



Appeal Decision

Site visit made on 16 April 2025

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 May 2025

Appeal Ref: APP/W3520/W/24/3351995

Land West of Blacksmith Close, Sudbury Road, Newton, CO10 0XW

- 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 South Suffolk Developments against the decision of Babergh District Council.
 - The application Ref is DC/24/01500.
 - The development proposed is the erection of 9No. Dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have added the postcode for Blacksmith Close to the site address to assist with identifying its location.
3. Following the submission of the appeal, it was brought to my attention that not all of the land within the red line boundary of the appeal site was in the Appellant's ownership and that the correct land ownership certificate had not been completed, or notice served on the owners of the access road. This matter has now been rectified.
4. The main parties agree that the application was submitted prior to the mandatory requirement to deliver a 10% measurable biodiversity net gain on a development of this scale coming into force. It is also agreed that any biodiversity enhancements necessary to accord with the development plan could be achieved by imposing a suitably worded condition. As I have no reason to reach a different view on this matter, I have not considered it further.

Main Issues

5. The main issues are i) whether the site is a suitable location for residential development having regard to local and national planning policy; ii) whether an appropriate level of affordable housing would be delivered; and iii) the effect of the development on the character and appearance of the area.

Reasons

Location

6. Except for its means of access through Blacksmith Close, the site is located outside of but adjoining the settlement boundary for Newton, as defined by the Policies Map within the Newton Neighbourhood Plan 2018 to 2036. Newton is a small settlement with very few services and facilities to meet day to day needs. I have been provided with evidence of a bus service that runs during the daytime

between Colchester and Sudbury, although this is only hourly and there are no evening or Sunday services. Buses pick up and drop off outside of the Saracens Head public house in Newton, which is approximately 400 metres from the site and can be safely accessed along an existing footpath.

7. I note that there is no footpath along the western side of Sudbury Road, except between the two junctions to Red House Close, there is no footpath through Blacksmith Close, and there is no street lighting along either, which is reflective of the rural character of the area. However, Sudbury Road is subject to a 30mph speed limit through the village, and a new footpath and crossing point is proposed to be constructed adjacent to the junction of Blacksmith Close. Occupiers of other new residential development on this side of Sudbury Road also have to cross the busy main road to access the footpath.
8. The site is not in an isolated location and future occupiers of the new development would form part of an existing community, would support the limited services and facilities in Newton, as well as those in other nearby settlements, and would not be wholly reliant upon private motor vehicles to access these.
9. Consequently, despite being outside of the settlement boundary, the site is not in an entirely unsustainable or inaccessible location. However, facilities and services within the settlement and public transport services are somewhat limited. The scale of new development should reflect this, taking into account the cumulative impact of recent adjoining piecemeal development on other parts of the former farm site and agricultural land.
10. Policy SP03 of the Babergh and Mid Suffolk Joint Local Plan Part 1 (the local plan) 2023, states that new housing development will come forward through extant planning permissions, allocations in made Neighbourhood Plans, windfall development in accordance with the relevant policies of the Plan or Neighbourhood Plans and any allocations which are made in the forthcoming Part 2 Plan. It goes on to state that settlement boundaries have not been reviewed as part of the Plan and that outside of the settlement boundaries, development will normally only be permitted where it accords with one of four criteria. It is undisputed that the proposal does not fall within any of the four exceptions listed.
11. Policy NEWT1 of the Newton Neighbourhood Plan 2018 to 2036 (the neighbourhood plan), requires new development to be commensurate with the designation of the settlement as a hinterland village. It states that development will be prioritised on underused parcels of land within the defined settlement boundary and that proposals outside the settlement boundary will only be permitted where they are in accordance with national, district or neighbourhood policies.
12. I acknowledge that the inclusion of the word normally in Policy SP03 of the local plan indicates a degree of flexibility, but there is nothing before me to justify any exception to the norm being made in this case. Furthermore, Policy NEWT1 does not include the same flexibility. Whilst the proposal would make use of an underused parcel of land and would deliver some social and economic benefits, the scale of the development, taken with the adjoining piecemeal development across the wider site, would not be commensurate with the scale and nature of the settlement. This together with the location of the site outside of the settlement boundary, would undermine neighbourhood, local and national planning policies, which seek to direct most new larger scale growth towards larger settlements,

which have access to facilities such as employment, education and healthcare, along well-lit streets, and better public transport.

