



Appeal Decision

Site visit made on 1 May 2024

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 May 2024

Appeal Ref: APP/D3505/W/23/3323892

Land to the south of Honeysuckle Cottage, Hyams Lane, Holbrook, Ipswich IP9 2QF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by C Shelbourne (Scirpus Properties Ltd) against the decision of Babergh District Council.
 - The application Ref is DC/21/01802.
 - The development proposed is a hybrid application comprising: outline planning permission for the erection of four self-build detached dwellings (all matters reserved except access); full planning permission for the erection of four two-bedroom dwellings; with associated landscaping, vehicular access off Hyams Lane and pedestrian access to Church Hill.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the planning application was determined the Council has adopted the Babergh and Mid Suffolk Joint Local Plan Part 1 (JLP) whilst the Holbrook Neighbourhood Plan (NP) has also been made. The policies within the Babergh Core Strategy, cited in the Council's decision, have been superseded and no longer form a part of the development plan. I have been provided with copies of both the LP and the NP. The Council have set out which policies within the LP and NP it considers are relevant to its reasons for refusal, and the appellant has had the opportunity to comment upon them. As they form a part of the adopted development plan, I have had regard to the LP and NP in reaching my decision.
3. In December 2023, a revised version of the National Planning Policy Framework (the Framework) was also published. I have had regard to the revised Framework insofar as it is relevant to this appeal.
4. Given the hybrid nature of the proposal the plans submitted with the application include a mixture of full details of the elements for which full planning permission is sought and indicative details showing how the 4 detached dwellings could be developed. The outline planning permission is sought with the matter of access included for consideration at this stage. Matters of layout, appearance, landscaping and scale are reserved for future consideration.
5. The submitted plans include details of the access to the site from Hyams Lane which includes, amongst other matters, the junction bell mouth and sight lines. The plans make it clear to me that detailed planning permission for the

circulation routes adjacent to the detached dwellings and for the pedestrian link to Church Hill are also sought at this stage.

Main Issues

6. The main issues are:

- Whether the site provides a suitable location for the proposed dwellings having particular regard to the development plan's spatial strategy; and
- Whether the mix of house types and sizes proposed is appropriate.

Reasons

Location

7. Holbrook is a village located within a rural area. The appeal site is adjacent to Holbrook, but it is outside of its settlement boundary. Although predominantly residential in character, Holbrook is served by a range of services and facilities. This includes pubs, shops, schools and a village hall. The village is also served by buses.
8. Policy SP03 of the JLP sets out the approach towards the location of new development in the district. The policy directs that most development should be located within settlements, and it places restrictions on development outside their boundaries.
9. Outside the settlement boundaries, policy SP03 outlines that development will normally only be permitted where it would meet at least 1 of 4 criteria. The use of the word "normally" does mean that there may be occasions whereby development not meeting any of the criteria could still comply with the policy, but these will only be in exceptional circumstances.
10. In essence, the aforementioned criteria allows for allocated site development and developments which accord with a made neighbourhood plan. Development which would accord with one of a prescribed list of other policies within the JLP, or development that would constitute isolated homes in accordance with the Framework, make up the remaining criteria.
11. The site is not allocated for development. Consequently, the proposal does not comply with that particular criterion. One of the prescribed policies is LP01 of the JLP which allows for infill housing outside settlement boundaries in certain circumstances. However, with undeveloped land to its west, the site does not comprise of an undeveloped plot in an otherwise built-up highway frontage. Therefore, it does not meet the definition of "infill" provided within the JLP and so the proposal does not comply with policy LP01. The proposal would not constitute any of the other forms of development the other prescribed policies relate to. Whilst the LP includes a specific policy on self-build homes (LP08), it is not within LP01's prescribed list. As the site is beside Holbrook it is not isolated, therefore, it would not constitute isolated housing in the countryside.
12. The one remaining criterion referenced above links to neighbourhood plan policy. Policy HNP01 of the Holbrook Neighbourhood Plan (NP) also establishes that the focus of new development should be within settlement boundaries. It does allow for some housing outside settlements, and examples are provided. However, HNP01 sets out that such housing is only acceptable where the type of housing proposed accords with national and district level policies.

13. Given the proposal does not comply with any of SP03's prescribed policies, which govern various housing types in the countryside, it follows that the proposal does not constitute a housing development compliant with policy HNP01. None of the 4 criteria within policy SP03, which outline when development outside settlement boundaries will normally be permitted, are therefore met.
14. Both the LP and the NP set out housing requirements in the area and include policies to shape and help deliver it. Whilst both LP policy SP03 and NP policy HNP01 limit development in the countryside, they do allow for housing within rural areas, permitting it outside settlement boundaries in a range of defined circumstances. Given their recognition of the countryside's character and the provision they make for rural housing, I find these policies to be consistent with the Framework. Furthermore, being respectively adopted and made in only November 2023, the LP and NP have recently been judged against national policy.
15. Therefore, housing is proposed outside of a settlement boundary in conflict with policy SP03 of the LP and policy HP01 of the NP. Harm arises from the development being at odds with the development plan's spatial strategy and consequently I find the site to be an unsuitable location for the proposed dwellings. In coming to this view, I accept that Holbrook's services and facilities are within quite easy reach of the site. No doubt many sites just outside settlement boundaries can have good access to services and facilities within the settlement. To my mind that does not offer a reason to outweigh a spatial strategy which deliberately focuses development within settlement boundaries.

