



Appeal Decision

Site visit made on 10 January 2022

by Jonathan Price BA(Hons) DipTP MRTPI DMS

an Inspector appointed by the Secretary of State

Decision date: 31 January 2023

Appeal Ref: APP/D3505/W/22/3290149

Peg Weasel Farm, Bears Lane, Lavenham, Suffolk CO10 9RX

- 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 Christopher Stanway against the decision of Babergh District Council.
 - The application Ref DC/21/04423, dated 11 August 2021, was refused by notice dated 23 November 2021.
 - The development proposed is 1 number detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline, with all detailed matters reserved for later consideration. I have dealt with the appeal on this basis, treating the details provided of design, layout, landscaping and access as illustrative.

Main Issues

3. The main issues in the appeal are whether the proposed dwelling would be appropriate with regard to:
 - the accessibility of the site to services and facilities, and
 - its effect on the character and appearance of the area.

Reasons

Accessibility to services and facilities

4. The proposal relates to part of an area of pasture at the end of a narrow country lane that runs out of Lavenham village. The surrounding development includes the house at Peg Weasel Farm, the two bungalows and associated agricultural buildings at Weaners Farm and a further two dwellings at Bears Lane Farm. The dwelling would be in countryside some distance beyond the built-up area boundary (BUAB) defined for Lavenham in the 2006 Local Plan¹ (LP). For the purposes of this appeal, the development plan comprises the saved policies of the LP, along with the 2014 Core Strategy and Policies² (CSP) and the 2016 Lavenham Neighbourhood Plan³ (LNP). The National Planning

¹ Babergh Local Plan Alteration No. 2 (2006)

² Babergh Local Plan 2011-2031 Core Strategy & Policies (Part 1 of New Babergh Local Plan) February 2014

³ Lavenham Neighbourhood Development Plan (NDP) made by Babergh District Council in September 2016.

Policy Framework (the Framework) is also a material consideration of great weight.

5. Policy H1 of the LNP is permissive of residential developments within or adjacent to the BUAB, where well related to the existing pattern of development in Lavenham. However, this provides little encouragement for a dwelling set within the countryside well away from the main village. Policy H1 countenances housing outside the BUAB within walking distance of the village centre, subject also to local character and landscape considerations. Reference is made to walking distance thresholds of 400m as desirable, 800m as acceptable and 1200m as the preferred maximum. The appeal site lies clearly beyond the 1200m contour in Map 7.4 of the LNP, and just outside the shaded 15-minute walk time zone shown. I do not consider this proposal falls within a walking distance of Lavenham centre as envisaged by the LNP.
6. Even if the village centre was considered to be an average 15-minute walk from the appeal site, the narrow, unlit nature of the long intervening section of Bears Lane would discourage this as a means to access shops or other regularly used services, particularly in winter months, during hours of darkness and periods of inclement weather. The appellant and his family may well have regularly walked or cycled to Lavenham during their occupancy of Peg Weasel Farm. However, for essential trips made on a regular basis, such as to shops, schools and places of work, occupiers of a dwelling in this relatively remote rural location would be highly dependent on private car use.
7. The dwelling would be inappropriate here due to poor accessibility to services and facilities, other than by car journeys. The proposal would conflict with CSP Policy CS2 which directs housing sequentially to towns/urban areas and Core and Hinterland Villages and restricts this in the countryside, other than in exceptional circumstances and subject to a proven need. Policy CS2 is more restrictive than the Framework, which applies similar restrictions to homes in the countryside but only where isolated. However, this warrants only a moderate reduction in the weight given to the conflict found with CS2, given that it otherwise fosters a sustainable pattern of new housing.
8. CSP Policy CS15 seeks to implement sustainable development in Babergh. This includes through development decisions minimising the need to travel by car, giving preference to walking, cycling and public transport, and ensuring that an appropriate level of services, facilities and infrastructure is available. This proposal would be contrary to these aims. Although suitable reserved matter details might satisfy other relevant criteria in Policy CS15, compliance depends on all being met and so the proposal is in conflict. The requirement to respect heritage assets in CS15 is not fully consistent with Framework policy. However, this is not an issue in this appeal, so warrants only a small reduction in the weight given to the conflict found.
9. CSP Policy CS11 provides some flexibility over housing in Core Villages, such as Lavenham. However, because of the significant distance beyond the BUAB, and the poor scoring over accessibility to services under CS15, this proposal would not comprise a sequentially preferential location for a dwelling under this policy.
10. These CSP policies remain largely consistent with the Framework's aims for achieving sustainable development. This includes through actively managing patterns of growth to focus significant development on locations which are or

