



Appeal Decision

Site visit made on 15 January 2025

by John Felgate BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th February 2025

Appeal Ref: APP/W3520/W/23/3315581

Land at 'Harphyll', Barretts Lane, Needham Market, Suffolk IP6 8RZ

- 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. Simon Holding against the decision of Mid Suffolk District Council.
 - The application Ref is DC/22/01562.
 - The development proposed is described as: *"Removal of 'The Willow' static caravan and 'Harphyll' prefabricated bungalow and replacement with 6 No. mobile lodges, together with new private access driveway and off street parking for each unit"*.
 - **This decision supersedes that issued on 19 February 2024. That decision on the appeal was quashed by order of the High Court.**
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Decision

1. The appeal is allowed and planning permission is granted, for the development described above, at Harphyll, Barretts Lane, Needham Market, IP6 8RZ, in accordance with the terms of the application, Ref DC/22/01562, subject to the conditions in the attached schedule.

Preliminary matters

2. As set out above, the original application sought permission for six mobile lodges, and also for the removal of both the existing dwelling 'Harphyll', and a static caravan known as 'The Willows'. The latter caravan has since been removed from the site. In so far as any works involved in that removal may have amounted to development, I have treated the appeal proposal as seeking retrospective permission for this part of the scheme.
3. The application was accompanied by a location plan and site layout plan, and also by a catalogue illustration of a range of pre-assembled mobile lodges. There appears to be no dispute that the lodges illustrated would fall within the definition of caravans, as defined in the relevant legislation¹. For planning purposes, the stationing of a caravan is generally regarded as a use of land rather than the erection of a building, and I have dealt with the appeal on this basis.
4. The planning application was refused by the Council in November 2022, and the appeal was made in January 2023. Since then, planning policies have changed at both local and national levels. In November 2023, Part 1 of the Babergh and Mid Suffolk Joint Local Plan (the JLP) was adopted (superseding the previous Local Plan and Core Strategy policies for the area). Revisions to the National Planning Policy Framework (the NPPF) have also been published on more than one occasion, most recently in December 2024. In each case, the appeal parties have

¹ Section 29(1) of the Caravan Sites and Control of Development Act 1960, and Section 13 (2) of the Caravan Sites Act 1968

been given an opportunity to comment on these changes, and I have taken account of the responses received.

5. The appeal decision that was issued on 19 February 2024 was quashed by order of the High Court on 25 September 2024. The reasons for the order related to the interpretation of Policy LP01 of the JLP. Whilst the quashed decision now has no legal effect, the contents are still capable of being a material consideration. In redetermining the appeal, whilst I have paid regard to the quashed decision where relevant, the conclusions that I have reached are my own.

Main issue

6. In the light of all the submissions before me, I find that the main issue in the appeal is whether the appeal site is a suitable location for the proposed development, having regard to the relevant planning policies relating to: (i) housing development in the countryside, and (ii) sustainable travel and accessibility to local facilities.

Reasons for decision

Development in the countryside

7. The appeal site lies outside the settlement boundary of Needham Market, as defined on the Policies Map, and is therefore treated for policy purposes as part of the countryside.
8. In the JLP, Policy SP03 sets out the overall development strategy, which seeks primarily to direct new development to the most sustainable locations. Outside settlement boundaries, development is only to be permitted in a limited range of circumstances. One of these is where the proposal would accord with any of the policies listed in Table 5.
9. These policies include JLP Policy LP01, which allows for 'windfall infill' developments, where the site is within an existing cluster of 10 or more well-related dwellings, and where a number of further criteria are all met. The criteria under this policy include (a) that the scheme should avoid causing harm to the character or appearance of the settlement or landscape or to residential amenity; (b) it should not consolidate sporadic or ribbon development, nor cause coalescence; and (c) it should normally comprise only one or two dwellings. In addition, Footnote 18 defines infilling as the filling of a small, undeveloped plot within an otherwise built-up highway frontage.
10. In the present case, the western section of Barretts Lane currently serves about half a dozen dwellings of permanent construction, plus the existing Brick Kiln Park and Saxon Park mobile home sites which are said to provide a total of 38 static caravans. From my observations, the majority of these mobile units appear to be occupied as permanent homes. All of these properties are arranged closely together in a well-defined group, surrounding the appeal site on three sides. The lawfulness of this surrounding development does not appear to be in question. Having regard to the terms of Policy LP01, I see no reason to doubt that the existing development in Barretts Lane meets the policy requirement for a cluster of more than 10 well-related dwellings. The appeal site clearly lies within this cluster.
11. Looking first at criterion (a), the appeal site comprises domestic garden land associated with the dwelling Harphyll. The status of the land as part of the existing residential curtilage does not appear to be disputed. As already noted, the site is

