



Appeal Decision

Site visit made on 17 November 2025

by Ms Beloe MSc DIC BSc (Hons) CSci CEnv C.WEM MCIWEM

an Inspector appointed by the Secretary of State

Decision date: 12 December 2025

Appeal Ref: APP/F3545/W/25/3371739

Beech Hedge Farm, Weston Ditch, West Row, Bury St Edmunds IP28 8RE

- 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 Ms. Claire Norman against the decision of West Suffolk Council.
 - The application Ref is DC/24/1646/FUL.
 - The development proposed is a new single storey, 3 bedroom dwelling to replace the existing 143m² mobile home.
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Decision

1. The appeal is allowed and planning permission granted for a new single storey, 3 bedroom dwelling to replace the existing 143m² mobile home at Beech Hedge Farm, Weston Ditch, West Row, Bury St Edmunds IP28 8RE, in accordance with the terms of the application Ref DC/24/1646/FUL, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. Since determination of DC/24/1646/FUL by the Council, a new Local Plan has been adopted, the West Suffolk Local Plan (WSLP) which was formally adopted on 15 July 2025. The Council has confirmed that the relevant policies listed in the decision notice, and repeated below, have been superseded by the following policies in the WSLP:
 - Policy DM2 (Creating Places - Development Principles and Local Distinctiveness) from the Forest Heath and St Edmundsbury Local Plan 2015, has been superseded by the following policies in the WSLP: Policy SP4 (Design), Policy LP8 (Designing for health and wellbeing and impacts of new development), Policy LP9 (Well-designed places) and Policy LP11 (Design codes).
 - Policy CS5 from the Forest Heath Local Development Framework Core Strategy (Design Quality and Local Distinctiveness) adopted May 2010, has been superseded by Policy SP4 (Design) in the WSLP.
 - Policy DM5 (Development in the Countryside) from the Forest Heath and St Edmundsbury Local Plan 2015, has been superseded by Policy SP24 (Economic development and essential utilities in the countryside) in the WSLP.
 - Policy DM27 (Housing in the Countryside) from the Forest Heath and St Edmundsbury Local Plan 2015, has been superseded by Policy SP21 (Housing in the countryside).

Background and Main Issues

3. The development proposed is to replace the existing mobile home on the appeal site with a single storey, 3 bedroom dwelling of the same floor space of 143m², as measured by the appellant.
4. There is disagreement between the appellant and the Council as to whether the proposed development is a new dwelling in the countryside or a replacement of an existing dwelling. The appeal site has a certificate of lawful use for the mobile home (DC/23/2005/CLE). The Council contends that the mobile home is not a residential dwelling as the certificate of lawful use for the mobile home is described on the certificate as:

'The use of the Land for the siting and occupation of a mobile home for residential purposes in accordance with the plans submitted with application DC/23/2005'.
5. My attention has been drawn to the judgement of Measor v Secretary of State for the Environment, Transport and the Regions [1998] 4 P.L.R. 93; [1999] J.P.L. 182. For the avoidance of doubt in this case, I have taken a conservative approach and have considered the appeal on the basis of the proposed development being a new dwelling in the countryside.
6. A 3 bedroom live/ work unit has been approved by the Council (DC/20/0401/VAR) on the open field between the existing mobile home and a building of agricultural appearance. This has a lawful development certificate (DC/24/1746/CLP) to confirm that work has begun, but it is yet to be fully built out.
7. The appellant has submitted a section 106 unilateral undertaking (UU) as part of the appeal, which through schedules 4(1) and 4(2) of the UU, the proposed development would replace two structures with one, with an overall substantial reduction in floorspace. Schedule 4(2) of the UU states that the owner commits not to further implement, carry out or continue with any development authorised by the live/ work permission from the date permission is granted. This would be alongside a commitment in schedule 4(1) for the owner to remove the mobile home from the appeal site within 90 days following the commencement of development and not to use the mobile home site for the siting of a mobile home thereafter.
8. Therefore, the main issues are:
 - the effect of the proposed development on the character and appearance of the area with respect to residential development in the open countryside; and
 - the effect of the fallback position and the matters which would be secured via the unilateral undertaking.

