



Appeal Decision

Site visit made on 18 December 2025

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2026

Appeal Ref: APP/F3545/W/25/3369451

Land At Pipers Hall Farm, Whepstead, Bury St Edmunds, Suffolk, IP29 4TG

- 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 Mr K Hall against the decision of West Suffolk Council.
 - The application Ref is DC/25/0439/OUT.
 - The development proposed is "Outline Planning Application (means of access to be considered) - one self-build dwelling".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with all matters other than the point of access reserved for future consideration.
3. The Council has confirmed that a new Local Plan was adopted on 15 July 2025¹, with the following policies of particular relevance to the appeal;- SP4, SP11, SP12, SP21, SP24 and LP9. The Council has also confirmed that these replace all the policies referred to in the reasons for refusal, namely DM2, DM5, DM22 and DM27 of the Development Management Policies Document², CS1, CS4 and CS13 of the Core Strategy³ and RV1 of the Rural Vision⁴. The appellant was consulted in respect of this update and did not contest the relevance of the policies referred to, but has included evidence in their response where the Council referred to Policy SP20 of the Local Plan⁵. Further consultation was not carried out with other interested parties as the Local Plan adoption has not resulted in any changes to the proposed scheme. As a consequence, my determination of the appeal is now against the Local Plan policies referred to by the Council (to include Policy SP20) and I am satisfied this has not prejudiced the interests of any party.

Planning obligation

4. Following submission of the appeal, the appellant tendered a signed and dated unilateral undertaking to;- (1) provide a monitoring and reporting contribution; and (2) restrict the scheme to a self-build dwelling.

¹ West Suffolk Local Plan 2024-2041, West Suffolk Council, July 2025.

² Forest Heath and St Edmundsbury Local Plan, Joint Development Management Policies Document, February 2015

³ St Edmundsbury Core Strategy, December 2010, St Edmundsbury Borough Council.

⁴ Rural Vision 2031, September 2014, St Edmundsbury Borough Council.

⁵ Email dated 1 September 2025 from the Council to Jason Parker (Appendix 1).

Main Issues

5. The main issues are:-

- whether the development is in an appropriate location; and
- the effect of the development on the character and appearance of the area.

Reasons

Appeal site context

6. The appeal site is comprised of a small field laid to grass enclosed by wire & timber fencing, hedgerows and trees. To the north lies a small cluster of agricultural & residential buildings, with a single dwelling to the south. The surrounding area is characterised by open fields enclosed by mature hedgerows and has a clear countryside character.
7. The appeal site does not fall within a defined settlement boundary and therefore falls within the open countryside for planning purposes.

Whether the development is in an appropriate location

8. Policy SP21 of the Local Plan states that new dwellings will only be permitted in the countryside where; - (a) the development is within a small cohesive group of seven or more dwellings; (b) the scale of development consists of the infilling of a small undeveloped plot with one or two dwellings and that these are commensurate with the scale and character of existing dwellings within an otherwise continuous built-up frontage; and (c) the location has access to sustainable transport links. It further states, amongst other things, that permission will not be granted where a proposal;- (a) harms or undermines a visually important gap that contributes to the character and distinctiveness of the rural scene; (b) contributes towards coalescence with adjacent settlements; or (c) contributes towards the development of isolated homes in the countryside in a piecemeal manner on sites next to other dispersed rural housing in the countryside.
9. There is a significant distance between the dwellings/buildings to the north and south of the appeal site and the intervening gap constitutes an extensive open area. As a consequence, the dwelling to the south does not visually or functionally form part of the cluster of agricultural and residential buildings to the north. For this reason, the site would not constitute an infill plot in an otherwise continuous built-up frontage, but would instead amount to an additional isolated dwelling in the countryside that has been developed in a piecemeal manner next to other dispersed rural housing. For this reason, and because the site does not fall within a small cohesive group of seven or more dwellings, the scheme would fail to comply with Policy SP21 of the Local Plan.
10. I recognise that the development's proximity to the dwellings and agricultural buildings to the north and south would mean that it is not physically isolated. However, this does not mean that it would be sustainable in terms of access to shops, services & community/leisure/health facilities and transport choices other than the private car, or that it should be approved.
11. In this instance, there is no footway or public rights of way to nearby settlements (with smooth surfaces and associated streetlighting) that would be able to

accommodate a range of pedestrians (to include those with disabilities or parents with small children in pushchairs or prams). As a consequence, the scheme would not enable or encourage safe-walking by all parties throughout the day and into the evening.

