
Appeal Decision

Site visit made on 25 February 2021

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2021.

Appeal Ref: APP/D3505/W/3262125

Land south of Daking Avenue and west of Swan Street, Boxford, Suffolk CO10 5AA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs Keeley against the decision of Babergh District Council.
 - The application Ref DC/20/01050, dated 5 March 2020, was refused by notice dated 7 May 2020.
 - The development proposed is erection of 2 dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline, with all matters reserved for later consideration. A layout of two detached dwellings is provided, which I have taken to be for illustrative rather than definitive purposes. Although the application form refers to two dwellings each with four plus bedrooms, the appellants make it clear that the housing is not tied to any specific size or design, which are matters which they consider might be addressed by conditions or reserved matter consent. The layout indicates vehicular access onto the adjacent Goodlands estate road. The red line includes a new public footpath to provide improved access for the public to the Woodland Trust's nearby Primrose Wood.
3. The Council's decision related only to the need for and density of the proposal. However, it is my view that the proposal also raises issues pertaining to the character and appearance of the area. In the interests of natural justice, I provided the main parties an opportunity to comment further on this matter, which forms one of the main issues in my decision.

Main Issues

4. Whether the proposal would be appropriate with regard to the character and appearance of the area, a demonstrable need for two dwellings on this site and the density of development.

Reasons

5. The development plan comprises the Babergh Local Plan Core Strategy and Policies 2014 (CS) and the saved policies in the Babergh Local Plan Alteration No.2 2006 (LP).
6. The appeal relates to quite a large section of a wider grassed area that forms part of undeveloped countryside on the edge of the village. The land comprises part of a valley side, which slopes gently down to the River Box. To one corner the appeal site abuts the Goodlands estate road, from where access would be taken. The Goodlands development is the quite recently completed allocation of some 20 houses provided under LP Policy HS21. This housing comprises a continuation of the earlier-built residential estate in Daking Avenue. The appeal site forms part of the remainder of the HS21 allocation, which is shown as public open space, with a footpath connecting Daking Avenue to the River Box footbridge. As it transpired, this public open space was eventually provided to the other side of the river. However, a small car park has been provided off Daking Avenue for visitors to this gifted land, now managed by the Woodland Trust along with the adjacent Primrose Wood.
7. The access to the appeal site would be between the Primrose Wood public car park and a children's play area. The appeal site is set somewhat apart from the edge of the development in Dakers Avenue by a section of land accommodating an alternative footpath from the car park to Primrose Wood. It is also separated from the housing in Goodlands by the landscaped buffer of this development, which runs beyond the play area.
8. Other than being superseded public open space, and not being part of the completed HS21 housing allocation, the appeal site falls outside the built-up area boundary (BUAB) defined by the LP for Boxford. CS Policy CS2 establishes a settlement pattern to steer housing and other growth sequentially, firstly to the towns/urban areas, secondly to Core Villages which, like Boxford, are identified to have a lead role within a functional cluster of settlements, and thirdly to the lesser Hinterland Villages. However, in lying outside Boxford's BUAB, the appeal site is deemed countryside under this policy, where development will only be permitted in exceptional circumstances subject to a proven need.
9. Whilst contrary to Policy CS2 in being outside the BUAB, the CS refers to this as a starting point for considering the relationship of a proposal with the existing settlement pattern. Further to this, CS Policy CS11 specifies the criteria for providing greater flexibility for development considered appropriate in Core Villages, like Boxford. Policy CS15 sets out more generic principles for good design in order to secure the implementation of sustainable development.
10. Whilst an outline application, where the supporting details are indicative only, it is hardly unreasonable to conclude that the intention was for two large dwellings set in spacious gardens. Should a condition require these to be small dwellings, within such a large site any feasible arrangement would inevitably remain entirely out of keeping with the prevailing, more compactly arranged housing in this location. Even quite small dwellings, however arranged on this quite large site, would appear as a harmful incursion of piecemeal development into open countryside. Even as an entirely outline application, the proposal would conflict with Policy CS11 in respect of detracting significantly from the

open landscape setting this undeveloped countryside affords the village and its historic core.

