



Appeal Decision

Site visit made on 7 July 2025

by **C Walker BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 July 2025

Appeal Ref: APP/X3540/W/25/3362095

Land situated between 10 and 11 Mill Lane, Barnby, Suffolk NR34 7PX

- 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 Mrs Megan Brown against the decision of East Suffolk Council.
 - The application Ref is DC/24/3783/FUL.
 - The development proposed is for a two-bedroom dwelling, in style of a traditional cart shed.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address in the banner heading above is taken from the application form, with the county added from the appeal form for completeness.
3. Despite the Council's third reason for refusal, the evidence does not indicate there would be insufficient vehicle parking on site. Rather, the Council's Officer Report upon which they rely, indicates the two parking spaces shown on plan accord with its adopted parking standards. I shall draft my highway safety-related main issue on this basis.
4. The Council's fourth reason for refusal concerns the likely significant effects on European habitat sites and a lack of mitigation. Since the appeal was lodged, a direct financial contribution has been paid, which the Council confirms has overcome its reason for refusal in this regard. I proceed on that basis and return to this matter later in my decision.

Main Issues

5. In light of the above, the main issues are:
 - whether the appeal site is a suitable location for the development, having particular regard to relevant provisions of the development plan;
 - the effect of the development on the character and the appearance of the area, having regard to whether it constitutes high quality design;
 - whether the development provides for suitable turning facilities for vehicles, having particular regard to highway safety; and
 - the effect of the development on the living conditions of neighbouring occupiers, having particular regard to noise associated with the means of access.

Reasons

Location

6. Policy WLP1.1 of the Waveney Local Plan (2019) (LP) sets out a spatial strategy for the scale and location of growth. The approach seeks to deliver the majority of housing for Waveney in the more sustainable settlements. At the bottom of the hierarchy are rural areas which are expected to contribute 10% of overall housing growth over the plan period. Within the rural area's tier, 70% of housing growth is expected within larger settlements, of which Barnby and North Cove is one such village, defined in Policy WLP7.1 of the LP. Settlement boundaries are established by Policy WLP1.2 of the LP and are defined on a policies map.
7. The northern part of the appeal site is located outside of the defined settlement boundary, such that the newly proposed dwelling would straddle said boundary and in-part be situated in the Countryside as defined in local planning policy terms. Policy WLP8.7 of the LP is permissive of small-scale development in the Countryside where: 1) the site constitutes a clearly identifiable gap within a built-up area of a settlement within the Countryside; 2) there are existing residential properties on two sides; and 3) it would not extend further into the undeveloped countryside than the existing extent of the built-up area surrounding the site. As the site is not fully contained within the settlement boundary it fails against the first criteria as a matter of principle. Additionally, as the proposed dwelling would project back further than the extent of existing built form that neighbours the site to either side, it also fails the third criterion.
8. Policy WLP8.7 also supports small-scale residential development in the Countryside subject to other criteria. This is where the development demonstrates; 1) clear local support, 2) meaningful and robust consultation with the Parish Council, local community and other stakeholders, 3) that impacts identified by the community have been fully addressed and is supported by the community, 4) the site is adjacent or within the built up area of a settlement within the Countryside and 5) it would not together with other development, lead cumulatively to a level of development that would be contrary to the spatial strategy. On the basis of the evidence before me and for the avoidance of doubt, it has not been demonstrated that compliance is achieved with this set of criteria contained within Policy WLP8.7.
9. Therefore, with regards to the suitability of its location, the appeal scheme runs counter to the spatial strategy of the LP, in conflict with its policies WLP1.1, WLP1.2, WLP7.1 and WLP8.7.

