



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: 17 February 2023

Appeal Ref: APP/D3505/W/22/3293069

Land South of Hadleigh Road (East of the River Box), Boxford CO10 5HX

- 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 J Robbie against the decision of Babergh District Council.
 - The application Ref DC/21/05993, dated 1 November 2021, was refused by notice dated 23 December 2021.
 - The development proposed is outline planning application for the erection of a detached two-storey eco dwelling, and garage block together with alterations to the existing vehicular access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Outline planning permission is sought, with all matters reserved except 'access' which is being considered at the outline stage. Drawing 2754/03 Rev A includes details of layout and appearance, matters which are reserved for future consideration. The drawing is titled 'Proposed Site Plan and Location Plan (Draft Sketch Scheme)' and therefore I have treated the drawing as illustrative in this regard. I have determined the appeal on this basis.
3. The first reason for refusal in the Council's decision notice references Policy CS1 of the Babergh Local Plan 2011-2031¹, adopted 2014 (CS) in relation to the settlement hierarchy. However, CS Policy CS2 sets out the Council's settlement hierarchy. I do not consider that the appellant has been prejudiced by this typographical error, as they reference CS Policy CS2 in their statements. I have therefore determined the appeal on this basis.
4. The fourth reason for refusal in the Council's decision notice references paragraph 164 of the National Planning Policy Framework (NPPF) however, the officer's report references paragraph 159 of the NPPF which reflects the wording referred to in the fourth reason for refusal. I do not consider that the appellant has been prejudiced by this typographical error, as they have provided a comprehensive response to this reason for refusal. I have therefore determined the appeal on this basis.

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

Main Issues

5. The main issues in respect of the proposed development are:

- whether the appeal site is a suitable location for residential development;
- its effect on the character, appearance and significance of the setting of the Conservation Area and two Grade II listed buildings;
- its effect on the special landscape character and quality of the area; and
- its effect on flood risk.

Reasons

Suitable Location

6. 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 development in the countryside will only be permitted in exceptional circumstances subject to a proven justifiable need. The term 'exceptional circumstances' is not defined within the policy.
7. There is an exceptional circumstances test at paragraph 80 of the NPPF that relates to homes that would be 'isolated' in the countryside. 'Isolated' simply connotes a dwelling that is physically separate or remote from a settlement.
8. The appeal site comprises an open field that is bounded by the A1071 to the north, open fields to the east and south, and the River Box to the west. Beyond the River Box to the west is a former farmstead that has been subdivided into two dwellings. The dwellings are separated from the River Box by open fields/paddock which in turn, physically separate the appeal site from these dwellings. Therefore, the appeal site does not form a cluster of development with these properties.
9. To the north of the appeal site, on the opposite side of the A1071, are open fields. Surrounding these fields is the Core Village of Boxford. The A1071 physically severs the appeal site from the open fields to the north, and the open fields and road provide a definitive gap between the Core Village and the appeal site. The A1071 is elevated above the appeal site and creates a visual barrier between the appeal site and the Core Village. The setting and siting of the appeal site means that it is more closely related to the surrounding countryside than the Core Village. Accordingly, for the reasons detailed above, I find that the appeal proposal would be 'isolated'.
10. The proposed development would not comply with the exceptions listed at criteria (a) – (d) of paragraph 80. Criterion (e) requires the dwelling to be of an exceptional quality in that it is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area. The appeal proposal is in outline with 'appearance' reserved for future reference. Whilst the appellant suggests that the dwelling would be an 'eco-dwelling' of contemporary design and could include some energy saving measures, from

the information before me, I have nothing to suggest that it would comply with paragraph 80(e) of the NPPF.

