



## Appeal Decision

Site visit made on 14 December 2020

**by E Brownless BA (Hons) Solicitor (non-practising)**

**an Inspector appointed by the Secretary of State**

**Decision date: Wednesday, 21 April 2021**

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**Appeal Ref: APP/D3505/W/20/3255019**

**The Paddocks, Lawshall Road, Hartest, Suffolk IP29 4DR**

- 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 Lewis Morgan Ltd against the decision of Babergh District Council.
  - The application Ref: DC/17/04049, dated 1 August 2017, was refused by notice dated 14 February 2020.
  - The development proposed is the erection of 6No. single-storey dwellings, associated outbuildings, improvements to existing vehicular access and highway improvements.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The emerging Babergh and Mid Suffolk Joint Local Plan (JLP) and the Hartest Neighbourhood Plan (NP) have been referred to throughout the evidence before me. The JLP and NP are both at early stages and therefore carry very little weight in my consideration of this appeal.

### Main Issues

3. The main issues are:-
  - i) the effect of the proposed development on the character and appearance of the area; and
  - ii) whether the appeal site is a suitable location for residential development having regard to the accessibility of services and facilities.

### Reasons

#### *Character and appearance*

4. The appeal site comprises a grass paddock located in close proximity to the built-up area boundary for Hartest. It forms part of a larger agricultural field that adjoins Lawshall Road, a narrow and single carriageway rural lane. The wider field is mainly bordered by mature hedgerow vegetation with some post and rail fencing visible between hedgerow gaps along its front boundary. Similar fencing detaches the site from the garden curtilage of The Paddocks, a large detached farmhouse that is set within a substantial and spacious plot.
5. The site is currently open and with no existing buildings located upon it. Although it is located adjacent to The Paddocks and is opposite dwellings along

- the southern side of Lawshall Road, the appeal site has rural qualities that make a strong contribution to the setting of Hartest village.
6. The appeal site lies within an area designated as a Special Landscape Area that is identified as consisting of undulating ancient farmland. The setting of Hartest village is described within the Joint Babergh and Mid Suffolk District Council Landscape Guidance (2015) as complementing the landscape with high banked lanes cutting a path to the village centre that then opens up to an area of houses framing small pockets of green open spaces with mature trees. As such, the appeal site makes a positive contribution to the surrounding area, the special landscape area and the setting of the village.
  7. The appellant suggests that there is an absence of footpaths to the north, south and east of the site. Nevertheless, despite boundary vegetation, views into the appeal site can be gained from the wider countryside and the surrounding highway network. In addition to these public viewpoints, views are also possible from a number of nearby residential properties. Notwithstanding, some visual separation from the wider countryside by reason of the existing boundary hedgerows and existing built form, the openness of the site and views into the village and the wider countryside contribute positively to the setting of the settlement and to its historic connection with the countryside. In my view, the appeal site is visually very important.
  8. The introduction of six dwellings together with hardstanding, domestic paraphernalia and a new access would result in a significant urbanisation of the appeal site through the transformation of existing open rural land to housing development. Despite being single storey buildings and being viewed against a backdrop of built form, the densely clustered arrangement of dwellings would present a harsh and abrupt urban edge to the village and erode the gentle transition between village and open countryside.
  9. Although the proposed cul-de-sac layout draws upon examples of similar arrangements of dwellings, including Greenview, such layouts are not commonplace. Moreover, the dwellings of Greenview are located behind vegetation and elevated above Lawshall Road such that the appeal site is not read alongside it. In my view, the proposed dwellings would appear incongruous and at odds with the looser and more spacious prevailing pattern of linear development that exists within the village.
  10. Notwithstanding the retention of an open grassed area adjacent to the highway, the proposed scheme would impinge upon views both towards and away from the village and would not preserve the existing rural qualities of the appeal site and its relationship with the adjoining countryside.
  11. Although additional planting is proposed, I am not persuaded that it would be fully effective in screening or mitigating the impact of the development, even once it has become well-established over time. In winter months, when vegetation is less dense, the dwellings would inevitably become more obvious. Moreover, it would not appropriately mitigate the overall loss of openness and visual connection with the countryside. The proposal would amount to a harmful encroachment and unwelcome intrusion into the countryside and it would cause significant harm to the rural setting of Hartest.
  12. Accordingly, I find that there would be a significant adverse effect upon the character and appearance of the area, the rural landscape and the setting of

