
Appeal Decision

Site visit made on 4 December 2024

by T Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 December 2024

Appeal Ref: APP/D3505/W/24/3342232

Land at Coram House, Coram Street, Hadleigh IP7 5NR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by M Rumsey against the decision of Babergh District Council.
 - The application Ref DC/23/05655, dated 5 December 2023, was refused by notice dated 8 February 2024.
 - The development proposed is erection of detached dwelling.
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Decision

1. The appeal is allowed. Planning permission is granted for erection of detached dwelling at Land at Coram House, Coram Street, Hadleigh IP7 5NR in accordance with the terms of the application Ref DC/23/05655 dated 5 December 2023 subject to the conditions set out in the attached schedule.

Procedural Matters

2. The Council has acknowledged that the appellant has provided ecological reports which show that the site would not cause any harm to biodiversity interests. They therefore consider that the reason for refusal relating to this matter is no longer considered relevant in this case. I will consider the matter of biodiversity net gain later.

Main Issue

3. The main issue therefore is whether the dwelling would be acceptable having regard to the locational strategy for development within the area.

Reasons

4. The appeal site sits within a modest cluster of residential development that is set around Coram Street and to the south-eastern side of the A1071 a short distance to the west of Hadleigh. Significantly, the appeal site sits within this cluster of development which is separate to the extensive countryside beyond. It does not sit within a settlement boundary.
5. Policy LP01 of the Babergh and Mid Suffolk Joint Local Plan – Part 1 (2023) (JLP) in part seeks to restrict housing development outside of settlement boundaries and support sustainable development. Given the proposed location of the development within the existing developed cluster around Coram Street, the proposed dwelling would not be detrimental to the character or appearance of the area. There would be no harm to the landscape or to heritage or other assets. Further, the proposal would not result in consolidating sporadic or

ribbon development or result in loss of gaps between settlements resulting in coalescence whilst the proposal relates to one dwelling only.

6. However, the scheme would not represent the filling of a small undeveloped plot in an otherwise built-up highway frontage as the dwelling would be set well back behind screening planting adjacent to the nearby road. Maple Lodge is also set well back from the road. The proposal would not therefore meet the required definition of infill development. There would subsequently be conflict with Policy LP01 of the JLP. The proposal would also conflict with Policy SP03 of the JLP as the development would not be a type identified as acceptable outside of settlement boundaries. There would therefore be some conflict with the locational strategy for development within the area.

Other Matters

7. My attention has been drawn to a previous appeal decision at land north of Coram Street¹ for a single dwelling a short distance from the appeal site. Although that appeal was dismissed, the Inspector in that case considered that given the limited distance to Hadleigh, trips between that appeal site and Hadleigh could be made by bicycle. They further considered that it would be unlikely that future occupiers would travel further than Hadleigh given its range of services and facilities for their daily requirements. Given that the appeal before me is also for one dwelling and given the close proximity of that appeal site, this is a matter that should be afforded substantial weight.
8. The dwelling would be located next to Maple Lodge which has extensive glazing within its elevation facing the appeal site. Given this, the proposal would serve to restrict some views from this elevation of the property.
9. However, I cannot conclude that this would result in significant harm to the living conditions of the occupiers of Maple Lodge and I am mindful of the sensitive positioning, internal arrangement and scale of the appeal property which would minimise overlooking towards Maple Lodge.
10. The Council has not identified any significant adverse impact on highways safety as a result of the proposal and I have no reason to disagree. Disturbance from construction is inevitable with any building project and its impact is usually short lived. I therefore afford these matters limited weight.
11. The Council do not consider that there would be any adverse impact on the setting of the Grade II listed Coram Street Farmhouse and I have no reason to come to any other conclusion.

Conditions

12. Standard conditions are necessary to define the development. A condition requiring Biodiversity Net Gain is necessary as policies LP16 and SP09 of the JLP state that development must amongst other things identify and pursue opportunities for securing measurable net gains, equivalent of a minimum 10% increase, for biodiversity and that through biodiversity net gain, all development will be required to protect and enhance biodiversity. There is nothing to indicate that this could not be provided on site and the Preliminary Ecology Appraisal² details habitat enhancement proposals that could be

¹ Appel Decision Ref APP/D3505/W/22/3305343 - Land North of Coram Street, Hadleigh, Suffolk.

² Preliminary Ecology Appraisal for Land at Coram House by Framlingham Environmental - March

pursued at the site. A condition relating to bin storage is necessary in the interests of highways safety. A condition requiring fencing details is necessary in the interests of the character and appearance of the area.

13. The requirement for electric vehicle charging points is covered under the buildings regulations and a condition is therefore not necessary as it would duplicate other requirements. It is likely that a well sized dwelling with a garage would contain adequate space to store bicycles and a condition in that respect is not necessary. A condition restricting permitted development rights has not been fully justified and I do not consider that such a condition is necessary.

Planning Balance and Conclusion

14. The proposal would conflict with Policy LP01 and SP03 of the JLP given that it does not fully meet the definition of infill development. However, the proposal meets many of the requirements of Policy LP01 and it would be within an existing residential cluster of development and would not intrude into the wider open countryside. I have also considered the findings of another Inspector within the land north of Coram Street decision and the close proximity of the site to Hadleigh. I afford these matters substantial weight.
15. Considerations therefore indicate that the appeal should be determined otherwise than in accordance with the development plan and I therefore conclude that the appeal should be allowed.

T Burnham

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be begun within three years of the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Drg No. 01, Drg No. 02, Drg No. 03, Drg No. 04, Drg No. 05, Drg No. 07 & LSDP 1907.01 Rev A.
- 3) Prior to the occupation of the dwelling a report should be submitted to the Local Planning Authority for approval in writing detailing the biodiversity value of the site and its value following the development hereby approved. The report should demonstrate how the site will achieve a net biodiversity gain of a minimum of 10% and shall include a timetable for its implementation. The scheme to provide net biodiversity gain shall thereafter be implemented in full in accordance with the agreed details and timetable.
- 4) Prior to the first occupation of the dwelling, details of the areas to be provided for the storage and presentation for the collection/emptying of refuse and recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the first occupation of the dwelling in accordance with the agreed details and shall be retained thereafter for the lifetime of the development for no other purpose.

5) Prior to the first occupation of the dwelling, details of the proposed means of enclosure and boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented in full prior to the first occupation of the dwelling.