



Appeal Decision

Site visit made on 10 January 2023

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2023

Appeal Ref: APP/D3505/W/22/3290095

Heath Farm, Hadleigh Heath, Polstead IP7 5NY

- 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 Andrew Rush against the decision of Babergh District Council.
 - The application Ref DC/21/01428, dated 8 March 2021, was refused by notice dated 28 July 2021.
 - The development proposed is described as “outline planning application (all matters reserved) proposing the demolition of existing outbuildings and erection of three new dwellings within surplus garden amenity land serving Heath Farm, Hadleigh Heath, Hadleigh, Ipswich, IP7 5NY”.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Outline planning permission is sought, with all matters reserved. Drawing 3 includes details of access and layout, matters which are reserved for future consideration. The drawing is titled ‘Indicative Proposed Block Plan’ and therefore I have treated the drawing as illustrative in this regard. I have determined the appeal on this basis.
3. Policy CS1 of the Babergh Local Plan 2011-2031 Core Strategy & Policies (Part 1 of New Babergh Local Plan), adopted 2014 (CS) is a strategic policy for the application of the presumption in favour of sustainable development and is therefore not of direct relevance to the main issues detailed below.
4. The appellant considers that the proposed development complies with CS Policy CS11. This policy did not form part of the Council’s reasons for refusal. CS Policy CS11 outlines a strategy for development in Core and Hinterland Villages. The appeal site is not located within a Core Village or a Hinterland Village and therefore this policy is not applicable to the appeal.
5. The appeal site is located within the Zone of Influence of the Stour and Orwell Estuaries Special Protection Area and Ramsar site, which is protected by the Conservation of Habitats and Species Regulations 2017, as amended. The appeal proposal would result in the net increase of three dwellings. However, as I am dismissing the appeal, I do not need to consider this matter further, as it could not lead me to a different conclusion.

Main Issues

6. The main issues are:

- whether the appeal site is in a suitable location;
- the effect of the proposed development on the character and appearance of the surrounding area; and
- the effect of the proposed development on protected and priority species.

Reasons

Suitable Location

7. The appeal site is located within Hadleigh Heath. Policy CS2 of the CS details the settlement hierarchy for the district, whereby development should be focused sequentially within identified Towns/Urban Areas, Core Villages or Hinterland Villages. The appeal site is located outside of any settlement as defined within CS Policy CS2 and is therefore located within the countryside. CS Policy CS2 states that. The term 'exceptional circumstances' is not defined within the policy.
8. The appeal site lies partly within and partly adjacent to the garden of the host dwelling and the host dwelling forms part of a cluster of dwellings that comprise Hadleigh Heath. There are no services or facilities within Hadleigh Heath itself. The Hinterland Village of Polstead is located approximately 3.5km from the appeal site, which contains a limited range of services and facilities; the Core Village of Boxford is located approximately 4km from the appeal site, which contains a modest range of services and facilities; the Town/Urban Area of Hadleigh is located approximately 3.5-4km from the appeal site, which contains a more extensive range of services, facilities and employment opportunities.
9. The appellant asserts that bus stops are located within walking distance of the appeal site, opposite Stackwood Road on the A1071, and are served by the number 91 bus, that stops at both Hadleigh and Boxford. The appellant has provided an excerpt from Google Maps showing their location. However, during my site visit I noticed no bus stop signs or road markings to confirm their existence. Furthermore, third parties have stated that there are no bus stops in this location and that the nearest bus stop at the Brewers Arms has an infrequent service, which is corroborated by an email from the bus operator. Moreover, although the appellant has provided screenshots of the route the bus takes, the information is unclear in indicating that the bus stops opposite Stackwood Road. Consequently, from the information before me, I am not persuaded that there is a reliable bus service serving the appeal site or that future occupants could rely on the bus to meet their everyday needs.
10. The journey from the appeal site to Boxford or Hadfield would, for a significant length, be via the A1071. This section of the A1071 has a 60mph speed limit and, at the time of my site visit, carried a high volume of traffic, including HGVs. There is no footpath along either side of the road and there is an absence of street lighting. Whilst the distances to either settlement is within the mean average length for cycling journeys described within paragraph 3.1.3 of the Department of Transport's LTN 1/04 – Policy, Planning and Design for

Walking and Cycling, the general condition of local infrastructure, together with the distance to either settlement, is such that travelling by walking or cycling by future occupants would be very unlikely, particularly for occupants with young children or mobility issues, especially after dark or during inclement weather.

