



Appeal Decision

Hearing held on 15 January 2025

Site visit made on 15 January 2025

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2025

Appeal Ref: APP/D3505/W/24/3354153

Land to the East of Melford Road, Lawshall, Suffolk

- 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 Ash Property Partnership against the decision of Babergh District Council.
 - The application Ref is DC/24/02687.
 - The development proposed is the erection of 5 self-build dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application was for outline planning permission with the appearance, landscaping, layout and scale ("the reserved matters") of the proposed development reserved for future consideration. Where shown on the submitted drawings I have treated the reserved matters as for illustrative purposes only, representing one way that the appeal site might be developed for 5 self-build dwellings.
3. The revised National Planning Policy Framework ("the Framework") was published in December 2024 after the appeal was submitted. In the interests of fairness both main parties have been given the opportunity to comment on the revised document and any made have been taken into account in my decision.
4. In determining this appeal, I have had regard to my duty under Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 ("the LBCA"), to pay special attention, and have regard to, the desirability of preserving the settings of listed buildings.

Main Issues

5. The main issues in this appeal are:
 - Whether the proposed development would be in a suitable location for new housing with particular regard to local and national planning policy.
 - The effect of the proposed development on the character and appearance of the area.
 - Whether the proposed development would preserve the setting of the Grade II listed building known as Little West Farm.

- Whether affordable housing should be provided.
- If there is any harm whether this is outweighed by other considerations, with particular regard to the provision of self-build housing.

Reasons

Whether a suitable location for housing.

6. The locational strategy in the Babergh and Mid Suffolk Joint Local Plan – Part 1 November 2023 (“the JLPP1”) seeks to locate new housing in settlement boundaries to reduce the need to travel and recognise the importance of the intrinsic character and beauty of the countryside. This reflects the aims of the Framework in promoting sustainable patterns of growth.
7. The appeal site is not located within the established settlement boundaries for Lawshall and is therefore considered to be within the countryside for planning purposes. The nature and location of the appeal development would not meet the criteria in JLPP1 Policy SP03, nor any of the exceptions in the JLPP1 policies listed under Table 5, for development outside of settlement boundaries. There would also be conflict with Policy LWL1 of the Lawshall Neighbourhood Plan Review 2021-2037 (“the LNPR”) which seeks to focus development within settlement boundaries.
8. There are few services and facilities in Lawshall, including a village hall, public house and primary school. These services would not be sufficient to meet the day-to-day needs of future occupiers. There is a limited bus service between Lawshall and larger settlements where the services and facilities necessary to meet the day-to-day needs of future occupiers are available.
9. Future occupiers of the development would therefore have few opportunities for sustainable travel. They would be heavily reliant upon private vehicles to travel regularly to larger settlements to access nearly all services and facilities, contrary to the reducing the need to travel objective of JLPP1. That opportunities to maximise sustainable travel will invariably be different between urban and rural areas does not alter my conclusion on these factors.
10. Taking all the above into account, I conclude on this main issue that the proposed development would conflict with locational strategy of the development plan. As such, it would not be in a suitable location for new housing, contrary to the locational strategy in JLPP1 Policy SP03 and LNPR Policy LWL1, and the Framework.

Character and appearance

11. I have not been made aware of any landscape designation covering the appeal site. Stretching alongside Melford Road in the area of the appeal site is a broadly linear pattern of relatively large dwellings, generally set close to the road within generously sized and well planted plots. The spaciousness of these plots and the informal spacings between them creates a sporadic, loose knit pattern of dwellings fronting onto the road. This gives the area of the appeal site a spacious and verdantly rural character and appearance, and the impression that it is embedded within the wider pastoral landscape of the countryside.
12. In these respects, my assessment is broadly consistent with the Lawshall Neighbourhood Plan Character Assessment June 2023 (“the LNPCA”). This

describes the area as including a pastoral, low density ribbon pattern of small clusters of dwellings alongside the road, separated by sizeable gaps offering views towards open countryside, and punctuated by agricultural buildings.

