



Appeal Decision

Site visit made on 24 November 2025

by T Bennett BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 DECEMBER 2025

Appeal Ref: APP/X3540/W/25/3366250

Parcel of land East of The Street, Rushmere St Andrew, Suffolk IP5 1DE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Renison Ltd against the decision of East Suffolk Council.
 - The application Ref is DC/24/3858/OUT.
 - The development proposed is Outline Application (Some Matters Reserved) - Erection of single storey dwelling, improved access and driveway, and associated development.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development has been taken from the decision notice as this more accurately describes the proposal. I note that this has also been used on the appeal form.
3. The application was submitted in outline with access, landscaping, layout and scale to be considered, with appearance being a reserved matter. Any plans related to the reserved matter have been treated as illustrative only.
4. Following the payment of a financial contribution to the Suffolk Recreational Disturbance Avoidance and Mitigation Strategy (Suffolk RAMS) the Council have withdrawn their fifth reason for refusal. I will return to this matter later in my decision.

Main Issues

5. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - whether the site is a suitable location for the proposed dwelling having regard to the spatial strategy in the development plan;
 - whether or not the proposal appropriately addresses matters of land contamination; and
 - whether or not the proposed development would make satisfactory provision for vehicle parking, turning and cycle parking.

Reasons

Character and appearance

6. The appeal site, whilst not protected by any landscape designations, lies within the RM2 landscape area. This area is characterised by open arable land, the sensitivity of which lies in its openness and rural setting to the village of Rushmere St Andrew.
7. On the western side of The Street residential properties form a strong linear pattern of development. The eastern side, in contrast, is largely bound by mature hedgerow, beyond which lie open agricultural fields.
8. The appeal site itself comprises a small, disused parcel of land situated on the eastern side of The Street, enveloped by agricultural fields to the north, east and south. The Council state the appeal site has a lawful classified use as agricultural land. The site primarily consists of hardstanding and couple of containers and is free of substantial built development, featuring only several low level brick structures.
9. Although the site is physically enclosed by a green metal fence on three boundaries, this enclosure is not readily perceptible. Due to the limited boundary vegetation adjacent to the fields, the site visually maintains a stronger connection with the surrounding rural agricultural countryside than the residential properties on the western side of The Street. As such, the site makes a positive contribution to the rural character of the eastern side of The Street , re-enforcing the rural setting of the village and landscape character.
10. I acknowledge that the landscape assessment for RM2 indicates potential opportunities for housing closely related to the existing urban edge, and that one of the landscape officers considers an appropriate boundary planting scheme, comprising hedgerow and tree planting, could make the development acceptable in landscape terms. However, notwithstanding that the appearance of the dwelling is a reserved matter, the addition of a single-storey dwelling, whilst it would not appear isolated given the presence of nearby properties, would result in an incongruous incursion of domestic built form on the eastern side of The Street. It would harmfully disrupt the existing linear pattern of residential development and would erode the existing rural and agricultural character of the eastern side of The Street.
11. Whilst new hedge planting could soften the development and assist in screening it from wider countryside views to the rear of the appeal site, vegetation would be unlikely to completely obscure the development, and cannot be relied upon in perpetuity. Moreover, although views from and near to the appeal site are not deemed as important ones, the introduction of a dwelling, with tree and hedgerow boundary planting around the sides that border the fields, would nevertheless detrimentally reduce and enclose the views of the open, rural landscape observed from The Street close to the access point of the appeal site.
12. Given the scale of the development and modest size of the site, the adverse landscape impacts would be localised, but as set out above, the proposal would result in a discordant encroachment of urbanising development into the countryside, adversely affecting the settlement pattern and the character and appearance of the area.

13. The Council raised concerns regarding the possible loss of hedging south of the existing access point to accommodate the required visibility splay. I observed the hedging immediately to the south of the site access to have notable gaps and to be less dense than along other parts of The Street. I am therefore satisfied that its potential loss could be mitigated and replaced with suitable low-level planting, such that its loss would not be detrimental the character and appearance of The Street.
14. In conclusion, I find that the proposal would have an adverse effect on the character and appearance of the area. This would be contrary to Policy SCLP10.4 of the East Suffolk Council Coastal Local Plan (2020) LP which requires proposals to be sympathetic to the special qualities and features of the landscape's character. It would also conflict with Policy RSA 3 of the Rushmere St Andrew Neighbourhood Plan (2023) (NP) insofar as it seeks proposals to conserve or enhance the landscape character and setting of the parish.
15. Conflict has been cited with Policy RSA 4 of the NP. This amongst, other matters, seeks proposals to avoid the loss or substantial harm to hedgerows. Following my reasoning above, I find no conflict with this particular policy. However, this does not outweigh the conflict identified with the other forementioned policies.

