



# Appeal Decision

Site visit made on 20 July 2023

**by J Downs BA(Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 25 August 2023**

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**Appeal Ref: APP/D3505/W/22/3312770**

**Land to the north of Gallows Hill and Castle Road, Hadleigh IP7 6JQ**

- 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 JJ Hartman Homes against the decision of Babergh District Council.
  - The application Ref DC/21/06029, dated 26 October 2021, was refused by notice dated 14 June 2022.
  - The development proposed is proposed residential development on land to the south of the A1071, with access from Gallows Hill, Hadleigh, comprising 4 bungalows with associated garages and parking.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The application form contained two company names. I have used the company name that appears on both the application and appeal forms in my banner heading.
3. The application was made in outline with access to be considered at this stage. Appearance, landscaping, layout and scale fall to be considered at the reserved matters stage.
4. The parties have referred to the emerging Local Plan, and the Council confirmed progress through the Examination process since the decision was issued. However, I have not been provided with any relevant policies or substantive commentary on its relevance to the facts of this case.

## Main Issue

5. The main issue is the effect of the development on the character and appearance of the area.

## Reasons

6. Built development along the northern extent of Hadleigh is characterised by regularly shaped parcels of development with strongly defined boundaries. This provides an obvious distinction between the developed area of the settlement and the surrounding countryside.
7. The proposed development would extend beyond the existing built up area as defined by the rear gardens of the dwellings on Castle Road. While it would be of a limited scale, the protrusion of the site into the countryside would be incongruous and uncharacteristic. While many settlements do develop in an

organic manner along their edges, this is not the case in Hadleigh with its strong, regular boundaries and it is not oversimplifying matters to describe it in this manner.

8. It would be a minor encroachment into the wider landscape. As such, the landscape and visual effects on the landscape character area would be negligible and localised to the surrounding residential development and users of the adjacent public right of way. However, it would nonetheless detract from the prevailing pattern of development that defines Hadleigh. Landscaping is to be considered at the reserved matters stage, and it is intended to retain the existing landscaped boundaries. However, this would not adequately mitigate the adverse effects of the development which arise from its shape and relationship to the existing built form rather than its landscape and visual impacts.
9. At my site visit, development was underway at the adjacent site. I have no reason to think this is anything other than the approved development<sup>1</sup> referred to by the parties. While this was at an early stage, I have no reason to think it will not proceed. As such, the proposed development would not come forward in isolation.
10. Although the proposal before me is in outline, the indicative plans show the development could be carried out in a way that would be well related to that at the adjacent site. In turn this would allow for access to the services and facilities within Hadleigh. However, these would not overcome the harm I have identified above.
11. The proposed development would have an adverse effect on the character and appearance of the area. It would therefore be contrary to Babergh Local Plan Alteration No.2 (2006) Policy CN01 and Babergh Local Plan 2011-2031 Core Strategy & Policies (adopted February 2014) Policy CS15 which, taken together and amongst other things, require development to pay particular attention to the form of adjacent development and make a positive contribution to the shape of the area. It would also be contrary to paragraph 130 of the National Planning Policy Framework which requires, amongst other things, development to add to the overall quality of the area.

## **Other Matters**

12. The site is located within the Zone of Influence for the Stour and Orwell Estuaries Special Protection Area (SPA) and Ramsar site which is subject to pressures from recreational disturbance. Had I been minded to allow the appeal, it would have been necessary to establish whether the proposal on its own or in combination with other projects would likely have significant environmental effects on the integrity of the SPA. However, given my findings above, it has not been necessary for me to pursue this issue further. A finding that the proposal would not have an adverse effect on the integrity of the SPA, with or without any mitigation, would be at best a neutral matter.
13. The Council has brought Primrose Cottage and Stoneleigh to my attention. Both are Grade II listed and are located on Stone Street which is separated from the site by the A1071. The distance between the site and the listed buildings, the road and substantial landscaping along both sides of it means the site does not

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<sup>1</sup> DC/19/04247

contribute to the setting of the listed buildings. S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is therefore not engaged.

14. The Council's officer report provides an appropriate explanation as to why the lack of affordable housing was not included as a reason for refusal. There is insufficient evidence before me to allow me to conclude if the proposed development should provide affordable housing. However, even if I were to conclude that it should, there is no mechanism before me to secure its delivery.
15. There would be a benefit from the delivery of additional dwellings given the national objective to significantly boost the supply of housing. It is likely the dwellings could be developed in the short term, notwithstanding the need for reserved matters to be approved. There would be associated economic benefits from construction employment for the duration of the development. Ecological enhancements could be secured by condition. Given the modest scale of the proposal, I attach limited weight to these benefits.
16. It has been suggested that the development could incorporate sustainable technologies. However, I have no substantive detail of this, nor has a mechanism been suggested to secure it.
17. There would be access to public transport and to the services and facilities available within Hadleigh. The development would be liable for the community infrastructure levy towards green infrastructure and would meet the requirements of the building regulations. There would be no harm to protected species. The retention of the perimeter landscaping could be secured and sustainable drainage measures incorporated. Although the scheme is in outline, I have no reason to think that there would be an adverse effect on the living conditions of neighbouring occupiers or that there would not be suitable living conditions for future occupiers of the proposed development. However, these are factors that would be expected of any well designed, policy and regulation compliant development within the area. They would therefore be neutral in the planning balance.

## **Conclusion**

18. The proposed development would conflict with the development plan taken as a whole. There are no material considerations of sufficient weight to indicate the decision should be made otherwise. Therefore, the appeal should be dismissed.

*J Downs*

INSPECTOR