11. The appellant has drawn my attention to a Policy Briefing¹ that considers the criteria used to define settlement hierarchies should be updated to take account of broadband to connect to services and facilities which can avoid the need to travel. The use of the internet can be used for such things as supermarket home deliveries, to purchase items online and have them delivered to a home address, or to work from home. However, future occupiers would still be reliant on the private motor vehicle to access services and facilities to support their day-to-day living. Furthermore, limited information has been provided that the proposed development could be supported by a high-speed internet connection.
12. As such, future occupiers are likely to make journeys to nearby local services in a private motor vehicle.
13. The provision of three additional dwellings would provide some support for the vitality of rural communities. However, this would be limited due to the appeal site being a similar distance to the Town/Urban Area of Hadleigh as the villages of Polstead and Boxford. Therefore, it is likely that future occupants would be drawn to use the extensive range of facilities, services, employment opportunities, and transport links in Hadleigh rather than Polstead or Boxford, especially as linked trips could be undertaken. The presence of existing dwellings within a similar location as the appeal site whose occupants would make similar trips to access services and facilities elsewhere, is not a reason to allow other developments that would be heavily reliant on the private motor vehicle.
14. In reference to the first main issue, the appeal site is not a suitable location for residential development. The proposal would therefore be contrary to Policies CS2 and CS15 of the CS which, amongst other things, seek to only permit development in the countryside in exceptional circumstances subject to a proven justifiable need, and to minimise the need to travel by car using the following hierarchy: walking, cycling, public transport, commercial vehicles and cars, thus improving air quality. The proposal would also be contrary to the National Planning Policy Framework (NPPF) in this regard.

Character and Appearance

15. The host dwelling forms part of a small cluster of dwellings that collectively are known as Hadleigh Heath, with Hadleigh Heath also comprising the road name from which the dwellings are accessed. Hadleigh Heath is surrounded by open fields and is located to the south of the A1071. The dwellings comprise a mix of designs and are predominantly located along the western side of Hadleigh Heath (road). The dwellings along this side of the road are set back a similar distance behind a landscaped front garden and project a comparable distance to the rear, creating a ribbon of development. Plot boundaries vary in size and shape and project different distances to the rear but are all relatively

¹ Sustainable Villages – Making Rural Communities Fit for the Future (2018) Country Land & Business Association Policy Briefing: England

substantial, are open, laid to grass and are generally devoid of buildings and structures, other than small outbuildings and garden paraphernalia.

16. The appeal site comprises land to the rear of the host dwelling, and an adjoining narrow curved section that extends from the land to the host dwelling's existing access onto the road. The land to the rear of the host dwelling comprises a section open to the remainder of the host dwelling's rear garden and part of a paddock that is subdivided from the garden by a post and rail fence. The appeal site is largely devoid of development, with the exception of a single storey L-shaped outbuilding and a single storey wooden stable positioned within the paddock. A manege, located to the rear of the adjacent dwelling (Willow Cottage), is accessed from the paddock.
17. It is proposed to demolish the existing outbuilding and erect three dwellings. The 'Indicative Proposed Block Plan' illustrates that the plot could accommodate three detached dwellings and an internal access road. The proposed development would extend the built development beyond the existing ribbon of development, creating backland development, which would be an alien feature that would adversely affect the urban grain of Hadleigh Heath. It would extend into an area of paddock, extending the built development further west into the countryside and resulting in the introduction of domestic paraphernalia, both of which would erode the open character of the area and result in an urbanising effect that would be detrimental to the character and appearance of the surrounding area. The appellant considers that the proposed development could be screened by a comprehensive landscaping scheme. However, such planting would take a significant time to mature to a size and density to achieve this objective and in any event, screening should not be used to hide an otherwise unacceptable form of development.
18. In reference to the second main issue, the proposed development would significantly harm the character and appearance of the surrounding area and would therefore be contrary to Saved Policies CN1 and HS28 of the Babergh Local Plan Alteration No. 2, adopted 2006 (LP) and Policy CS15 of the CS. These policies, amongst other things, seek to ensure that developments respect the local context and character of the different parts of the district, make a positive contribution to local character, shape and scale of the area, and respect the landscape, landscape features and streetscape. The proposal would also be contrary to the NPPF, which seeks to ensure that developments are sympathetic to local character.

