



Appeal Decision

Site visit made on 25 June 2024

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2024

Appeal Ref: APP/X3540/W/23/3328629

Part Former Crown Nursery, High Street, Ufford IP13 6EL

- 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 Tony Burrows (Landex Ltd) against the decision of East Suffolk Council.
 - The application Ref is DC/23/0965/OUT.
 - The development proposed is the construction of up to four dwellings and garages.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application which is the subject of this appeal was made as an outline application with all matters (appearance, landscaping, layout and scale), apart from access, reserved for future consideration. As such I have considered the appeal on this basis.

Main Issue

3. The main issue is whether the proposed development would be in a suitable location for housing with regard to the local development strategy.

Reasons

4. The appeal site is an area of land at the end of Nursery Lane which was previously occupied by polytunnels forming part of a commercial nursery. These have been removed and the site is currently unused. The site is situated between the properties on the roads Goldsmiths and Tovells and an open parcel of land. This open land forms part of a commercial development on High Street which has been granted planning permission but where construction has not begun. Under current plans, the land directly opposite the appeal site is to remain open. The appeal site is located outside of, but adjacent to, the settlement boundary of the small village of Ufford and therefore is within the countryside.
5. Policy SCLP3.2 of the Suffolk Coastal Local Plan 2020 (the LP) outlines the settlement hierarchy for the area, enabling the Council to meet the scale of development required. It states that the development requirements in the countryside will come forward through Neighbourhood Plans and windfall sites in accordance with other policies in the Local Plan. Policy SCLP3.3 of the LP also states that new residential development will not be permitted in the

countryside except where specific policies in this Local Plan or Neighbourhood Plans indicate otherwise.

6. Policy SCLP5.3 of the LP limits new residential development outside of the defined settlement boundaries to a number of exceptions. This includes 'other residential development consistent with policy on residential development in the countryside contained in the National Planning Policy Framework'. Paragraph 82 of the Framework states that in rural areas, planning decisions should be responsive to local circumstances and support housing developments that reflect local needs.
7. As part of the preparation of the Ufford Neighbourhood Plan (the UNP) a survey was undertaken to inform its development. The survey found that 38 respondent households considered that their home would be unlikely to be suitable for all the people that are currently living in it for the next five years. However, this is an opinion survey only and does not directly translate to a housing need of 38 units within the village. Subsequently, a more specific Housing Needs Assessment was undertaken in relation to the preparation of the UNP. However, the results of this assessment, taken from the draft UNP submitted, indicate that the need for more residential development in Ufford is largely in relation to affordable housing, which is not provided by the appeal proposal.
8. The draft UNP does propose an allocation on the former nursery site which includes the appeal site. Whilst this may suggest that the site is considered suitable for residential development, due to the early stage of its preparation, which has not yet gone through consultation, it is given limited weight in the consideration of this appeal.
9. The appellant contends that the LP does nothing to meet the identified housing need for Ufford. However, they state that a contribution of 44 dwellings has been outlined within the LP and a large majority of these have already been delivered. Nevertheless, it has not been sufficiently demonstrated that any additional housing provision is required at this time in Ufford and as such, paragraph 82 of the Framework is not relevant in this instance. Furthermore, no evidence has been provided to suggest that any additional housing need for Ufford cannot be met within the settlement boundary or in accordance with Policy SCLP5.3 of the LP.
10. The appellant considers that the appeal site is in close proximity to some services and facilities and would not be wholly reliant on the use of a private vehicle, to which the Council does not contend. I also note that, due to recent development, the appeal site is partially encircled by other residential properties and would be located in close proximity to the commercial development on High Street should this be constructed. However, the proposed development would still result in a clear extension of the settlement boundary and would still extend the level of domestic built form in the village to the detriment of the open countryside.
11. Therefore, the proposed development would not be in a suitable location for housing with regard to the local development strategy and would not accord with Policies SCLP3.2, SCLP3.3 and SCLP5.3 of the LP as detailed above. It would also conflict with the objectives of the National Planning Policy Framework in relation to sustainable development.

Other Matters

12. The Council has stated that the appeal site is located within the Suffolk Coast RAMS Zone of Influence, within 13km of the Debden Special Protection Area (SPA) and Ramsar Site, the Sandlings SPA, the Alde-Ore Estuary SPA and Ramsar Site and the Orfordness-Shingle Street Special Area of Conservation (SAC), where there would be recreational disturbance impacts on habitat sites arising from new residential development.
13. The Conservation of Habitats and Species Regulations 2017 (as amended) requires the decision maker to undertake an Appropriate Assessment (AA) where there are likely significant effects from the proposal, either alone or in combination with other plans or projects. However, regulation 63(1) indicates the requirement for an AA is only necessary where the competent authority is minded to give consent for the proposal. Therefore, in view of my overall conclusions resulting in my decision to dismiss the appeal, it has not been necessary to address this in any further detail.

Conclusion

14. Therefore, for the reasons given above and having had regard to all other matters raised, the proposal would conflict with the development plan taken as a whole and I conclude that the appeal should be dismissed.

E Grierson

INSPECTOR