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## Appeal Decision

Site visit made on 20 October 2025

by **L Fern BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4 December 2025

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**Appeal Ref: APP/W3520/W/25/3370346**

**Plot 3, Highfields, All Saints Road, Creeting St Mary, Suffolk IP6 8NG**

- 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 Liam Bell against the decision of Mid Suffolk District Council.
  - The application Ref is DC/25/00173.
  - The development proposed is erection of bungalow (utilising existing vehicular access).
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. There appear to be discrepancies between the submitted plans regarding the orientation of the proposed dwelling. Had I been minded to allow the appeal, I would have pursued this matter further with the parties. For the avoidance of doubt, I have determined the appeal based on the proposed orientation as set out on Drawing No 4549-04A – Proposed Site Plan and not the annotations on Drawing No 4549-03 – Proposed Elevations.

### Main Issues

3. The main issues are:
  - whether or not the appeal site is a suitable location for the proposed development;
  - the effect of the proposed development on the character and appearance of the surrounding area;
  - the effect of the proposed development on ecology regarding Great Crested Newts (GCN) as a protected species; and
  - whether the proposed development would provide acceptable living conditions for the future occupants of the dwelling regarding privacy.

### Reasons

4. The appeal site comprises an undeveloped field that sits outside of the defined settlement boundary of Creeting St Mary and to the rear of existing and planned dwellings that predominantly front onto All Saints Road. The exception to the prevailing highway fronting development in the site's immediate surroundings is the existing two-storey dwelling, with accommodation within the roof space, located immediately adjacent to the appeal site. Development of that dwelling was

approved<sup>1</sup> as a replacement of an agricultural building. Access to the appeal site is by a track from All Saints Road between two dwellings that were under construction at the time of my site visit. The access track also functions as a public footpath, which continues beyond the appeal site and into the more open countryside.

### *Location*

5. Policy SP03 of the Babergh and Mid Suffolk Joint Local Plan (2023) (the LP) states that development outside of the settlement boundaries will normally only be permitted in the circumstances listed. One such circumstance is where the proposed development would be in accordance with LP Policy LP01, which supports proposals for windfall infill development outside of settlement boundaries where there is a cluster of at least 10 well related dwellings, subject to compliance with criteria a) to c).
6. Footnote 18 provides the LP's definition of 'infill' as the filling of a small undeveloped plot in an otherwise built-up highway frontage. Although the plot is small and undeveloped, it is not located within an otherwise built-up highway frontage. The plot is set a considerable distance behind existing and planned dwellings that front onto All Saints Road as the highway and is only accessible down a track between the two dwellings under construction. The proposal would not constitute infill development and would not therefore accord with LP Policy LP01, even if it could comply with criteria a) to c). In any case, for the reasons set out below in the second main issue, it would not accord with criteria a) of Policy LP01 either.
7. For the above reasons, the appeal site would not be a suitable location for the proposed development and would be contrary to LP Policies LP01 and SP03.

### *Character and appearance*

8. The proposed development would introduce additional built form in a backland location to the rear of the properties located along All Saints Road. Despite the existing properties being set back to varying degrees from their immediate road frontages, they continue the general grain of ribbon development moving away from the main part of Creeping St Mary. This positive attribute of the surrounding area would be eroded by the introduction of development on the appeal site, pushing out into the open countryside and behind the existing building line.
9. Despite being single storey in height, the proposed dwelling would be highly visible to users of the public footpath, creating a visual intrusion for those who enjoy this location's open aspect views across the countryside.
10. I note the positioning of the adjacent dwelling, which also sits to the rear of the properties along All Saints Road. However, it was permitted as a replacement of an existing agricultural building on the site and is set back from the public footpath and therefore in a more discrete location.
11. For the above reasons, I find unacceptable harm would be caused to the character and appearance of the surrounding area, contrary to LP Policies SP09, LP01, LP17, LP23 and LP24, which, amongst other things, require proposed development to respond to the wider landscape and be compatible and harmonious with the location.

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<sup>1</sup> Council Ref DC/22/05603.

### *Great Crested Newts*

12. The Conservation of Habitats and Species Regulations 2017 (as amended) impose a duty on me to consider whether European Protected Species, such as GCNs, would be affected by the proposed development. Although the site itself is unlikely to support populations of GCNs due to the current use and habitat type, the species could use the site to move between existing off-site ponds.
13. Thus, the appellant's Ecology Report<sup>2</sup> recommends either carrying out an eDNA survey of Pond 1 to ascertain whether GCNs are present or securing a GCN District Level License together with obtaining an Impact Assessment and Conservation Payment Certificate (IACPC). No details are before me to suggest either recommendation has been followed at present.
14. A GCN method statement, as offered by the appellant, could be conditioned for submission later. However, in the absence of a completed eDNA survey, there is insufficient information before me to carry out my regulatory duty to consider whether protected species would be harmed by the proposed development and if so, whether mitigation measures, such as a method statement, would be required and effective.
15. For the above reasons, the proposed development would fail to accord with LP Policies SP09 and LP16, which, amongst other things, require development to support and contribute to the conservation, enhancement and management of the natural environment. Development is resisted which would have an adverse impact on species protected by legislation, such as GCNs.

### *Living conditions*

16. Although the adjacent dwelling benefits from full height windows at first floor level, they face across the open countryside and therefore occupants would only have oblique views into the garden of the proposed dwelling. There are no plans before me that would suggest the existing dwelling should have been orientated differently.
17. Furthermore, although the proposed dwelling does not have a clearly defined front and back, the elevations of the existing and proposed dwellings that most closely relate to one another are minor in character and contain or would contain a limited number of predominantly ground floor windows.
18. Thus, I conclude that the proposal would not create unacceptable living conditions for future occupants of the proposed dwelling regarding privacy. Consequently, the proposed development would comply with LP Policy LP24, which, amongst other things, requires development proposals to protect the health and amenity of occupiers.

### **Other Matters**

19. The Council's ecologist raised concerns regarding anomalies in the appellant's Biodiversity Net Gain (BNG) metric calculations, which resulted in one of the reasons for refusal on the Council's decision notice. If I had found the concerns to be valid, it would have followed that the statutory BNG condition could not have

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<sup>2</sup> By MHE Consulting Limited, Report No HIGHFIELDSCREETING2024/ER/001, dated December 2024.

been discharged successfully. However, given that I am dismissing this appeal on several other matters, I am not required to consider BNG in this instance.

20. There would be some economic benefits associated with the proposed development, including the creation of employment during the construction phase and from future residents supporting local services and facilities in Creeping St Mary and other nearby settlements. However, I am mindful that the proposal is only for a single dwelling and therefore such benefits are limited.
21. The appellant asserts that the development of a bungalow would assist in meeting an unmet demand for such housing in the area. However, no substantive evidence of an unmet demand is before me.

### **Conclusion**

22. The proposal conflicts with the development plan taken as a whole, and the material considerations do not indicate that the appeal should be decided other than in accordance with it. I therefore conclude that the appeal should be dismissed.

*L Fern*

INSPECTOR