13. Agricultural buildings in the area of the appeal site are generally set back from the road in groups and there are several modestly sized garden buildings that are set further back from the road than their host dwellings. These buildings are clearly distinguishable from the dwellings, and they do not disrupt or detract from the obviousness of the linear pattern of dwellings in the area.
14. The appeal site comprises part of a large field, set amongst the linear pattern of dwellings alongside the road. The vegetated boundaries along its frontage and northern edge do relatively little to restrict views across it from the road and towards the more open countryside in the distance. The spaciousness and verdant qualities of the appeal site are therefore clearly visible and contribute positively to the character and appearance of the area.
15. The illustrative layout shows dwellings fronting onto the road and others set much further back behind them with no road frontage. This layout would be uncharacteristically at odds with the sporadic and looser knit linear pattern of large dwellings fronting onto the road. The combined massing of the proposed development of 5 dwellings, even if it were to comprise of low height bungalows, would erode the spaciousness of the appeal site and restrict views across it. Consequently, the development shown on the illustrative material would harmfully erode and undermine the appeal site's positive contribution to the character and appearance of the area.
16. Smaller dwellings than shown on the illustrative material could be advanced at the reserved matters stage. They could be grouped together on different parts of the appeal site and comprise semi-detached or terraced dwellings. However, given the size and shape of the appeal site, I am not satisfied on the evidence before me that an alternative layout could avoid development in depth, or that it could be hidden by a large building on the site frontage. The appellant's description of a possible farmstead layout would still be likely to involve development in depth across the appeal site and be visible along the access. No illustrative material showing this or an alternative layout is before me in this appeal.
17. The curvature of Melford Road would be expected to provide views of development in depth when looking across the appeal site from the road, both above and through the north facing boundary planting. There is limited evidence before me to show that landscaping secured at the reserved matters stage would form an impenetrable barrier to views of development in depth, even if bungalows were proposed instead of houses. Securing dwellings of mixed appearances and materials at the reserved matters stage would not alter the amount of development proposed or the harmful effects that I have described above.
18. On the evidence before me, I conclude on this main issue that a development of 5 dwellings would cause significant harm to the character and appearance of the area, and the intrinsic character and beauty of the countryside. It would therefore be contrary to JLPP1 Policies LP17 and LP24, and LNPR Policy LWL15, insofar as they require development to be harmonious with its location, safeguard the area's character in terms of siting and scale, reinforce local distinctiveness, and integrate with the existing landscape.

Setting of the Grade II listed Little West Farm (LWF)

19. Based on the evidence before me, including the listing description, the significance and special interest of LWF, as relevant to this appeal, is derived partly from its age, materials and traditional architecture, and partly from its spaciouly verdant pastoral surroundings.
20. These surroundings include the generous gardens of nearby dwellings, the spaces between them and the spacious field of which the appeal site forms part. The distinctive appearance of LWF is clearly visible and appreciated within these surroundings. The appeal site therefore comprises part of the setting of LWF, and it makes a considerable positive contribution to its significance and special interest as a designated heritage asset.
21. The appeal proposal would not physically impact the fabric of LWF. I have taken account of the flexibility within an outline planning permission to advance an alternative layout of 5 dwellings to that shown on the indicative layout. Those dwellings could be of different sizes and smaller than shown on the indicative layout. They could be set further back from the road frontage and designed as a traditional farmstead style. The open space/drainage area shown on the indicative layout, along with the site access, could be located nearest to the front boundary of LWF. A driveway between the frontage dwellings and Melford Road could provide some openness at the corner of the appeal site closest to LWF.
22. However, given the size and shape of the appeal site, and the amount of development proposed, I have limited evidence to demonstrate that 5 dwellings could be accommodated whilst providing a sufficient degree of separation from LWF, to avoid harm to its spacious setting. The combined built form of the appeal development, particularly towards the site frontage, would adversely erode the spaciousness of the appeal site and its positive contribution to the setting of LWF. This would be the case even if the buildings were single storey or designed as traditional farm buildings.
23. I conclude on this issue that the proposed development would harmfully impinge on the setting of Little West Farm, failing to preserve its setting and special interest. It would therefore conflict with Section 66(1) of the LBCA, and would fail to comply with JLPP1 Policies LP19, LP24 and SP09, and LNPR Policy LWL13, insofar as they seek to ensure that development safeguards historic assets and preserves or enhances the significance of designated heritage assets.
24. In terms of the Framework, the harm that would be caused to the significance of the LWF would be 'less than substantial'. Nevertheless, I am required by Paragraph 212 to give great weight to the conservation of a designated heritage asset, and this is therefore a matter of considerable weight and importance in my decision. Paragraph 215 of the Framework requires me to weigh this harm against the public benefits of the proposal and I shall return to this matter in the planning balance.