Location

16. Policy SCLP3.2 of the LP establishes the Council's settlement hierarchy. Rushmere St Andrew is identified in the policy as a Small Village within the fourth tier of that hierarchy where new housing provision is supported through new housing allocations, and windfall development in accordance with other policies in the LP. A key objective of the hierarchy is to focus development higher up and to deliver development that reflects the character of the area.
17. The appeal site lies adjacent to, but outside of the settlement boundary of Rushmere St Andrew. In accordance with Policy SCLP3.3 of the LP it is therefore defined as Countryside for planning purposes. This policy outlines that proposals for new residential development in the Countryside will be carefully managed in accordance with national planning policy guidance and the strategy for the Countryside.
18. Policy SCLP12.34 sets out the strategy for rural areas. Of relevance to this case is limb c), which explains that the rural strategy seeks to deliver new housing which contributes to providing a mix of housing choice in rural areas and helps to sustain rural communities, including through allocations in, or well related to small villages. The policy sets out that this should be done whilst protecting and enhancing landscapes and the natural, built and historic environment. Given my previous findings on character and appearance, the proposal would fail to achieve this. Notwithstanding this, I am mindful that it is an overarching policy, and must be considered alongside the other policies and the exceptions for where new residential development in the countryside is considered acceptable.
19. Policy SCLP5.3 of the LP provides the full list of exceptions under which new residential development in the countryside will be permitted. The appellant considers it is limb g) to which the proposal should be assessed against. This permits other residential development consistent with the National Planning Policy Frameworks policies on residential development in the countryside.

20. Policy SCLP5.3 provides limited detail on which specific policies of the Framework limb g) relates to. However, the Framework's approach to rural housing is set out in paragraphs 82 to 84.
21. Paragraph 83 of the Framework is a broadly expressed statement that housing in rural areas should be located where it would enhance or maintain the vitality of rural communities. The spatial strategy in the LP sets policies to accommodate the scale of the housing required, and to manage housing development in settlements and the countryside, whilst sustaining the vitality of communities, and enhancing the built and historic environment, amongst others. I therefore find that the spatial strategy in the LP is consistent with paragraph 83 of the Framework. Therefore, I consider that although the appeal site is close to services and facilities, this does not on its own, mean that a site would be suitably located and represents an exception.
22. Accordingly, I consider that limb g) should be interpreted as providing affordable housing and/or meeting an identified local need or circumstances when isolated homes in the countryside can be permitted, as set out in paragraphs 82 and 84 of the Framework.
23. Limited evidence has been presented which would indicate that the proposed dwelling would be meeting an identified local need in Rushmere St Andrew, nor is paragraph 84 applicable to this case given the proximity of the site to other dwellings.
24. Consequently, whilst future occupiers of the proposed dwelling could walk to services and facilities in Rushmere St Andrew, and make a small contribution to sustaining them, the appeal proposal does not comply with the criteria in LP Policy SCLP5.3 for housing development in the countryside.
25. In conclusion, the location of the development would not be appropriate for housing as it would be at odds with the spatial strategy of the development plan. It would conflict with policies SCLP3.2, SCLP3.3 and SCLP5.3 of the LP which seek to direct development to the most appropriate locations and would undermine the plan-led approach to managing development. It would also conflict with Policy RSA 1 of the NP which only permits development outside the settlement boundary where it is in accordance with national and Suffolk Coastal Local Plan policies as they relate to the neighbourhood area.
26. Policy SCLP5.4 of the LP has been cited on the decision notice. This policy relates to housing in clusters in the countryside. As the proposed development would not form part of a cluster of dwellings located in the countryside, this policy is not relevant to this case.

Land contamination

27. The Planning Practice Guidance 'Land affected by contamination' (PPG) sets out that whilst responsibility for securing a safe development rests with the developer and/or landowner, local planning authorities should be satisfied that a proposed development will be appropriate for its location and will not pose an unacceptable risk.
28. The PPG goes on to state that if there is a reason to believe contamination could be an issue, applicants should provide proportionate but sufficient site

investigation information, prepared by a competent person to determine the existence or otherwise of contamination, its nature and extent, the risks it may pose and to whom/what, so that these risks can be assessed and satisfactorily reduced to an acceptable level.

29. The appellant submitted an Envirosearch Report with the application, which indicated no potential contaminated land issues at the appeal site. However, the Council noted that in a previous application at the appeal site, a more detailed Phase 1 (Stage 1 Tier 1 report) was submitted which indicated that the land in question did have a moderate risk of a variety of possible land contaminants. The Council's Environmental Health Officer advised that, as a minimum, a Phase 1 Desk Study should have been submitted, as well as a contaminated land questionnaire, but there is no such assessment before me.
30. Given the Council's concerns arising from the previous Phase 1 report, I find that the Envirosearch submitted in this case does not provide a sufficient site-specific assessment of the nature and extent of any contamination that may lie beneath the site, nor what risks it may pose, and how these can be satisfactorily reduced to an acceptable level.
31. While the Environmental Protection Officer suggested that a full suite of conditions could be imposed, I am not persuaded that the concerns have been appropriately addressed. Without knowing the extent of any contamination or clear mitigation proposals to overcome it, it would not be appropriate to leave such matters to conditions.
32. In conclusion, due to insufficient information, I am not persuaded that the proposal would avoid presenting unacceptable risks in terms of land contamination. Consequently, the development would not comply with the advice in the PPG; nor would it satisfy Policy SCLP10.3 of the LP, which requires development to protect the quality of the environment and to minimise, and, where possible, reduce all forms of pollution and contamination.

