



Appeal Decision

Site visit made on 22 November 2022

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 February 2023

Appeal Ref: APP/F3545/W/22/3301806

Cowlinge House, Newmarket Road, Cowlinge CB8 9QA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Josh Whitehead against the decision of West Suffolk Council.
 - The application Ref DC/21/1516/FUL, dated 20 July 2021, was refused by notice dated 10 May 2022.
 - The development proposed is a dwelling and cartlodge.
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Decision

1. The appeal is allowed and planning permission is granted for a dwelling and cartlodge at Cowlinge House, Newmarket Road, Cowlinge CB8 9QA in accordance with the terms of the application, Ref DC/21/1516/FUL, dated 20 July 2021, subject to the following conditions on the attached schedule A.

Procedural Matters

2. The Council's description of the proposal has been used above rather than that of the appellant. The appellant's description refers to details of the proposal not reflected within the submitted plans for consideration, as well as information on the undeveloped status of the site and tree works not requiring planning permission.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

Character and appearance

4. The appeal site comprises grazing land with a roadside hedge adjacent to Queen Street. It is flanked by the rear gardens of 1 and 2 Elm Cottages and Cowlinge House on Newmarket Road on one side, and the large garden of a neighbouring dwelling on Queen Street, on the other. It backs onto Queen Street and fronts onto agricultural buildings to the rear of Cowlinge House and towards open countryside beyond. Access is through the entrance for Cowlinge House off Newmarket Road. The village comprises sporadically sited and varied designed dwellings singly and within groupings, with intervening landscaped spaces, comprising gardens, fields and paddocks. These verdant, spacious and open qualities contribute to a semi-rural character and appearance that is locally distinctive.

5. The appeal site lies within the settlement boundary of Cowlinge under the adopted Rural Vision (RV) 2031. Under RV Policy RV3, planning permission for new residential development will be permitted within housing settlement boundaries where it is not contrary to other policies in the plan. Under the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (DMPD), Policy DM2 requires development not to involve the loss of gardens and important open, green or landscaped areas which make a significant contribution to the character and appearance of a settlement.
6. The development would result in the loss of a green space and would consolidate existing development within the village. However, the site is not of a great size, with substantial green space adjacent to it, and the village has extensive green spaces in and around dwellings taken as a whole. Consequently, the appeal site's green space does not significantly contribute to character and appearance of the area. Furthermore, the bungalow would be discretely sited, being well-set back from Queen Street, with garden and hedge between it and the road.
7. The proposed bungalow would be attractively designed, and the roadside hedge would screen views of the dwelling. Although vegetation can be lost for any number of reasons, such as accidental damage, disease or weather damage, the hedge is well-established. There would also be scope for further hedge planting, especially alongside the boundary with the access from Queen Street serving the adjoining cottages. Such considerations weigh in favour of the scheme. There would be a car port in front of the proposed bungalow facing onto rural buildings and countryside beyond. As such, it would not intrude into Queen Street or Newmarket Road, and would be unobtrusive, not significantly affecting the openness of the area.
8. In 1996, an appeal for a dwelling was dismissed on this site where an Inspector considered the site to form an important gap contributing to the area's character and appearance. The proposal was found to conflict with local plan policies relating to infil development and a local designation, 'areas subject to planning restrictions', that restricted development. However, local and national planning policy have changed, with the site now within a settlement policy boundary. National policy has a more nuanced and flexible approach to managing development subject to satisfying environmental considerations, such as design. The proposal also involved access off Queen Street. As such, there are significant differences in circumstances between this proposal and that before me. As such, only limited weight can be attached to this previous decision.
9. This previous decision also serves to demonstrate that every proposal has to be considered on its particular planning merits and for the reasons indicated above, the development would not harm the character and appearance of the area. It would comply with Policy RV3 of the RV, Policies DM2 and DM22 of the DMPD, and Policy CS3 of the St Edmundsbury Core Strategy (CS) 2010, which collectively and amongst other matters, requires landscape/townscape, local distinctiveness and the special qualities of the area to be addressed, green or landscaped areas not to be lost that make a significant contribution to the character and appearance of a settlement, and development to utilise the characteristics of the locality to create buildings and places that have a strong sense of place and distinctiveness.

