



Appeal Decision

Site visit made on 4 May 2022

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 May 2022

Appeal Ref: APP/D3505/W/21/3277936

Second Meadow Stables, Brent Eleigh Road, Lavenham CO10 9PE

- 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 Chris Robinson against the decision of Babergh District Council.
 - The application Ref DC/21/00961, dated 18 February 2021, was refused by notice dated 30 April 2021.
 - The development proposed is described on the application form as 'The proposal seeks planning permission for the current Mobile Home to be replaced with modest permanent living accommodation'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (the Framework). The main parties have been provided with an opportunity to comment on the revised Framework and I have had regard to it in considering this appeal.

Main Issues

3. The main issues are:
 - The principle of the proposed development with specific regard to its location, including the accessibility of the site to services and facilities.
 - The effect of the proposed development on the character and appearance of the appeal site and surrounding area, including the Special Landscape Area.
 - The effect of the proposed development on highway safety.

Reasons

Principle of development

4. The appeal site is located in the countryside and consists of land at Second Meadow Stables, which is currently in use as a commercial livery yard and for the stabling and grazing of horses. There is an existing mobile home located on the site which was approved under planning application reference DC/18/03450. The proposed development is for the erection of a dwelling and removal of the existing mobile home.

5. The Council has indicated that the appeal site is located outside of the Built Up Area Boundary (BUAB) of Lavenham as defined within the development plan. I have not been provided with a copy of the BUAB but the appellant does not dispute that the site is outside of the defined boundary. Indeed, the appeal site is approximately 200 metres from the nearest residential properties within Lavenham. Lavenham is defined as a Core Village under Core Strategy¹ Policy CS2 and provides a good range of services and facilities. These include (but are not limited to) shops, pubs, a hotel, cafes, a village hall and schools.
6. Core Strategy Policy CS2 outlines that in the countryside, outside the towns/urban areas, Core and Hinterland Villages, development will only be permitted in exceptional circumstances subject to a 'proven justifiable need'. Policy CS2 does not define what is meant by 'proven justifiable need'. However, Policy CS11 sheds light on this. Policy CS11 allows for development outside of the BUAB of Core Villages, such as Lavenham, subject to certain considerations, including the 'locational context of the village' (Criterion ii) and 'site location and sequential approach to site selection' (Criterion iii).
7. These considerations are fairly broad and as such the Council has adopted a Supplementary Planning Document² which provides further guidance on the application of Core Strategy Policy CS11. The SPD explains that compliance with the criteria of Policy CS11 requires a number of considerations including 'Site location and relationship to settlement' and in particular 'how the site is connected to the existing settlement, jobs, facilities and services including location of site access and availability of sustainable transport links'.
8. Policy H1 of the Lavenham Neighbourhood Plan³ takes a more flexible approach than that advocated under Core Strategy CS2 and supports new housing outside of the village subject to certain criteria being met. One such criterion is that the scale and nature of all schemes must ensure an appropriate level of services, facilities and infrastructure are available or provided to serve the proposed development.
9. As already noted, Lavenham has a good range of services and facilities. However, the appeal site is physically and functionally divorced from this settlement. Indeed, Brent Eleigh Road links the appeal site with Lavenham. However, the majority of this route is devoid of any footway, meaning that future occupiers of the proposed development would be reliant on the private motor vehicle to access services and facilities.
10. There is a footpath linking the site with Lavenham, but this is not lit and crosses undulating terrain. The appellant has suggested that this route could be upgraded but no such proposals are before me and given the countryside location it is unlikely that lighting would be acceptable in any case. As such, it is unlikely that future residents of the proposed dwelling would regularly use the footpath to access services and facilities in Lavenham. As a result, there would be a dependence on the motor vehicle to access basic day-to-day services and the appeal site would not be a suitable location for the development in this regard.

¹ Babergh Local Plan 2011-2031 – Core Strategy & Policies (Part 1 of New Babergh Local Plan), February 2014

² Rural Development & Core Strategy Policy CS11 – SPD (2014)

³ Lavenham Neighbourhood Plan – Made 2016

11. Given that the proposed development would be located outside of the BUAB, in a location with poor access to services and facilities and in the absence of any compelling evidence of a proven justifiable need, it would conflict with Core Strategy Policies CS2 and CS11 and Neighbourhood Plan Policy H1.

Character and Appearance

12. The appeal site is located within the Brett Valley Special Landscape Area (SLA). Saved Local Plan⁴ Policy CR04 states that development proposals within SLAs should maintain and enhance the special landscape qualities of the area identified in the relevant landscape appraisal. It is not clear which landscape appraisal this is referring to but the more recently adopted Lavenham Neighbourhood Development Plan Policy H1 refers to the need for a landscape and visual impact appraisal for development proposals outside of the existing settlement. It also states that such an appraisal should have regard to the Landscape Character Assessment (LCA) appended to the Neighbourhood Plan⁵. The LCA identifies the land which includes the appeal site as falling within Character Area LAV7. The landscape in this area is primarily characterised by a valley bottom on the edge of the village, with vegetation focussed on the river corridor.
13. The appeal site itself is fairly visually contained within the confines of the existing Livery Yard and is also located in relatively close proximity to several buildings to the north. The proposed development is for a single storey dwelling which would have a relatively traditional appearance. This dwelling would assimilate well within the existing site and would not be prominent within the wider landscape, given its limited scale. Furthermore, the existing mobile home would be removed. Overall, this would represent a visual improvement given that the proposed dwelling would be more in keeping with the existing character of development to the north. Indeed, the proposed development would not encroach any further towards the river than the existing built form within and adjacent to the site. For these reasons, it is not considered that the development would be harmful to the key landscape characteristics of the character area.
14. I accept that Policy H1 requires that a Landscape and Visual Appraisal should be submitted. However, the design and access statement submitted with the planning application does include a limited assessment of the design of the proposed development within its context. This is therefore a proportionate appraisal of the visual impact given the very limited scale of the development.
15. For these reasons, the proposed development would comply with Saved Local Plan Policy CR04, Neighbourhood Plan Policy H1 and Core Strategy Policy CS15, insofar as they seek to protect the character and appearance of the district.

