



Appeal Decision

Site visit made on 12 March 2025

by Jonathan Price BA(Hons) DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 March 2025

Appeal Ref: APP/W3520/W/24/3354077

Land at High Elm Bungalow, Crowfield Road, Stonham Aspel, Suffolk IP14 6AW

- 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 Green against the decision of Mid Suffolk District Council.
 - The application Ref is DC/24/01026.
 - The development proposed is the erection of new dwelling and creation of new access following part demolition of existing outbuilding.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of new dwelling and creation of new access following part demolition of existing outbuilding at land at High Elm Bungalow, Crowfield Road, Stonham Aspel, Suffolk IP14 6AW in accordance with the terms of application Ref DC/24/01026, subject to the conditions set out in the schedule attached to this decision.

Main Issues

2. Whether the proposal:
 - falls within a cluster of at least ten well-related dwellings, so as to comply with development plan policy for the location of new housing,
 - provides sufficient information to address biodiversity net gain (BNG) requirements.

Reasons

Development plan policy

3. Relevant development plan policy is that of the Babergh and Mid Suffolk Joint Local Plan (JLP), adopted in November 2023. Policy SP03 establishes the sustainable location of new development by focusing this within defined settlement boundaries or plan allocations. Development outside of these is normally only permitted where allowed for by a specific policy.
4. This proposal lies outside the settlement boundary for the adjacent main village, where JLP Policy LP01 would permit windfall infill housing development in certain circumstances. The site is formed within garden land to the side of High Elm Bungalow, including part demolition of an outbuilding at the rear. A new detached house has recently been built to the other side. The proposed dwelling would occupy a small undeveloped plot in an otherwise built-up highway frontage, meeting the definition of infill given in footnote 18 of Policy LP01.

5. The details meet the criteria in Policy LP01 in being for a single dwelling without detriment to the character and appearance of the area, residential amenity or any heritage, environmental or community assets. Although accepted as infill, there is no harm found through this proposal consolidating sporadic or ribbon development or causing the loss of a gap between settlements resulting in coalescence, which might otherwise have raised conflict with Policy LP01.
6. However, Policy LP01 restricts such infill development to where there is a cluster of at least ten well-related dwellings. The parties differ on the interpretation of well-related, which the JLP does not define. The policy resists the consolidation of sporadic or ribbon development or the loss of gaps leading to coalescence. On this basis, I do not consider a cluster of dwellings need necessarily be tightly grouped in order to be considered well-related. In this case, the housing along Crowfield Road provides a mixture of frontage housing and small estate development. This frames an intervening open space at Green Farm, which provides some visual relief within this agglomeration of housing. I consider this as a whole comprises a suitably well-related cluster of significantly more than ten dwellings, within which the appeal scheme would be appropriate infill. Accordingly, this proposal satisfies SLP policies SP03 and LP01 and complies with development plan policy for the location of new housing.

BNG

7. Part e) of JLP Policy LP16 states that development must identify and pursue opportunities for securing measurable BNG, equivalent of a minimum 10% increase. Part 4 of Policy SP09 requires all development to protect and enhance biodiversity through BNG. Because this application was submitted prior to 2 April 2024, it is not subject to mandatory BNG through the requirements set out in Schedule 7A of the Town and Country Planning Act 1990 and elsewhere.
8. The Council finds this proposal contrary to JLP policies LP16 and SP09, as well as paragraphs 187 and 193¹ of the National Planning Policy Framework (the Framework). The reason relates specifically to there being insufficient ecological information in the form of a small site metric to meet the requirements of mandatory BNG.
9. The proposal is accompanied by a Preliminary Ecological Appraisal (PEA)², Bat Report³ and Nocturnal Bat Survey⁴. The PEA found the site to be of low ecological value, comprised of a building, other developed land and modified grassland managed as lawn, with Priority Habitat hedgerow on the peripheries. It identified no likely effects on statutory or non-statutory protected sites or their qualifying features, owing to the proposal's relatively small scale, distance from such sites and limited predicted impacts beyond the area of works. Some biodiversity mitigation and enhancement formed part of the wider recommendations. The bat reports also recommended mitigation and enhancement, whilst concluding the favourable conservation status of the local population would be maintained and a European Protected Species mitigation licence not required.

¹ As numbered in the latest 2025 NPPF.

² Greenlight environmental consultancy (GEC) - 26 April 2024

³ GEC 30 May 2024

⁴ GEC 4 July 2024

10. This ecological evidence does not provide the details necessary to apply the small site metric in order to meet the requirements of mandatory BNG. However, bearing in mind the low ecological value of the current site, there is nothing provided by the Council to suggest at least a 10% BNG would likely be unachievable. Nevertheless, the Council does not consider a pre-commencement condition appropriate to secure the BNG required under policy. This is based on a recent appeal decision elsewhere in Mid-Suffolk. However, that decision⁵ referred to a lack of baseline ecological information, which has been provided here. Although this does not provide sufficient information to address BNG policy requirements, I am satisfied that a pre-commencement condition could secure this. Subject to this, the proposal would satisfy JLP policies LP16 and SP09, and paragraphs 187 and 193 of the Framework.

