
Appeal Decision

Site visit made on 26 August 2022

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th October 2022

Appeal Ref: APP/D3505/W/22/3292199

**Barn within the grounds of Red House Farm, Duke Street, Hintlesham
IP8 3PW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Martin Leadbetter & Ms Helen Taylor against the decision of Babergh District Council.
 - The application Ref DC/21/05755, dated 19 October 2021, was refused by notice dated 15 December 2021.
 - The development proposed is the erection of a new eco-dwelling in place of an existing barn (to be removed).
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a new eco-dwelling in place of an existing barn (to be removed) at Red House Farm, Duke Street, Hintlesham IP8 3PW. The permission is granted in accordance with the terms of the application Ref DC/21/05755, dated 19 October 2021, subject to the conditions included in the Schedule at Annexe A.

Main Issue

2. The main issue is the suitability of the location for the proposed dwelling, with particular regard to development plan policies concerned with housing in the countryside and the effect on the character and appearance of the appeal site and surrounding area.

Reasons

3. Red House Farm comprises a detached two storey dwelling within generous grounds in a rural village setting. The proposed dwelling would be sited to the south-west of the main dwelling towards the rear boundary of the grounds, with a new access to Duke Street. The site is currently occupied by a timber barn that would be removed.
 4. Policy CS2 of the Babergh Core Strategy & Policies (2014) (the CSP) sets out the settlement pattern with regard to the plan's development strategy to 2031. Hintlesham is identified as a Hinterland Village, which together with the other listed villages in this category, will accommodate some development to help
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meet the needs within them. However, the appeal site is located within the countryside outside the settlement boundary where Policy CS2 says that development will only be permitted in exceptional circumstances subject to a proven justifiable need. The site is also within a Special Landscape Area (SLA).

5. Policy CS2 requires all proposals within Hinterland Villages to be assessed against Policy CS11 of the CSP. The Council initially did not assess the proposal against Policy CS11 and it is not relied upon in the decision notice. However, an assessment is made with regard to this policy in the Council's appeal statement. I have, therefore, considered the proposal against relevant criteria in this policy as well as the criteria raised by the Council with regard to Policy CS15 of the CSP and the other development plan policies referred to.
6. Policy CS11 includes the requirement that development proposals should meet a proven local need, such as affordable housing or targeted market housing identified in an adopted community local plan/neighbourhood plan. I am not aware that a neighbourhood or community plan exists for Hintlesham. The appellants refer to 'the Hintlesham Housing and Population Data Profile', which, amongst other data, indicates that two and three bedroom properties are most sought after by existing households wishing to move. The proposal would address this need as it provides for a dwelling of this size.
7. The appellants draw attention to a recent appeal decision, also for a single dwelling close to a Hinterland Village, where local need was an issue¹. In that case reference was made to an approved proposal for a new dwelling in which the Council applied a flexible approach to the issue and decided that the relevance of a housing needs survey to a single dwelling is very limited. The Inspector found likewise.
8. Therefore, in the absence of a neighbourhood plan there is some evidence provided of a need for this size of dwelling. Moreover, in previous Council and appeal decisions, despite some conflict in policy terms the omission of a detailed needs survey was not considered to be fatal to a proposal for a single dwelling. I have no basis to find otherwise with regard to this appeal proposal for a single dwelling.
9. While the Council can demonstrate a housing land supply of more than five years, in accordance with the requirements of the National Planning Policy Framework (the Framework), the Framework does not preclude additional dwellings where the five year minimum supply is met or exceeded, particularly bearing in mind the national objective of significantly boosting the supply of homes.
10. The Council indicates that the proposal does not support local services as Hintlesham is limited in this regard and such services that are available are not a safe or suitable walking distance from the site. Consequently, future occupants of the proposed dwelling would be reliant on private vehicle use to access service and facilities.
11. Conversely, the appellants indicate that a range of services are readily accessible from the appeal site and attention is drawn to recent decisions by the

¹ APP/D3505/W/20/3263192 dated 30 April 2021.

Council concerning residential developments in Hintlesham where this was found to be the case. Of particular significance given its proximity is the recent decision to approve five new dwellings on land immediately to the north of the appeal site². In that case the location was considered accessible to services in the village, including a shop, school, public house, community centre, sports facilities, hotel, golf club and several businesses all within walking distance on a made footpath. In addition, reference is made to a regular bus service through the village which connects to Sudbury, Hadleigh and Ipswich.