13. I therefore conclude the site is not a suitable location for a housing development of the scale proposed, having regard to Policies SP03 of the local plan and policy NEWT1 of the neighbourhood plan. Paragraph 12 of the National Planning Policy Framework (the Framework) is clear that proposals that conflict with an up-to-date development plan, including any neighbourhood plan, should not usually be granted planning permission unless material considerations indicate the plan should not be followed.

Affordable Housing

14. Taken on its own, the proposed development falls below the major development threshold for which the provision of affordable housing is required. However, the site is part of a larger parcel of land, formerly known as Red House Farm, which has been redeveloped in two previous phases, known as Blacksmiths Close and Red House Close, providing 17 new dwellings and one replacement for Red House Farm itself. The submitted site access and layout plan refer to the appeal site as phase 3. The Council's Strategic Housing comments indicate that a commuted sum was secured in relation to the development of the two previous parcels of land, but I have not been advised how much this was or what it was intended to be used for.
15. The proposal includes the provision of a two-bed bungalow as an affordable home, which the appellant states could be secured by a planning condition. However, as it has not been demonstrated that the appeal scheme is not piecemeal development, I agree with the Council that developer contribution requirements should be calculated based upon the whole of the site. On this basis, the 35% affordable housing contribution for the additional 9 dwellings proposed would equate to 3 affordable dwellings. No evidence has been submitted to justify a lower contribution.
16. I therefore conclude that the proposal would not deliver an appropriate level of affordable housing and would conflict with Policy SP02 of the local plan, which requires housing on greenfield sites of 10 or more dwellings or 0.5ha or more, to provide 35% affordable housing. It also seeks to ensure landholdings are not subdivided to avoid this. As the proposal has not been submitted as a rural exception site, I do not consider Policy NEWT2 of the neighbourhood plan to be relevant.

Character and appearance

17. The site comprises part of a large grass field, which is currently well screened by established mature trees and hedgerows albeit the long-term future of these cannot be guaranteed. It is bound on one side by the recently constructed dwellings on Blacksmiths Close, and on two sides by a golf course, which despite its somewhat manicured appearance, is predominantly open undeveloped land containing many copses of trees. The fourth side of the site comprises the remaining undeveloped area of the field, beyond which there is a couple of dwellings with long rear gardens. The long garden areas and golf course to the north and west of the site maintain the open character of the countryside that surrounds the settlement. The appeal site and the remainder of the field it forms part of, contribute to this open and rural character.

18. The site is identified as falling within the recreational open space character area in the neighbourhood plan, albeit it is not currently in use or publicly available for such use. The northern end of the village comprises primarily linear frontage development with some recent bungalows to the rear, constructed on the adjoining land.
19. The proposed dwellings, despite being low rise, would encroach further into the undeveloped open area of surrounding countryside than any existing residential development, creating a more in-depth urban estate style development. This would be exacerbated by the plots on the outer edge of the development being sited close together and close to the outer boundaries of the site, with their parking and garaging being outside of the plot. Whilst this arrangement may reflect other new developments nearby, I am not aware of the circumstances that led to their approval, and in this case the garages, car ports and visitor parking spaces would be sited immediately adjacent to the remaining open undeveloped area of the field, leaving little space for any landscaping within the red line site boundary to soften its appearance. Plot 3 would also be sited with its high gable wall very close to the rear boundary of 2 Blacksmith Close, which has a very small rear garden. This would appear cramped and would be overbearing in appearance when viewed from the neighbouring property.
20. I therefore conclude that the scale and layout of the development would fail to reflect the scale of the settlement or its edge of settlement rural location. The proposal therefore conflicts with Policies LP17 and LP24 of the local plan, Policy NEWT3 of the neighbourhood plan and paragraph 135 of the Framework, which require new development to integrate with the existing landscape character of the area and reinforce the local distinctiveness and identity of individual settlements, and to reflect the character and appearance of the surrounding area.

Conclusion

21. The proposed development would conflict with the development plan as a whole and the other material considerations before me do not indicate that a decision should be made other than in accordance with the development plan. Accordingly, for the reasons given, the appeal is dismissed.

R Bartlett

INSPECTOR