



Appeal Decision

Site visit made on 9 October 2025

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 November 2025

Appeal Ref: APP/D3505/W/25/3367484

Land adjacent Tills Farm Cottages, Hadleigh Road, Polstead, CO10 5JJ

- 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 Mrs Jenny Scarbrow against the decision of Babergh District Council.
 - The application Ref is DC/24/04291.
 - The development proposed is the erection of 1 No self build dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with all matters reserved for future consideration. I have determined the appeal on this basis, treating the submitted layout and drawings as illustrative.
3. The appellant has submitted a plan showing additional information relating to visibility splays at the site access point. The Local Highway Authority was consulted in respect of this and is satisfied that sufficient visibility splays could be provided. In light of this, the Council has confirmed that its objections in relation to access now relate to the amount of tree removal and hedgerow reduction that will be required to make way for the visibility splays. I have as a consequence proceeded to assess the scheme on the basis of this additional plan and updated comments by the Local Highway Authority & Council.
4. The appellant has referred in their appeal statement to the emerging Joint Local Plan Part 2. However, this is still at an early stage and there is no evidence that it has yet been submitted for examination to the Secretary of State for Housing, Communities and Local Government. Given the uncertainties regarding the outcome of that process, I have not given it any weight in my assessment.

Main Issues

5. The main issues are:-
 - whether the development is in an appropriate location;
 - the effect of the development on the living conditions of future occupants, with particular regard to the impact of noise, odour and pests from the adjacent agricultural buildings and whether this would undermine their current lawful use;

- the effect of the development on the character & appearance of the area and biodiversity, with particular regard to whether the visibility splays would result in hedgerow reduction and the loss of trees.

Reasons

Appeal site context

6. The appeal site consists of various parcels of grassland enclosed by hedgerows and trees. A small cluster of dwellings and agricultural buildings lie to the south-east, one of which is Grade 2 listed (Tills Farmhouse). The surrounding area is characterised by open fields enclosed by mature hedgerows and has a clear countryside character.
7. Vehicular access to the appeal site is via an existing grass track which connects to the A1071, a busy highway with no public footways. It does not fall within a defined settlement boundary and therefore falls within the open countryside for planning purposes.

Whether the development is in an appropriate location

8. Policy SP03 of the Local Plan¹ states that new housing will come forward through extant planning permissions, allocations in Neighbourhood Plans or Part 2 of the forthcoming Part 2 Plan and windfall development in accordance with relevant policies of the Plan. It also states that development will only be permitted outside of settlement boundaries where; - (a) the site is allocated for development; or (b) it is in accordance with a made Neighbourhood Plan; or (c) it is in accordance with one of the policies of this Plan listed in Table 5; or (d) it is in accordance with Paragraph 80 of the Framework (2021 version).
9. The site is not allocated in the development plan and there are no relevant extant permissions. Neither does the scheme comply with Policy LP01 of the Local Plan (windfall infill housing development outside settlement boundaries) as it does not;- (1) form part of a cluster of at least 10 dwellings; and (2) fill-in a small undeveloped plot in an otherwise built-up highway frontage. Furthermore, there is no evidence before me that the scheme falls within any of the other categories identified in Policy SP03 where development would be permitted outside of settlement boundaries.
10. The appellant states that the Council's Strategic Planning Policy Team mentioned the possibility of the site being acceptable as a windfall development. However, this response also made clear that no detailed assessment had been made and that it would first need to be considered against policies in the Local Plan.
11. Although the appeal site lies adjacent to a small cluster of dwellings and agricultural buildings, it would nonetheless be physically and functionally isolated from shops, services and community facilities. I recognise that Boxford village lies approximately 1.5 miles to the west, but the interconnecting A1071 does not have a footway of sufficient width with associated streetlighting. Neither is there any evidence before me of public transport that would provide an alternative means of travel.

¹ Babergh and Mid Suffolk, Joint Local Plan - Part 1, November 2023.

12. I recognise that a cross-country footpath exists between the site and Boxford, but this does not benefit from a smooth hard surface & streetlighting and would not therefore be able to accommodate a range of pedestrians (such as those with disabilities or parents with small children in pushchairs or prams). As a consequence, the scheme would not enable or encourage safe-walking by all parties throughout the day and into the evening.
13. I recognise that in rural locations access to sustainable rural transport solutions will be typically less than that of an urban area and that development in one village may support services in another nearby. However, in this case, I found the overall level of day-to-day access to shops, services and community facilities by walking and public transport to be of such a poor standard, and consequential reliance on the private motor car to be so high, that I consider the appeal site's location to be inappropriate for new residential development.
14. In light of the above, I conclude that the development conflicts with Policy SP03 of the Local Plan, which seeks, amongst other things, to ensure that new development locations are sustainable.
15. I also find that the scheme conflicts with Paragraphs 9, 96 and 110 of the Framework² as it would result in; (a) a planning decision not playing an active role in guiding development towards sustainable solutions; (b) a planning decision not enabling and supporting healthy lifestyles, for example with safe and accessible sports facilities and local shops; and (c) the planning system failing to actively manage patterns of growth in support of the transport objectives outlined in Paragraph 109; - namely, that it would be heavily car dependant and not promote walking and public transport.