contained by other residential development on three sides. The fourth side is enclosed by a hedge. The replacement of the existing dwelling with six mobile lodges would mean that the site would be used more intensively. However, the new units would not extend beyond the site's established boundaries, and thus would not encroach on the open countryside beyond; and the layout, style and density of the development would be broadly in keeping with those of the other two mobile home parks adjoining the site. As such, it seems to me that the scheme would not adversely affect the character or appearance of either the existing built development or the surrounding landscape. In addition, any impacts on neighbouring occupiers could be controlled by means of boundary treatments. As far as I can tell, the Council appears to agree on all of these matters.

12. Turning to criterion (b), the proposed development could possibly be said to have the effect of consolidating the existing development pattern, to some degree. But that existing pattern does not appear to me to fit within what is normally understood by the terms sporadic or ribbon development. Rather, the existing development seems to me an enclave of built development that is already largely consolidated; and which is characterised by development in depth, with mobile homes arranged in multiple rows, as opposed to a single linear row. Furthermore, the site does not form part of any gap between settlements, and thus would not give rise to any issues of coalescence. I therefore find no conflict with Policy LP01 in this regard, and again I note the lack of any apparent disagreement on the Council's part.
13. With regard to criterion (c), the proposed development would exceed two units. However, the wording of this part of the policy does not seem to me to exclude the possibility of a larger number where appropriate. In this case, the appeal site is of a size broadly similar to two medium-sized house plots, but as mobile homes require less space than permanent dwellings, a larger number seems to me to be justified, to make effective use of the land. Having regard to my earlier findings on the matter of visual impact, it seems to me that the present proposal for six mobile lodges represents an appropriate number of units for this form of development on the site. In these circumstances, I find no conflict with criterion (c).
14. I turn finally to Footnote 18, which was the main focus of the Council's challenge against the previous decision. As already noted, the appeal site is not large, and is adjoined by development on either side. As such, it clearly constitutes a small plot within a built-up frontage. Following the removal of The Willows, the majority of the land is either undeveloped or, at least, under-used. And in any event, in the context of Policy LP01 as a whole, it seems to me that nothing of any significance turns on whether the site can be described as wholly undeveloped; indeed, to exclude the site purely on that basis would seem somewhat perverse. In the circumstances, I am satisfied that the appeal site falls within the footnote's definition of infilling.
15. In the light of all these considerations, I find that the appeal proposal falls within the terms of Policy LP01, and is thus within the scope that that policy provides for infilling on windfall sites, outside of settlement boundaries. It follows from this that the development would also fall within the allowable exceptions to the overall settlement strategy in Policy SP03. As such, the scheme accords with the two most relevant planning policies relating to housing development in the countryside.

