
Appeal Decision

Site visit made on 12 February 2024

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2024

Appeal Ref: APP/F3545/W/23/3324341

Land adjacent to 42 Earls Field, RAF Lakenheath, Suffolk IP27 9QT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Vintegga Homes against the decision of West Suffolk Council.
 - The application Ref DC/22/0768/FUL, dated 29 April 2022, was refused by notice dated 31 March 2023.
 - The development proposed is the construction of one dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the loss of open space would be acceptable.

Reasons

Open space

3. The proposal is for a four-bedroom, two storey detached dwelling on part of a grassed area of open space alongside No 42 Earls Field on the housing estate associated with RAF Lakenheath known as Lord's Walk. There is no objection to the layout or design of the house which would sit next to its neighbour as part of a traditional street frontage and would have a similar appearance to others in the vicinity.
4. According to the appellant, planning permission was originally granted in 1969 for an estate of 572 dwellings for the use of USAF personnel of which 535 have been built, and the open space area was originally intended for further housing. Judging by the road layout this may be the case. However, given the historic nature of this permission, the Council do not accept that it remains extant and the appellant has not sought to establish that it is by seeking a Certificate of Lawfulness.
5. The current application is thus made afresh and indeed the nature of the estate appears to be changing with the occupation of houses by non-USAF personnel and houses now for sale on the open market. However, neither the Council nor appellant explain the nature of these changes, how the estate is managed, or any plans or vision for its future in the light of its changing role. This dearth of information leaves the appeal to be determined against the general policies in the development plan.

6. The site lies within the settlement boundary of RAF Lakenheath/Lord's Walk as defined by the Forest Heath Core Strategy 2010 (FHCS) where Policy CS1 allows housing development in principle subject to other policies. However, Policy DM42 of the Joint Development Management Policies Document 2015 (JDMPD) states that the loss of existing amenity, sport or recreation open space will not be allowed unless it is surplus in relation to the local planning authority's standards for the particular location or suitable replacement facilities are provided.
7. It is not clear what these standards are, but the Council states that the West Suffolk Council Open Space Assessment Report dated December 2021 shows Lord's Walk to be deficient in terms of access to all three types of open space measured, and that there are no children's play areas on the estate.
8. The appellant does not dispute these findings but relies on the argument that the development as permitted in 1969 did not include the level of open space that is now being sought. However, being made afresh, the current planning application must be assessed against current policies. The considerations that applied over 50 years ago when housing was being provided for American service personnel working on the airbase have inevitably been superseded by up-to-date policy requirements for large housing estates which can be occupied by the general public.
9. The site and adjacent land comprise rough grassland without any particular signs of active use but fully accessible to local people. The site offers a not unpleasant albeit perhaps unplanned green space within the housing estate and in the absence of any dedicated play areas nearby it is likely to be used on an informal basis by local residents, particularly children. The appellant argues that the remaining land could fulfil this function, but the proposal would result in an incremental reduction in green space which could simply be repeated on adjacent land or elsewhere in the estate.
10. The appellant offers no examples of other housing development within open space areas on the estate by way of precedent nor sets the proposal in any wider context, despite apparently owning many other parcels of land¹.
11. In these particular circumstances the case for an incremental development of one dwelling at the expense of open space is not established. In the absence of replacement or improved provision elsewhere on the estate the loss of open space would not be acceptable and would conflict with JDMPD Policy DM42. The proposal would also conflict with Policy DM2 which ensures development does not involve the loss of important open, green or landscaped areas which make a significant contribution to the character and appearance of a settlement and secondly provides open space, recreation, play and leisure facilities as appropriate.

Other matter

12. The site lies within 0.9 km of the Breckland SPA, 1.4 km of the Breckland SAC and 4.8 km of the Rex Graham Reserve SAC where disturbance by additional visitors may lead to adverse effects on integrity. The appellant's shadow Habitats Regulation Assessment (HRA) concludes that the development is likely to result in potential negative effects on the Breckland SPA but this would be

¹ Statement of case paragraph 5.12

limited and could be minimised by providing the new residents with information about suitable locations for recreation and how to avoid disturbing nesting birds. Natural England raise no objection to the proposal but it is not clear that the shadow HRA and its proposed mitigation has been accepted and the officer delegated report states that a likely significant effect has been ruled out because the proposal is the redevelopment of an existing building and there would be no net increase in the area of built development within the settlement boundary². This is clearly not the case. The HRA position is thus unclear, but having regard to the conclusion in relation to the main issue there is no need to pursue the matter further.

Conclusion

13. The proposal would provide an additional dwelling which would contribute to local housing needs and have economic and social benefits for Lakenheath. The site is located in a 'sustainable military settlement' as defined by the FHCS near to a range of services and facilities and the dwelling would be of a suitable design. However, these benefits do not outweigh the loss of open space that would result and the associated conflict with the development plan.
14. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR

² Officer delegated report bottom of p8/top of p9.