Character and appearance

10. The appeal site forms an irregular shaped parcel of land at the edge of the village. It lies at the rear of No's 9, 10 and 11 Mill Lane forming a narrow plot that opens up to the north, beyond the built form and into the Countryside. Containing two modest, domestically scaled buildings, the site forms a parcel of grassed land that is bound by fencing and hedgerows. Land levels slope gently down into the site from the lane.
11. The loose knit positioning of dwellings along this single width lane, devoid of footpaths at the village edge, contributes to its semi-rural character. Along this side of the lane, typically the built form fronts the highway with development at the rear

comprising mostly domestically scaled ancillary buildings. One exception to this is No. 10 which together with No. 9 form a linear pair of dwellings set perpendicular to Mill Lane. Both dwellings have been extended, with No. 10 also benefitting from a detached garage at its rear.

12. The proposed dwelling would be set adjacent to the garage serving No. 10, aligning with its frontage which is also close to the back edge of the single storey extensions of No. 11. Given its single storey nature and being set at a lower land level than the adjacent garage, it would be read visually as a domestic outbuilding. This is especially since it would have no active frontage, presenting its blank gable towards the lane.
13. Due to the highly constrained nature of the site and its linear form so close to the site boundaries, the proposed dwelling would appear contrived. Served by only a single set of bifold doors facing towards its garden and a side door with glazing lights, the dwelling would rely on high level roof windows for light and ventilation. This would represent a poor design. Furthermore, the dwelling would extend back into the site at its narrowest part for a considerable length, encroaching well beyond adjacent built form into the Countryside as defined in policy terms. This would break away from the established grain of the area causing undue harm to the character of the village. Glimpses of this built form would be obtainable from Mill Lane which would appear incongruous in this context due to its length.
14. For these reasons, I find the proposed development would have a harmful effect on the character and appearance of the area and would fail to represent high quality design. This brings the scheme into conflict with Policies WLP8.29 and WLP8.33 of the LP. Amongst other things, they seek to secure development that is not cramped and that it responds to local context and form of the surrounding buildings in relation to overall scale, character, density and layout of the area.

Turning facilities

15. Amongst other things, Policy WLP8.21 of the LP requires development to provide safe pedestrian and cycle access to services, facilities and public transport, whilst Policy WLP8.33 of the LP requires provision of safe access. This broadly aligns with the general thrust of the National Planning Policy Framework (December 2024) (the Framework) which, at paragraph 115(b) expects safe and suitable access to be achieved for all users.
16. Mill Lane is a narrow, semi-rural lane. During my site visit I observed a number of cars parked on the lane in the vicinity of the appeal site, alongside wheelie bins awaiting collection. Whilst my visit offered merely a snapshot in time as opposed to confirmation of the circumstances that avail on a day-to-day basis, it was readily apparent that the Lane is subject to manoeuvrability/visibility constraints as a consequence of its narrowness and propensity to accommodate parked vehicles.
17. The appellant asserts that they have a right of access over all of the turning area shown on the swept path analysis drawings. However, notwithstanding any private right of access that may prevail, it remains important that any area intended to be relied upon for the purposes of obtaining access or undertaking vehicle manoeuvres is contained within the land edge red on the relevant Site Location Plan. This is not least due to the assurances this would offer that relevant landowners have been formally notified of the proposed development, as well as due to the opportunities that would avail for imposing planning controls via

condition. The swept path analysis drawings clearly show a reliance on utilising land outside of the appeal site and thus land outside of the appellant's control.

18. Consequently, with insufficient space to turn within the constrained area of the appeal site, cars could conceivably have to reverse down the narrow driveway for a significant length, made more difficult by the sloping nature of the access. This could bring vehicles into conflict with other users of the access driveway and users of the adjacent highway where visibility is already constrained by existing built form, which would be exacerbated if cars were to be parked close to the access, especially on bin collection days. Whilst vehicles speeds would unlikely be high, this would still place highway users at a greater risk of accidents and harm.
19. Therefore, I am not satisfied that the appeal scheme demonstrates the development would provide suitable turning facilities for vehicles and thus would be harmful to highway safety. It follows the development runs counter to policies WLP8.21 and WLP8.33 of the LP, as well as the Framework.