12. In any event, the appellant's evidence reveals that the nearest villages/hamlets have extremely limited facilities and amenities, which would mean that occupants would have to travel further afield to access day-to-day shopping, services & community/leisure/health facilities. I recognise that larger settlements with these facilities and amenities, such as Bury St Edmunds, could be accessed by cycling. However, given the intervening distance (approximately 6 miles) and the nature of narrow unlit rural lanes, I would expect this form of travel for these purposes to be extremely limited.
13. Despite the appellant stating that there are limited public transport options available in Whepstead and Hawstead Green, there is no evidence before me of how frequent these services are and in any event, neither of these settlements can be reached safely on foot for the reasons identified above. Furthermore, whilst I recognise that local public rights of way would provide some recreation opportunities, I am not of the view that these would diminish the need for potential future occupants to rely on larger settlements further afield to meet their leisure needs.
14. In light of the above, I conclude that it would not be possible to access sustainable transport links from the appeal site to the closest settlements identified in Policy SP13, which would be contrary to Policy SP21. As a consequence, the scheme would be so functionally isolated and remote from other settlements, and poorly served by sustainable transport, that its occupants would have to rely exclusively on a car to access day-to-day shopping, services & community/leisure/health facilities.
15. I recognise that in rural locations access to sustainable rural transport solutions will be typically less than that of an urban area and that development in one village may support services in another nearby. However, in this case, I found the overall level of day-to-day access to shops, services & community/leisure/health facilities by walking, cycling and public transport to be of such a poor standard, and consequential reliance on the private motor car to be so high, that I consider the appeal site's location to be inappropriate for new residential development.
16. In light of the above, I conclude that the development conflicts with Policies SP12 and SP21 of the Local Plan, which collectively seek, amongst other things, to;- (1) locate housing where it will enhance or maintain the vitality of rural communities; and (2) protect the countryside from inappropriate and unsustainable development.
17. Although self-build dwellings are supported by Policy SP20 of the Local Plan, this is on the basis that they are in accordance with all other relevant policies in the Plan, which I have determined that the scheme is not. The proposal therefore conflicts with this policy.
18. I also find that the scheme conflicts with Paragraphs 9, 96 and 110 of the Framework⁶ as it would result in; (a) a planning decision not playing an active role

⁶ National Planning Policy Framework, Ministry of Housing, Communities and Local Government, 12 December 2024 (as amended on 7 February 2025).

in guiding development towards sustainable solutions; (b) a planning decision not enabling and supporting healthy lifestyles, for example with safe and accessible sports facilities and local shops; and (c) the planning system failing to actively manage patterns of growth in support of the transport objectives outlined in Paragraph 109; - namely, that it would be heavily car dependant and not promote walking and public transport.

The effect of the development on the character and appearance of the area

19. The proposed dwelling would visually intrude into an open and undeveloped site, in an area of countryside characterised by farmland with occasional isolated dwellings and farmsteads. As a consequence, it would have an adverse impact on the rural character of the area.
20. In support of the scheme, the appellant refers to the existing hedgerows and proposed boundary treatment that would screen the site. However, I do not consider reduced public visibility to be a sound basis upon which to justify an otherwise harmful impact as this could be repeated too easily and often for all forms of inappropriate development.
21. In light of the above, I conclude that the development would conflict with Policies SP4 and LP9 of the Local Plan, which collectively seek, amongst other things, to ensure that new development;- (1) has regard to local context; and (2) protects landscape settings and local character.
22. I also find that the scheme conflicts with Paragraphs 135 and 187 of the Framework as it would not; (1) be sympathetic to local character; and (2) contribute to and enhance the natural environment by recognising the intrinsic value and beauty of the countryside.

