
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: 10th May 2024

Appeal Ref: APP/D3505/W/23/3330345

Land West of Bury Road, Lavenham CO10 9QG

- 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 Messrs L and J Boydell and Wilkinson of Lavenham Ltd against the decision of Babergh District Council.
 - The application Ref is DC/23/01344.
 - The development proposed is the erection of 6 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) (BCS). 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 six dwellings could be accommodated on the site. I have taken this plan into account for indicative purposes only.

Main Issues

4. 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

5. The appeal site comprises part of a prominent open agricultural field on rising land, bound by mature hedges on approach into Lavenham. Whilst there are residential properties to the north and south of the site, they are sporadic, separated by large verdant gardens, agricultural fields, areas of woodland and public footpaths. The sporadic nature of this portion of Bury Road offers a

gradual transition between the denser village centre and the openness of the countryside beyond. The appeal site is within walking distance of the village core. Nevertheless, it visually relates most closely to the open countryside and contributes significantly to the open rural character on approach to the village.

6. I note the comments made by the landscape specialist consultee and that the Landscape Visual Impact Assessment concludes that the majority of middle and long distance views would be sufficiently screened, due to the topography of the land as well as existing and future landscaping. However, the subdivision of the agricultural field and its development with six dwellings and associated features would fill a substantial gap in development and urbanise the site, with significant localised effects. The proposal would consolidate the existing sporadic pattern of development and intrude into the open countryside, creating an abrupt and incongruous transition into the village.
7. While the introduction of additional soft landscaping would soften its effects over time, due to its prominent position on rising land, when viewed from Bury Road and the adjacent footpaths, the proposal would greatly reduce the sense of openness on approach to the village, diminishing the contribution that the appeal site makes to the villages rural setting.
8. Therefore, I conclude that the proposal would harm the character and appearance of the area. It would conflict with Policies LP17 and LP24 of the JLP and Policy H1 of the Lavenham Neighbourhood Plan (September 2016) (LNP) which amongst other things, seek to ensure that development integrates with the existing landscape character of an area, reinforces local distinctiveness and identity of individual settlements, and responds to and safeguards the existing character.

Location

9. JLP Policy SP03 outlines how growth will be managed within the district, primarily focusing development within established settlement boundaries. However, development is supported outside of established settlement boundaries in certain circumstances, including where it is in accordance with a made neighbourhood plan.
10. Policy H1 of the LNP supports development outside of established settlement boundaries where it is adjacent to the built-up area boundary of Lavenham and where the scheme can be clearly demonstrated to be well related to the existing pattern of development. Amongst other things, it requires development to demonstrate that the scale and character of the proposal respects the landscape and makes a positive contribution to the local character, shape, and scale of the area.
11. The appellant refers to the 'Corbett' judgement¹ regarding the interpretation of the wording of this policy. I acknowledge that there are dwellings in close proximity to the appeal site and that the services and facilities within the village would be readily accessible. However, the appeal site is physically and visually detached from the built-up area boundary of Lavenham by both the large, wooded area to the south and the former railway bridge. These features clearly separate the existing sporadic dwellings and the appeal site from the

¹ Corbett v Cornwall Council [2022] EWCA Civ 1069

village itself. As such, the appeal site does not adjoin the built-up area boundary of Lavenham.

12. Moreover, as determined above, the proposal would not relate well to the existing pattern of development. It would encroach into the surrounding countryside, ultimately harming the rural character on approach into the village.
13. Consequently, I conclude that the appeal site would not be a suitable location for the proposed development, having regard to local policy. It would conflict with Policy SP03 of the JLP and Policy H1 of the LNP as set out above.

Other Matters

14. The proposal would provide six additional dwellings within walking distance of the village core that could be delivered relatively quickly. Subject to a reserved matters application, the proposal would contribute to the identified local need for two and three-bedroom dwellings. In addition, the proposal would provide a defibrillator. In the short term, employment would be provided during the construction and CIL contributions would be made. 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.
15. The National Planning Policy Framework (the Framework) seeks to boost the supply of housing and promotes housing where it will support local services as well as strategies to improve health. However, the social and economic benefits of six additional dwellings would be limited and there is no indication that the local services and facilities are failing. Moreover, I have no substantive evidence before me to suggest that a defibrillator is required within the area or that the proposal would be the only way to secure such a provision. Overall, these matters do not outweigh the harm I have identified above.
16. I note the aspirations of the appellant in terms of biodiversity and sustainable technologies and that further details could be secured via a reserved matters application. However, schemes such as these would be expected of any well-designed development and as such are neutral factors which neither weigh in favour of nor against the proposal.

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