Living conditions – access noise

20. Vehicular access to the appeal site would be taken via the existing single width drive between No's 9, 10 and 11 Mill Lane. This access is already formed by bound hardstanding that slopes down towards the appeal site. No's 9 and 10 are orientated to face the shared driveway. No. 11 has its two-storey side elevation abutting this access, albeit at the rear, facing the proposed parking area are windows contained within its single storey additions, including a conservatory.
21. Despite the positioning of the access, which is relatively close to habitable room windows facing it, the vehicle movements associated with just one additional dwelling would be unlikely to have a significant adverse effect on the living conditions of neighbouring occupiers through noise and general disturbance. This type of arrangement is relatively common, and the bound surface of the access drive would allow vehicles to pass by the existing dwellings without causing unacceptable noise nuisance. Parking in front of the appeal dwelling would mean noise from car doors slamming would be away from the most sensitive rooms of the adjacent dwellings and would be unlikely to amount to an unacceptable effect.
22. Therefore, I do not find conflict in respect of the living conditions of neighbouring occupiers with regard to noise from the means of access. It follows that I have not identified conflict with policies WLP8.29 and WLP8.33 of the LP in this regard. Amongst other things, these policies seek to protect the living conditions of existing properties from unacceptable harm.

Other Matters

23. The appeal site lies within the Zone of Influence of a number of designated European habitat sites, including the Benacre to Easton Bavents Special Protection Area (SPA) and the Benacre to Easton Bavents Lagoons Special Area of Conservation (SAC) as noted within the Council's fourth reason for refusal.
24. The Conservation of Habitat and Species Regulations 2017 (as amended) requires that, where a project is likely to have a significant effect on (a) European site(s) (either alone or in combination with other plans or projects), the competent authority must, before any grant of planning permission, make an appropriate assessment of the project's implications in view of the relevant conservation

objectives. However, as I have found the development to be unacceptable for other reasons, it is not necessary for me to undertake an appropriate assessment. For the avoidance of doubt, even if I had done so and identified compliance with Policy WLP8.34 of the LP, due to the relevant mitigation payment that has been received, it would not have affected my overall conclusions on this appeal.

Planning Balance and Conclusions

25. Since their decision, the Council confirm they can now only demonstrate a 3.33 year housing land supply, a sizeable shortfall on the necessary five-year supply of deliverable housing sites (5YHLS) in accordance with the Framework.
26. An inability to demonstrate a 5YHLS warrants the application of paragraph 11(d) of the Framework, which relates to the presumption in favour of sustainable development. In this case it means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
27. I have found that locationally, the site runs contrary to the spatial strategy of the LP. However, in circumstances where the Council's housing delivery policies have acted to unduly restrict the supply of homes, I do not find the site's position in-part outside of the settlement boundary for Barnby and North Cove, as thus at odds with the Council's spatial strategy, to be decisive to the outcome of this appeal. Rather, when considered in the round, the site's location is within a relatively sustainable location where occupants would be able to access local services and facilities and help support them. This along with the boost in housing supply, and the temporary construction jobs it would create, weighs considerably in favour of the scheme.
28. However, I have identified demonstrable harm to the character and appearance of the area, including as a consequence of the proposed dwelling's poor design, and in respect of the inadequate turning facilities that could be anticipated to prejudice highway safety. Together, these factors weigh heavily against the scheme, especially as Paragraph 11(d)(ii) requires me to have particular regard to securing well-designed places, which I have concluded this scheme does not achieve.
29. Weighed against the benefits of a scheme for just one dwelling, I find the adverse effects of the proposal to significantly and demonstrably outweigh these, when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply. Moreover, the proposal conflicts with the development plan and material considerations do not lead me to a decision otherwise.
30. For the reasons set out above, the appeal fails.

C Walker

INSPECTOR