



Appeal Decision

Site visit made on 5 June 2020

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 23rd June 2020

Appeal Ref: APP/D3505/W/20/3244343

Plot 5, Lambs Lane, Lawshall, Bury St Edmunds IP29 4PE

- 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 Lewis Tombs against the decision of Babergh District Council.
 - The application Ref DC/19/04658, dated 16 September 2019, was refused by notice dated 3 December 2019.
 - The development proposed is erection of 1no dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. While I note the description of development on the application form, I have used the description from the decision notice as it more precisely describes the proposal.

Main Issues

3. Since the decision notice was issued, the Council has confirmed that they no longer contest the second reason for refusal which concerns flooding. While I note the first reason for refusal, from the wider evidence, the main issues are:
 - whether the proposed development accords with the Council's development plan strategy for housing; and
 - the effect of the proposed development on the character and appearance of the area.

Background and Reasons

4. An outline planning permission with all matters reserved was granted for the wider site in 2018 for the 'erection of up to 5No. dwellings comprising 3No. 3 bedroom bungalows and 2No. 2/3 bedroom cottages' (Council ref: DC/18/02155). That site was since sold to separate developers and full planning applications submitted for each plot. The Council has confirmed that since the application subject of this appeal was determined, four dwellings on the adjacent plots, which would be two and three bedroom properties, have been granted planning permission. The proposal subject of this appeal was submitted as a full planning application to the Council and would be a four bedroom dwelling located on plot five of the 2018 outline permission.

Strategy for housing

5. The site lies outside of and adjacent to Lawshall, a village classified as a Hinterland Village in the Babergh Local Plan 2011-2031 Core Strategy & Policies (Part 1 of New Babergh Local Plan) February 2014 (LP).
6. Policy Law3 of the Lawshall Neighbourhood Plan 2016-2036 Made (Adopted) – October 2017 (NP), which relates to housing development outside the Built-Up Area Boundary (BUAB), states among other things, that all proposals should be accompanied by a completed CS11 assessment checklist, which takes into account any cumulative impact taken with other existing commitments in the village.
7. Moreover, the Rural Development & Core Strategy Policy CS11 (Supplementary Planning Document (SPD)) Adopted 8th August 2014 states that all proposals outside BUABS will need to demonstrate compliance with all the criteria set out Policy CS11 and provide appropriate evidence as set out in this guidance. LP Policy CS11 requires among other things that developments meet a proven local need, such as affordable housing or targeted market housing identified in an adopted community local plan/neighbourhood plan.
8. NP Policy Law4 states that housing development must contribute to meeting the existing and future needs of the Parish. Planning proposals will be supported where development provides a mix of housing types and sizes that reflects the needs of local people particularly in the need for 2 and 3 bedroom dwellings for first time buyers as well as the needs of an ageing population looking to downsize into homes suitable for lifetime occupation. While this Policy does not preclude dwellings with more than 3 bedrooms and I note the evidence regarding the mix of housing, the aim of the Policy is to restrict the number of bedrooms to 3 or less.
9. I acknowledge that the proposed dwelling would meet the appellant's personal need for a four-bedroom house. However, there is little evidence before me to demonstrate that there is a proven local need identified in an adopted community local plan/neighbourhood plan for a dwelling with four bedrooms. Therefore, the proposal would conflict with LP Policy CS11 as well as NP Policy Law3 and the aims of LP Policy Law4.
10. I note that the appellant considers LP Policy CS11 to be out of date and not in accordance with the Framework. However, the LP post-dates the first publication of the Framework and is therefore likely to have been found to be in accordance with it. While the Policy may go further than the Framework in certain aspects, this does not necessarily mean that the Policy is not in accordance with it. The subsequent editions of the Framework have not changed substantially with respect to the main issues of this case and from the evidence before me the LP Policies are in accordance with the Framework.
11. I acknowledge that the four dwellings proposed for the wider site would be two- and three-bedroom properties in accordance with NP Policy Law4. In addition, I note the 2018 outline planning permission for five two- and three-bedroom properties. However, since a proven local need for a four-bedroom dwelling has not been demonstrated, a departure from the aim of this Policy is not justified in this instance and these considerations do not override the development plan conflict.
12. Consequently, the proposed development would conflict with the Council's development plan strategy for housing. Therefore, it would conflict with the aims of NP Policy Law4 which seeks two and three bedroom dwellings and with

LP Policy CS11 in this respect which among other things, require developments to reflect local need. The proposal would also conflict with LP Policy CS15 in this regard which among other things require that developments contribute to meeting the objectives of the Local Plan.

13. Paragraph 170 of the National Planning Policy Framework relates to the natural environment and is not directly relevant to this main issue.

Character and appearance

14. Lambs Lane is characterised by two storey detached, semi-detached and terraced dwellings in a range of forms and materials on fairly large plots such that the area has an attractive and spacious character and appearance.
15. The proposed detached house would have a traditional form, design and materials that would be in keeping with the character of the area. While the dwelling may be larger than others on the street, given the varied forms of nearby houses, it would not have an incongruous effect on the character and appearance of the area.
16. Consequently, the proposed development would not harm the character and appearance of the area. Therefore, in this particular respect, it would not conflict with LP Policies CS11 and CS15 which among other things require developments to respect the local context and character of different parts of the district.
17. NP Policy Law4 relates to the mix of housing and Paragraph 170 of the National Planning Policy Framework relates to the natural environment. Therefore, they are not relevant to this main issue.

Other Matters

18. I also acknowledge the evidence regarding permitted development. However, there is little evidence before me to indicate that a fall-back scheme would be likely to be implemented or that it would be more harmful than the proposed development. This point has therefore not altered my overall decision.
19. With regard to the 2018 outline permission, I acknowledge that scale was a matter for future consideration and that that permission did not have any conditions restricting or controlling the scale of the dwellings. I also acknowledge that development in one village may support services in a village nearby and that sustainable transport solutions will vary between urban and rural areas. However, given the development plan conflict identified above, these matters have not altered my overall decision.
20. I acknowledge the development at land South of Mages Yard (Council ref: B/15/00484/FUL/JD). However, that planning application was granted permission prior to the NP being made and is therefore not directly comparable to the proposed development. In any event, each case must be determined on its individual merits.

Conclusion

21. For the reasons given above, the appeal is dismissed.

R Sabu INSPECTOR