



Appeal Decision

Site visit made on 8 November 2024

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th November 2024

Appeal Ref: APP/D3505/W/24/3340284

Woodfield, Bergholt Road, Bentley, Suffolk IP9 2DH

- 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 & Mrs Shoesmith against the decision of Babergh District Council.
 - The application Ref is DC/23/02710.
 - The development proposed is construction of 1no. one and a half storey dwelling with associated single vehicular access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application sought outline planning permission with all matters reserved other than access. I have determined the appeal on that basis, and any details in relation to the reserved matters are considered illustrative only.
3. Since the Council determined the planning application, the Babergh and Mid Suffolk Joint Local Plan – Part 1 (the JLP) has been adopted. The policies of the JLP supersede those of the Babergh Core Strategy 2014 (the CS) cited in the decision notice, which are no longer part of the development plan and hold no weight in this appeal. The evidence of both main parties acknowledges the changes to the statutory development plan.
4. An update to the National Planning Policy Framework (the Framework) has been published since the determination of the planning application. However, other than paragraph numbering, there are no material changes relevant to the substance of the appeal.

Main Issue

5. The main issue is whether the site is a suitable location for housing, having regard to the spatial strategy of the development plan.

Reasons

6. The site is located outside of the settlement of Bentley, which offers a range of local services and facilities including a primary school, shop, public house, community facilities and places of worship. Station Road, the main route through the village, is served by buses providing connections to larger centres such as Ipswich.

7. Policy SP03 of the JLP sets out that development outside of settlement boundaries will normally only be permitted if it meets specific criteria, one of which relates to infill housing development. Additionally, Policy LP01 of the JLP allows for windfall infill development outside settlement boundaries where there is a cluster of at least 10 well related dwellings, subject to compliance with specific criteria. The appellant argues that the proposal qualifies as windfall infill development under these policies.
8. The appeal site currently consists predominantly of a tennis court, located within the residential garden of Woodfield – a detached house within a spacious plot containing an abundance of mature trees and vegetation. While the tennis court has a hard surface and is enclosed by mesh fencing, it blends visually with the greenery of the garden and the fencing appears as a lightweight structure allowing visual permeability.
9. The site lies to the south of Woodfield, with direct access proposed from Bergholt Road. The site has its own highway frontage, and to the south and west lies expansive open farmland extending to the edge of Bergholt Road. Footnote 18 of the JLP defines 'infill' as the filling of a small undeveloped plot in an otherwise built-up frontage. Given the site's context, I am not persuaded that the proposal meets this definition, and it would therefore conflict with the development plan.
10. Policy BEN13 of the Bentley Neighbourhood Plan 2018-2037, Referendum Plan November 2022 (the NP) requires that development proposals provide, or are capable of providing, safe walking and cycling links to key local services and community facilities.
11. The proposed access to the site would connect directly to Bergholt Road, which in this area is unlit and lacks a footpath. Approaching the site from the centre of Bentley along Bergholt Road, the edge of the settlement is roughly defined by the point at which the footpaths and residential development on the east side of the road terminate. While the proposed access point is not far beyond this and remains within the village's 30mph speed limit, the absence of safe pedestrian infrastructure – and the lack of evidence that such infrastructure could be provided as part of the scheme – would discourage the use of sustainable transport. As a result, prospective occupiers would likely rely on private cars as their primary mode of transport. Consequently, I am not convinced that the proposal would accord with Policy BEN13 of the NP.
12. The appellant suggests that the emerging Part 2 of the JLP will revise the settlement boundaries, which they argue are outdated and no longer appropriate to determine required levels of housing growth. However, I must determine the appeal against the current development plan, which confirms that the site lies outside of the settlement. I see no compelling reason to depart from this approach.
13. During my visit, I observed nearby sites cited by the appellant, including the approved developments for houses and bungalows to the east, Barnfield to the north, and Rowan Acres further northwest. While I have limited detail of the planning considerations for these schemes, my observations do not alter my earlier conclusions.
14. For these reasons, I conclude that the appeal site would not be a suitable location for housing and the proposed development would conflict with the

spatial strategy of the development plan, contrary to Policies SP03, LP01, LP24 and LP29 of the JLP. These policies collectively address the spatial strategy of the development plan and direct proposals towards settlements and suitable exception sites. The proposal would also conflict with Policies BEN1 and BEN13 of the NP, which seek to resist housing outside of settlement boundaries other than for affordable housing, and to support sustainable travel objectives.

Other Matters

15. The proposed development would deliver a new energy-efficient dwelling, making efficient use of the land and providing a modest but meaningful contribution to local housing stock. This aligns with the government's objective to boost the supply of homes, as set out in the Framework. While these benefits carry some weight in favour of the proposal, they do not outweigh the harm previously identified due to conflict with the development plan.
16. Although the specific design details of the dwelling are reserved for future determination, the appellant argues that the proposal would be sympathetic to its surroundings. They have also indicated a willingness to accept conditions aimed at addressing potential concerns such as light spillage. Furthermore, I note that the Council does not object to the removal of trees to provide the access point. However, while I am unable to fully address matters of design and appearance at this stage, even if the proposal were deemed acceptable in these respects, this would be a neutral factor that would not mitigate the previously identified harm.
17. The site lies within the Zone of Influence of the Stour and Orwell Estuaries Special Protection Area and Ramsar site, which forms part of the Suffolk Recreational disturbance and Avoidance Mitigation Strategy (RAMS). Had I been minded to allow the appeal, it would have been necessary to undertake an appropriate assessment to ensure that the proposal would not adversely affect the integrity of these European Sites. However, because I am dismissing the appeal for other reasons, I have not done so.

Conclusion

18. For the reasons given above, I conclude that the appeal should be dismissed.

P Storey

INSPECTOR