Reasons

Character and appearance

9. The appeal site is located at Beech Hedge Farm to the north-west of the village of West Row in Suffolk, in the countryside. There is residential development in the wider area, particularly along the main highway named The Green and Cook's Drove, close to the appeal site. Development away from the main highway is sporadic with rural space between individual structures. The structures in the wider

area are a mix of residential dwellings and agricultural structures, well spaced apart.

10. Approaching the appeal site along Cook's Drove, there is a more concentrated cluster of development, made up again of a mix of residential and agricultural structures along the main highway, some of which can be seen from the appeal site. There is a residential neighbouring property along Cow and Sheep Drove which is shielded from the appeal site by boundary vegetation.
11. Within the Beech Hedge Farm complex there is a residential building of three terraced properties immediately to the west of the appeal site. A building of agricultural appearance is located to the north-east of the appeal site, which according to the appellant, is used for equestrian purposes. There is an existing mobile home on the appeal site next to a hedge. There is some domestic paraphernalia associated with the mobile home in the immediate surroundings. These existing structures are well spaced apart and the Beech Hedge Farm complex has an open feel. Once built out, the 3 bedroom live/ work unit would infill some of the space between structures, reducing the openness to some degree.
12. Although the proposed development would be of a similar style to the existing neighbouring live/ work unit, it would infill a significant space between the existing building to the west of the appeal site and the consented live/ work unit. The overall result would be a linear form of development, with structures in close proximity to one another, which would be out of character with the general appearance of development away from the highway, in this rural area, where development tends to be sporadic with areas of rural space between individual structures.
13. As the proposed development is being considered as a new dwelling in the countryside for the purposes of this appeal, there are a number of specific criteria within Policy SP21 of the WSLP with which it would not accord. The proposed development would not be within a small cohesive group of seven or more existing dwellings next to or fronting the highway. In addition, it would not infill a small undeveloped plot within an otherwise continuous built up frontage. Therefore, the proposed development would be contrary to Policy SP21 of the WSLP for new developments in the countryside.
14. The proposed development would also be contrary to relevant aspects of Policies SP4, LP8 and LP9 of the WSLP, which together seek to ensure development is sensitively integrated into the surrounding area with regard to local character and context, and as a whole, seek to protect the countryside from harmful development. It would therefore be contrary to the Development Plan as a whole.

Fallback position for an alternative development

15. I consider, the residential use of the land comprising the appeal site is established, given that there is a certificate of lawful use for the mobile home on the appeal site (DC/23/2005/CLE) which is described on the certificate as:

'The use of the Land for the siting and occupation of a mobile home for residential purposes in accordance with the plans submitted with application DC/23/2005'.
16. As the use of the land for the siting and occupation of a mobile home for residential purposes could continue indefinitely as the mobile home could be replaced

