
Appeal Decision

Site visit made on 9 December 2025

by **A Phillips MPlan BA CertHE MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 February 2026

Appeal Ref: APP/D3505/W/25/3372740

Second Meadow Stables, Brent Eleigh Road, Lavenham CO10 9PE

- 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 Miss Pippa Mullan against the decision of Babergh District Council.
 - The application Ref is DC/24/04224.
 - The development proposed is for the erection of Wellness Centre (Sui Generis Use).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for outline permission for the erection of Wellness Centre (Sui Generis Use) with all matters reserved. The Council made its determination on the basis that the proposal would include a fully equipped gym, short course swimming pool, spa, sauna, steam room, meditation area, treatment rooms and a café. While the outline application does not specifically secure any of these spaces, I have made my judgment that these are the intended spaces the proposal would provide.
3. The Procedural Guide: Planning appeals – England Updated 9 December 2025 states that ‘The appeal process should not be used to evolve a scheme and there are no provisions within the Rules for amendments to be submitted’.
4. The appellant has provided additional information during the appeal process, regarding further clarification of the additional surrounding land that they own. This additional land is demonstrated by the blue line on the site plan. The appellant has further provided a suggested condition in relation to improvements to the Public Right of Way (PRoW) that runs north into Lavenham through this blue line land.
5. The Council has provided formal comments within its appeal statement in relation to the additional blue line land and I gave the Council an extended period to consider the appellant’s suggested condition. In this case, I have determined that accepting the additional information relating to the blue line land would not prejudice either party.

Main Issues

6. The main issues are the relevant policies for the location of the proposed development in line with the Council’s spatial strategy and its accessibility by sustainable transport options. While I note these formed two reasons for refusal, from the evidence before me they are fundamentally linked and therefore I have dealt with them together.

Reasons

7. The site is located outside of the settlement boundary. To the north of the site is a mix of businesses, known as Lavenham Studios. To the east of the site is a Public Right of Way (PRoW) that travels in a north to south direction and is adjacent to a watercourse. The PRoW connects onto the public open space at the northern end of Brent Eleigh Road.
8. Policy SP03 of the Babergh and Mid Suffolk Joint Local Plan Part 1 November 2023 (Local Plan) states that outside of settlement boundaries development will only be permitted if it meets one of the policies included in Table 5. The main Local Plan policies included in Table 5 in relation to this proposal are Policy LP12 – Tourism and Leisure, Policy LP28 – Services and Facilities Within the Community and Policy LP31 – Health and Education Provision.
9. Policy LP12 of the Local Plan supports both tourism and leisure facilities subject to several criteria. From the evidence before me the proposal would increase local employment opportunities and improve the range and accessibility of leisure facilities within Lavenham. However, based on the evidence provided the impacts on tourism within Lavenham is likely to be negligible.
10. Policy LP28 of the Local Plan requires that proposals for new accessible local services and community facilities need to be well related and meet the needs of the local community. Policy LP28 goes on to state ‘Proposals, particularly those located outside settlement boundaries, must demonstrate evidence of the community need for and/or the benefits of the new facilities and good accessibility to the community to be served’. The Lavenham Neighbourhood Development Plan 2016 (Neighbourhood Plan), though now a dated document encouraged new community facilities under Policy C1. The evidence provided by the appellant suggests that there is a moderate need for the proposed Wellness Centre. While the Council puts forward an argument that the appellant has not provided independent data; the appellant’s reliance on data from Babergh District Council and Neighbourhood Plan is likely to have a high degree of accuracy. In addition, I have seen that many of the neighbour response letters are in support of this proposal, though not all the supporters are local to the area. I have also noted that the Council’s Communities Major Development team have responded positively during the application process to the proposed Wellness Centre, though caveated this by commenting the appellant is likely overstating the benefits. Therefore, based on all the evidence provided the proposal would provide for an unmet community need.
11. Policy LP31 of the Local Plan states that the Council responds positively and in support of appropriate new health facilities. The proposal is for a Wellness Centre and I accept that the proposal is likely to provide both physical and mental health benefits to its users. From the evidence before me there is no suggestion that the health benefits would not be appropriate, though they may only be of limited or moderate benefit. Given that the proposal would provide at least a limited appropriate health benefit to nearby residents, the proposal would comply with this policy.
12. The proposal given its sui generis use while not fitting directly within Policies LP12, LP28 or LP31 of the Local Plan. However, it sufficiently demonstrates adequate

