



Appeal Decision

Site visit made on 6 September 2022

by Philip Mileham BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 October 2022

Appeal Ref: APP/D3505/W/21/3289016

Land to the east of Melford Road, Lawshall, Suffolk IP29 4PX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr I Taylor against the decision of Babergh District Council.
 - The application Ref DC/21/05765, dated 20 October 2021, was refused by notice dated 26 November 2021.
 - The development proposed is the construction of up to 9 dwellings with associated vehicular access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal proposal is for permission in principle. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposal is assessed. The appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have therefore determined this appeal accordingly.
4. The appellant has submitted an indicative layout plan and I have had regard to this in my determination of the appeal.

Main Issues

5. The main issues are:
 - Whether the proposal is in a suitable location for new residential development having regard to local and national policy;
 - The effect of the proposed development on the character and appearance of the area; and

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

- The effect of the proposed development on the setting of a nearby Listed Building.

Reasons

Suitable location

6. Policy CS2 of the Babergh Core Strategy (2014) (the BCS) identifies Lawshall within the spatial strategy as a hinterland village where development needs would be accommodated through the site allocations document where necessary. The appeal proposal is not located within an identified site allocation within the development plan, and as a result, policy CS11 of the BCS sets out a number of criteria that all proposals for development in hinterland villages must comply. Policy CS2 of the BCS takes a more restrictive approach to development in the countryside than the National Planning Policy Framework (the Framework). As such, policy CS2 is not consistent with the Framework and it is therefore out of date and the weight that can be attached to it is reduced.
7. Policy CS11 of the BCS requires development in hinterland villages to accord with both sets of criteria set out in the policy. In terms of the criteria of policy CS11 that seek to address the principle of development, the proposed development has not been accompanied with any evidence in relation to whether there is locally identified need for housing development or any evidence of the cumulative impact of development. Therefore, the proposal would not accord with the policy in this regard.
8. In relation to the specific criteria relating to hinterland villages that the policy requires to be satisfied, the seventh bullet requires proposals to be appropriate in terms of size/ scale, layout and character to its setting and to the village. The eighth bullet requires that development is adjacent or well-related to the existing pattern of development.
9. The appeal proposal would introduce residential development into an undeveloped gap between existing residential properties. The indicative plan shows 6 dwellings; however, the description of development would allow up to 9 dwellings. The proposed development of up to 9 dwellings would introduce a scale of development that would be in stark contrast to the small group of dwellings that surrounds it. Whilst the proposal would be located adjacent to existing development, it would be sited outside of the built-up area boundary of the village, failing to accord with the strategy for the village and would not be well-related to the existing development boundary.
10. The ninth bullet of policy CS11 seeks to support development that meets a proven local need, such as affordable housing or identified in an adopted Local Plan or Neighbourhood Plan. As set out above, the site is not within an allocation nor for affordable housing. Furthermore, the Lawshall Neighbourhood Plan does not identify sites for development and the proposal would therefore fail to accord with this criterion.
11. The tenth bullet seeks to support local services or expand employment opportunities. The introduction of up to 9 dwellings would result in future occupiers utilising local services and facilities and in this regard could help to support their ongoing viability. However, there is no evidence before me of the services available or the extent of local employment opportunities.

12. The eleventh bullet seeks to ensure proposals do not compromise the delivery of permitted or identified schemes in the community within the same cluster. There is no evidence before me that any such qualifying schemes would be impacted as a result of the proposed development. However, due to the absence of evidence of any identified need, the proposed development would fail to accord with policy CS11.
13. The appellant considers that the proposal would accord with policy CS15 of the BCS through its siting, location and the placement of buildings within the established built up frontage. I deal with matters relating to character and appearance having regard to policy CS15 below. In respect of the fourth and fifth bullets of policy CS15, whilst the appellant has indicated that the village as a number of shops and services, there is no evidence before me as to whether any of these may be suitable to meet future occupier's day-to-day needs. Furthermore, Melford Road itself is narrow and there is no footpath linking this part of the village to the nearby Lambs Lane cluster of development. There is no evidence before me of any suitable public transport opportunities serving the village, and as such, future occupants would be reliant on private vehicles in order to gain access to day-to-day services and facilities in other higher-order settlements or elsewhere in the locality. As the proposed development seeks permission in principle for up to 9 dwellings, over time, this would cumulatively result in a significant number of private vehicle trips.
14. The appellant considers paragraphs 78 and 79 of the Framework lends support for the proposed development. Whilst Paragraph 78 indicates policies and decisions should be responsive to local needs, the appeal proposal falls outside the built-up area boundary and does not form part of any site allocation for the village and no justification of need has been provided. Furthermore, paragraph 78 also seeks to support affordable housing schemes on an exceptional basis and there is no evidence before me that any affordable housing would be brought forward on the site.
15. Paragraph 79 of the Framework seeks to locate housing where it will enhance or maintain the vitality of rural communities. As discussed above, the proposal would result in additional residents contributing to the community. However, as there is no evidence before me of the extent of day-to-day services and facilities in the village, the appeal proposal would only provide limited benefit in this regard. Due to the presence of adjacent development, the appeal proposal would not result in isolated development that paragraph 80 of the Framework seeks to avoid. Nonetheless, as set out above, it would not be well-related to the areas of the village covered by the built-up area boundary.
16. In light of the above, I conclude that the proposed development would not be in a suitable location for new residential development. As a result, it would fail to accord with policies CS1, CS2, CS11 and CS15 of the BCS which collectively set out the development strategy for the area. It would also fail to accord with policies LAW1 and LAW3 of the Lawshall Neighbourhood Plan (2017) which requires proposals to, amongst other things, be well-related to the existing pattern of development and that development outside the built-up area boundary is limited to small groups of up to 5 dwellings adjacent to the boundary.
17. The proposal would also fail to accord with paragraph 78 of the Framework for the reasons set out above.