Housing mix

16. The Holbrook Parish Housing Needs Assessment (HNA) is an evidence-based document. It informed policy HNP02 of the NP which relates to housing mix, type and tenure. The HNA identifies that Holbrook is dominated by medium and large properties. In order to redress some housing stock imbalance it recommends building more 1 or 2 bedroomed homes which would cater for a growing older population, permit downsizing and allow younger households to form, stay in the area or relocate to it.
17. The overall weighted conclusion set out within the HNA recommends that around 50% of houses in new developments should be 1 bedroomed homes, around 25% should be 2 bedroomed and around 25% should be 3 bedroomed. However, the HNA also recommends that this mix should be applied flexibly.
18. Policy HN02 provides this flexibility. It sets out that priority should be given to addressing the needs of younger households, meeting the needs of an ageing population and for 1, 2 and 3 bedroomed homes. The policy does not place those priorities in a hierarchy. The policy itself also does not stipulate that the percentage mix of the HNA mentioned above must be complied with or that each development must include bungalows.
19. Each of the 4 houses for which full planning permission is sought would be 2 bedroomed. The proposal would thereby deliver house types of a size sought by policy HN02. These smaller sized homes would provide a choice to the likes of younger households or those looking to downsize. Whilst the submitted application form sets out that the remaining 4 houses would include three 4

bedroomed homes, these are sought in outline with all matters reserved except access. Therefore, the size and type of these houses is not fixed.

20. For the above reasons, I find that the proposal would deliver houses of a size which are one of the delivery priorities in the area, and that, overall, the mix of house types and sizes proposed would be appropriate. As a result, the proposal complies with policy HNP02 of the NP.

Other Matters

21. The development would contribute to housing supply and would increase the choice of housing in the area. This would include some smaller homes which I have referred to in my second main issue. As a relatively small site, it is likely that the site would deliver houses quite quickly too. The evidence before me indicates to me that the Council can demonstrate well in excess of 5 years' worth of housing land supply. This does not act as a ceiling to further housing development. Nevertheless, it is an important factor in governing the weight I attribute to the boost to the supply of houses that the development would bring.
22. The Council are currently unable to demonstrate that it is providing sufficient permissions for enough land to meet the demand for self-build homes. Should the 4 self-build dwellings be delivered, the proposal would go some way to address this. However, there is no mechanism before me to secure the 4 detached dwellings as self-build units. This casts uncertainty over whether these dwellings would be delivered or retained as self-build units, and this tempers the weight to which I can afford them.
23. In the round, and in these circumstances, I attribute a moderate amount of weight to the benefit derived from the delivery of the houses proposed under this development.
24. Some further modest benefits would arise – there would be economic benefits from the proposal's construction and occupation. Providing support to local services would form a part of this and would include those services within Holbrook which are conveniently located. The development would provide for a biodiversity enhancement.
25. However, altogether these benefits are insufficient to outweigh the harm by reason of the proposal's conflict with the development plan's spatial strategy.
26. To the west of the site, beyond Church Hill and intervening buildings, is the Grade II* listed Church of All Saints. Owing to the illustration that the building provides of worship and faith in Holbrook its historic interest contributes to its significance as a heritage asset. The church also exhibits traditional and ornate design details and so it has architectural value and interest. The spacious and verdant churchyard permits the building's architecture to be appreciated, and therefore this setting also positively contributes to its significance. Given the intervening land uses and buildings, the appeal site is well separated from the church. Although some views of the development would be available from within its churchyard they would be partly screened, and the development would not be prominent or obtrusive. Therefore, I find that no harm to the listed building would result from the proposal.
27. The site is located outside, but is within the setting of, the Suffolk Coast and Heaths National Landscape. In respect of this designated landscape, I am

mindful of the duties imposed upon me to seek to further the purposes of this designation, which includes conserving and enhancing its natural beauty. Reflective of this, the Framework places great weight upon the conservation of these landscapes.

28. I note that the proposal evolved during the planning application process, in part, in order to address the comments of the designated landscape officer. The site already benefits from existing trees and hedgerows within it and to its edges. A landscaping scheme is proposed to soften the development with a focus on the provision of native species. As is the case with other parts of Holbrook, upon completion, the houses proposed will be partly visible and partly screened in views from within the designated landscape. Consequently, whilst within its setting, I am satisfied that the national landscape would be conserved.
29. In conjunction with other developments in the area, the proposal has the potential to result in increased recreational activities which could adversely affect the integrity of nearby Habitats Sites. If I were minded to allow the appeal I would need to be satisfied that the proposal would have no adverse effects on the integrity of these sites. Given I am dismissing the appeal, there is no requirement for me to undertake this assessment. Even if I were to conclude that no such adverse effects would be caused by the development it would, at most, be a neutral factor in this appeal.
30. It may be, in respect of a range of other planning considerations, that the development would not result in harmful effects. This may include the effects of the proposed dwellings' design and aesthetic, its effects upon the highway network, flood risk and living conditions. Furthermore, I acknowledge the proposal's energy efficiency and accessibility credentials. Even so, an absence of harm in respect of these matters is a neutral factor in my decision and they do not outweigh the harm that I have identified.
31. Concerns and frustrations have been expressed with the manner in which the Council handled the planning application. However, this has very little bearing on the merits of the case and, therefore, it is not a determinative factor in my decision. Representations made in respect of the planning application and the appeal raise a range of concerns with the development. However, as I am dismissing the appeal, it is not necessary for me to address each of these matters in detail.

Conclusion

32. In my first main issue I have set out the reasons why the proposal conflicts with the development plan's spatial strategy and the site would be an unsuitable location for the proposed dwellings. Whilst I have identified that the proposal would provide for an appropriate housing mix this does not outweigh the aforementioned conflict with the spatial strategy. Consequently, the development would conflict with the development plan as a whole and there are no material considerations of sufficient weight to indicate a decision other than one in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

H Jones

INSPECTOR