Affordable housing

25. Under the quantitative criteria in JLPP1 Policy SP02, the appeal development does not need to secure affordable housing provision. However, Policy SP02 seeks to avoid the circumvention of affordable housing provision. The Babergh and Mid Suffolk District Councils Housing Supplementary Planning Document ("the

SPD”) sets out a non-exhaustive list of factors to be considered in determining whether affordable housing provision is being circumvented.

26. The appellant’s rationale for seeking permission on a part of the field slightly below the threshold for affordable housing provision is motivated by overcoming the refusal of permission in principle¹ for a larger development of up to 9 dwellings that involved the entirety of the field. The appellant does not own the appeal site or the wider field and decided that applying for a smaller development across part of the appeal site would be more likely to gain planning permission.
27. The appeal site has a regular shape that appears to include all land functionally necessary for construction and occupation of the development. The appeal site’s southern boundary would not follow any noticeable physical feature on the ground and would more or less cut the open field in half. However, it does not appear to be haphazardly cut or awkwardly contrived. The remainder of the field would retain a generally regular shape and would not appear incongruously narrow.
28. Taking account of the evidence before me, including the SPD and JLPP1 Policy SP02, I am satisfied that the proposed development would not circumvent affordable housing provision. If the appeal development was to be an initial phase of a larger future development, the SPD sets out the circumstances under which the provision of affordable housing, proportionate to the entire development, would be required.

Other considerations

29. The Self-build and Custom Housebuilding Act 2015 (“the Act”) as amended by the Housing and Planning Act 2016 places a duty on local planning authorities to give development permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority’s area arising in each base period.
30. At the hearing the Council presented evidence from its self-build register showing some 396 entries from those seeking to acquire serviced plots of land in the authority’s area for self-build housing. This number broadly correlates with the number of subscribers to the Right to Build Register who are interested in self-build housing projects in Babergh District postcodes. The evidence presented shows that the Council’s duty under the Act was met across earlier base periods. However, for subsequent base periods, permissions have been granted for some 147 serviced plots for self-build housing, leading to a shortfall of some 249 self-build plots against the demand indicated by the register.
31. The Council explained that the shortfall, particularly over recent base periods, may not be as stark as the figures suggest. This is due to the time-lag between the grant of permission for a self-build plot and it being recorded within the supply of plots, often some years later on receipt of a Community Infrastructure Levy (CIL) Form 2. This is likely to suppress the recorded supply. The Council described receiving ‘hundreds’ of CIL Form 1 submissions for self-build plots, but it does not use these as an indicator of the supply. Whilst there is some force in the Council’s explanation for the shortfall in self-build plots, I have no substantive evidence to quantify the extent of this effect or how it would alter the supply figures before me.

