



## Appeal Decision

Site visit made on 6 May 2025

by A Phillips MPlan BA CertHE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 JULY 2025

**Appeal Ref: APP/W3520/W/24/3356135**

**Land South of Patcham House, Station Road, Finningham, Stowmarket IP14 4TH**

- 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 and Mrs M Luke against the decision of Mid Suffolk District Council.
- The application Ref is DC/24/02588.
- The development proposed is for the erection of 1 no. detached (self build) dwelling and garage.

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The application was submitted in outline, with only access to be determined at this stage. I have dealt with the appeal on this basis and I haven the indicative layout plan that has been submitted into account in relation to my consideration of the principle of the development on the appeal site.

### Main Issue

3. The main issue is whether the site is suitable for the proposed development, having regard to a) relevant policies for the location of housing in line with the Council's spatial strategy, b) its accessibility to services and/or facilities by sustainable modes of transport and c) the self-build and custom house building duty.

### Reasons

#### *Location of development*

4. Policy SP03 of the Babergh District Council & Mid Suffolk Joint Local Plan - Part 1 (Local Plan) strategically controls where development can and cannot be placed. As an exception to its policy of restraint in relation to new development located outside of settlement boundaries Policy SP03 supports windfall infill housing that accords with Policy LP01 of the Local Plan. Policy LP08 supports proposals for self-build dwellings where they comply with all other relevant policies in the Local Plan of the Local Plan.
5. The appeal site is located within a cluster of dwellings that include homes located opposite and slightly to the north. This current cluster forms (if all dwellings with extant planning permission are built) 8 dwellings, which is short of the 10 dwellings required to comply with Policy LP01 of the Local Plan. I have discounted the dwellings slightly to the south, as given the clear gap between the proposed dwelling and the barn conversion, these form a separate cluster of properties. The

proposal therefore does not comply with Policies SP03 and LP01 of the Local Plan that seek to place development in sustainable locations as defined by the strategic growth policy of the development plan.

#### *Accessibility of services and facilities*

6. The site does not benefit from a footpath or cycle lane that would allow future residents of the proposed dwelling to reach the services/facilities/jobs that the village provides. In addition, while the road speed is limited to 30mph, the lack of street lights would further discourage people from walking or cycling into the village when it is dark. Chapter 9 of the National Planning Policy Framework (Framework) encourages the provision of safe means by which people can access services and facilities by sustainable methods of transport, such as walking and cycling. Given, that Station Road does not provide safe means for pedestrians or cyclists, any future residents would likely be reliant solely on a private vehicle to reach their desired location, even if it was within a reasonable walking distance. On this basis services and facilities are not considered to be accessible by sustainable modes of transport from the appeal site.

#### *Self-build and custom housebuilding duty*

7. The Self-build and Custom Housebuilding Act 2015 (as amended) places a statutory duty on the Council to grant sufficient development permissions for serviced plots to meet the demand for self-build and custom build housing in its area. It is not a matter in dispute that the Council has not done so. Subject to ensuring that the proposed dwelling is actually delivered as a self-build dwelling the appeal proposal would help address this demand.
8. To secure the proposed dwelling as self-build, a planning condition has been suggested by the Council. However, in my judgement, the condition does not meet the planning tests, specifically enforceability, and I do not see any amendment that could be made to it so that it would do so. With no completed legal agreement provided to ensure the proposal would be a self-build plot, the proposed development therefore could not be counted as contributing to addressing the Council's statutory duty and unmet demand for self-build housing in its District. As such, its contribution is a of consideration of limited weight in favour of the appeal.
9. A recent decision (DC/23/03760) of the Council has been cited where it was found that the conflict of a residential scheme's location with the development plan was outweighed by the contribution it would make to addressing the unmet demand for self-build plots in the District. However, in that case, unlike in the appeal before me, the provision of these plots as self-build was secured by a unilateral undertaking. As a result, the circumstances of that decision are materially different to those of the appeal proposal and reference to it has not altered my findings in relation to this appeal.

#### **Other Matters**

10. The appellant states that the so called 'titled balance' contained within paragraph 11(d) of the Framework applies to the appeal proposal. However, the Local Plan is less than two years old and its policies support the provision of self-build housing. Furthermore, the uncontested position of the Council is that its supply of housing land is comfortably more than 5 years. As a result, based on the information before me, the paragraph 11 (d) balance does not apply to the appeal proposal.

11. The appeal proposal would have limited long term benefits in that future occupiers would support local services and facilities. However, this would not outweigh the conflict of its location with the development plan and the poor accessibility of service and facilities by sustainable modes of transport that I have identified above.
12. Reference has been made to planning permissions (DC/18/04834 and DC/21/03833) for single dwellings within the immediate area in support of the position that the appeal proposal would be acceptable. However, it is an accepted principle that each application is assessed on its own merits. In the absence of information on these two applications, as well as the circumstances that existed when they were determined, it is not possible to establish whether they are directly comparable to the appeal proposal. As a result, reference to these permissions has not altered by findings in relation to this appeal.
13. The Grade II Listed Buildings identified as 'Green Lane Farm' and 'Barn about 20 metres West of Mill Farmhouse' are respectively located to the north and south of the appeal site. Their significance relates to their architectural quality and immediate setting, rather than their wider setting. Given the distance between the appeal site and these designated heritage assets, the appeal site does not contribute to the significance of either listed building or their setting. A dwelling on the appeal site therefore would comply with Chapter 16 of the Framework and section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
14. The access to the appeal site would use an existing access. The Council has no objection to the access, and I have no reason to disagree with that conclusion.

### **Conclusion**

15. 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. Accordingly, the appeal should be dismissed.

*A Phillips*

INSPECTOR