Conditions and Conclusion

11. In addition to a condition securing BNG, others are required for this proposal to be acceptable. The Framework requires these be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
12. Those suggested by the Council relating to permitted development rights, chimney flues, air source heat pumps, parking space, cycle storage and electric vehicle charging do not meet the tests of necessity in my view. The others found necessary have been reordered to accord with Planning Practice Guidance requirements, and in some cases shortened, amalgamated or revised to reflect the national models.
13. In addition to that applying the standard three-year time limit for commencement (1), a condition is required in the interests of certainty which specifies the plans approved (2). To meet the policy requirements over BNG, a pre-commencement condition is necessary (3). In the interests of both amenity and highway safety, a pre-commencement condition is needed to secure adherence to an approved Construction Method Statement (4).
14. In the interests of both character and appearance and BNG, conditions are necessary for approved hard and soft landscaping to be carried out (5, 6). In the interests of sustainability, a condition is needed to secure water, energy and resource efficiency measures (7). A condition is required to ensure satisfactory means of sewage disposal (8). In the interests of highway safety, a condition is needed to govern site access details (9). Finally, a condition is necessary to establish the collection and storage areas for waste and recycling bins (10).
15. For the reasons set out above, this proposal would comply with the Framework and the development plan as a whole. Therefore, subject to the conditions discussed, I conclude the appeal be allowed.

Jonathan Price

INSPECTOR

⁵Appeal Ref: APP/W3520/W/24/3337937 single storey detached 2 bedroom dwelling at 18 St Marys Gardens, Creting St Mary IP6 8LY, dismissed on 13 November 2024

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos. 0049-05A (visibility splays) and 0049-01A (site location plan and proposed plans).
- 3) The development hereby approved shall not commence until a) a biodiversity gain plan (BGP) in accordance with Schedule 7A (13) of The Town and Country Planning Act 1990 has been submitted to the planning authority, and b) the planning authority has approved the BGP. The BGP shall include
 - the completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values
 - pre and post development plans drawn to an identified scale and showing the direction of north
 - legal agreement
 - commitment to deliver and maintain BNG for a minimum of 30 years from the date of completion of the development
 - Habitat Management and Monitoring Plan (HMMP) in line with the HMMP template or HMMP checklist.
 - BNG register reference numbers (if using off-site units)
 - proof of purchase (if buying statutory biodiversity credits)

The BGP shall thereafter be implemented as approved.

- 4) The development hereby approved, including demolition, shall not commence until a Construction Method Statement (CMT) has been submitted to, and approved in writing by the local planning authority. The CMT shall provide for:
 - noise management
 - lighting
 - the parking of vehicles of site operatives and visitors
 - unloading and storage of plant and materials used in construction
 - wheel washing facilities; measures to control the emission of dust and dirt during construction
 - a scheme for recycling/disposing of waste resulting from demolition and construction works
 - hours for delivery, demolition and construction work

The approved CMT shall be adhered to throughout the construction period for the development.

- 5) The development hereby approved shall not proceed above slab level until there has been submitted to and approved, in writing, by the local planning authority, a scheme of hard, soft and boundary treatment landscaping works for the site, which shall include any proposed changes in ground levels and

also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained.

- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 7) The development hereby approved shall not proceed above slab level until a scheme for water, energy and resource efficiency measures has been submitted to and approved in writing by the local planning authority. The dwelling shall then be constructed in accordance with the scheme approved.
- 8) Prior to the occupation of the dwelling hereby permitted, the means of foul sewage treatment shall be provided and thereafter maintained, in accordance with details that shall have had the prior written approval of the local planning authority.
- 9) Prior to the occupation of the dwelling hereby permitted, the new access onto the highway shall be constructed in accordance with details that shall have had the prior written approval of the local planning authority. These details shall provide for:
 - surfacing with a bound material for a minimum distance of 5 metres measured from the nearside edge of the metalled carriageway
 - means to prevent the discharge of surface water onto the highway
 - an entrance width of 3 metres to accord with Suffolk County Council's standard access drawing DM01
 - the visibility splays, as shown on drawing no. 049 05 A.

The access shall thereafter be retained as approved, with the visibility splays shown on drawing no. 049 05 A kept free of any obstruction exceeding 0.6m.

- 10) Prior to the occupation of the dwelling hereby permitted, areas for the storage and presentation for collection/emptying of waste and recycling bins shall be provided in accordance with details that shall have had the prior written approval of the local planning authority. These areas shall thereafter be retained only for such purposes.
