



Appeal Decision

Site visit made on 14 December 2023

by L N Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 January 2024

Appeal Ref: APP/X3540/W/23/3314696

Grange Nurseries, Jackson Road, Newbourne IP12 4NR

- 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 A Mann and S Gould against the decision of East Suffolk Council.
 - The application Ref DC/22/3881/OUT, dated 3 October 2022, was refused by notice dated 24 November 2022.
 - The development proposed is for a dwelling (all matters reserved).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal is in outline with all matters reserved.
3. The National Planning Policy Framework ('the Framework') was revised in December 2023. The content of the Framework has not been materially altered in respect of the main issues before me, and therefore it has not been necessary to go back to the parties.

Main Issue

4. The main issue is whether the proposed development would be in a suitable location, with particular regard to its effect on the character and appearance of the former Land Settlement Association Holdings (LSAH).

Reasons

5. The large site lies to the south of Jackson Road, and extends back a significant distance, comprising an area predominantly covered by the large greenhouses of the former Grange Nurseries horticultural business. This wider landholding includes further greenhouses to the east. Jackson Road is long and single width, serving numerous dwellings and nurseries/smallholdings.
6. The village of Newbourne predominantly comprises former LSAH, a Government scheme established in the 1930s to provide land-based employment for relocating workers. Its distinctive pattern clearly remains evident along Jackson Road, being substantive open spaces with wider views of fields and woodlands, between relatively modest dwellings within their spacious associated smallholdings.
7. Policy CLP3.2 of the East Suffolk Council - Suffolk Coastal Local Plan (SCLP) (2020) defines Newbourne as a 'Small Village', and as it has no defined settlement boundary, Policy SCLP3.3 deems it as 'Countryside'. Together these

policies restrict new residential development in the countryside, except where specific policies indicate otherwise. Such specific policies include SCLP5.3 and SCLP5.4, which identify various exceptions for new countryside residential development, the only relevant of which is for limited development within existing clusters. The main parties agree that the development is within a cluster under the SCLP5.4 definition, being 5 or more existing dwellings in a continuous line or a close group adjacent to an existing highway. My site visit confirmed this position.

8. Policy SCLP5.4(b) further requires the development to consist of infilling within a continuous built up frontage, be in a clearly identifiable gap within an existing cluster, or be otherwise located adjacent to existing development on 2 sides. Due to the dwellings to the north and greenhouses to the east I find the proposal would comply with part (b). The proposal would also comply with Policy SCLP5.4 part (c), as it would not extend the built up area into the surrounding countryside due to its location on the existing greenhouses.
9. Policy SCLP5.4 part (d) additionally requires the proposal to not cause undue harm to the character and appearance of the cluster, or result in any harmful visual intrusion into the surrounding landscape. These are similar requirements to those set out in Policy SCLP11.9, a further policy specific to Newbourne. This requires at part (e) for the scale and design of new dwellings to not harm the character of the former LSAH area, and at (f) for the proposed dwelling to represent infill development within the existing frontage and not result in backland development.
10. While scale and appearance are reserved matters with no fixed parameters, they are relevant at this stage insofar as their impact is integral to this in principle assessment of the acceptability of the development's location. For the avoidance of doubt, my consideration of scale and appearance is therefore only indicative and has incorporated multiple options. Although the appeal decision¹ for the proposed dwelling on the adjacent site to the east raised no concerns in this regard, this does not preclude me from making my own determination on the evidence before me.
11. The unique character of the LSAH area incorporates relatively wide plots along Jackson Road. Dwellings are predominantly within frontages, with agricultural and horticultural buildings to their rear or side where they still exist. No. 47 directly adjacent to the appeal site is an anomaly comprising the conversion of a horticultural building, albeit it still comprises a frontage position.
12. The appellants assert that it is intrinsic within the application of Policy SCLP11.9 that the outcome would be some loss of gaps and/or existing buildings, for the smallholding use of a site to have ceased, and for a resulting change to a domestic character. However, the point at which this would result in undue harm is a matter of planning judgement based on the specific proposal and its site context.
13. Given the narrow width of the site's frontage, even were it possible to position a dwelling within this part of it, this would appear cramped within the context of its plot. The dwelling would also not be viewed as part of a wider former smallholding as the plot's rear extent would be predominantly blocked from view.

