
Appeal Decision

Site visit made on 22 January 2025

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2025

Appeal Ref: APP/W3520/W/24/3346931

Clayton Cottage, Earls Green, Bacton, Suffolk IP14 4SB

- 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 and Mrs Phillips against the decision of Mid Suffolk District Council.
 - The application Ref is DC/24/01450.
 - The development proposed is erection of dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal scheme relates to an outline proposal, with access to be considered at this stage and all other matters reserved for future consideration. I have determined the appeal accordingly. A plan has been submitted as part of the appeal which indicates how a dwelling could be accommodated on the site. I have taken this plan into account for illustrative purposes only.
3. Since the determination of this application a revised National Planning Policy Framework (the Framework) has been published. The main parties have been given the opportunity to comment, and I have considered the revised Framework in my decision.
4. The site neighbouring Clayton Cottage to the northeast is labelled as Elggurts Cottage on the submitted site plan. During my visit I noted that it was signposted as Claddagh Lodge. I have used the former hereafter for clarity.

Main Issue

5. The main issue is whether the appeal site (the site) would be a suitable location for the proposed development, having regard to the development plan.

Reasons

6. The site is in the small hamlet of Earls Green, accessed from the road that runs through it (the highway). There is no dispute that it is in the countryside outside of any settlement boundary. In such locations Policy SP03 of the Babergh and Mid Suffolk Joint Local Plan (2023) (the Local Plan) resists development unless in accordance with specific policies. Included amongst these is Local Plan Policy LP01.
7. Windfall infill housing outside settlement boundaries is supported by Policy LP01 subject to compliance with given criteria. Of these, the Council cites conflict with

one; that the appeal scheme would not comprise the filling of a small undeveloped plot in an otherwise built-up highway frontage which, in a footnote to the policy, is the definition provided by the Council of the term 'infill'. The term is not otherwise illustrated, and the composite parts of the definition are not, in themselves, further defined. I have therefore attributed normal meanings to each in my determination.

8. The site is residential garden land within the curtilage of a detached dwelling, Clayton Cottage. It includes the access from the highway, picket fencing and a five-bar gate towards the front, a long, paved driveway straddling much of the depth of the site, a detached double garage, and five separate timber sheds. The site is not an undeveloped plot.
9. To my mind, in order to form a built-up highway frontage a series of dwellings would need to be laid out reasonably close to, and a broadly consistent distance from, that highway with little or no intervening development, as opposed to each simply gaining access from the same highway over varying distances.
10. There is residential development to both sides of the site, with the nearest dwellings being oriented to face, and obtain access from, the highway. Even so, there is significant variation in the extent to which these homes are set back from the highway, such that even an informal building line cannot be discerned. The neighbouring property nearest to the highway is Elggurts Cottage. Its front garden hosts a substantial detached outbuilding, the side of which runs alongside the highway. As such, even the property nearest the highway is separated from it by a combination of distance and intervening development. Overall, the site is not within an otherwise built-up highway frontage as the neighbouring development does not form one.
11. I recognise that the siting of the proposed dwelling is not under consideration at this stage, but whatever position it might occupy would not alter the fact that the site itself is not within an otherwise built-up highway frontage.
12. The supporting text to Policy SP03 explains its purpose; to guide development to sustainable locations. This includes limiting development in the countryside without prohibiting it altogether. The proposed development would conflict with Policy LP01 of the Local Plan and, as a result, not benefit from one of the exceptions to Policy SP03. The proposed development would undermine the spatial strategy and plan-led approach to the location of development. The appeal site would not be a suitable location for the proposed development, having regard to the development plan.

Planning Balance

13. The benefits of the scheme are material in my determination. The proposal would yield a new house towards the Governmental aim of significantly boosting supply and could be built quickly. The supply of new housing carries significant weight but is tempered in this case by the modest scale of the scheme. There would be temporary economic benefits associated with the construction phase as well as the prospect of work-related training for site operatives. Thereafter, there would be ongoing local economic and social activity relating to the occupation of the site to the benefit of local facilities and services, as well as to the local community.
14. Nevertheless, given the relatively modest scale of the proposal and the small number of new residents brought about, these benefits would be minor, and not

sufficient to outweigh the harm resulting from the conflict with the development plan described above.

Conclusion

15. For the reasons given above, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations that indicate that the development should be determined otherwise than in accordance with it. Therefore, the appeal is dismissed.

A Knight

INSPECTOR