



Appeal Decision

Site visit made on 6 May 2025

by A Phillips MPlan BA CertHE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 June 2025

Appeal Ref: APP/D3505/D/24/3353218

Wind Willow House Hyams Lane, Holbrook, Suffolk IP9 2QF

- 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 David Clark against the decision of Babergh District Council.
 - The application Ref is DC/24/03327.
 - The development proposed is: Erection of a garage with annexe for family members and home office above.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a garage with annexe for family members and home office above at Wind Willow House Hyams Lane, Holbrook, Ipswich IP9 2QF in accordance with the terms of the application, DC/24/03327 subject to the following conditions:
 - 1) The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with the following plans: Site Location Plan, 01B, 02B, 03B, arboricultural report (Tree Planning Solutions Ltd, July 2024) and associated Appendix 3 – 6 (Tree Planning Solutions Ltd, July 2024).
 - 3) No development shall commence, until the protection measures outlined within the submitted arboricultural report (Tree Planning Solutions Ltd, July 2024) and associated Appendix 3 – 6 (Tree Planning Solutions Ltd, July 2024) are implemented and shall then be retained during the construction period.
 - 4) Prior to first use, the biodiversity enhancement measures as shown on plan 03B shall be implemented in full. All measures shall then be retained in perpetuity.
 - 5) This permission shall only authorise the use and occupation of the accommodation for purposes incidental and ancillary to the principal dwelling known as Wind Willow House.

Preliminary Matters

2. It is noted that the appeal was submitted before the revised National Planning Policy Framework (Framework) was published. However, I am confident that no party has been put at a disadvantage.
3. I have used the development description from the Decision Notice and the appellants appeal form, as this provides a slightly better description of the development.

Main Issues

4. The main issues are:

- The connection between the annexe and the main dwelling.
- Whether the site is a suitable location for annexe development with respect to local policies.
- The effect on the character and appearance of the local area.

Reasons

Connection to the main dwelling

5. The proposal is for an annexe/work from home space over a garage/carport (proposed building). The proposed building would be located within close proximity though separate to the main dwelling.
6. The Council has stated that the proposal does not meet part c of Policy LP02 – Residential Annexes of the Babergh and Mid Suffolk Joint Local Plan - Part 1 2023 (Local Plan), which requires the annexe to be easily integrated into the main dwelling, as a single dwellinghouse, when it is no longer required as an annexe space. The supporting text to the policy states that the main accommodation and an annexe should be 'either directly connected by an internal link or have a close spatial relationship with shared facilities and space'.
7. The proposed annexe would not self contained as it would not include a kitchen space or other habitable rooms apart from the en-suite bedroom and home office. In addition, it would be located in the front driveway of the existing house that would make it difficult to separate from the main dwelling in the future. The proposal would have a close spatial relationship with and be reliant on the main dwelling for a significant amount of the facilities that it provides. In addition, when it is no longer required as an annexe it could still be used as a home office being accessed from the external stairs that are in close proximity the dwelling's front door.
8. I therefore conclude that the proposal complies with Policy LP02 of the Local Plan, which seeks to ensure that the annexe can be easily integrated back into the main dwelling when it is no longer required as an annexe.

Suitable location for annexe development

9. Policy SP03 of the Local Plan normally only allows development outside of settlement boundaries where it is in accordance with other listed policies, which includes Policy LP02. Given my conclusion on the proposal's compliance with Policy LP02, it would also comply with Policy SP03.

Character and Appearance

10. The site is located on the edge, though outside, of the Suffolk & Essex Coast and Heaths National Landscape. The Framework requires that great weight should be granted to both conserving and enhancing landscape and scenic beauty in National Landscapes. There is also a Public Right of Way (PRoW) that runs along the boundary of the site.

11. The Council, as well as the National Landscape Team, has acknowledged that the proposed building will have no direct impact upon the National Landscape. The Council's concern is that the proposal creates development further into the open countryside that would be viewable from the PRow and would generally harm the intrinsic character of the countryside. However, the proposal is located away from the property boundary line and the National Landscape/PRow and would still preserve the mature planting along this boundary. The proposal would not have any material impact upon the rural character of the area when viewed from the PRow and would conserve the landscape and scenic beauty of the National Landscape.
12. The proposal complies with Policies LP18 and LP24 of the Local Plan, which seeks to ensure development responds to its wider landscape and safeguards the natural environment. The proposal also complies with the requirements under the Framework as summarised above.

Other Matters

13. The Grade II listed building of Hyams House (listed building) is located on the opposite side of the road to the site. The listed building is a large one and a half storey dwelling, whose significance comes in part from it being constructed around 1600 and its very high architectural quality even with its later additions. With the proposal on significantly lower ground than the listed building and the distance between the two, the proposed development would preserve the setting of the listed building. The proposal is considered to comply with Chapter 16 of the Framework and section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Conditions

14. I have considered the conditions suggested by the Council and have amended the wording of certain ones in the interests of precision, without altering their fundamental aims.
15. I have added conditions 1 and 2 to ensure that the development is commenced in a reasonable timeframe and in accordance with the approved drawings. Condition 2 has been reworded to ensure the approved plans are clearly listed.
16. In regard to condition 3 it is noted that the development plan seeks to enhance biodiversity and given the proximity of the site to the National Landscape it is of great importance to both preserve and enhance biodiversity that form an integral part to the natural beauty of the area.
17. I have updated the Council's recommended wording of condition 4 so that it relates solely to the proposed development being an ancillary addition to the existing dwelling and not potential future sub-division that would require a separate planning permission.
18. Condition 5 has been updated to a pre-commencement condition, as digging of foundations could cause harm to the tree that is sought to be protected in accordance with the arboricultural report. The appellant has confirmed in writing their agreement to this condition.

Conclusion

19. For the reasons given above the appeal should be allowed.

A Phillips

INSPECTOR