- periodically as necessary, the residential use of the land comprising the appeal site is considered to be permanent. The mobile home of the same floor area as the proposed development could be positioned anywhere in the appeal site.
17. Therefore, there is a fallback position for the mobile home with residential use to remain on the appeal site indefinitely and the live/ work unit to be built out. From the information before me, I consider that the fallback has a real prospect of being implemented if this appeal is dismissed. Consequently, the fallback position is a material consideration in the determination of the appeal scheme. For significant weight to be afforded to the 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.
 18. The fallback scheme would result in the 3 bedroom live/ work unit being built out and the existing mobile home with residential use, remaining on the appeal site with domestic paraphernalia associated with it, indefinitely. Under the fallback scheme there would be a total of six structures on the wider farm site; the three terraced properties, the mobile home, the 3 bedroom live/ work unit and the building of agricultural appearance.
 19. During the appeal process the Council confirmed the UU put forward by the appellant, see above, was lawful, whilst maintaining its position that the appeal should be refused based on the information submitted in its statement of case. As a result of the obligations in schedules 4(1) and 4(2) of the UU, the proposed development would replace two structures with one, with an overall substantial reduction in floorspace. A significant gap would be maintained between the proposed development and the building of agricultural appearance, maintaining the sporadic form of development in areas away from the highway with areas of rural space in between. This would significantly reduce the overall effects on character and appearance compared to the scenario where the mobile home were retained with its associated residential paraphernalia and the live/ work unit was built out.
 20. Therefore, the fallback scheme is more harmful to the character and appearance of the area than the appeal scheme. I therefore consider the fallback position to hold significant weight. I conclude that, even though the proposed development, when considered to be a new dwelling in the countryside in conflict with several specific criteria under Policy SP21 of the WSLP, that overall there would be betterment to the character and appearance of the area through allowing the appeal.
 21. Therefore, considering the prospect of the fallback position, the proposed development with the obligations secured through the UU in schedules 4(1) and 4(2), the proposed development would align with relevant aspects of Policies SP4, LP8 and LP9 of the WSLP, which together seek to ensure development is sensitively integrated into the surrounding area with regard to local character and context, and as a whole, seek to protect the countryside from harmful development. Despite being in conflict with specific aspects of Policy SP21 of the WSLP, in light of the prospect of the fallback position which would be worse for the character and appearance of the area, the proposed development would align with the development plan as a whole and provide betterment.
 22. The proposed development would also accord with paragraph 135 of the Framework 2024, which states amongst other criteria, that decisions should ensure that developments function well and add to the overall quality of the area, are

visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

23. Therefore, the proposed development would align with the development plan and the Framework as a whole and there would be no harm to the character and appearance of the area.

Other Matters

24. I note that concerns have been raised regarding disturbance related to the additional use of the site and the access. Due to the existing established residential use of the land making up the appeal site and as a result of the commitments secured via the UU, there would be no additional traffic or noise once occupied, than the current permissions on the site allow. I also note no concerns were raised by the Council's Highways Department regarding access to the site.
25. In addition, I note concerns have been raised by the Council that the site is not a sustainable site for market housing. The appeal site is within walking and cycling distance to West Row, which is served by public transport, although I would not regard this as close. I note that whilst the road comprising The Green and Cook's Drove leading from the appeal site to West Row does not have a pavement, there are grass verges and there is streetlighting. There are many existing residential properties located along this road. Moreover, there is established residential use of the appeal site, which as stated above, I consider permanent, which is already somewhat unsustainable in transport terms. Therefore, the proposed development would accord with paragraph 84 of the Framework 2024, which seeks to avoid the development of isolated homes in the countryside. Given the specific circumstances of the case, I give little weight to the Council's point relating to the sustainability of the location.
26. Whilst the five-year housing land supply has been discussed in the Council's reason for refusal, it is common ground between the appellant and the Council that since the adoption of the WSLP in July 2025 that a 5-year housing land supply can now be demonstrated, and so section 11(d) of the Framework is not engaged.
27. The Council has indicated that Policy SP24 of the WSLP has replaced Policy DM5. However, as Policy SP24 solely relates to economic development and essential infrastructure, it is not directly relevant to the key considerations for this appeal. The Council has also indicated that Policy LP11 (Design Codes) in the WSLP is one of the policies that has replaced Policy DM2. However, Policy LP11 is not directly relevant to the key considerations for this appeal as it either applies to larger development or self-build development and there is nothing in the UU to secure this proposed development as a self-build.

Conditions

28. The Framework states that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. I have had regard to the Planning Practice Guidance (PPG) and the conditions suggested by

the Council and where necessary I have amended the wording in the interests of effectiveness and precision.

