



Appeal Decision

Site visit made on 18 December 2025

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

an Inspector appointed by the Secretary of State

Decision date: 11 February 2026

Appeal Ref: APP/W3520/W/25/3369785

Land at Five Acre Campsite, College Road, Wyverstone, Suffolk, IP14 4SD

- 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 Mr Ben Diaper against the decision of Mid Suffolk District Council.
 - The application Ref is DC/25/00055.
 - 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 other than the point of access reserved for future consideration. Accordingly, I have treated the submitted plans as illustrative only.

Main Issues

3. The main issues are:-
 - whether the development is in an appropriate location; and
 - surface water flood risk.

Reasons

Appeal site context

4. The appeal site contains a timber stable building, mobile home and domestic shed enclosed by fencing, hedgerows and trees. At the time of my inspection, I found the western half to be in an untidy condition with a variety of paraphernalia and general waste being stored out in the open.
5. To the south of the appeal site lies a small cluster of approximately 7 dwellings, one of which is Grade 2 listed (Sudbourne Farmhouse). Further afield to the east lie a small number of additional dwellings, but given the extent of intervening open gap, I do not consider these to form part of, or relate well to, the existing cluster and appeal site. The surrounding area is characterised by open fields enclosed by mature hedgerows and has a clear countryside character.
6. Vehicular access to the appeal site is via College Road, a narrow lane with no public footways or street lighting. A stretch of trees that enclose both sides of the road are protected by a Tree Preservation Order. The site 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

7. 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).
8. 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 form part of a cluster of at least 10 dwellings. 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.
9. 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 Bacton village lies approximately 1 mile to the east, but the interconnecting highway does not have a footway of sufficient width with associated streetlighting 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. Neither is there any evidence before me of regular public transport that would provide an alternative means of travel.
10. 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.
11. In light of the above, I conclude that the development conflicts with Policies SP03 and LP01 of the Local Plan, which seek, amongst other things, to ensure that new development locations are sustainable and that infill housing development only takes place in clusters of at least 10 well-related dwellings.
12. Although self-build dwellings are supported by Policy LP08 of the Local Plan, 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. The proposal therefore conflicts with this policy.

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

13. 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.

Surface water flood risk

14. Although there is no dispute between the parties that the appeal site is not at risk from flooding, the Council has objected to the scheme on the basis that the access to it is affected by surface water flooding³.
15. In the event that emergency access to the appeal site was required during a surface water flooding event, such as an ambulance, there is no evidence before me that this would be possible in a safe manner. As a consequence, this could place potential future occupants or those working in the emergency services at risk of harm, particularly as no alternative safe routes for access and exit have been identified.
16. Although the appellant states that potential occupants would be no more in danger than other residents in College Road, the scheme would nonetheless increase the overall number of persons at risk in this area. I also do not consider this to be a sound basis upon which to justify the proposal as such an argument could be repeated too easily and often for all forms of development at risk from flooding.
17. I recognise that residents could potentially remain on site until any flooding recedes, but that would not remove the risk to those having to leave the site for urgent work or medical purposes or those working in the emergency services who may have to attend the site during a flooding event.
18. The appellant has questioned the accuracy of the surface water flood map upon which the Council has relied, with particular regard to levels. However, the onus is on the appellant to demonstrate this is the case via their own flood risk evidence, which has not been sufficient in this case.
19. In light of the above, I am unable to conclude that the development could be made safe from surface water flood risk for its lifetime. As a consequence, the scheme would conflict with Policy LP27 of the Local Plan.
20. I also find that the development would not accord with Paragraph 170 of the Framework, which states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future) and that where development is necessary in such areas, it should be made safe for its lifetime without increasing flood risk elsewhere.

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

³ Based on the Government's surface water flood maps.

Planning balance

21. The appellant has referred to Council evidence produced in connection with another appeal that confirms a deficiency of 119 self-build permissions, which means that it has not met its statutory duty with regards to the provision of self-build and custom build properties. Given that this has not been disputed by the Council, I conclude that Policy LP08, which I consider to be the most important for determining the application, is out of date.
22. However, in accordance with Paragraph 11(d)(i) of the Framework, the presumption in favour of sustainable development does not apply in this instance because Paragraph 170 of the Framework seeks to avoid inappropriate development in areas at risk of flooding and in so doing, provides a strong reason for refusing the development.
23. I recognise that the scheme would result in environmental, economic and social benefits from; - (a) the provision of a self-build property as supported by Paragraphs 61, 63 and 73 of the Framework; (b) the efficient use of previously developed land; (c) future occupiers contributing to the vitality and viability of shops, services, facilities, businesses and community organisations in the surrounding rural area; and (d) local employment during construction. Although I consider these benefits, when taken cumulatively, to be of great value, it is my view that the adverse impacts of the scheme would significantly and demonstrably outweigh these, when assessed against the policies in the Framework when taken as a whole. As a consequence, and in accordance with Paragraph 11(d)(ii) of the Framework, this constitutes a further reason as to why the scheme does not benefit from the presumption in favour of sustainable development.
24. 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.
25. Notwithstanding the above conclusion, had the appellant been able to demonstrate that access to the development could have been made safe from surface water flood risk for its lifetime, I would have concluded that its benefits outweighed the site's inappropriate location.

Conclusion

26. For the reasons given above the appeal should be dismissed.

Robert Fallon

INSPECTOR