¹ APP/X3540/W/21/3281480

14. If the dwelling were positioned further away from the road in order to allow appreciation of its large plot, this would comprise backland development. This would still be the case even if controls were placed on the outline permission to ensure that the proposed dwelling's southern extent would not extend beyond that of the dwelling approved in outline to the east². Although 'backland' is not defined in Policy SCLP11.9(f), in the context of the character of the existing dwellings as described above, I find that the proposed dwelling would be so far back and contrary to the predominant character and relationship of plots with the road, that it would comprise backland. This is notwithstanding the existing greenhouses, which play a different role in contributing to the area's character than from dwellings.
15. Although the removal of the site's greenhouses could occur in isolation, their removal is an integral part of the proposal before me. I have therefore not divorced this from my overall consideration of impact. As such, the loss of the greenhouses and the introduction of a new dwelling and associated domestic paraphernalia would be harmful to the site pattern and character of the former smallholdings, a defining feature of Newbourne.
16. In conclusion, the proposed development would not be in a suitable location, due to its substantially harmful effect on the character and appearance of the former LSAH. As such, it would conflict with the SCLP Policies SCLP5.3, SCLP5.4, and SCLP11.9. Together, and amongst other matters, these set the locational strategy for residential development, appropriate exceptions, and provide protection for the former LSAH. It would also conflict with Policy SCLP11.1, which seeks to ensure that new development proposals clearly demonstrate an understanding of the key features of local character.

Other Matters

17. The evidence included reference to various Newbourne appeal decisions for new dwellings. I have had regard to these, but each proposal must be assessed on its own merits, and I find the circumstances of those cases to be sufficiently different such that they have not been determinative.
18. The Framework seeks to significantly boost the supply of homes, including support for development of windfall sites. However, the benefits from a single additional dwelling would be a very small-scale contribution, and I have been presented with no evidence that the Council has an undersupply of housing land or poor housing delivery. There would also be very small social and economic benefits from local construction, and from the local expenditure and demand for local services by the additional residents. Overall, I give minor weight cumulatively to these minor public benefits. I also give minor weight to the appellants' suggestion that the proposal would avoid further deterioration of the greenhouses due to the otherwise prohibitive cost of clearing them. These benefits therefore do not outweigh the substantial harm to the area's character and appearance.
19. The site lies within a recreational 'Zone of Influence' for the Sandlings Special Protection Area (SPA), the Deben Estuary SPA/Ramsar, the Alde-Ore Estuary SPA/Ramsar, the Stour and Orwell Estuaries SPA/Ramsar, and Orfordness-Shingle Street Special Area of Conservation (SAC), collectively identified as 'Habitats Sites'. These are afforded protection under the Conservation of

² DC/22/1393/OUT - permitted July 2022

Habitats and Species Regulations 2017 as amended (the Habitat Regulations). Permission may only be granted after having ascertained that the proposed development would not affect the integrity of these protected sites.

20. New residential growth in East Suffolk has been identified to result in increased recreational disturbance on Habitats Sites. The in-combination effect of this new growth will, in the absence of adequate mitigation measures, result in an adverse effect on the integrity of these Habitats Sites. To this end, the appellants made a direct financial payment to the Council towards the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS), which provides strategic mitigation measures to address this impact. The Council accepts such payments as sufficient mitigation. However, as I have identified above that I am dismissing the appeal on other grounds, I do not need to consider further the implications of the Habitats Regulations, and whether this payment would adequately mitigate the proposal's effect on the integrity of the protected sites.

Conclusion

21. The proposal conflicts with the development plan as a whole. With no other material considerations outweighing this conflict, for the reasons given above I conclude that the appeal is dismissed.

L N Hughes

INSPECTOR