12. While the appeal site is outside the settlement boundary, it is close to it and to other sites where residential development has been approved on the basis that future residents would have good access to necessary services and facilities by sustainable means. There is, therefore, evidence from recent residential permissions with regard to access to services and facilities such that the appeal site should not be considered unsuitable in this regard. This is borne out by the appellants' evidence and my own site inspection.
13. The Council also expresses concern with regard to Policy CS15 that the proposal would not provide significant benefits in terms of job creation or the local economy; and that the dwelling would not be easily adaptable to people with mobility impairments, particularly as there are no ground floor bedrooms. The proposal would, however, result in some short-term economic benefit from its construction, which is a proportionate and not unreasonable economic benefit in respect of the single dwelling proposed in this case. While the proposed dwelling would have an upper floor accessed by stairs, the submitted plans show that it would have a ground floor bedroom and shower room. As such, it includes some flexibility to accommodate a range of occupants' needs.
14. Turning to character and appearance, Red House Farm and the property immediately to the north include a number of buildings behind them. This results in a greater depth of built development compared to the generally linear pattern of development along Duke Street, with properties fronting onto the road with open countryside behind.
15. There are some examples of backland residential development within the surrounding area, as the appellants contend, but these are limited. However, due to its proximity to the appeal site I have had particular regard to the permitted scheme for five dwellings referred to above. I acknowledge that this scheme was permitted because of the fallback position of a prior approval to convert the agricultural buildings on the site for residential use; and that the proposed demolition of these buildings and new dwellings would be a visual improvement to the approved scheme. Nonetheless, the most recently permitted proposal will result in residential development close to the appeal site that inevitably will have some effect on the character and appearance of the surrounding area. At the time of the inspection, the agricultural buildings had been demolished and, therefore, I have no basis to doubt that the scheme will be implemented.
16. The five new dwellings will create a development of substantive depth behind the road frontage and will extend well beyond the appeal site. As such, the

² Ref DC/21/05992.

extent and effects of this development within the SLA will be more significant than that of the appeal proposal and will shield views of the proposed dwelling from the surrounding area. Moreover, the proposal involves the replacement of an existing building of not dissimilar size to the proposed dwelling. While there will be some additional domestic paraphernalia associated with the new dwelling, this will have a limited effect, particularly bearing in mind the effects of the approved scheme for five dwellings.

17. Some design features will be contemporary as the Council contends, notably the zinc roof and flat-roofed single storey element. However, these will not be readily visible from the surrounding area and in any case there is an example of a dwelling nearby to the north in a similar position to the proposed dwelling that is of contemporary design with a zinc roof. As such, in this setting the proposed dwelling would not have a materially harmful effect on the character and appearance of the appeal site or surrounding area.
18. There is a policy conflict due to the proposal's location outside defined settlement boundaries and I acknowledge the intention behind Policy CS2 to focus development within settlements. However, in the particular circumstances of this case no material harm would result from a single small dwelling, which is close to the settlement boundary, is close to other dwellings and has good access by sustainable means to facilities necessary for day-to-day living. As such, it would not materially harm the objectives of Policy CS2; and the Framework, which is a material consideration, does not preclude residential development in the circumstances of this case.
19. I note the Council's concern that allowing this proposal could set a precedent for further development. However, I am mindful of the principle that development proposals must be considered on their individual merits and I have found above that no unacceptable harm would result from the current proposal. Any future development proposals would need to be similarly considered on their merits against policies and circumstances pertaining at the time. However, current concerns about such proposals coming forward are not of sufficient weight to lead to a different overall conclusion in this case.
20. Therefore, taking these findings as a whole, I conclude that the location would not be unsuitable for the proposed development and it would not result in unacceptable harm to the character and appearance of the appeal site and surrounding area. As such, there is no conflict with Policies CS11 and CS15 of the CSP, as referred to above or with Policies CN01 and CR04 of the Babergh Local Plan (2006) concerning, respectively, the design and layout of development, and the effect of development in SLAs. Any such conflict with Policy CS2 of the CSP is outweighed by the considerations set out above for the reasons given.

Other Matters

21. I have had regard to the representations made by an interested neighbouring party. Aside from those matters already addressed under the main issue, I give limited weight to any alleged conflict with policies in the emerging Babergh and

Mid Suffolk Joint Local Plan³. My understanding is that the emerging plan is at examination stage and, as such, I am unaware of whether there are unresolved objections to relevant policies.

22. Barn House is well forward of the position of the proposed dwelling with a good degree of separation. While the dwelling would be adjacent to the rearmost part of the neighbouring garden this relationship is not unusual and the degree of separation means that there would not be material harm arising from noise or disturbance. Moreover, the one and half storey height of the relatively modest dwelling combined with the separation distances would result in the new dwelling not being seen as an overbearing or dominant feature from the neighbouring property.
23. The south elevation, which would directly face the shared boundary, includes a single small rooflight, which would not facilitate any views of the neighbouring property. Windows in the east elevation would have direct views towards Duke Street and would not enable any views towards Barn House or its garden. As such, there would be no loss of privacy.
24. I have no substantive or detailed evidence to suggest that the proposed access would result in the loss of existing vegetation to the extent that this would result in unacceptable harm. Therefore, while I have had full regard to the matters raised, for these reasons they do not lead me to reach a different overall conclusion.
25. The Framework says that plans and decisions should apply a presumption in favour of sustainable development⁴. I note the substantive arguments made by the parties about whether relevant development plan policies are out-of-date or not. However, given the above conclusion in the appellants' favour on the main issue it is not necessary to consider this matter further.