the village. Thus, the proposal would conflict with Policies CS11 and CS15 of the Babergh Core Strategy (2014)(CS). Among other things, these policies require proposed development to be well designed, to respect the landscape and to make a positive contribution to local character. The proposal would be contrary to the aims of the National Planning Policy Framework (the Framework) insofar as it recognises the intrinsic character and beauty of the countryside.

#### *Accessibility of services and facilities*

13. The appeal site is located outside of, albeit in close proximity to, the defined settlement boundary for Hartest and for the purposes of applying planning policy it is located within the countryside. Hartest is designated as a Hinterland Village with a modest range of services and facilities including a school, doctor's surgery, church, public house and a garage. CS Policy CS11 states that Hinterland Villages '*provide for the day-to-day needs of local communities, and facilities and services that provide for the needs of local communities will be safeguarded*'.
14. To access these services and facilities, the route along the highway is generally unlit, without a footway and subject to a 30mph speed limit. Lawshall Road is narrow and its grass verges are banked and uneven thus providing limited opportunities for a pedestrian to seek safe refuge from oncoming vehicles. However, it is a quiet rural lane and its distance to the junction with Shrimpling Road is short. Shrimpling Road provides better opportunities for safe refuge. Overall, the distance involved between the appeal site and the local services and facilities is relatively short and the roads involved appear to experience a light flow of traffic. Whilst I have had regard to the content of the highway safety assessment<sup>1</sup>, the factors noted above are likely to render the route as reasonably attractive to cyclists and, to a lesser extent, some pedestrians, albeit anyone with a young child, pushchair or wheelchair is less likely to attempt to use the route. In my view, by reason of the nature and distance of the route, a reasonable number of journeys could be undertaken by means other than by a private motor vehicle.
15. Future occupants of the proposed dwellings would need to travel further afield to access employment, shopping, leisure, secondary and further education opportunities. However, a bus service is provided to the larger villages of Glemsford, Long Melford and the towns of Bury St Edmunds and Sudbury.
16. Given my findings above, the distance to the bus stop at Hartest Green would be reasonably walkable. With the exception of Sundays and bank holidays, the provided bus timetables suggest a weekday service with the earliest bus departing just before 8am. The latest service returns to the village a little before 6pm. Whilst the daily number of services is limited, to my mind, the timing of the bus service would provide reasonable access to employment opportunities, education provision and shopping further afield.
17. The Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and that this should be taken into account in decision-making. Albeit future occupants of the proposed dwellings would be likely to use a private motor vehicle, some trips could be undertaken by sustainable means of walking, cycling and use of the bus. The

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<sup>1</sup> Railton dated 7 October 2019.

location of the appeal site offers a genuine choice of transport modes and future occupiers would not be solely reliant upon the use of a private motor vehicle.

18. Therefore, I find that the appeal site would be reasonably located and connected to local services and facilities to avoid an undue reliance on the use of a private motor vehicle. Thus, the proposal would provide a suitable location for the development of new housing. It would accord with the provisions of CS Policies CS1 and CS15. Among other things, these policies seek to direct new development to sustainable locations with an appropriate level of services and facilities and seek to minimise the need to travel by car. For similar reasons, the proposal would accord with the provisions of the Framework which seek to make effective use of land and promote sustainable transport that limits future car use and healthy communities.

### **Other Matters**

19. The appellant has referred to a number of previous appeal decisions in support of the appeal. However, there is little information before me relating to the particular circumstances of these developments and it is not clear whether the character and appearance issues of those sites are comparable to the appeal proposal. A comparison is therefore of limited relevance in this instance. I have considered the appeal before me on its individual planning merits.

