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## Appeal Decision

Site visit made on 7 October 2025

**by Jonathan Price BA(Hons) DipTP DMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 October 2025

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**Appeal Ref: APP/D3505/W/25/3369370**

**Lyndhurst, Little Chadacre, Shimpling, Suffolk IP29 4HL**

- 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 Mark Jay against the decision of Babergh District Council.
  - The application Ref is DC/25/02008.
  - The development proposed is alterations and extensions and subdivision of dwelling to form 2no dwellings.
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### Decision

1. The appeal is allowed and planning permission is granted for alterations and extensions and subdivision of dwelling to form 2no dwellings at Lyndhurst, Little Chadacre, Shimpling, Suffolk IP29 4HL in accordance with the terms of the application, Ref DC/25/02008, subject to the conditions contained in the attached Schedule.

### Main Issue

2. Whether the proposal would help secure a sustainable pattern of growth.

### Reasons

3. The proposal relates to a dwelling situated within an enclave of housing in the countryside. This property comprises a newer two storey element joined onto an original bungalow, as permitted in 2019<sup>1</sup>. The proposal is to remove the link between the two elements and enlarge both sections to provide two detached dwellings. The Council's refusal reason relates to the conflict with Policy SP03 of the Part 1 Joint Local Plan<sup>2</sup> (JLP), which focuses new development to within defined settlement boundaries and planned allocations to secure a sustainable pattern of growth.
4. The proposal lies within unallocated countryside, thus would be precluded unless supported by one or other of the policies listed under SP03. The dispute between the parties is over meeting Policy LP01 in that list. This would support the proposal as a windfall development outside settlement boundaries, given it falls

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<sup>1</sup> Council ref DC/19/04489 - erection of single storey link and two storey side extension (following demolition of existing) at Lyndhurst Little Chadacre, Shimpling, Suffolk IP294HL .

<sup>2</sup> Babergh and Mid Suffolk Joint Local Plan Part 1 November 2023

within a cluster of at least 10 well related dwellings, satisfying the further criteria over character and appearance, the coalescence of ribbon or sporadic development and the creation of more than two units. However, Policy LP01 applies only to infill development, defined as the filling of a small undeveloped plot in an otherwise built-up highway frontage. As the site is developed, and Policy LP01 does not apply specifically to the subdivision of dwellings, the Council finds this proposal gains no support as infill, deeming it not to be the sustainable pattern of growth supported under Policy SP03.

5. Whilst this proposal might not accord with the definition of infill in JLP Policy LP01, the additional dwelling proposed would reflect no less a sustainable pattern of growth than if it had. This is given that the supporting text to this policy refers to such small-dispersed communities as here, without the level of services and facilities to support larger scale developments, being appropriate for small scale windfall development where this will enhance or maintain the vitality of the rural community. Coupled with the fact this proposal relates to previously developed land, this proposal would be at least as sustainable as the development of a vacant infill site.
6. Because the proposal falls within a cluster of well-related housing, the site is plainly not the development of an isolated home in the countryside. Paragraph 84 of the National Planning Policy Framework (the Framework) requires these be avoided unless certain specified circumstances apply, including the subdivision of an existing residential building. Whilst this might be one reason to allow a dwelling in such circumstances, the converse would not apply and the Framework does not explicitly preclude the subdivision of a home in a non-isolated countryside location. Policy LP01 and Framework paragraph 84 are not contradictory in nature but deal with separate circumstances. As the site is not isolated, paragraph 84 is not relevant.
7. Even assuming the proposal conflicts with JLP policies SP03 and LP01 through being the subdivision of an existing dwelling rather than meeting the definition of infill, there would be no materially greater degree of harm caused to the wider objective of the JLP to secure a sustainable pattern of growth. Any harm at all from this proposal undermining the development plan strategy for the location of new development would be outweighed by its modest social and economic benefits towards housing supply, rural vitality and the local economy.

### **Conditions and conclusion**

8. The Framework requires conditions be kept to a minimum, so I have reduced and condensed those suggested by the Council. In addition to those applying the standard three year period for commencement and specifying the plans, another is required to apply the ecological measures, Biodiversity Net Gain and enhancements set out in the appellant's report<sup>3</sup>. A single condition wraps up the requirements of the various highway conditions suggested by the Council and is adequate to address highway safety. Another condition secures suitable cycle and bins storage arrangements. A further biodiversity enhancement condition

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<sup>3</sup> Preliminary Ecological Appraisal Including Biodiversity Net Gain Calculations for Proposed Development at Lyndhurst, Little Chadacre, Shimpling IP29 4HL by Skilled Ecology Consultancy Ltd dated April 2025.

seems superfluous, as these are shown on the plans and covered in the ecologist's report. Electric vehicle charging points ought to be secured separately via the Building Regulations.

9. To promote sustainable development in rural areas, paragraph 83 of the Framework seeks that housing be located where it will enhance or maintain the vitality of rural communities. As a corollary to this, paragraph 84 resists the development of isolated homes in the countryside unless certain circumstances apply, which would include the subdivision of an existing residential building. This plainly does not infer that such subdivision is appropriate only to an isolated countryside home. Given this proposal would satisfy paragraph 83, it would not fail to enhance or maintain the vitality of the rural community simply by being a subdivision rather than infill.
10. Whilst not complying with Policy LP01 as worded, material considerations would indicate that this proposal would nonetheless help to secure a sustainable pattern of growth as sought through the JLP. Therefore, subject to the conditions discussed, I conclude the appeal succeeds.

*Jonathan Price*

INSPECTOR

### **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 accord with drawing no 2025.02.02 dated 8 February 2025 and the 1:1250 scale plan defining the application site.
- 3) The development hereby permitted shall be carried out in accordance with the Preliminary Ecological Appraisal Including Biodiversity Net Gain Calculations by Skilled Ecology Consultancy Ltd dated April 2025.
- 4) Prior to the occupation of the development hereby permitted, the access, parking and highway visibility splays indicated in drawing no 2025.02.02 dated 8 February 2025 shall be constructed, drained, surfaced and laid out in accordance with detailed specifications that shall have had the prior written approval of the local planning authority. These details shall thereafter be maintained as approved for the lifetime of the development.
- 5) Prior to the occupation of the development hereby permitted, arrangements for the secure storage of bicycles and for the keeping and presentation of refuse, recycling and garden waste bins shall be provided in accordance with details that shall have had the prior written approval of the local planning authority. These arrangements shall thereafter be maintained as approved for the lifetime of the development.

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