space could be. The creation of these charging points is supported by the National Planning Policy Framework and on this basis weighs in favour of the proposal.
16. It has been noted that several people have signed a petition in favour of the proposal, that the proposal would help people walk up and down the embankment and that the electric vehicle charging point is required for the business of the appellant. These factors are considered to each have limited weight in favour of the proposal.

Conclusion

17. The significant harm to the character and appearance of the area outweighs the benefits of the proposal and the limited risk to pedestrians. On this basis the proposal conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is, therefore, dismissed.

A Phillips

INSPECTOR