



Appeal Decision

Site visit made on 8 October 2024

by Sarah Manchester BSc MSc PhD MIEnvSc

an Inspector appointed by the Secretary of State

Decision date: 25th October 2024

Appeal Ref: APP/D3505/W/24/3338393

Oakleigh, Ipswich Road, Aldham, Ipswich, Suffolk IP7 6NS

- 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 Mr and Mrs A Laflin against the decision of Babergh District Council.
 - The application Ref is DC/23/04759.
 - The development proposed is erection of new self build dwelling and associated works.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the location is suitable for new residential development, having regard to local and national policy for rural housing.

Reasons

3. Oakleigh is a detached dwelling that forms part of a small cluster of dwellings surrounded by open countryside. The appeal site lies between Oakleigh and the neighbouring dwelling The Hollies, being formed by the subdivision of the large garden of the appeal property. The proposal would be accessed via the existing highway access that serves Oakleigh. The appeal site is roughly 200m away from the settlement boundary of Aldham.
4. Policy SP03 of Babergh and Mid Suffolk Joint Local Plan Part One Adopted November 2023 (the JLP) sets out the Council's strategic approach to the location of new housing development. This establishes the principle of development within settlement boundaries in accordance with relevant JLP policies. Outside of settlement boundaries, development is permitted in certain circumstances including where it is in accordance with a made Neighbourhood Plan, one of several listed JLP policies, or paragraph 80 of the National Planning Policy Framework 2021 (paragraph 84 of the Framework 2023).
5. The listed JLP policies include policy LP01, windfall infill housing development outside settlement boundaries where there is a cluster of at least 10 well related dwellings. The JLP defines infill as the filling of a small undeveloped plot in an otherwise built-up highway frontage. In this case, the appeal site is an undeveloped plot between dwellings that front the highway. While there may be over 10 dwellings within 270m of the appeal site, the 3 dwellings in this location are widely separated from dwellings elsewhere. The neighbouring properties are set back and separated from the road and each other by mature boundaries and intervening vegetation including rural hedgerows and trees.

Consequently, the proposal is not part of a cluster of 10 well related dwellings nor a continuously built up frontage for the purposes of JLP policy LP01.

6. Policy ALD2 of the Aldham Neighbourhood Plan 2018-2038 made January 2020 (the NP) makes provision for a small number of new dwellings, both within the Built-Up Area Boundary (BUAB) and conversions and new development opportunities outside of the BUAB in accordance with paragraph 79 (now 84) of the Framework.
7. Paragraph 84 of the Framework seeks to avoid the development of isolated homes in the countryside, except in certain listed circumstances. Case law has established that the word "isolated" simply implies a dwelling that is physically separate or remote from a settlement. In this case, the appeal site is not remote from other dwellings, but the 3 dwellings in this location do not constitute a settlement. The proposal would be physically separated from and poorly related to the small settlement of Aldham. Irrespective of its isolation, none of the listed circumstances apply to the proposal and it would not benefit from the support of paragraph 84. Consequently, the proposal would not be in accordance with NP Policy ALD2.
8. The supporting text to NP policy ALD2 states that limited opportunities might exist for single plot infill development within the curtilages of dwellings, including where the proposal would not result in an isolated dwelling in the countryside (for the purposes of the Framework). In this case, the proposal relates to a single plot within an existing curtilage. However, even if the proposal would not result in an isolated dwelling, the supporting text is only relevant to the interpretation of policy and it is not the policy. Moreover, even if NP policy ALD2 did support development in existing curtilages, this would conflict with JLP policy LP01 the requirements of which are discussed above.
9. The Planning Practice Guidance states that "*policies in a neighbourhood plan may become out of date, for example if they conflict with policies in a local plan covering the neighbourhood area that is adopted after the making of the neighbourhood area. In such cases, the more recent plan policy takes precedence.*" Notwithstanding that JLP policy SP03 permits development in accordance with a made NP, on the basis of conflict between the interpretation of NP policy ALD2 and the local plan policies, the JLP policies takes precedence.
10. There are no services and facilities in proximity to the appeal site or in Aldham, such that future occupiers would need to travel further afield to meet their daily needs. The next closest settlement of Elmsett has a village hall, primary school and public house. However, it is over 1km away via rural roads and public rights of way. The larger centre of Hadleigh, with a wide range of shops, services and employment opportunities, is more than 3 miles away.
11. The NP notes that the intervening rural roads are narrow, without pavements, and residents have raised significant concerns about the amount of traffic using the rural roads around Aldham. Therefore, it seems reasonably unlikely that future occupiers would walk or cycle to the larger settlements on a regular basis. There is little evidence that the appeal site would be accessible by public transport. Consequently, the proposal would not be accessibly located, having regard to services, facilities and sustainable transport modes. The location would not minimise the need to travel and future occupiers would be heavily reliant on private car journeys.

