



Appeal Decision

Site visit made on 10 January 2023

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 March 2023

Appeal Ref: APP/X3540/W/22/3297315

Land to South of 19 Mill Road, Part of The Ugli Nursery, Mill Road, Newbourne, Suffolk IP12 4NP

- 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 Simon Finch against the decision of East Suffolk Council.
 - The application Ref DC/21/2584/OUT, dated 20 May 2021, was refused by notice dated 1 November 2021.
 - The development proposed is construction of a three Bedroomed Detached Dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. No description of the proposed development was included on the application form. However, it is otherwise clear from the application details that one dwelling of three bedrooms is proposed. In the banner heading above, I have used the description from the Council's decision notice and section E of the appeal form, which I am satisfied accurately reflects the proposed development.
3. The planning application was made in outline, with access, landscaping and layout to be considered at this stage. I have had regard to drawings F1040/01, F1040/02 and F1040/03 R1, which provide details of access, landscaping and layout. The appearance and scale of development are reserved matters.
4. The Council's Housing in Clusters and Small Scale Residential Development Supplementary Planning Document (SPD) was adopted in November 2022, while the appeal was in progress. I have taken account of the contents of the adopted SPD, as well as the parties' comments on its implications for my consideration of the appeal.

Main Issue

5. The main issue is whether the proposed development would provide a suitable location for housing, having regard to its effect on the character and appearance of the area.

Reasons

6. Newbourne is defined as a Small Village in the Suffolk Coastal Local Plan adopted September 2020 (SCLP). Unlike the other Small Villages, it does not have a defined settlement boundary. Instead, a specific policy (SCLP11.9) defines the extent of acceptable development, responding to the characteristics

- of the former Land Settlement Association Holdings (LSAH) area, which extends throughout most of the village and includes the appeal site.
7. Although Policy SCLP3.3 confirms that land outside settlement boundaries is defined as Countryside, where new development is restricted, an exception is made for residential development covered by other specific policies. Policy SCLP11.9 is one such policy, as are Policies SCLP5.3 and SCLP5.4. The latter policies, amongst other things, allow for limited development within existing clusters in the countryside.
 8. Having regard to the above policy framework, the erection of a new dwelling in Newbourne is acceptable in principle, provided it satisfies the detailed requirements of Policies SCLP11.9 and (in this case) SCLP5.4. When considered together, these policies require that the proposed development amounts to infilling along an existing road frontage, while avoiding harm to the character and appearance of the area, including the distinctive characteristics of the LSAH area.
 9. The characteristics of the former LSAH area include large, regularly spaced plots, some of which contain commercial scale glasshouses, as well as parcels of open land between dwellings. This pattern of development derives from a period when the village was the focus of a Government scheme to provide land-based employment for relocating workers. Although the scheme was wound up many years ago, the distinctive pattern of relatively modest dwellings interspersed with their associated smallholdings can still be discerned in several parts of the village.
 10. The appeal site is the front section of a larger plot of land formerly used for horticulture. Historically it contained a substantial glasshouse, now demolished, and there are additional glasshouses to the rear, in varying states of disrepair. In the surrounding area, detached dwellings are interspersed with substantial parcels of open land and several ranges of glasshouses are visible, set back from both sides of the road. As such, the pattern of former holdings can still be discerned.
 11. Although the plans indicate that the proposed dwelling would be located in the northern half of the plot, the associated residential land would extend across the full width of the site. While the scale and appearance of the dwelling are not defined at this stage, this would amount to a significant encroachment of residential development into agricultural/horticultural land. The development would establish a more domestic character along the road frontage, leaving little sense of the former holding to the rear. This would disrupt the distinctive pattern of smallholdings which is characteristic of the LSAH area, to a harmful extent.
 12. Although there are several dwellings along Mill Road, there is little sense of a continuous developed frontage in the vicinity of the appeal site, due to the extent of open land between dwellings. Given the extent of separation between the adjacent dwellings, the proposed development would not amount to infill of a clearly defined gap in an existing frontage.
 13. The Council's Housing in Clusters and Small Scale Residential Development SPD makes clear that in order to be regarded as a 'cluster' for the purposes of Policy SCLP5.4, existing dwellings should be closely related and not separated by extensive gaps of open land. On that basis, while acknowledging that there

are well over five dwellings along Mill Road as a whole, I do not consider that the appeal site falls within a cluster as defined in the SPD, when the characteristics of the more immediately surrounding development are considered.

14. My attention has been drawn to other developments in the surrounding area, but none are directly comparable to the proposed development. Of the applications that involved new dwellings, based on my observations during my site visit, none appear to have involved the same degree of encroachment into open land. While applications involving replacement dwellings or extensions are also covered by Policy SCLP11.9, development within an existing established residential site is unlikely to involve a similar degree of encroachment into open land. As such, while I have taken account of these previous decisions, their circumstances differ from the current proposal, and I have given them limited weight.
15. For the reasons set out above I conclude that the proposed development would not provide a suitable location for housing, having had regard to its effect on the character and appearance of the area. It conflicts with Policies SCLP3.2, SCLP3.3, SCLP5.2, SCLP5.3, SCLP5.4, SCLP5.7, SCLP11.1 and SCLP11.9 of the SCLP. These policies, amongst other things, define criteria for the location of new residential development in the countryside generally, as well as limiting residential development in Newbourne to infill development within an existing frontage, avoiding harm to the character of the former Land Settlement Association Holdings Area.

Other Matters

16. The Framework's support for the development of small and medium sized sites in paragraph 69 clearly refers to the benefits of using 'suitable' sites, indicating that issues of character and setting remain relevant. Although there was historically built development on the site, the buildings in question were of an agricultural/horticultural character and their limited remains have blended into the landscape. Furthermore, the horticultural use of that previous development is a key aspect of the area's distinctive character, as outlined above.
17. I have noted that Newbourne Parish Council expressed support for the application. However, their comment highlights the extent of the plot, which is one of the factors which have led me to conclude that the proposal would conflict with the development plan. Absence of harm to the privacy of neighbouring properties is a neutral factor, which does not overcome the harm identified in relation to the principle of the development and the character and appearance of the area.
18. Since the proposed development is for a single dwelling, its contribution to the vitality of the village community and local services (as highlighted in Framework paragraph 79), would inherently be limited.
19. The application indicates that the proposed development would be a self-build dwelling. However, no legal mechanism has been presented to secure the provision of self-build housing on the site. As such, while I have noted the appellant's local family connection and the potential contribution to demand for self-build plots, I cannot be certain that such benefit would be delivered in practice. For that reason, I have attached limited weight to the benefits of self-build housing.

20. Consequently, no other matters outweigh the clear harm that would result from the proposal, as set out in the foregoing main issues.
21. The appeal site is located within the recreational disturbance Zone of Influence for several Habitats Sites, as identified in the Council's Officer Report. However, as I am dismissing the appeal for other reasons, as set out above, it is not necessary to address the effect of the proposed development on Habitats Sites in any further detail.

Conclusion

22. For the reasons given above, having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

Jane Smith

INSPECTOR