Other matters

10. The proposal would incorporate its own vehicular parking and the access would meet required standards on highway visibility in accordance with an approved plan. There would be an increase in traffic generation through the village but the addition of a single dwelling would not significantly contribute to this. The highway authority has raised no objections to the proposal and in the absence of detailed evidence to the contrary, considerable weight is attached to their comments as a statutory consultee on such matters. Due to the dwelling's single storey nature, there would be no adverse effects on the living conditions of the neighbours in terms of daylight/sunlight, outlook and privacy.
11. Third parties indicate that that the dwelling is intended to be occupied by a local person and his family. However, there is no planning mechanism to ensure occupation by this person and in any case, restricting occupation in this way would be difficult to justify because there could be an unforeseen change in circumstances. As such, this consideration has not been taken into account in my decision.

Planning Balance and conditions

12. The proposal would comply with the development plan, taken as a whole, and there would be no material considerations that indicate that it should be determined other than in accordance with the development plan.
13. Suggested conditions have been considered in light of the advice contained in Planning Practice Guidance. Some have been amended, shortened and amalgamated in the interests of clarity and precision taking into account the guidance. A condition requiring the development to be carried out in accordance with the details shown on the plans is necessary in the interests of proper planning and for the avoidance of doubt. In the interests of the character and appearance of the area, conditions are necessary to require the implementation of acceptable materials, landscaping and protection of the hedgerow during construction.
14. For the sake of highway safety, a condition requiring the laying out of the access in accordance with the relevant approved plans is required. In the interests of sustainable transport, implementation of approved cycling storage facilities is necessary by condition. To ensure adequate waste disposal, the implementation of acceptable bin facilities is required by condition. To minimise water consumption, a limit is necessary in accordance with policy. In the interests of neighbour's living conditions, a limit on construction hours is required. No electric vehicle charging condition has been imposed as it is now a requirement under building regulations.

Conclusion

15. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Jonathon Parsons

INSPECTOR

Schedule A

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 01C, 02B, 04B, 06B, 07A, 08B and 09A.
- 3) No development above slab level shall take place until details of all external facing materials, have been submitted to and approved by the local planning authority in writing. The dwelling shall be carried out in accordance with the approved details.
- 4) No development above slab level shall take place until full details of both hard and soft landscape works, including boundary treatments, have been submitted to and approved in writing by the local planning authority. The details shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include species, density and size of stock.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the dwelling or the completion of the development, whichever is the sooner. The approved tree and hedgerow protection measures shall be implemented prior to the commencement of construction works and retained for the duration of such works. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) No other part of the development hereby permitted shall be commenced until the existing vehicular access has been improved, laid out and completed in all respects in accordance with drawing no. DM01; and with an entrance width of 4.5 metres measured from the nearside edge of the carriageway and be available for use prior to commencement. Thereafter the access shall be retained in the specified form.
- 7) Prior to the first occupation of the dwelling hereby permitted, details of the areas to be provided for the secure, covered and lit cycle storage shall be submitted to and approved in writing by the local planning authority. The approved 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.
- 8) Prior to the first occupation of the dwelling hereby permitted, details of the areas to be provided for the storage and presentation of refuse and recycling bins shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.
- 9) Prior to the first occupation of the dwelling hereby permitted, 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. There shall be no occupation unless and until details of the biodiversity enhancement measures to be installed have been agreed in writing by the local planning authority.

- 10) The dwelling hereby permitted shall not be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with for that dwelling.
- 11) The site preparation and construction works shall be carried out between the hours of 8am to 6pm Mondays to Fridays and between the hours of 8am to 1:30pm Saturdays and at no time on Sundays or Bank Holidays without the prior written consent of the local planning authority.