Sustainable travel and accessibility to local facilities

16. JLP Policy LP29 seeks to promote safe, sustainable and active transport. Amongst other things, part 1 of the policy requires that developments should have safe and suitable access for all, and should maximise opportunities to utilise active and sustainable modes of transport. Parts 2-6 relate mainly to larger developments, and it has not been suggested that any of these are relevant to the appeal proposal.
17. In the NPPF, paragraph 110 states that the planning system should actively manage patterns of growth to support sustainable travel objectives. However, the same paragraph also acknowledges that opportunities to maximise sustainable transport will vary between urban and rural areas.
18. In the case of the present appeal site, Barretts Lane consists partly of a narrow, unlit carriageway, without footways or public transport. I agree that this makes it quite likely that most journeys from the site would be made by car. But nevertheless, country lanes of this kind are not unusual in rural areas, and on my visit I was able to see that many small settlements in this part of Mid Suffolk are served mainly by roads with limitations not dissimilar from those affecting the appeal site. Given the predominantly rural nature of Mid Suffolk as a whole, it seems likely that many other potential windfall infill sites throughout the District will face similar issues.
19. Furthermore, in the present case the distance from the appeal site into the centre of Needham Market is only about one kilometre. In the context of rural settlement policies, this seems to me a relatively short distance. I saw on my visit that the town offers a reasonable range of facilities, including primary schools, convenience shops, employment areas and medical services. Most day-to-day needs could therefore be met nearby, and car journeys to these would be short. I also saw that Needham Market has railway and bus connections to a number of larger towns, including Ipswich, Stowmarket and Bury St Edmunds, so that a range of alternative transport options would be available for longer trips. Consequently, from the point of view of minimising travel impacts, it seems to me that the appeal site is relatively well located, compared to the more remote parts of the District. In this regard, the present appeal site is also clearly distinguishable from the case cited by the Council at Great Bricett², which appears to have been a good deal further from any larger settlements.
20. In view of the nature of Barretts Lane, any occupiers of the appeal site choosing to access the site by means of walking or cycling would need to take care. But realistically, for the reasons already identified, it seems likely that such movements would be relatively few, and would be confined to the more able. And given that the lane ends in a cul-de-sac, the number of traffic movements on it is likely to be limited. There is no evidence of any past history of accidents. Details of the site entrance and vehicular arrangements can be controlled by condition. The Highway Authority has confirmed that it has no objection. Based on the evidence before me, I see no grounds on which any aspect of the scheme could be said to be unacceptable in terms of safety.
21. Taking account of all the above matters, I accept that from a sustainable transport point of view, the appeal site would be a less than ideal location for residential

² APP/0W3520/W22/3297920

development, due to its relatively poor quality of Barretts Lane, and the lack of provision for short journeys along it to be made by sustainable modes. But nonetheless, the development's travel impacts would be relatively low, due to the site's reasonably close proximity to an adequate range of facilities. Furthermore, it is clear that, in the rural area, windfall infill sites which would be optimal in transport terms are likely to be few and far between, and consequently, having regard to the NPPF's advice, it may be necessary to apply some transport policies with a degree of flexibility.

22. On balance, I conclude that in terms of sustainable transport the appeal site would provide an acceptable location for the development now proposed, and that in this respect the scheme would broadly accord with the aims of Policy LP29, as well as with NPPF paragraph 110.

Other matters

23. The NPPF makes clear that planning decisions should support the aim of significantly boosting the supply of housing, with a mix of different sizes, types and tenures, and including provision for the needs of different groups within the community. In this context, the appeal proposal would provide a significant number of small housing units, which would have the potential to meet the needs of some households seeking lower cost accommodation, and thus would extend the range of choice available within the district. It would also do so by making use of previously developed land.
24. The Council's most recent figures indicate a 9.96 years' supply of land for housing, as at 1 April 2024. In the absence of any contrary evidence, I have no reason to doubt this figure. However, the NPPF makes it clear that the housing targets in local plans, or in calculations of local housing need, should not be seen as a ceiling. I note the Council's contention that, as the new units would be caravans, they would not contribute to the 5-year supply calculation, but this seems to me no reason why they would not be able to help to meet local needs. In all the circumstances, the benefits of the development, in terms of its potential addition to the local housing stock, add moderate weight in favour of the appeal.
25. The appellant also contends that the proposed units would be likely to be especially attractive to older people, and would help to meet a particular need for housing for that age group. However, there is no evidence as to whether the need for accommodation for the elderly is significantly greater than that for other sections of the population. Consequently, in the absence of any further details, this does not justify adding any further weight to that which I have already allocated on the grounds of general housing provision, as discussed above.
26. I have given full consideration to the contents of the Needham Market Neighbourhood Plan (the NMNP), made in March 2022. The Council's refusal reason makes reference to a conflict with the NMNP's aims, but the nature of that perceived conflict is unclear, and has not been elaborated upon in any of the submissions. In so far as any of the plan's policies may be relevant to the present appeal, I note that Policy NM1 is supportive of broadening the range of types and sizes of housing in the area, and for the reasons already discussed, I consider that the appeal proposal would contribute to this aim. In all other respects, whilst I have no doubt that the NMNP is a valuable document in many ways, I see nothing in it that could affect my conclusions on the matters at issue in this case.