can be made sustainable, limiting the need to travel and offering a genuine choice of transport modes. This then helps to reduce congestion and emissions and improve air quality and public health. This policy conflict translates to a finding of significant harm based on this site's poor accessibility to services and facilities. The appellant refers to the Council setting a precedent for car dependency with three decisions in the surrounding area. As one was for a re-build and another a barn conversion, at least two would have been allowed in circumstances materially different to this. However, as I have not been provided the full details of these examples, as material considerations they add little weight in favour of the harm identified.

Character and appearance

11. The appeal site falls within a wider area of countryside defined by the LP as a Special Landscape Area (SLA). Paragraph 174 of the Framework requires that planning decisions contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes in a manner commensurate with their identified quality in the development plan. A right of way runs along two sides of the site and so any dwelling here would be publicly visible, interrupting views of the gently undulating countryside. A residential use would bring about a harmful change to the appearance of the landscape and its rural character. This would neither maintain nor enhance the special qualities of the SLA, bringing this proposal into conflict with LP Policy CR04.
12. LP Policy CN01 seeks development of acceptable scale, form, detailed design and materials. Although the proposal is in outline, any dwelling here would be of an inappropriate form, contrasting with the nature of the surrounding countryside, and be in conflict with this policy. For the same reason, and by not contributing positively to local character, there would be further conflict with CSP policies CS11 and CS15. All these policies are consistent with the Framework over requiring development to be sympathetic to local character and protect and enhance valued landscapes. The conflict with these development plan policies is given full weight, amounting to a finding of significant harm over this proposal's effects on the character and appearance of the countryside.

Planning Balance and Conclusion

13. Much of the benefits claimed by the appellant rest on detailed matters reserved for later consideration, including appearance, landscaping, layout and scale. These would not form part of any approval should the appeal succeed and so should not reasonably be given any weight. However, even if these intended details were accounted for, they mainly provide for either an absence of harm, such as over the privacy of existing neighbours, or mitigation for any adverse effects. This would apply to such details as the scale of the dwelling, its vernacular appearance and energy efficient design. The illustrative designs do not amount to a truly outstanding design of exceptional quality; terms the appellant uses and which are contained in paragraph 80 of the Framework to provide exceptional support to an isolated home in the countryside.
14. The scheme would be affordable from the appellant's point of view, in offering an opportunity to down-size accommodation whilst keeping ownership of a dwelling to eventually pass on in the family. However, this would not be defined as affordable housing by the Framework, which is that available for sale or rent to those whose needs are not met by the market. Consequently,

the scheme offers no material social benefit towards meeting a general need for affordable housing.

15. The Council is currently meeting the Framework's requirements for providing a five-year supply of housing land. Consequently, there is no particular premium given to the benefit of the additional dwelling. Although there is no ceiling to housing provision, and Government seeks generally to boost supply, this proposal would provide only a very small social benefit in this regard. There might be some small net benefits towards biodiversity, through the landscaping and other measures described. In addition to these slight environmental and social benefits, the new dwelling would provide modest benefits to the local economy. This is both through the construction works and the further consumer spend from an additional household. Overall, the scheme benefits are assessed as being small.
16. The conflict with the policies referred to, with the reduced weight given to that with CS2 and CS15, is sufficient for the proposal to be found contrary to the development plan when considered as a whole. There is some degree of inconsistency with the Framework in respect of CSP policies CS2 and CS15. However, placing these policies in a basket with those most important for determining this appeal, along with CS11, LNP H1 and LP CR04 and CN01, I find them as a whole not out-of-date. Even if I considered otherwise, the adverse impacts of this proposal would significantly and demonstrably outweigh the small benefits, when assessed against the Framework policies taken as a whole. Therefore, the proposal would not benefit from the presumption in favour of sustainable development contained in the Framework and CSP Policy CS1.
17. For the reasons explained, the proposal would conflict with the development plan as a whole. Material considerations would not indicate this appeal be determined otherwise than in accordance with this. Therefore, for the reasons given above, I conclude that it be dismissed.

Jonathan Price

INSPECTOR