11. The Core Village of Boxford is located to the north of the appeal site which contains such services and facilities as a primary school, village hall, doctor's surgery, public house, shops and a cafe. Access from the appeal site to Boxford would be via the A1071, which has a 40mph speed limit along this section of the road and at the time of my site visit, carried a high volume of traffic, including HGVs. Bus stops are located in Boxford and along the A1071 which the appellant states provide regular services to major centres and this has not been disputed by the Council.
12. There is no pavement along either side of the road immediately in front of the appeal site, but there is a pavement further along the A1071. However, to reach it, occupiers of the proposed dwelling would have to traverse along a grass verge and navigate around a sign. They would also need to cross the A1071 to reach Boxford. Furthermore, the route is not lit. As such, the general condition of the route to Boxford would discourage travelling by walking or cycling by future occupants, particularly for those with young children or mobility issues, especially after dark or during inclement weather. For these reasons, occupiers of the proposed dwelling would likely be reliant on the private car.
13. Boxford is located within reasonably close proximity of the appeal site and therefore journeys to access the services and facilities within the village would be short and the number of trips generated by a single dwelling would likely be low. However, future occupiers would be heavily reliant on the private motor vehicle to access such facilities and services as secondary education, employment, supermarkets and shops selling comparison goods, particularly as occupiers would be reliant on the private motor vehicle to access bus stops.
14. I have been directed to other examples² where similar developments have been approved in the locality, to support the view that the location of the proposed development would be suitable. However, they are not directly comparable to the appeal proposal as they were not found to be isolated. I have also been directed to an appeal³ whereby the Inspector concluded that the site would not be isolated for the purposes of paragraph 80 of the NPPF. However, the Inspector found that the existing dwelling formed part of a cluster of development and is therefore not comparable to the appeal proposal. In any event, each case must be determined on its own merits.
15. In reference to the first main issue, the proposed development would not be a suitable location for residential development. It would therefore be contrary to Policy CS2 of the CS that seeks to permit development in the countryside in exceptional circumstances subject to a proven justifiable need. The proposal would not comply with the exceptional circumstances detailed at paragraph 80 of the NPPF, which seeks to avoid the development of isolated homes in the countryside.

² Planning approval at Roylands Lane and Appeal Refs APP/D3505/W/20/3248538, APP/D3505/W/19/3240526

³ APP/Z1510/W/21/3276838

Setting of the Conservation Area and Listed Buildings

16. To the west of the appeal site, beyond the River Box, is a former farmstead that has been divided into two dwellings: The Parsonage and The Grange. Parsonage Farm (as it is named within the listing description) and a dovecote to the east of The Grange are both Grade II listed buildings. Furthermore, the western boundary of the appeal site, that adjoins the River Box, forms the boundary to Boxford Conservation Area (BCA). Therefore, I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act') to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area, and a statutory duty under Section 66(1) of the Act to have special regard to the desirability of preserving the setting of these listed buildings.
17. Paragraph 194 of the NPPF requires an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The appellant's submission includes limited information in respect of these heritage assets.
18. Nonetheless, Parsonage Farm comprises an 18th century farmstead. The separately listed dovecote forms part of the former farmstead. The farmstead is surrounded by a pond, as well as open fields that adjoin the River Box. A historic map of the surrounding area indicates that the landholding associated with the farmstead was likely to be much greater and possibly include the appeal site. The significance of the listed buildings are therefore their group value and their surrounding rural setting. BCA covers an extensive area, including the built-up part of the village and its surrounding open fields, that provide a countryside setting to the village. The part of BCA that lies adjacent to the appeal site is rural in character comprising isolated or small groups of dwellings interspersed with fields, although part of this character has been eroded by the construction of the A1071.
19. The appeal site is heavily screened along both sides of the River Box by a woodland, and trees and other vegetation feature along both sides of the A1071 and Stone Street Road. Therefore, even on my site visit during winter when there were no leaves on the trees, only limited glimpses of the appeal site could be gained from the A1071, Stone Street Road and the permissive footpath along Stone Street Road. Furthermore, views of the appeal site seen in the same context as the listed buildings were rare.
20. The siting of the proposed dwelling away from both BCA and the listed buildings, the intervening woodland that would significantly screen the dwelling from these heritage assets, and the limited visual interface between the appeal site and the heritage assets would ensure that a dwelling on the appeal site would preserve or enhance the setting of these heritage assets.
21. As I have found that the proposal would not harm the setting of BCA or the two listed buildings, paragraph 202 of the NPPF is not engaged.
22. In reference to the second main issue, the proposed development would not harm the character, appearance or significance of the setting of BCA or the two listed buildings. It would therefore comply with Policies CN06 and CN08 of the Babergh Local Plan Alteration No.2, adopted 2006 (LP) that seek, amongst other things, to respect the features that contribute positively to the setting of a listed building, including space, views from and to the building and historic

layout, and to preserve or enhance the character of the Conservation Area or its setting. It would also comply with the NPPF, which seeks to conserve and enhance the historic environment.