27. For the avoidance of doubt, I have also had regard to the matters raised by local residents in representations to the Council, including issues relating to traffic, drainage and water supply. However, based on the information before me, there is no evidence that a development of the relatively small size now proposed would have any unacceptable impacts in terms of any of these matters.

Conclusion

28. For the reasons set out above, I conclude that the proposed development would comply with the most relevant development plan policies, relating to infill developments in the countryside, and sustainable travel and accessibility, including the relevant provisions of JLP Policies SP03, LP01 and LP29. No conflict with any other development plan policies has been identified. As such, the scheme accords with the development plan as a whole.
29. The development would provide a benefit to local housing provision, which adds some further moderate weight in favour of approval. No material considerations weighing against the scheme have been substantiated.
30. It follows that permission should be granted, and the appeal is therefore allowed.

Reasons for conditions

31. The Council has suggested a number of conditions. I have considered these against the tests in NPPF paragraph 57. Those that I have decided to impose are set out in the attached Schedule. In a number of cases, I have edited or combined these, in the interests of clarity and brevity, and to avoid unnecessary detail or duplication.
32. A condition specifying the approved plan, and requiring adherence to it, is necessary to give certainty to the nature of the development approved. However, it is not appropriate for that condition to refer to the submitted details of the proposed mobile units themselves, as it is agreed that these would not be buildings.
33. A condition relating to contamination is needed, to protect the health of future occupiers. However, it would not be reasonable for this to require the work that has already been carried out in this regard to be repeated, and I have therefore modified this condition accordingly.
34. Further details of surface water drainage are necessary to control any possible risks of flooding to the highway or the surrounding area. However, it is not necessary for these details to be approved prior to the commencement of any other work on the development, and I have again amended the condition accordingly.
35. Conditions relating to the proposed access and on-site vehicular areas, including visibility splays and the closure of the existing accesses, are all needed for reasons of highway safety. I note the Council's suggestion that the access condition should refer to a standard detail produced by Suffolk County Council, but that plan is not before me. However, the condition that I have imposed requires further details to be submitted for approval, and I am satisfied that this will enable the Council to exercise full control, in consultation with the highway authority if they think appropriate.

36. A landscaping scheme is needed to ensure a satisfactory appearance. However, it is not necessary for these details to be approved prior to commencement. Nor would it be reasonable to require these details to include the amount of detailed information suggested by the Council regarding existing trees and shrubs, nor of any changes to ground levels, as in this case these details appear unlikely to be of significance.
37. Details of boundary treatments are needed, to protect the living conditions of neighbouring occupiers. I have separated this condition from the landscaping, because of the need for the boundary treatments to be provided earlier, prior to occupation. A condition to secure proper provision for refuse storage is also necessary, to protect the amenity of the area.
38. I note the Council's suggested condition relating to provision for the storage of bicycles. However, as noted elsewhere in this decision, it seems to me that highway conditions on Barratts Lane are unlikely to be conducive to cycling, and in these circumstances, a mandatory requirement would be unreasonably onerous. Furthermore, for the reasons again explained elsewhere, I consider that a restriction on occupation of the units, to persons over the age of 50, is unnecessary.