Character and appearance

18. The appeal site is located on an area of largely flat agricultural land to the east of Melford Road, Lawshall. The site frontage comprises a verdant hedge boundary with the side boundaries interspersed with mature trees. The existing character of the area is of a broadly linear development of residential dwellings in the vicinity of the appeal site, with a loose and informal spacing of dwellings on larger plots. These give the area a spacious feel which makes a positive contribution to the character and appearance of the area.
19. The existing pattern of development comprises dwellings sited closer to the road frontage with direct access from Melford Road. The indicative plan shows that the proposed development would be accessed via an access driveway that would run parallel to the road. As a result, the use of a separate driveway access would not accord with the pattern of development of nearby properties which have direct frontage access and would appear discordant with the surrounding properties.
20. The appellant considers that although the proposal would be limited to less than 1,000 square metres of floorspace the proposed dwellings would accord with the character and appearance of the area. The indicative plan demonstrates how 6 dwellings could be provided on site which would provide a considerably smaller and more closely spaced development than the surrounding properties resulting in a discordant appearance. There is no evidence before me to indicate that up to 9 dwellings could be successfully introduced into the site without appearing uncharacteristically cramped when compared to the surrounding properties. The proposed development would therefore appear incongruous against the surrounding pattern of development.
21. In light of the above, I conclude that the proposed development would result in harm to the character and appearance of the area. It would therefore fail to accord with policies CS11 and CS15 of the BCS which require proposals to positively address the local context of the village and make a positive contribution to the local character, shape and scale of the area. It would also fail to accord with saved policy CN01 of the Babergh Local Plan (2006) which requires that proposals pay particular attention to the scale, form and nature of adjacent development
22. The proposal would also fail to accord with paragraph 130 of the Framework which seeks to, amongst other things, ensure that developments function well and add to the overall quality of an area.

Setting of Listed Building

23. The proposed development would be sited opposite Little West Farm which is a Grade II Listed Building. Little West Farm is a colourwashed timber-frame dwelling with a thatched roof and brick right ridge stack. The significance of Little West Farm is derived from, amongst other things, its architectural features and their preservation.
24. The appeal proposal would be located within the setting of Little West Farm which is separated from nearby development by the appeal site and the large gardens of the adjacent properties. The appeal site provides a sense of openness to the frontage of the Farm. Whilst the indicative plan discussed above shows that a linear form of development could be accommodated on the

site, the proximity of Little West Farm close to Melford Road would result in a potentially very limited set back between its frontage and the proposed development. There is no detail or evidence before me to demonstrate that a layout could satisfactorily provide up to 9 dwellings in a manner that would provide adequate set-back to avoid harm to the setting of Little West Farm.

25. In light of the above, I consider the proposed development would have a harmful effect on the significance of a heritage asset and would therefore fail to preserve the setting of the Listed Building. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving the building or its setting, to which I attach great weight.
26. In light of the above, the proposal would result in harm to the setting of a nearby Listed Building. As such, it would fail to accord with policy CN06 of the BLP which seeks proposals to be of an appropriate scale, form, siting and detailed design to harmonise with the existing building and its setting.
27. In the context of paragraph 202 of the Framework the aforementioned harm to the setting of Little West Farm, would be less than substantial. The proposed development would generate economic benefits would arise through the creation of construction jobs and in the accompanying materials supply chain. Social benefits would arise as a result of future occupants utilising services and facilities in the area as well as contributing to wider community activities. The indicative plan shows that existing vegetation to the frontage of the site would be retained, albeit this would be desirable in any event. Further environmental benefits could be secured through biodiversity enhancement measures through the imposition of planning conditions. However, as the proposal would only result in up to 9 dwellings, these benefits would be limited.

Other Matters

28. The Council has raised concerns that the appellant has not provided evidence to demonstrate that the proposed development would not be sited on contaminated land. The appellant has indicated that there is no evidence of any previous contamination. However, as I am dismissing the appeal for other reasons, it is not necessary for me to consider this matter further.

Conclusion and planning balance

29. As set out above, policy CS2 of the BCS does not wholly accord with the Framework due to its more restrictive approach to development in the countryside than the Framework. Having regard to paragraph 11(d) of the Framework it is out of date and its weight is reduced accordingly. Whilst the proposal would not result in isolated development, it would not accord with the Framework's policies for rural housing.
30. The proposal would also fail to accord with a number of other policies of the Development Plan as set out above. Therefore, notwithstanding the reduced weight of policy CS2, in light of the above, I conclude that the proposed development would fail to accord with the Development Plan when read as a whole.
31. I have identified less than substantial harm to the setting of Little West Farm. Due to the scale of the proposal, the public benefits outlined above would be limited and would not be sufficient to outweigh the less than substantial harm

to the setting of Little West Farm. In addition to the conflict with the Development Plan, footnote 7 of the Framework indicates that the harm to the setting of a heritage asset would also provide a clear reason for refusing the proposed development.

32. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

Philip Mileham

INSPECTOR