The effect of the development on the living conditions of future occupants, with particular regard to the impact of noise, odour and pests from the adjacent agricultural buildings and whether this would undermine their current lawful use

16. The Council and appellant do not agree on the current lawful use of the agricultural buildings adjacent to the appeal site (agricultural vs general storage/light workshop). I am unable to provide a definitive view as this is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990. It is open for the appellant to apply to have the matter determined under sections 191 or 192 of the Act and any such application would be unaffected by my determination of this appeal.
17. In light of the above, and in the absence of knowing what the definitive lawful use of the agricultural buildings is, I have proceeded to assess the scheme on the basis of both uses put forward to me.
18. I recognise that there would be some degree of tension between either of these alleged uses and that of the proposed dwelling. However, given that the appellant owns the agricultural buildings in question, they would not only have sufficient control over the activities taking place within them, but it would also be in their own interest to ensure a peaceful co-existence given that they intend to occupy the new dwelling.

² National Planning Policy Framework, Ministry of Housing, Communities and Local Government, 12 December 2024 (as amended on 7 February 2025).

19. In any event, I see no reason why the proposed new dwelling would undermine either use any more than the other houses which already exist in the cluster that are in similar close proximity.
20. In light of the above, I conclude that the development would accord with Policy LP24 of the Local Plan, which seeks, amongst other things, to ensure that the amenity of occupiers is protected from development that results in unacceptable levels of noise, vibration, odour, emissions and dust, including any other amenity issues.
21. I also find that the scheme accords with Paragraph 135 of the Framework, which seeks, amongst other things, to create places with a high standard of amenity for future users.

The effect of the development on the character & appearance of the area and biodiversity, with particular regard to whether the visibility splays would result in hedgerow reduction and the loss of trees

22. The additional small-scale 1:1250 drawing does not reveal how much of the hedgerow would need to be cut back for the 2.4m x 160m visibility splays and whether any trees would need to be removed. However, on the basis of my site inspection, it is my opinion that any reduction to the hedgerow and loss of trees would be limited in terms of its overall size/depth and not therefore have a harmful impact on its appearance or biodiversity value. Its appearance would also be similar to that on the opposite side of the highway where hedgerows are slightly set back on either side of the Hadleigh Road junction.
23. In light of the above, I conclude that the development would comply with Policies LP16, LP24 and SP09 of the Local Plan, which seek, amongst other things, to ensure that development;- (1) safeguards the existing character of the area and protects important natural features such as trees and hedgerows; and (2) supports the conservation of the natural environment and biodiversity.

Planning balance

24. I recognise that the scheme would result in benefits from; (a) future occupiers contributing to the vitality and viability of shops, services, facilities, businesses and community organisations in the surrounding rural area, as referred to by Paragraph 83 of the Framework; and (b) local employment during construction. However, given that only one additional dwelling is proposed, I consider these benefits to be of limited value and that the adverse impacts of the scheme would outweigh these, when assessed against the policies in the development plan and other material considerations.
25. The appellant states that self-build dwellings are supported by Policy LP08 of the Local Plan. However, Policy LP08 explains that this is on the basis that they are in accordance with all other relevant policies in the Plan, which I have determined that the scheme is not. Paragraph 62 of the Framework has also been referred to by the appellant, but this is not applicable as it relates to housing need assessments. I do however recognise that Paragraphs 63 and 73 of the Framework offer support for self-build dwellings, but this does not outweigh the Local Plan policy conflict I have identified.

26. Paragraph 84 of the Framework, which states that planning decisions should avoid isolated homes in the countryside, has also been referred to by the appellant, but it is my view that none of the exceptions outlined are applicable to the scheme before me. Paragraph 85 has additionally been raised in support of the scheme, but this is not relevant as it relates to business investment, economic growth and productivity.
27. My attention has been drawn by the appellant to other application decisions which they feel help to justify the scheme³. However, whilst I recognise that there are similarities in terms of the size of scheme, accessibility of the location and the principle of falling outside the settlement boundary of a village, a significant period of time has elapsed since these decisions were made and planning policy has evolved accordingly. They have also referred to a more recent permission for one dwelling⁴, but the circumstances were different for this case as there was an extant planning permission on the site for a single dwelling. I have as a consequence assessed the proposal on its own merits in the light of all the evidence which is now before me.
28. In view of the above, I conclude that the proposal does not accord with the development plan and that other material considerations do not indicate that the proposal should be determined other than in accordance with this.

Conclusion

29. Although I have concluded that there is no harm in respect of the main issues relating to living conditions, character & appearance and biodiversity, I am nonetheless satisfied that the harm identified in respect of the main issue relating to whether the scheme is an appropriate location is sufficient to still justify dismissal of the appeal.
30. For the reasons given above the appeal should be dismissed.

Robert Fallon

INSPECTOR

³ Planning Permission B/17/00409, DC/19/02781, DC/20/03154 and DC20/04410.

⁴ Planning Permission DC/23/04218.