J Felgate

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be commenced not later than three years from the date of this decision.
- 2) The development shall be carried out in accordance with the approved layout plan, No 9208.002, revision B.
- 3) No development shall take place until further investigations in relation to soil or ground contamination have been carried out, in accordance with the recommendations in Section 4 of the submitted Stage 1 Geo-Environmental Desk Study Report, by JPC Environmental Services, dated August 2022. Nor shall any development be carried out until any such contamination found to be present has been removed or rendered harmless, in accordance with a scheme to be submitted to the local planning authority and approved in writing. In addition:
 - (i) If, during the course of construction, any contamination is found which has not been identified previously, no further work shall take place until that contamination has been removed or rendered harmless, in accordance with additional measures to be submitted to the local planning authority and approved in writing; and
 - (ii) If any contamination has been found to be present at any stage, either before or during construction, no part of the proposed development shall be brought into use until a verification report has been submitted to the local planning authority and approved in writing, showing that all such contamination has been treated, and the site rendered safe for occupation, in accordance with the original contamination scheme and any further measures subsequently agreed.
- 4) No part of the development shall be occupied or brought into use until a surface water drainage scheme has been implemented, and brought into operation, in accordance with further details that shall have been submitted to the local planning authority and approved in writing. The details to be submitted shall include details of the means by which surface water is to be disposed of, and measures to prevent any discharge of such water onto the highway. Thereafter, the drainage system shall be retained in its approved form, and shall be kept in working order throughout the life of the development.
- 5) No part of the development shall be occupied or brought into use until the proposed new vehicular access to the site, shown on the approved Plan No 9208.002, revision B, has been constructed, in accordance with that plan and in accordance with further details that shall have been submitted to the local planning authority and approved in writing. The details to be submitted shall include details of:
 - the dimensions, including a minimum entrance width of 5.0m;
 - the levels, demonstrating that the gradient of the access will not exceed 1 in 20 for the first five metres from the edge of the highway;
 - and the construction materials, which shall include a bound surfacing material for the first five metres from the edge of the highway.

Thereafter, the access shall be retained in its approved form, throughout the life of the development.

- 6) No part of the development shall be occupied or brought into use until visibility splays, measuring 2.4m x 13m to the east, and 2.4m x 14m to the west, have been created at the access onto Barretts Lane, in accordance with the approved Plan No 9208.002, revision B. Thereafter, the splays shall be retained in their approved form, and kept free from any obstruction above a height of 0.6m from the ground, throughout the life of the development.
- 7) No part of the development shall be occupied or brought into use until the existing accesses to the site from Barretts Lane have been stopped up and permanently closed to both vehicles and pedestrians, in accordance with further details that shall have been submitted to the local planning authority and approved in writing. Thereafter, these existing accesses shall remain closed, and shall not be brought back into use in any form, throughout the life of the development.
- 8) No part of the development shall be occupied or brought into use until the proposed new driveway, turning area, parking spaces and electric vehicle charging points, shown on the approved Plan No 9208.002, revision B, have been provided, in accordance with that plan. In all cases, the gradients of these areas shall not exceed 1 in 12. Thereafter, these facilities shall be retained in their approved form, throughout the life of the development.
- 9) No part of the development shall be occupied or brought into use until provision has been made within the site for the storage of household refuse and recycling bins for each proposed unit, and for the presentation of such bins on collection days, in accordance with the details shown on the approved Plan No 9208.002, revision B. Thereafter, these refuse storage and collection facilities shall be retained and kept available for their approved purpose, throughout the life of the development.
- 10) No part of the development shall be occupied or brought into use until boundary fencing or other suitable boundary treatments have been provided to each of the site boundaries, in accordance with further details that shall have been submitted to the local planning authority and approved in writing. Thereafter, these boundary treatments shall be retained, and renewed on a like-for-like basis when necessary, throughout the life of the development.
- 11) No part of the development shall be occupied or brought into use until a scheme of hard and soft landscaping for the site has been submitted to the local planning authority and approved in writing. The scheme shall include provision for either planting, seeding, turfing or surfacing to all of the external communal parts of the site, together with a timetable for the implementation of each. Thereafter, the landscaping scheme shall be carried out in accordance with the details and timetable thus approved, and retained throughout the life of the development. In the event that any tree, shrub or plant should die or be seriously damaged, or is removed or lost for any reason, within the first 5 years from the date of planting, it shall be replaced with another of the same type and size, within the next available planting season.