Special Landscape Character and Quality of the Area

23. The appeal site is located within the Box Valley Special Landscape Area which, according to the Babergh District Council Draft Landscape Assessment and Action Programme, is focused on the river valley, which is considered rich in landscape terms, with woodlands providing strong visual features.
24. From my site visit I noted that the appeal site is highly screened from the surrounding area due to the elevated height of the A1071 to the north, the narrowness of the valley to the east, and the significant tree cover to the west and south. The surrounding area comprises dwellings, farms and clusters of buildings interspersed with open fields. The undeveloped appeal site contributes to the rural character of the area and the rural setting of Boxford. However, the illustrative drawing indicates that a dwelling could be sited within the appeal site with no loss to the existing woodland and it would follow the existing sporadic and isolated pattern of development within this part of the landscape.
25. In reference to the third main issue, the proposed development would not significantly harm the special landscape character and quality of the area. It would therefore comply with Policy CR04 of the LP which, amongst other things, states that developments in Special Landscape Areas will only be permitted where they maintain or enhance the special landscape qualities of the area.

Flood Risk

26. The appeal site is predominantly located within Flood Zone 1, with an area adjacent to the River Box located within Flood Zones 2 and 3. Footnote 55 of the NPPF states that a site-specific flood risk assessment (FRA) should be provided for all development in Flood Zones 2 and 3. However, the illustrative site plan shows that a dwelling, a detached garage and its associated access, parking and turning areas could be wholly accommodated within Flood Zone 1. The appeal site has an area of 0.6 hectares and therefore is below the threshold for a flood risk assessment to be submitted within Flood Zone 1. It would therefore appear that a condition could be imposed that requires the built development to be contained wholly within Flood Zone 1; land that sequentially has the lowest risk of flooding from any source, and where an Exception Test would not be required.
27. In reference to the fourth main issue, subject to the imposition of a condition to control the siting of the dwelling when the reserved matter of 'layout' is submitted for subsequent approval, the proposed development would not have an adverse effect on flooding and would comply with paragraph 159 of the NPPF which, amongst other things, seeks to direct development away from areas at highest risk of flooding.

Other Matters

28. I acknowledge that the proposed dwelling is unlikely to result in significant trip generation and would be of an eco-house design that is viewed favourably by some third parties. It would also provide a family home that would support

local services in the village. However, this does not outweigh the harm I have found above.

29. Concerns have been raised regarding the Council's handling of the planning application and inconsistency in decision making. However, these matters have no bearing on my consideration of the planning merits of the development.

Planning Balance

30. 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. The appellant has directed me to several appeal decisions⁴ in this regard whereby Inspectors have either stated that CS Policy CS2 is out-of-date or stated that it has reduced weight.
31. 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 one additional dwelling, a limited amount of short-term employment through the construction of the development, economic benefits from the purchasing of building materials, the provision to a limited extent of some support to the vitality of rural communities, the proximity of the site to the village of Boxford with some opportunity to travel by alternative means, the vehicle movements associated with one dwelling, and a commitment to include environmentally sustainable measures.

Conclusion

32. I have found for the appellant in regard to the second, third and fourth main issues and their compliance with the development plan. However, this would not be sufficient to outweigh the conflict with the development plan in respect of the appeal site being an unsuitable location for residential development. There are no material considerations worthy of sufficient weight to indicate a decision should be made other than in accordance with the development plan. The appeal is therefore dismissed.

A Berry

INSPECTOR

⁴ Appeal References: APP/Z1510/W/21/3276838, APP/D3505/W/21/3280224, APP/D3505/W/20/3248538, APP/D3505/W/20/3246576, APP/D3505/W/20/3264822, APP/D3505/W/20/3263192, APP/D3505/W/20/3259002