compliance with all these policies to determine that the principle of the development complies with Policy SP03 of the Local Plan.

13. During my site visit I walked the PRow from Lavenham, past Lavenham Studios to the site and noted it was currently uneven ground, with its width narrowing significantly at certain points, is adjacent to a watercourse and there is inconsistent lighting. The PRow is also within Flood Zones 2 and 3. I have also noted that in a previous appeal¹ where the Inspector concluded that it is unlikely that a lighting scheme would be acceptable for the PRow in this rural location. I have given this previous appeal significant weight.
14. Brent Eleigh Road from the site towards the settlement of Lavenham is unlit, has a national speed limit and lacks either a footpath or cycle lane for a significant distance. It is very unlikely that people would walk to the site via the road and only proficient cyclists would likely cycle to the site via the road. This road therefore would not prioritise sustainable transport methods to the site, nor would it provide safe access of pedestrians to reach the site. The PRow is, therefore, fundamental in providing sustainable means to access the site.
15. The PRow in its current state would not provide sustainable transport to all people, specifically those with mobility issues or those with a disability. The appellant has suggested a pre-commencement condition for the PRow to be improved and has supplied details of discussions with the Suffolk County Council Area Rights of Way Officer. I have noted that the appellant has gone a substantial way in seeking to improve this PRow to make the site sustainable. However, I still have significant concerns over the practicality of improving the PRow. These concerns are the impacts on biodiversity from any increase in lighting, the impact of potential lighting on the rural character and appearance of the area, whether suitable width would be created for the length of the PRow, the impacts on the watercourse, impact on surface water run off and long term maintenance of the PRow. While all of these could potentially be mitigated, the lateness of the evidence and the lack of detailed consultation with relevant experts provides significant concern in the placement of a condition to seek these details post determination. There is also a strong probability that additional biodiversity surveys for the length of the PRow would be required. Government guidance states 'You should not usually attach planning conditions that ask for surveys. This is because you need to consider the full impact of the development proposal on protected species before you can grant planning permission'².
16. I am not convinced that a condition could be added to provide a sustainable transport option to the site. However, if there were to be any future re-application, this information should be submitted with the application.
17. I therefore conclude that while there is policy support for this Wellness Centre to be located here in principle, the proposal has not yet demonstrated that the site could be accessed by sustainable methods of transport. On this basis, the proposal conflicts with Policies LP09, LP12, LP24, LP28 and LP29 of the Local Plan that in total require the site to be accessed by sustainable transport options. The proposal would also not comply with Chapter 9 of the National Planning Policy Framework, which seeks to ensure priority to pedestrian and cyclists as well as meeting the needs of people with disabilities or reduced mobility.

¹ APP/D3505/W/21/3277936

² <https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications>

18. In addition, I am not convinced that the proposal would not lead to an increase in surface water run off or harm to biodiversity if the PRow was upgraded and on this basis it would not comply with Policies SP07, SP10, LP12 and LP27 of the Local Plan, that seeks to ensure mitigation for the lifetime of the development against potential flooding and protect and enhance biodiversity.
19. However, from the evidence provided I have concluded that the principle of the development is in line with the Council's spatial strategy, as it meets exceptions under Table 5 of Policy SP03 of the Local Plan, but this does not outweigh the harms that I have identified above.

Conclusion

20. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.

A Phillips

INSPECTOR