Conclusion and Conditions

26. For the reasons given above, the appeal should succeed.
27. Of the Council's suggested conditions I have imposed the standard time condition and, to ensure the proper implementation of development in accordance with the submitted details, one requiring development to be carried out in accordance with the approved plans. I have, however, shortened this second condition as the other details it includes are not strictly necessary.
28. The Framework says that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so⁵. While I note the Council's reason for the suggested condition restricting such rights in the interests of amenity, I consider that in the light of the findings in this appeal and the guidance in the Framework, sufficient justification does not exist to restrict the relevant permitted development rights. Accordingly, I have not imposed the suggested condition.
29. Conditions concerning implementation of the ecological appraisal and a biodiversity enhancement strategy are necessary in the interests of protected

³ In accordance with paragraph 48 of the Framework.

⁴ Paragraph 11.

⁵ Paragraph 54.

species and biodiversity. Conditions related to the site access and parking area are necessary in the interests of highway safety. Cycle storage should be secured by condition in the interests of sustainable development. Provision and retention of the areas for bin storage and collection should be controlled by condition to prevent these uses occurring inappropriately elsewhere. Controls over operational working hours, the chimney flue and burning of materials on-site are necessary in the interests of neighbouring residential amenity.

J Bell-Williamson

INSPECTOR

Annexe A

Schedule – 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 be carried out in accordance with the following approved plans: 000 (site location and block plans), 001 (landscape plan), 100 (ground floor plan), 101 (first floor plan), 102 (visibility splay), 200 (south and east elevations) and 201 (north and west elevations).
- 3) All mitigation measures and/or works shall be carried out in accordance with the details contained in preliminary Ecological Appraisal and Preliminary Roost Assessment (Adonis Ecology Ltd, September 2021) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.
- 4) Prior to first occupation of the dwelling hereby permitted, a Biodiversity Enhancement Strategy for Protected species shall be submitted to and approved, in writing, by the Local Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:
 - a) Purpose and conservation objectives;
 - b) Detailed designs to achieve stated objectives;
 - c) Locations of proposed enhancement measures by appropriate maps and plans;
 - d) Persons responsible for implementing the enhancement measures;
 - e) Details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

- 5) Before the access is first used visibility splays shall be provided as shown on Drawing No. 102 with an X dimension of 2.4m and a Y dimension of 191m in the South West and 104m in the north east (tangential to the nearside edge of the carriageway) and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no obstruction to visibility shall be erected, constructed, planted or permitted to grow over 0.6m high within the areas of the visibility splays.
- 6) Prior to first occupation of the dwelling hereby permitted, the areas to be provided for the storage and presentation of refuse and recycling bins as shown on Drawing No.102 shall be provide in their entirety and shall be retained thereafter for no other purpose.
- 7) Prior to first occupation of the dwelling hereby permitted, the areas within the site shown on drawing no. 102 for the purposes of manoeuvring and parking of vehicles, and secure cycle storage shall be provided and thereafter the areas shall be retained, maintained and used for no other purposes.
- 8) Prior to first occupation of the dwelling hereby permitted, the existing access onto the highway shall be properly surfaced with a bound material for a minimum distance of 5 metres measured from the nearside edge of the metalled carriageway, in accordance with details that shall have previously been submitted to and approved, in writing, by the Local Planning Authority.
- 9) The gradient of the vehicular access shall not be steeper than 1 in 20 for the first 5 metres measured from the nearside edge of the highway.
- 10) No other part of the development hereby permitted shall be commenced until the new access has been laid out and completed in all respects in accordance with Highway Authority drawing no. DM01 with an entrance width of 3 metres. Thereafter it shall be retained in its approved form.
- 11) The chimney flue shall terminate at least 1 metre above the roof ridge level. The chimney flue shall discharge vertically upwards and shall not be fitted with any restriction at the final opening such as a plate, cap or cowl. (Note: an efflux cone may be added to add dispersion, or a rain sleeve to prevent the ingress of rainwater).
- 12) Operations related phases (including site clearance and demolition) of the permitted development shall only operate between the hours of 08:00 and 18:00 Mondays to Fridays and between the hours of 09:00 and 13:00 on Saturday. There shall be no working and/or working and/or use operated on Sundays and Public Holidays. There shall be no deliveries to the development arranged for outside of these approved hours.
- 13) No burning shall take place on site at any stage during site clearance, demolition or construction phases of the development hereby permitted.

[End of Schedule]