The Planning Inspectorate

Appeal Decision

Site visit made on 10 November 2023

by Nick Palmer BA (Hons) BPl MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st November 2023

Appeal Ref: APP/D3505/W/23/3314837
Land at Cobbolds Farm, Ipswich Road, Hadleigh IP7 6BG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr Philip Munson against the decision of Babergh District Council.
- The application Ref DC/20/05137, dated 13 November 2020, was refused by notice dated 18 July 2022.
- The development proposed is employment land for use as Class E business buildings up to 1,900 m^2, and Classes B2 and B8 buildings up to 4,200 m^2.

Decision

1. The appeal is allowed and planning permission is granted for employment land for use as Class E business buildings up to 1,900 m^2, and Classes B2 and B8 buildings up to 4,200 m^2 at land at Cobbolds Farm, Ipswich Road, Hadleigh IP7 6BG in accordance with the terms of the application, Ref DC/20/05137, dated 13 November 2020, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The application is for outline permission with details of access and structural landscaping submitted. Layout plans have been submitted which are intended to be illustrative, and I shall consider them as such.

3. The description of development given on the application form refers to the proposal being for replacement employment land for that repurposed at Lady Lane, Hadleigh. The parties have explained that an application for residential development on a site at Lady Lane, Hadleigh that is allocated for employment development has been refused. Consequently, the proposal is not linked with that proposed development.

4. There is no record before me of the parties having agreed an amended description of the development, however I have used the description given on the appeal form in my decision as this appropriately reflects the changed circumstances.

Main Issues

5. The main issues in the appeal are:

   i) the effect of the development on the character and appearance of the area;

ii) its effect on ecology;

iii) its effect on the vitality of Hadleigh;

iv) the accessibility of the development by sustainable means; and

v) whether or not the development would prejudice the take-up of allocated sites.

Reasons

Planning Policies

6. The site is in the countryside about 1.5km to the east of the edge of the built-up area of Hadleigh. This is identified as a town in the settlement hierarchy in Policy CS2 of the Core Strategy (CS)[1]. That policy directs most new development including employment development sequentially in accordance with the settlement hierarchy. In the countryside, the policy states that development will only be permitted in exceptional circumstances.

7. With specific regard to rural employment development, Policy CS17 of the CS encourages measures to support the economy in the rural area. Those measures include the encouragement of rural business parks, workshops and business hubs. Therefore, the development plan as a whole allows for employment development to take place in rural areas. This is consistent with the National Planning Policy Framework (the Framework) which states that planning policies should enable the sustainable growth and expansion of all types of business in rural areas.

8. The Joint Local Plan (JLP) for Babergh and Mid Suffolk District Councils has been examined and found to be sound, but at the time of writing this decision not formally adopted by the Council. This can nonetheless be given significant weight. The JLP contains strategic policies, and a further local plan containing detailed policies is yet to be progressed.

9. Policy SP05 of the JLP supports sustainable economic growth at the strategic employment sites that are identified in the plan. The only strategic employment allocation at Hadleigh is at Lady Lane, which has substantially been developed, with only 0.5ha of vacant land remaining.

Character and Appearance

10. Cobbolds Farm is a former farmstead which includes a dwelling together with yard areas and a workshop building. The yard areas are used as a bus depot and haulage yard and the building is used by the bus company. The site is next to the haulage yard and the access road to that facility. It is divided into two parts by a landscaped bund and a footpath. The area next to the road is fenced and used as paddocks, and the area adjacent to the yard is enclosed on three sides by bunding.

11. The surrounding countryside is characterised by agricultural land and woodland, with trees and hedges along field boundaries. The site is set back from the main road and there are wooded areas along the road frontage. The trees provide a significant level of screening from the road.

[1] Babergh Local Plan Core Strategy & Policies (2014)

12. I saw on my visit that the existing bunds are at least 2 metres or more in height and that there is some existing planting in place on those bunds. These features, together with other existing and new planting would screen the proposed development in views across the countryside to a significant extent.

13. The adjacent haulage yard and bus depot also form part of the immediate context and the proposal would be in keeping with this aspect of local character as an extension to the existing employment area.