Vehicle parking and cycle storage

33. The submitted layout plan indicates a large area of hardstanding adjacent to the proposed dwelling. There is very little before me to indicate that this would not provide sufficient space for the parking and turning of vehicles, allowing them to enter and exit the site in a forward gear. I note that the Highways Authority did not raise any concerns in relation to these matters, and I am satisfied that the precise details could be adequately addressed by a planning condition.
34. Likewise, whilst specific details about cycle parking provision were not provided, the site layout plan clearly demonstrates sufficient space within the site to accommodate secure, covered, and lit cycle storage. This could be secured by condition, with the design coming forward in a future reserved matters application.
35. For the reasons above, I am satisfied that the proposal would provide appropriate provision for vehicle parking, turning and cycle parking and would not cause any severe adverse impacts on highway safety. It would therefore accord with Policy SCLP7.1 of the LP which seeks to ensure any significant impacts on the highways network are mitigated and that covered, secure cycle parking is provided.

Other Matters

36. As the competent decision-making authority, if I had been minded to allow the appeal it would have been necessary for me to consider the effect of the scheme on the protected Habitats Sites, including the appellant's contribution to the Suffolk RAMS. However, as I am dismissing the appeal for other reasons, it is not necessary for me to consider this matter further.
37. The appellant indicates that as the land contains fixed surface infrastructure, it can be deemed previously developed land (PDL). However, the glossary to the Framework indicates that this applies when it has been lawfully developed. However, I have limited information before me to indicate that this is the case. Moreover, the Council state that the lawful use of the land is agricultural, to which the appellant has not objected. With no evidence to the contrary, I consider it likely that the former buildings at the site were related to the agricultural use. Previously developed land excludes land that is or was last occupied by agricultural buildings. I thus find the land does not represent PDL. However, even if I were to consider it PDL, this would not alter my view with regards to the effect of the proposal on the character and appearance of the area.
38. An absence of objections from statutory consultees does not in itself mean the proposal is acceptable. The appeal has been determined based on the development plan, material considerations and the evidence presented.

Planning Balance

39. Section 38(6) of the Planning and Compulsory Purchase Act states that a decision must be taken in accordance with the development plan unless material considerations indicate otherwise.
40. There is no substantive evidence before me to indicate that the Council is unable to demonstrate a five-year supply of housing or that relevant development plan policies are out-of-date for other reasons. Accordingly, paragraph 11(d) of the Framework is not engaged.
41. The proposal would provide one additional dwelling on a windfall site, representing an effective use of currently disused land. This would make a very small, but nonetheless useful contribution towards boosting the area's housing supply. The Framework recognises that small-medium sites can make an important contribution to meeting the housing requirement of an area and can often be built out relatively quickly.
42. Social and economic benefits would ensue related to its construction and from future occupiers spending in the local economy and paying council tax. The site would be in an accessible location where future occupiers would be able to easily walk to and support local services and facilities, helping to support the vitality of the rural community. There would also be biodiversity enhancements, achieved through new planting. However, given the small scale of the proposal, the benefits collectively only attract modest weight in favour of the development.
43. Although the proposal would cause no harm to the living conditions of neighbouring occupiers, or to highway safety, the absence of harm is a neutral factor in the planning balance.

44. I have had regard to the judgement referenced by the appellant¹ which, amongst other matters, sets out that a breach of a particular development plan policy does not necessarily equate to a failure to accord with the development plan as a whole. However, it remains a matter of judgement for the decision maker as to whether conflict with some policies and compliance with others would result in conflict overall with the development plan.
45. The Framework states that the planning system should be genuinely plan-led. I have identified that the proposals location would conflict with the spatial strategy and would cause harm to the character and appearance of the area, conflicting with Policies SCLP3.2, SCLP3.3, SCLP5.3 and SCLP10.4 of the LP and RSA 1 and 3 of the NP. The Framework also recognises, at paragraph 135, the importance of being sympathetic to local character. Additionally, I am also unable to conclude that it would be possible to construct a dwelling on the site without harm arising from contamination.
46. The conflict with the Council's development plan policies in respect of the above issues are a matter to which I afford significant weight, and which outweigh the identified benefits of the proposal.

Conclusion

47. The proposed development would be contrary to the development plan considered 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.

T Bennett

INSPECTOR

¹ R (Corbett) v Cornwall Council [2020]EWCA Civ 508