



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: 15th May 2024

Appeal Ref: APP/D3505/W/23/3326699

Land East of Clay Hill, Hintlesham IP8 3QL

- 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 Mr and Mrs Avis against the decision of Babergh District Council.
 - The application Ref is DC/22/05127.
 - The development proposed is 5no. dwellings with associated cart lodges and parking.
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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 description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
4. 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.
5. Subsequent to the application, the appellant has provided a contribution towards the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS), I have considered this matter later in my decision. Accordingly, the Council have withdrawn their third reason for refusal.

Main Issues

6. In light of the above, the main issues are whether:
 - the appeal site would be a suitable location for the proposed development, having regard to local policy; and
 - the proposal would provide housing in accordance with the need identified within local policy.

Reasons

Location

7. 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 other policies of the plan, such as JLP Policy LP01.
8. 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, not consolidating sporadic or ribbon development 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.
9. The appeal site would not be isolated. However, the parties agree that it would be outside of the established settlement boundary of Hintlesham. Whilst there is a small row of dwellings to the south of the appeal site as well as dwellings to the north on Duke Street, they are physically and visually separated by both the appeal site and a verdant strip of land. The dwelling on the corner of Duke Street and Clay Hill is perceived as the end of the village with those on Clay Hill appearing as sporadic development within the countryside. As such, they do not form a group of at least 10 well related dwellings, nor do they form an otherwise built-up highway frontage within which the appeal site sits.
10. Infill development can sometimes comprise more than two dwellings and housing provided on sites of less than one hectare can make an important contribution to housing supply. However, despite the existing boundary planting, the development of the appeal site with five dwellings and associated features would urbanise the site and consolidate the existing sporadic development seen on Clay Hill, creating a new area of ribbon development, that would extend beyond the existing boundary of Hintlesham.
11. I note the comments made regarding the accessibility of the appeal site and the distance to the services and facilities provided in Hintlesham and the surrounding villages. However, JLP Policy LP01 explicitly relates to windfall infill housing outside of development boundaries where, it is accepted that sustainability in terms of these matters will be inherently reduced. Both the preamble to the JLP Policy LP01 and the National Planning Policy Framework (the Framework) acknowledge that development in one village may support services in nearby villages, enhancing or maintaining the vitality of rural communities.
12. Nevertheless, for the reasons given above, I conclude that the appeal site would not be a suitable location for the proposed development, having regard to local policy. The proposal would conflict with Policies SP03 and LP01 of the JLP as set out above.

Identified need

13. Since the determination of the application, JLP Policy SP01 has replaced BCS Policy CS11. The previous policy required developments within Hinterland Villages, such as Hintlesham to meet a proven need such as affordable housing

or targeted market housing. However, Policy SP01 outlines the volume of dwellings required to be delivered over the plan period and only requires that the tenure, size, and type of new housing is informed by the relevant District needs assessment, or any local housing needs survey where relevant.

14. Whilst I note that the Council can demonstrate a 7.13 year housing land supply, this does not provide a limit to development. The preamble to the policy reiterates that according to the latest Strategic Housing Market Assessment (SHMA), the greatest need within the district is for two, three and four-bedroom accommodation. I have no evidence before me to suggest that this is not applicable in this case.
15. The proposal would provide five additional houses, which would contribute to the local housing supply over the plan period. Whilst the site plan is indicative, it shows that a mix of two, three and four bed accommodation would be provided. This accords with the need identified by the SHMA. Further, the final details including tenure, size and type of housing could be secured at the reserved matters stage.
16. Consequently, I conclude that the proposal would provide housing in accordance with the need identified within local policy. As such, it would not conflict with Policy SP01 of the JLP as described above.

Other Matters

17. The parties agree that the development would likely generate additional recreational impact on the Stour and Orwell Estuaries Special Protection Area and Ramsar site and is therefore subject to a one-off tariff as described in the Suffolk Coast RAMS. Evidence has been submitted which indicates 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.
18. The appeal site forms part of the setting of the adjacent Grade II listed property, Manor Farmhouse. The property derives significance from its architectural character and historic links to agriculture. However, due to the separation distance and intervening planting there would be no harm to the setting of the listed building.
19. The proposal would provide five additional dwellings in a somewhat accessible location, that would contribute to the local housing supply. 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. Whilst the Framework seeks to boost the supply of housing, the social and economic benefits of five dwellings would be modest, and I have no substantive evidence before me to suggest that local services are under threat.
20. The implementation of carbon reduction measures and biodiversity net gains is commendable. Nevertheless, I have not been provided with any details of how they would be in excess of the requirements expected of any well-designed

development. Overall, the benefits associated with the development, would not outweigh the harm identified in respect of the spatial strategy above.

Conclusion

21. 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