11. The failure to show how this proposal would respect the landscape setting of the village would conflict with the principles sought in Policy CS15, where two dwellings on large plots of open land would appear unrelated to the established and more compactly built character of the housing in this location. A reliance on subsequent details would be insufficient to avoid a finding of significant harm to the character and appearance of the area, both to the open landscape setting of the village and through this proposal being out of keeping with the built pattern of the adjacent housing.
12. A dependence on suitable reserved matters, given the size of the appeal site relative to the two dwellings proposed, would not likely resolve a clear conflict with an evidently greater need for smaller scale, preferably affordable housing. In this regard, the proposal conflicts with CS Policy CS11, by failing to score positively in regard to meeting such a need. For the same reasons, the proposal would result in the highly inefficient use of a greenfield site which, in the context of a priority to develop brownfield land, fails to meet the requirements sought in Policy CS15.
13. To summarise and conclude, I find that this proposal would be inappropriate with regard to its adverse effects on the character and appearance of the area, the lack of a demonstrable need for a scheme of two dwellings of this nature and due to the low density of development making ineffective use of land. As such, this scheme would conflict with CS policies CS1, CS2, CS11 and CS15 insofar as these support the overall development plan strategy for implementing sustainable development.

Planning balance and conclusion

14. The National Planning Policy Framework (the Framework) is a material consideration in this decision. The CS and saved LP policies for Babergh conform generally with the aims of the Framework to promote both sustainable transport and patterns of growth and achieve well-designed places, whilst conserving and enhancing the natural and historic environment.
15. On the edge of the settlement, this proposal would clearly not comprise the isolated homes in the countryside that paragraph 79 of the Framework seeks that decisions avoid. More relevant is the preceding paragraph 78, which states that planning policy should identify opportunities for villages to grow and thrive especially where this will support local services. With regard to rural housing, the Planning Practice Guidance (PPG) further notes that a wide range of settlements can play a role in delivering sustainable development in rural areas, so blanket policies restricting housing development in some types of settlement will need to be supported by robust evidence of their appropriateness.
16. The appellant has referred to several previous appeal decisions in Babergh and Mid Suffolk where various Inspectors have given weight to the Framework/PPG providing more flexibility over allowing some housing in the countryside compared to, in this case, CS Policy CS2. I do not take a contrary view and have had regard to these decisions¹. However, many of these other appeals

¹ APP/D3505/W/19/3240526 - Greenlawns, Bonsai Nursery, Hadleigh Road, Boxford CO10 5JH; APP/D3505/W/18/3201905 - Mannings Farm, Castlings Heath, Groton CO10 5EU; APP/D3505/W/19/3222867

relate to smaller settlements or groups of housing, where the local planning authority's decision had relied on these either not having a development boundary or being outside that of the nearest village and hence being within the countryside for planning policy purposes.

17. However, national policy does not seek to prevent the use of settlement boundaries within development plans. In my opinion, the BUAB remains relevant in this case as this has served to identify opportunities for Boxford to grow, in full conformity with the objectives set out in Framework paragraph 78. The BUAB has also served a role in preventing the unplanned spread of development in a sporadic and piecemeal fashion, thus recognising the intrinsic character and beauty of the countryside and the landscape setting this provides the settlement. The wider site within which this proposal sits was the subject of an unsuccessful appeal for 24 dwellings², heard at an Inquiry, where the main consideration had been highway capacity; not an issue in this case. However, the Inspector had referred to recent residential development elsewhere in this settlement and found evidence that Boxford had been performing the role required of it by CS Policy CS2.
18. The Council can currently demonstrate the five-year housing land supply the Framework requires. Although this does not set a ceiling on provision, the two dwellings proposed would provide very small social benefits towards the general Framework aim to boost the numbers of homes built. There would be modest benefits to the local economy through the construction works and further household expenditure. Because the services and facilities within Boxford would be a short distance from the site, there would not be the same degree of private car dependence as housing in a more remote rural location. The public footpath access to Primrose Wood does not seem to be guaranteed in perpetuity through this proposal, but the community benefit this provides has nonetheless been given some small weight.
19. The local road network, despite the width deficiencies in Swan Street, would safely accommodate the small amount of further vehicular traffic movements generated by this proposal. However, this seems to me a neutral factor in an overall planning balance. In all, the various small benefits provided would not outweigh the significant harm identified in respect of character and appearance, a lack of a demonstrable need and the inappropriate density of development. For these reasons the proposal conflicts with the development plan when taken as a whole. Therefore, having taken into consideration all further matters raised, I conclude that the appeal should be dismissed.

Jonathan Price

Inspector

1 Willowbridge Cottages, Cockfield IP30 0JA; APP/W3520/W/18/3204723 - land adjacent Arden House, Leather Bottle Hill, Little Blakenham IP8 4NG; APP/W3520/W/18/3203705 - land north of Combs Lane, Stowmarket IP14 3BN; APP/W3520/W/18/3221579 Woodside Cottage, Long Thurlow, Badwell Ash IP31 3JA

² APP/D3505/W/18/3197391 – decided 20 November 2018.