Highway Safety

16. The proposed development would utilise the existing site access into the Livery Yard from Brent Eleigh Road, which is subject to a speed limit of 60mph. The Highway Authority (Suffolk County Council) objected to the proposal on the basis that it considered that the appellant had not demonstrated sufficient visibility splays. The Highway Authority requested visibility splays of 2.4m by 215m in each direction. The appellant has provided a plan showing vehicle

⁴ Babergh Local Plan (2006)

⁵ Given that the site is not located in an area of low sensitivity as defined by the LCA

visibility splays as part of this appeal. These are below the required distances advocated by the highway authority.

17. Notwithstanding this, the access already serves the existing stables as well as the mobile home. The Council has indicated that there would be an intensification of the use as a result of the proposed development. However, the mobile home is not temporary. Condition 5 of planning permission DC/18/03450 merely states that it shall be occupied on a temporary basis and not permanently. As such, it could theoretically be occupied for a substantial duration every day. Indeed, it is plausible that the mobile home would generate a higher number of vehicle movements given that it is likely that it would be used regularly and that occupants would be required to leave the site more often (than an unrestricted dwelling) in order to comply with the condition.
18. For these reasons there would not be an intensification of the access as a result of the proposed development and at worst it would result in a neutral impact on highway safety. It would therefore comply with Framework Paragraph 111 which states in part that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.
19. The Council's decision notice refers to saved Local Plan Policy TP15, however I have not been provided with a copy of this policy and as such I cannot consider compliance (or otherwise) with it.

Planning Balance

20. The underlying approach of Core Strategy Policies CS2 and CS11 is to direct development to the most sustainable locations. However, Policy CS2 takes a restrictive approach to development in the countryside, only allowing development in exceptional circumstances. There is a similar test at Framework Paragraph 80, however this applies to isolated locations. Given the location of the site, within 200 metres of other residential properties, it is not considered to be isolated within these terms.
21. Notwithstanding this, Neighbourhood Plan Policy H1 takes a more flexible approach which is consistent with that taken in the Framework. As such, taken as a whole, in the case of this appeal, the most important policies are not out-of-date. Therefore, Framework Paragraph 11d(ii) is not engaged. As such, whilst Core Strategy Policy CS2 can be afforded reduced weight, Neighbourhood Plan Policy H1 and Core Strategy Policy CS11 can be afforded significant weight.
22. The appellant asserts that the development plan policies in relation to the principle of development are focused on 'market dwellings' whereas the proposed development would be occupied by a livery yard worker. In making this assertion the appellant refers to the existing mobile home approved under planning permission reference DC/18/03450. Condition 5 limits the use of the mobile home to a single member of staff to be occupied in direct association with the caring of horses on the site. The condition also stipulates that the occupation shall be on a temporary basis only.
23. Whilst I acknowledge that this previous planning permission does indicate that at one time the Council considered there to be a case for a member of staff to have the means of staying overnight on site to care for horses, this does not

provide an adequate justification for a permanent dwelling to replace the mobile home. Indeed, the planning application form specifies that the proposed development is for 'permanent living accommodation' as opposed to the temporary occupation possible at present.

24. The appellant's appeal statements do not provided any substantive details as to why it is necessary for a member of staff to reside permanently on site. However, the Design and Access Statement submitted with the planning application cites the need to self-isolate as a result of the Covid-19 pandemic and the increasing need for care of horses as a result of the livery yard 'becoming commercial' and a '24/7 operation'.
25. Firstly, the appellant has not expanded upon the necessity to self-isolate, bearing in mind that the planning application was submitted in February 2021 when a greater number of pandemic restrictions were in place. I do not therefore consider this to be a sufficient justification for the proposed development. Secondly, the appellant has not provided any substantive details on the need for the proposed development with regard to the care for horses or in turn, the viability of the commercial activity referred to.
26. As such, neither of these considerations demonstrate an essential need for a rural workers dwelling in accordance with Framework Paragraph 80a (notwithstanding that the site is not 'isolated' within these terms anyway). For these reasons, even acknowledging the emphasis in the Framework on supporting the rural economy, the economic benefits associated with provision of a permanent dwelling to support the rural enterprise can only be afforded limited weight and do not outweigh the conflict with the development plan.
27. Nonetheless, there would be a benefit resulting from an increase in the local housing stock, given that the proposal would result in a permanent dwelling. However, the resultant social and economic benefits can only be afforded moderate weight given the small scale of the proposal. I also give some moderate weight to the improvement to the accommodation available over and above that which is currently provided by the mobile home.
28. The appellant has referred to other planning permissions granted within the district. However, the precise circumstances of these cases are not before me and every case should be treated with regard to the relevant site-specific circumstances. As such, none of these decisions outweigh my findings with regard to the harm which would be caused by the proposed development.
29. Taking all of these factors into consideration, the moderate benefits of the proposal do not outweigh the substantial harm caused by the development in relation to the poor access to services and facilities. As such, these considerations do not indicate a decision other than in accordance with the development plan.

Conclusion

30. For the reasons set out above, the appeal is dismissed.

Luke Simpson

INSPECTOR