29. In the interests of certainty and clarity, I have imposed the standard conditions relating to the commencement of development as well as the approved plans. Given the proximity of the nearby airstrip, in the interests of ensuring adequate living conditions for the future occupants of the proposed development, a sound attenuation condition against external noise is included.
30. In the interest of proper planning and highway safety, two conditions have been included regarding vehicles. Firstly, a condition to ensure sufficient space is provided for the on-site parking and manoeuvre of vehicles. Secondly, a condition to ensure adequate space is provided for refuse and recycling bins to be stored and presented for emptying and left by operatives after emptying, clear of the highway.
31. In the interests of sustainable travel, a condition has been included to ensure the provision at an appropriate time and long-term maintenance of adequate on-site areas for the storage of cycles. In the interest of water efficiency and sustainability and to ensure that the proposal meets with the requirements of sustainability, in accordance with Policy LP1 of the SWLP, a condition has been included limiting water use.
32. In the interests of proper planning, I consider it necessary to require a condition securing the provision of biodiversity enhancements commensurate with the scale of the development and another securing the provision of soft landscaping to ensure that trees and hedgerows are adequately protected during the periods of construction. I have simplified the wording proposed by the Council.
33. Given the small scale of the development, I do not consider a condition specifying construction hours as necessary. In addition, given the existing residential use of the appeal site, a condition controlling external artificial lighting is not considered necessary. Therefore, these suggested conditions by the Council have not been included.
34. The Council has suggested a condition should be included to remove the permitted development rights to extend the dwelling. The PPG states that the blanket removal of freedoms to carry out small scale domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity. I have therefore not included this suggested condition.

Conclusion

35. In the particular circumstances of this case, for the reasons given above, I conclude that the proposal would accord with the development plan as a whole, and the Framework, and therefore the appeal is allowed.

Ms Beloe

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun not later than three years from the date of this permission.
2. The development shall only be undertaken in accordance with the following approved plans; Location Plan (Drawing Number 24 1811 LOC); Proposed Site Plan (Drawing Number 24 1811 001); Proposed Block Plan (Drawing Number 24 1811 002); Proposed Floor Plan and Elevations (Drawing Number 24 1811 010).
3. The building envelope, glazing and ventilation of the residential dwelling hereby permitted shall be constructed so as to provide appropriate sound attenuation against external noise. The acoustic insulation of the dwelling shall be such to ensure noise does not exceed an LAeq (16hrs) of 35dB(A) within bedrooms and living rooms between 07:00 and 23:00hrs and an LAeq (8hrs) of 30dB(A) within bedrooms and living rooms between 23:00 and 07:00hrs. The noise levels specified in this condition shall be achieved with the windows open or, if closed, then other means of ventilation provided as appropriate ranging from background to rapid / purge ventilation to prevent overheating in accordance with the Acoustics & Noise Consultants (ANC) and Institute of Acoustics (IOA) 'Acoustics Ventilation and Overheating Residential Design Guide' (AVO Guide), January 2020.
4. Prior to first occupation the area within the site shown on Drawing No. 24 1811 001 for the purposes of manoeuvring and parking of vehicles must be provided and thereafter that area shall be retained and used for no other purposes.
5. Prior to first occupation details of the areas to be provided for the secure, covered and lit cycle storage must be submitted to and approved in writing by the Local Planning Authority. The approved cycle storage scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.
6. No development above ground level shall take place until details of the areas to be provided for the storage and presentation of refuse and recycling bins have been submitted to and approved in writing by the Local Planning Authority. The approved refuse and recycling scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.
7. The dwelling hereby approved shall not be occupied until the requirement for water consumption (110 litres use per person per day) in part G of the Building Regulations has been complied with and evidence of compliance has been obtained.
8. Prior to occupation, details of biodiversity enhancement measures to be installed at the site, including details of the timescale for installation, shall be submitted to and approved in writing by the Local Planning Authority. Any such measures as may be agreed shall be installed in accordance with the agreed timescales and thereafter retained as so installed.
9. No development above ground level shall take place until a scheme of soft landscaping for the site drawn to a scale of not less than 1:200, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include accurate indications of the position, species, girth, canopy spread and

height of all existing trees and hedgerows on and adjacent to the site and details of any to be retained, together with measures for their protection during the course of development. Any retained trees removed, dying or becoming seriously damaged or diseased within five years of commencement shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation. The works shall be completed in accordance with the approved plans and in accordance with a timetable to be agreed with the Local Planning Authority.

END OF SCHEDULE