14. The footpath which crosses the site follows a route adjacent to the dwelling and bus depot at Cobbolds Farm, towards the main road. The development would clearly change the character of a section of the footpath, but it would be an extension to the employment area through which the route passes.

15. Policy CS15 of the CS requires proposals to respect the local context and character, including the landscape. Although there would be some visual intrusion in the countryside, the immediate context of the site is that of the haulage yard and bus depot. The bunding and planting proposals would provide a good level of mitigation against the visual impact of the development. For these reasons I find that the proposal would accord with paragraph (i) of Policy CS15.

16. Concerns have been expressed by interested parties as to the intrusive effect of lighting at the site. This can be sensitively designed to minimise intrusion in accordance with a lighting scheme which can be secured by planning condition.

17. While I find that the proposal would respect the local context and character, there would nonetheless be a degree of residual harm overall in terms of the visual intrusion of the development in the countryside landscape. I conclude on this main issue that the development would result in moderate harm to the character and appearance of the area.

Ecology

18. The Council's second reason for refusal refers to the development having a harmful effect on ecology. No evidence has been submitted by the Council to support this reason.

19. An ecology report was submitted with the application, and this was supplemented by a further ecological air quality assessment. Following receipt of further information, Natural England stated that it had no objection. Similarly, no objection was raised by the RSPB, Suffolk Wildlife Trust, or the Council's ecologist. Conditions may be imposed to secure appropriate measures to safeguard and enhance ecology in the area.

20. For these reasons, the proposal would not result in harm to ecology and there is potential for enhancement in this regard. This would accord with Policy CS15 (vii) of the CS which requires protection and enhancement of biodiversity.

Effect on the vitality of Hadleigh

21. The Council's second reason also refers to the development undermining the vitality of Hadleigh by including community services which could undermine

those in the town centre. Class E of the Town and Country Planning (Use Classes) Order 1987 covers business and service uses that are usually found within town centres, including retail, food and drink uses, financial and professional services and community services. The Council has suggested that a condition could be imposed if permission were to be granted, limiting the use of the development to Class E(g) and the appellant has agreed to such a condition. This covers offices for operational and administrative functions, research and development and light industrial uses.

22. The Framework states that a sequential approach should be used for main town centre uses, which are neither in an existing centre nor in accordance with an up-to-date plan. Offices are within the definition of main town centre uses in the Framework. I shall return to this in my conclusions on planning policy. However, it is relevant to note here that the Framework states that the sequential approach should not be applied to applications for small scale rural offices or other small scale rural development.

23. A proportion of the proposed 1,900m^2 Class E floorspace could be used for light industry. However, even if the whole of that floorspace were to be used for offices, in my view the scale of the development would be limited and thus unlikely to result in any harm to the vitality of Hadleigh town centre. The proposal would not prejudice the aim of Policy CS16 of the CS, which is to focus retail, leisure, tourism, cultural and office development in Hadleigh and other centres.

24. Saved Policy EM02 of the Local Plan (LP)[2] relates to sites identified in the development plan as general employment areas and new employment allocations. It supports employment development within those areas, unless this would have an adverse impact on town centre vitality and viability. That policy is not relevant to the proposal because of its location.

Accessibility

25. The A1071 between the site and Hadleigh is subject to the national speed limit and has no footpaths or street lighting. The nearest bus stop is stated in the Travel Plan to be about 1.1km from the site. Because of the absence of pedestrian facilities, walking between the site and the bus stop could not be relied upon as a safe or convenient means of travel. There is similarly no dedicated facility for cyclists, but nonetheless cycling from Hadleigh to the site would be possible, given the limited distance.

26. The absence of pedestrian and cycle facilities means that there would be a reliance on the private car for travel. In recognition of the limited opportunities for sustainable travel, the Travel Plan includes provision for car sharing and for a mini-bus service between Hadleigh and the site. The provision of full details of sustainable travel measures to employees at the site can be required by condition.

27. The Framework states that planning decisions should recognise that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. The site would be quite close to Hadleigh and any car journeys from that settlement to the site would be quite short.