### **Planning Balance**

20. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. The Framework states that a proposal should be considered in the context of the presumption in favour of sustainable development. This is defined by the economic, social and environmental dimensions and the interrelated roles they perform. CS Policy CS1 repeats these aims of the Framework.
21. I have identified conflict with CS Policy CS11 which provides some flexibility in terms of the expected location of new housing development in rural areas, and also with CS Policy CS15 which requires proposals to demonstrate the principles of sustainable development. These policies are broadly consistent with the aims of the Framework which recognises the intrinsic character and beauty of the countryside. I therefore find these policies are not out of date.
22. The appellant has drawn my attention to a recent appeal decision<sup>2</sup> where the Inspector found the District's housing land supply surplus to be 'marginal' at 5.67 years. Nevertheless, it was in excess of the minimum figure required. The Council advise that they are presently able to demonstrate 6.74 years of housing land supply. The appellant disputes this matter, however, there is little evidence before me to substantiate this claim. Reference is made to the current Covid-19 pandemic, its resultant impact on the economy and the likelihood of delay to the delivery of housing. Whilst I am mindful of these matters there is no clear evidence to demonstrate that the Council's housing position has been reduced to such an extent that it is no longer able to demonstrate a five-year supply of housing.
23. The proposal would deliver six additional dwellings that would be capable of being built out quickly. These would add to the mix and choice of housing in

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<sup>2</sup> APP/D3505/W/19/3239726

Hartest. The appellant states that the dwellings would be suitable for first time buyers, enable persons to downsize and be capable of adaptation as health needs of future occupiers change. However, there is little information before me to demonstrate how the proposal would achieve this. In addition, the appellant suggests there is a recognised absence of a need for this type of housing and refers to the consultation undertaken to inform the emerging NP. No housing need statement has been provided, however, the proposal would deliver a mix of housing types, of which, two-bedroom dwellings are 'welcomed'. Therefore, this matter adds moderate weight in favour of the appeal scheme.

24. In terms of further benefits, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and where this will support local services, recognising that where there are groups of smaller settlements, development in one village may support services in a village nearby. Future occupiers of the proposed dwellings would contribute to the local economy through spending within local services and facilities. In addition, there would be some economic uplift during the construction phase through employment and the purchase of building materials, however, such benefit would be temporary.
25. The inclusion of energy efficient materials and renewable technologies including air source heat pumps, electric vehicle charging points and solar panels would weigh in favour of the scheme. Improvements to biodiversity could be achieved through additional planting and the provision of bird and bat boxes. However, these benefits would be limited given the scale of the proposed development.
26. The Council's assessment of the scheme considers that the proposal would not cause harm to the living conditions of neighbouring occupiers and highway safety, nor have an unacceptable impact on future occupiers by reason of flood risk, contamination or drainage. I see no reason to disagree with their assessment. However, the absence of harm is a neutral matter that weighs neither for nor against a proposal.
27. I have found that there would be environmental harm arising from the appeal scheme's harmful effect on the character and appearance of the area. Although there would be benefits arising from the proposal, these would be moderate. There are no material considerations, either individually or cumulatively, that lead me to the conclusion that the proposal should be determined other than in accordance with the development plan.
28. The Council's putative reasons for refusal do not refer to CS Policy CS2 which sets out that, outside of the settlement boundary, development will only be permitted in exceptional circumstances subject to a proven justified need. Nevertheless, the Council accept that the blanket approach advocated by this policy to restricting development outside of the settlement boundary is in conflict with the balanced approach advocated by the Framework. However, even if the tilted balance of paragraph 11(d) of the Framework is applied, given the significant adverse environmental effects that would be likely to result from the proposal, the adverse impacts would significantly and demonstrably outweigh the benefits of the appeal scheme.
29. I have had regard to the Council's assessment of the impact of the proposed scheme on heritage assets, including a number of listed buildings and the conservation area. I am required to have regard to these matters in accordance

with the statutory duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. However, as the scheme is not going ahead, it has not been necessary to carry out an assessment of the scheme's impact on these heritage assets.

### **Conclusion**

30. Whilst no harm has been found to arise from the appeal site's location with regard to the accessibility to local services and facilities, the harm in relation to character and appearance is decisive. Accordingly, for the reasons given above, the appeal is dismissed.

*E Brownless*

INSPECTOR