



Appeal Decision

Site visit made on 24 April 2024

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 7th May 2024

Appeal Ref: APP/D3505/W/23/3326529

Land North of The Street, Layham IP7 5JU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Miss K Ashdown against the decision of Babergh District Council.
 - The application Ref is DC/22/06245.
 - The development proposed is the erection of 5 no. dwellings (with access).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Babergh and Mid Suffolk Joint Local Plan – Part 1 (November 2023) (JLP) was adopted by the Babergh Council on the 21 November 2023 and replaces the previous Babergh Local Plan (June 2006) and Babergh Core Strategy (February 2014). Both main parties have had the opportunity to comment on the implications of this for the appeal and I have taken the JLP into account in coming to my decision.
3. The appeal scheme relates to an outline proposal, with access to be considered at this stage, and with all other matters reserved for future consideration. I have considered the appeal accordingly. A plan has been submitted as part of the appeal which indicates how five dwellings could be accommodated on the site. I have taken this plan into account for indicative purposes only.
4. Although included as a reason for refusal by the Council, I have not included lack of a Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) contribution as a main issue. The parties agree that the applicable contribution has been paid and I have considered this, later in my decision.

Main Issues

5. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and
 - whether the appeal site would be a suitable location for the proposed development, having regard to local policy.

Reasons

Character and appearance

6. The appeal site comprises an area of land currently in agricultural use at the edge of Layham, which forms part of the rural approach into the village. The site is bound on three sides, including the street frontage, by mature trees and

hedges. Whilst the properties within Layham vary significantly in style, age and character, the northeast side of this portion of The Street is characterised by sporadic residential development set back from the highway, interspersed by fields and pockets of mature vegetation, with a predominantly verdant streetscape. Despite its proximity to the village, the appeal site is physically and visually separated by the existing mature planting. Consequently, it relates most closely to the open countryside and contributes significantly to the verdant, rural character.

7. The proposal would create a similar ribbon arrangement as seen elsewhere along The Street. However, the subdivision of the agricultural field and its development with five dwellings and associated features, including areas of hardstanding would urbanise the appeal site. Due to its prominent location at the edge of the village, the proposal would appear unduly prominent and result in an incongruous transition between the village and the countryside.
8. Whilst the introduction of native soft landscaping would soften the effects of the proposal, the construction of a residential development on the appeal site would visually intrude into the open countryside beyond the natural boundary of Layham. The proposal would greatly reduce the sense of openness on approach to the village, diminishing the contribution that the appeal site makes to its rural setting.
9. Overall, I conclude that the proposal would harm the character and appearance of the area, in conflict with Policy LP17 of the JLP which seeks to ensure development integrates with the existing landscape character of an area and reinforces local distinctiveness and identity of individual settlements. The proposal would also conflict with the Framework where it requires development to be sympathetic to local character, including the built environment and landscape setting.

Location

10. JLP Policy SP03 outlines how growth will be managed within the district, primarily focusing development within established settlement boundaries. However, development outside of the established settlement boundaries is supported in certain circumstances, including where it is in accordance with other policies of the plan. Although the proposed dwellings would not be isolated, they would be located outside of the defined settlement boundary of Layham. Whilst the appellant asserts that the settlement boundary is out of date, as described above, the appeal site relates most closely to the surrounding open countryside.
11. JLP Policy LP01 supports windfall infill housing development outside settlement boundaries where there are at least 10 well related dwellings, subject to certain criteria. These criteria include not being detrimental to the character and appearance of the area and usually being limited to only one or two dwellings. JLP Policy LP01 defines infill as the filling of a small undeveloped plot in an otherwise built-up highway frontage.
12. Whilst there are numerous residential properties to the southeast and southwest, there is no built development to the northwest. Although it is possible for infill development to comprise more than two dwellings, in this case, despite the area being less than one hectare, the overall width of the appeal site cannot be considered small. Additionally, due to its sporadic nature,

the adjacent development does not form a continuous built-up highway frontage. Consequently, the proposal would not constitute an infill development as defined by JLP Policy LP01. Moreover, as highlighted above the proposal would harm the character and appearance of the area.

13. Nevertheless, I conclude that the appeal site would not be a suitable location for the proposed development. It would conflict with Policies SP03 and LP01 of the JLP which seek to control development within the district by identifying where growth and development should be focussed and ensuring development would not be detrimental to the character and appearance of the settlement or landscape.

Other Matters

14. The parties agree that the development would likely generate additional recreational impact on the Habitat Sites within the Suffolk Coast Zone of Influence and is therefore subject to a one-off tariff as described in the Suffolk Coast RAMS. Evidence has been submitted which indicates that the applicable contribution has been paid. However, as I have already identified harm in respect of the main issues, it is not necessary for me to undertake an appropriate assessment, as even if no harm was identified or any harm successfully mitigated, these would be neutral considerations at best and therefore would not alter the outcome of the appeal. In these circumstances, it is not necessary to consider these matters further for the purposes of my decision.
15. The proposal would provide five additional dwellings in an accessible location, close to the services and facilities located in Layham and Hadleigh. Although the proposal would contribute towards the local housing supply and due to the scale of the proposal would be able to be built out relatively quickly, the evidence indicates that the Council can provide for the required amount of housing in the area. Short term employment would be provided during the construction and in the long term the future occupiers would benefit the local economy and community by helping to sustain the vitality and viability of the existing settlement. That said the social and economic benefits of five additional dwellings would be limited and there is no indication the local services and facilities are in danger of closing. Overall, these matters do not outweigh the harm I have identified above.
16. I note the Council's concerns regarding biodiversity net gain. However, I am satisfied that the requirements of JLP LP16 could be met and secured via condition and a future reserved matters application. Nevertheless, this is a neutral factor which neither weighs in favour of, or against the proposal and in any event, would be expected of any well-designed development.

Conclusion

17. For the reasons given above, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework that would outweigh that conflict. Therefore, the appeal is dismissed.

K Allen

INSPECTOR