Other matters

23. The appeal site is within the zone of influence for the Breckland Special Protection Area (SPA), which is protected by the Conservation of Species and Habitats Regulations 2017 and referred to in the West Suffolk Recreational Disturbance Avoidance and Mitigation Study⁷. As a consequence, the Council states that a strategic access management and monitoring (SAMM) contribution of £391.97 is required to avoid and mitigate the recreational effects of development upon this designated wildlife site. The appellant has accordingly made this payment and the Council has confirmed that it considers the scheme to now accord with Policy SP11 of the Local Plan. In light of all the evidence before me, I see no reason to disagree with this position.
24. The appellant has submitted a planning obligation and covenant pursuant to S106 of the Town and Country Planning Act 1990 (as amended) and S111 of the Local Government Act 1972 ('the planning obligation'). This contains details of the appellant's undertaking not to commence any development other than a self-build dwelling and to provide a financial contribution to the Council in respect of a S106 fee for monitoring and reporting of £587.00. The Council has confirmed that this addresses its previous concerns in respect of the initial draft obligation. However, given that I am dismissing the appeal for other reasons, it has not been necessary

⁷ West Suffolk Recreational Disturbance Avoidance and Mitigation Study, Footprint Ecology, June 2025.

for me to consider the undertakings within this document against the regulatory tests of the Community Infrastructure Levy (CIL).

25. Although the development would result in the loss of Grade 3 agricultural land, it is unclear whether this is Grade 3a or 3b. If the land were Grade 3a, then it would be the 'best and most versatile' agricultural land. However, in the absence of this being confirmed, and the relatively modest amount that would be lost, I attach only limited weight to this issue as I cannot be certain that its loss would be significant or unduly affect food security.

Planning balance

26. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that the determination of applications should be made in accordance with the development plan unless material considerations indicate otherwise.
27. The Council states that upon the recent adoption of the new Local Plan, it acquired a 5-year housing land supply. This has not been disputed by the appellant and hence the tilted balance exercise at Paragraph 11 of the Framework has not been engaged on this basis.
28. Furthermore, I am satisfied that Policy SP20 of the recently adopted Local Plan makes sufficient provision for self-build dwellings to be delivered and consider that it would be premature, given the extremely limited time that has elapsed since adoption, to conclude that this will not address the existing shortfall. As a consequence, I do not consider this policy to be out of date, which means that the Paragraph 11 tilted balance exercise of the Framework is not engaged on this basis either.
29. The scheme would result in benefits from; - (a) the provision of a self-build dwelling where there is currently an identified shortfall; (b) the construction of a quickly-deliverable, energy efficient dwelling towards local housing stock and the Council's 5-year housing land supply; (c) future occupiers contributing to the vitality and viability of shops, services, facilities, businesses and community organisations in the surrounding area; (d) improvements to the ecological value of the site from native planting and habitat enhancement; and (e) local employment during construction and for subsequent maintenance of the site. I attach moderate weight to the scheme making a small contribution towards self-build provision, but consider the remaining benefits to be of limited value given the small size of the development in terms of housing units. On this basis, when assessed against the policies in the development plan and other material considerations, it is my view that the adverse impacts of the scheme outweigh these benefits.
30. My attention has been drawn by the appellant to a number of other appeal decisions which they feel help to justify the scheme. However, whilst I recognise that there are some similarities in terms of the size of scheme and the principle of new housing falling outside a settlement boundary in the countryside, I found none of the circumstances to be identical to that before me, with particular regard to adjacent built-form, proximity to existing settlements & local services and 5-year housing land supply position. I have as a consequence assessed the proposal on its own merits in the light of all the evidence which is now before me.

31. In view of the above, I conclude that the proposal does not accord with the development plan and that other material considerations do not indicate that the proposal should be determined other than in accordance with this.

Conclusion

32. For the reasons given above the appeal should be dismissed.

Robert Fallon

INSPECTOR