Protected and Priority Species

19. A Preliminary Ecological Appraisal (PEA) for the appeal site concluded that there were suitable terrestrial habitats along the site peripheries for Great Crested Newts (GCNs), and one of four ponds located within 250m of the appeal site was assessed as average suitability. There were also 23 GCN records within 2km of the appeal site. The proposed development therefore would have the potential to harm a European Protected Species.
20. Natural England has issued a Great Crested Newt District Level Licensing Impact Assessment & Conservation Payment Certificate ('the Certificate') for the proposed development, a copy of which was submitted with the appellant's appeal statement. In signing the Certificate, Natural England has considered the matters it believes to be necessary to satisfy Regulation 55(9)(b) of the Conservation of Species and Habitats Regulations 2017, as amended; that the

payment of the Conservation Payment will suffice to allow the impacts on GCNs to be adequately compensated; and therefore, from the evidence before me, the proposed development would not be detrimental to the maintenance of the population of GCNs at a favourable conservation status in their natural range.

21. In respect of the third main issue, the proposed development would not have a detrimental effect on protected or priority species, and the statutory duty under Section 40 of the Natural Environment and Rural Communities Act 2006 that requires every public authority, in exercising its functions, to have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity, would be met.

Other Matters

22. On the opposite side of the A1071 is the Grade II listed building, Evans Hall (as named in Historic England's listing description). I therefore have a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special regard to the desirability of preserving the setting of this listed building. Due to the distance between the appeal site and the listed building and the intervening landscaping and A-road, I do not find that the proposed development would harm the setting of Evans Hall.
23. Concern has been raised regarding the consistency of the Council's decisions in respect of a planning approval² made by the Council at Coram Street, Hadleigh for two dwellings (the 'Coram Street approval'). The appellant considers there are similarities between the Coram Street approval and the appeal proposal in respect of the accessibility of the site to services and facilities, and not following the existing pattern of development. However, the Coram Street approval is located significantly closer to Hadleigh than the appeal scheme, and Hadleigh can be accessed along Coram Street, rather than having to rely on the A1071 for cycling and walking. There is not the same uniformity to the arrangement of this cluster of buildings compared to those in Hadleigh Heath. The Coram Street approval is in outline with all matters reserved for subsequent approval, therefore it is unknown where the two dwellings would be sited. However, there would be sufficient space to construct two dwellings fronting onto Coram Street, following the existing pattern of development, or fronting onto the A1071, rather than comprising backland development. For these reasons, the Coram Street approval is not directly comparable to the appeal proposal. In any event, each case must be determined on its own merits.
24. The appellant has raised a potential benefit of the proposed development in that it would provide small dwellings that would be suited as affordable dwellings. The application is in outline with all matters reserved for subsequent approval, therefore the scale of the proposed dwellings is not known. Furthermore, the information before me suggests that the proposed dwellings would be open market housing and no mechanism is before me to secure the proposed dwellings as affordable housing.

² Planning Ref: DC/20/02074

Planning Balance

25. The NPPF recognises that due weight should be given to relevant policies in existing development plans according to their degree of consistency with the Framework. The closer the policies in the plan to those in the NPPF, the greater the weight that may be given.
26. There is a dispute between the main parties as to the status of CS Policy CS2 and if it is inconsistent with the NPPF and therefore out-of-date for the purposes of paragraph 11(d) of the NPPF. Whether paragraph 11(d) of the NPPF is engaged or not, the adverse impacts of the proposed development that I have found would significantly and demonstrably outweigh the benefits of three additional dwellings, a limited amount of short-term employment through the construction of the development, the provision to a limited extent of some support to the vitality of rural communities, and a commitment to include solar photovoltaic panels on the dwellings.

Conclusion

27. For the reasons given above, having considered the development plan as a whole and all other material considerations, I conclude that the appeal is dismissed.

A Berry

INSPECTOR