12. The Framework does acknowledge that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Nevertheless, it supports well-designed places with accessible services that support communities' health, social and cultural well-being. Rural housing should reflect local needs, including affordable housing to meet identified local needs, enabling villages to grow and thrive especially where this supports local services including in nearby villages. Moreover, while the appeal site may be previously developed land, the proposal would not be the use of suitable brownfield land within settlements for homes.
13. Therefore, I conclude that the location would not be suitable for new residential development, taking into account local and national planning policy for housing. The proposal would conflict with the rural housing aims of JLP policy SP03 and it would conflict with NP Policy ALD2. It would also conflict with the aims of the Framework in relation to rural housing and the promotion of sustainable forms of transport.

Other Considerations

14. The design of the proposal would be acceptable and it would incorporate renewable forms of energy such as would contribute to the aims of the Framework in relation to climate change. There would be adequate parking provision. There would be no adverse effects on highway safety, flood risk, residential amenity or site-specific biodiversity. Compliance with policy in relation to these and other matters weighs neither for nor against the proposal.
15. The Council can demonstrate in excess of a 5 year supply of deliverable housing sites, but this does not preclude housing coming forward in accordance with the government's objective of significantly boosting the supply of housing. Nevertheless, one dwelling would make a negligible contribution in this regard. There would be limited economic benefits during construction and limited economic and social benefits during the occupation of the dwelling.
16. The proposal would be a self-build and custom build dwelling for the appellants' son, who is employed locally and currently lives at home. I understand that there is a shortage of affordable housing for young people, and this would enable the son to move out of the family home and continue to live in the area. This would undoubtedly be a benefit to the appellants' family. However, irrespective of the size of the dwelling and the appellants' intentions in relation to its occupancy, the proposed market dwelling would not be an affordable dwelling or local persons housing.
17. The Framework states that local planning authorities should seek opportunities to support small sites to come forward for, among other things, self-build and custom-build housing. The Self-Build and Custom Housebuilding Act 2015 requires local planning authorities to maintain a register of people seeking to acquire serviced plots of land for self-build and custom housebuilding. It also requires authorities to give suitable development permission to enough suitable serviced plots to meet the demand, with reference to the number of entries on the register.
18. In this case, JLP policy LP08 supports proposals for self-build/custom build housing, where in accordance with all other relevant policies in the Plan. However, the proposal would not accord with the development plan. Moreover, I am not aware that the appellants' son is on the relevant register nor have I

been provided with evidence in relation to the current position with regard to the demand and supply of suitable serviced plots. There is also little evidence of any robust planning mechanism to secure the proposal as a self-build and custom build dwelling. This carries little weight in favour of the proposal.

19. The Parish Council did not object to the proposal, but it did not support it with reference to the development plan or material considerations. The absence of objection from the Parish Council does not weigh in favour of the scheme.
20. Although not mentioned by the Council, the evidence with the appeal indicates that the proposal would be required to make a contribution to the Suffolk RAMS. However, as I am dismissing the appeal for other reasons, this is not a matter that I need to consider further.

Conclusion

21. For the reasons set out above, I conclude that the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict.
22. Therefore, I conclude that the appeal should be dismissed.

Sarah Manchester

INSPECTOR