

Appeal Decision

Site visit made on 18 May 2023

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 June 2023

Appeal Ref: APP/X3540/W/22/3309921

Land to the north of 18 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 The Executor of PA Taylor against the decision of East Suffolk Council.
 - The application Ref DC/22/0573/OUT, dated 9 February 2022, was refused by notice dated 24 August 2022.
 - The development proposed is erection of up to two dwellings and access with all other matters reserved.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is made in outline with all matters except for access reserved for subsequent consideration. Accordingly, I have treated as illustrative the elements of the submitted block plan that show the layout of the proposed buildings and some landscaping.
3. The *Housing in Clusters and Small Scale Residential Development* Supplementary Planning Document (SPD) was adopted by the Council in November 2022 while the appeal was in progress. I have taken account of the SPD and comments made on it in considering this appeal.
4. My attention is drawn to an appeal decision for residential development in Newbourne that was issued during the appeal process¹. Given the proximity of the appeal site to the site in this appeal, and as both parties have commented on the earlier appeal, I have had regard to it.
5. I note that the appellant made a financial contribution at application stage to address the required mitigation by the Council of the effect of the proposal on European designated sites.

¹ APP/X3540/W/22/3297315 dated 20 March 2023.

Main Issue

6. The main issue is the suitability of the location for the proposed development, with particular regard to the effect on the character and appearance of the appeal site and the surrounding area.

Reasons

7. Newbourne is designated as a Small Village in the settlement hierarchy by Policy SCLP3.2 of the East Suffolk Council - Suffolk Coastal Local Plan (2020). The village is unique amongst this settlement category as it does not have a defined boundary.
8. Policy SCLP3.3 of the Local Plan defines unallocated land outside settlement boundaries as countryside where new residential development will not be permitted, except where specific development plan policies indicate otherwise. In this regard, Policy SCLP11.9 addresses development within the Former Land Settlement Association Holdings (LSAH) in Newbourne, which includes the appeal site and covers much of the village. More generally, Policy SCLP5.3 sets out the types of housing development acceptable in the countryside, which includes limited development within existing clusters, in accordance with Policy SCLP5.4.
9. Given that Policy SCLP11.9 concerns development in the LSAH, which includes the appeal site, it is the principal policy consideration in this case. However, proposals must be considered against the development plan as a whole and, therefore, regard should also be had to Policy SCLP5.4 concerning housing clusters in the countryside. This approach is consistent with that taken by the Inspector in the earlier appeal.
10. The LSAH area derives from an inter-war experimental government scheme to provide land-based employment for unemployed workers from depressed industrial areas. The characteristics of the scheme were modest dwellings within large plots, many containing horticultural glasshouses, with substantive open spaces between dwellings. Despite the scheme ending many years ago, this pattern of development can still be discerned in parts of the village, with the dwellings and their associated plots readily apparent.
11. The appeal site is an example of a plot that has remained open and undeveloped, reflecting its former use with regard to the LSAH. The wider, distinctive pattern of development associated with the LSAH is particularly apparent on the eastern side of Mill Road, with the appeal site forming an extensive area of open land between the village hall and No 18; beyond this are further large gaps to the road frontage, including the site of the earlier appeal adjacent to No 19.
12. Policy SCLP11.9 requires the scale and design of new residential development to not harm the character of the former LSAH area. Scale and appearance are reserved matters and so are not for consideration now. Furthermore, given the existing development along Mill Road, the new dwellings would not amount to backland development. However, due to the extent of the open land between existing built development to either side, and despite the development on the opposite side of Mill Road, the two dwellings would not represent infill development within the existing frontage. Instead, and as found in the earlier

appeal, they would represent a significant encroachment of development into the established pattern of open frontages in this part of the village. As such, the development would harmfully undermine the character of the former LSAH area, contrary to the purpose of Policy SCLP11.9.

13. As the main parties have differing views about which landscape character area the site is within, it is more instructive to consider the likely effects of development within the street scene and immediately surrounding area. The appeal site contributes positively in this regard through both its openness, reflecting its former LSAH associations, and its verdant character and appearance, linking to the open countryside beyond. The views that are available across the site make a positive contribution to the street scene. The development of up to two dwellings together with an access point, driveways and domestic paraphernalia would harmfully undermine this character and appearance. Moreover, given the existence of a greater intensity of residential development on the opposite site of Mill Road, the proposal would add to this and so lead to harmful urbanisation of this part of the village.
14. Policy SCLP5.4 says that proposals will be supported for up to three dwellings, within a cluster of five or more dwellings. It indicates that a 'cluster' in the context of the policy consists of a continuous line or close group of existing dwellings adjacent to an existing highway; and contains five or more dwellings.
15. While there are more than five dwellings within the immediately surrounding area, including those on the western side of Mill Road, these cannot in my view be considered to be a continuous line or close group. Rather, the dwellings as a whole represent a loose-knit and informal grouping. The fact that there is development on two sides of the appeal site does not alter this finding. However, for the avoidance of doubt, were I to have found that the site is part of a cluster, this would not outweigh the findings above with regard to the provisions of Policy SCLP11.9. Furthermore, based on the above findings, the proposal would not comply with criterion d) of Policy SCLP5.4 regarding the effect of development on the character and appearance of the area.
16. The appellant contends that the Council has been inconsistent in its decision-making with regard to residential proposals in Newbourne. In particular, reference is made to previous decisions where Policy SCLP11.9 was the principal or sole consideration and, as such, it is contended that undue reliance has been placed in this case on Policy SCLP5.4 concerning clusters. However, those cases, as with the current proposal, were considered on their merits in terms of the effects on character and appearance against the requirements of Policy SCLP11.9. As such, there is no basis to infer that had the current proposal not been considered against Policy SCLP5.4 it would have resulted in a different outcome with regard to the Council's decision or the outcome of this appeal.
17. My attention is also drawn by the appellant to a recent successful appeal for residential development in Newbourne, where the policy considerations were the same as for this appeal². In that case the Inspector found that the proposal would comprise infill development, since it would occupy a well-defined gap in an otherwise continuous built-up frontage. That is not the case

² APP/X3540/W/22/3294378 dated 29 March 2023.

here and, therefore, there are clear differences between this earlier appeal and the current proposal in terms of the sites involved and the effects of development in each case. As such, this earlier appeal cannot be considered to be a precedent for the current proposal.

18. I acknowledge that there were no objections to the proposal from statutory consultees and that it is supported by the parish council. However, this does not overcome the harm and conflict with the development plan found above.
19. I have had regard to all the representations made by interested parties. These do not, however, raise any additional matters in relation to the main issue in this appeal that would lead me to reach a different overall conclusion.
20. Accordingly, for all these reasons, I conclude that the appeal site is not a suitable location for the proposed dwellings, particularly due to the material harm to the character and appearance of the site and surrounding area. As such, the proposal is contrary to Policies SCLP3.2, SCLP3.3, SCLP5.3, SCLP5.4 and SCLP11.9 of the East Suffolk Council - Suffolk Coastal Local Plan, as described above.

Conclusion

21. The proposal would result in material harm and is contrary to the development plan. There are no other material considerations that outweigh the conflict with the development plan. Accordingly, it is concluded that the appeal should be dismissed.

J Bell-Williamson

INSPECTOR