¹ APP/D3505/W/21/3289016

32. Recent legislation exempting self-build plots from Biodiversity Net Gain may result in permissions for self-build plots being added to the supply at the time of the permission. The recent introduction of a local connection test for the register may reduce double counting of entries for Babergh and Mid Suffolk, and reduce the demand indicated by the register for the purpose of the duty. However, there is limited substantive evidence to quantify how these factors affect the evidence before me in this appeal. I have necessarily based my findings on the evidence that can be substantiated, and this shows a significant shortfall in the supply of permissions for self-build plots in the Council's area.
33. In the context of the Council's failure to meet its duty under the Act, the proposed development would make a valuable contribution to mitigating this shortfall. In accordance with Framework Paragraphs 63 and 73, it would provide an opportunity for people wishing to occupy their own home built to their specifications, on a small site capable of being built out quickly. The proposed self-build housing is therefore an important matter that carries weight of a high order in favour of the appeal development.
34. There is no dispute that the Council can demonstrate in excess of a 5 year supply of deliverable housing sites. This does not amount to a ceiling on housing permissions, but it does indicate that the Council's development plan, which was relatively recently adopted, is achieving the boost in the supply of housing that the Framework expects. The LNPR indicates the delivery of some 26 houses across the plan period within the settlement boundaries of Lawshall, albeit I have not been referred to any housing supply target for Lawshall.
35. The proposed dwellings could form a mix of housing types as sought by LNPR Policy LWL3. They would bring short term and lasting economic benefits through construction and occupation. Occupiers are likely to make a very small contribution to the viability of the few services and facilities in the area, and play an active role in the life of their community. The development could benefit the environment by enhancing biodiversity and consuming resources efficiently, including through air-source heat pumps. These benefits carry some modest weight in favour of the appeal proposal.
36. As the appeal development would not constitute infilling in the terms expressed in the JLPP1, the Council did not find Policy LP01 to be relevant. I see no reason to disagree with that assessment. In any case, the proposal's harmful effect on the character and appearance of the area and setting of LWF, would conflict with criterion a) of Policy LP01.
37. The proposed dwellings would provide suitable living conditions for future occupiers and would raise no concerns in relation to trees, highway safety, flood risk and protected species. However, these are neutral factors that would not weigh in favour or against the development.
38. The Norton appeal² was for a larger development of self-build housing and was not found to cause harms comparable to the appeal proposal before me. It was also determined under the materially different circumstances of the Framework's presumption in favour of sustainable development. As such, it has limited relevance and weight to my considerations in this appeal.

² APP/W3520/W/23/3316136

Planning Balance and Conclusion

39. The Council has failed to meet its duty under the Act to permit enough serviced plots to meet the demand for self-build housing in its area. The proposed 5 self-build plots would contribute positively to mitigating the shortfall in the supply of permissions for such plots in the Council's area. Together with the economic, social and environmental benefits of the proposed dwellings, the cumulative benefits of the appeal proposal are a material consideration that attracts weight of a high order in its favour.
40. However, those benefits are outweighed by the great weight that I attach to the proposal's harmful effect on the setting of LWF as a designated heritage asset, which is a matter of considerable importance in my decision. The proposed development would be located outside of the settlement boundaries of Lawshall, contrary to the Council's strategy for locating housing growth. It would cause significant harm to the character and appearance of the area, including the countryside, and it would fail to preserve or enhance the setting of LWF as a designated heritage asset, contrary to the LBCA.
41. Together, the proposal's harms and the resultant policy conflicts set out above are sufficient to bring the development into conflict with the development plan when read as a whole. Although JLPP1 Policy LP08 supports self-build housing where it accords with all other relevant policies in the plan, the conflict with those policies referred to above results in conflict with this Policy. The conflict with the development plan, as part of a genuinely plan led system, carries substantial weight against the grant of planning permission and is sufficient to outweigh the benefits of the appeal proposal.
42. I therefore conclude that the proposed development conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is dismissed.

G Sylvester

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Phillip Cobbold BA PGDip MRTPI	Planning agent
Simon Gray	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Jasmine Whyard BA (Hons), MSc	Principal Planning Officer
Averil Goudy BSc (Hons), MSc	Acting Principal Planning Officer
Robert Feakes BA (Hons), PGDip, MA	Housing Enabling Officer

INTERESTED PARTY:

Vincent Pearce	Principal Planning Officer at Babergh and Mid Suffolk District Councils
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DOCUMENTS SUBMITTED AT THE HEARING

1. Appellant: Freedom of Information response relating to self-build housing.
2. Council: Self-build housing data across base periods.
3. Appellant: Right to Build register of subscribers for post codes including Lawshall.
4. Council: JLPP1 Policy LP01.