[2] Babergh Local Plan (Alteration No. 2) 2006

28. Measures such as car sharing, and a minibus service would enable some reduction in the need to travel by car which would be in accordance with Policy CS15(xviii) of the CS which seeks to minimise the need to travel by this mode. It would also accord with part (xix) of that policy which has a similar requirement.

29. For these reasons the development would have limited accessibility by sustainable means. Taking into account the location of the site with respect to Hadleigh and the measures that can be implemented to provide sustainable travel, any harm in terms of the limitations on opportunities for sustainable travel would be limited.

Whether the development would prejudice the take-up of allocated sites

30. The JLP states[3] that the Employment Land Needs Assessment (2016) identifies that Babergh has a modest requirement of approximately 2.9ha of additional employment land up to 2036. There is over 20ha of land available in the district. There is therefore, in total a generous supply of existing employment land in relation to the assessed need in the district as a whole.

31. However, the supply of employment land in Hadleigh appears to be more limited. Table 6 of the JLP identifies that there is 0.5ha of strategic employment land available in Hadleigh. The Council has advised that there is land available on two sites at Lady Lane that have been granted permission, but details of those sites have not been provided.

32. The Council's Economic Development Team expressed support for the application. The team refer to the Council's Workspace Study (October 2019) which has highlighted the need for additional workspace across the district to meet the demands of local businesses.

33. Because there is only a limited amount of remaining allocated land in Hadleigh, it seems to me that the proposal would be of benefit to the supply of employment land in the area. I see no reason why the proposal would prejudice the take-up of allocated sites, either in Hadleigh or elsewhere in the district.

Conclusions on Planning Policy and Planning Balance

34. I have found that the proposal would accord with the requirements of Policy CS15 of the CS in terms of its effect on character and appearance, its accessibility and potential for biodiversity enhancement. Part (iii) of that policy requires the protection or creation of jobs and sites to strengthen or diversify the local economy. Although the development is speculative, interest has been expressed by the freight company at the adjacent yard in relocating its office to the proposed development, and interest in locating at the site has been expressed by other companies. The proposal would accord with part (iii) of Policy CS15.

35. Although there would be some tension with parts (i) and (xviii) of Policy CS15 regarding visual impact in the countryside, and the level of accessibility, considered overall, I find that the proposal would accord with that policy.

[3] In paragraph 10.02

36. Policy CS17 of the CS is supportive of employment development in rural areas in the form of rural business parks, workshops and rural and community business hubs. While the location of the site could be said to be within the sphere of influence of Hadleigh, it is nonetheless clearly well within the rural area. The scale of any rural business park development is not defined in either the policy or the supporting text. However, the policy requires development to comply with other policies, particularly Policy CS15. Given my conclusion against that policy, I find that the development would accord with Policy CS17.

37. For the reasons given, there are exceptional circumstances which allow the development to be approved in accordance with Policy CS2 of the CS. The proposal accords with the development plan as a whole.

38. Because the development is in accordance with an up-to-date plan, there is no need to undertake a sequential test with regard to the vitality of Hadleigh town centre and the proposal would not harm that vitality.

39. I have found that there would be some harm to the character and appearance of the area but that that harm would be mitigated and limited. I give moderate weight to that harm.

40. I have also concluded that although opportunities for sustainable travel are limited, mitigating factors limit the scale of harm in this respect. I give limited weight to that harm.

41. The development would be of considerable benefit economically, from provision of employment opportunities and associated benefits to the local economy generally, including through increased expenditure. This benefit attracts substantial weight.

42. The proposal would also allow for the enhancement of biodiversity through the structural landscaping and other measures which are set out in the Ecology Report. Moderate weight can be given to this benefit.

43. The substantial and moderate weights that I have given to the benefits are not outweighed by the moderate and limited weights that I have given to the harms.

44. The Council's decision refers to saved Policy EM01 of the LP. This has been superseded by CS policies and is not relevant. Saved Policy EM08 of the LP allows for storage and distribution uses on general employment areas and new employment allocations but that policy is not relevant to the proposal.

45. Policy CS1 of the CS applies the presumption in favour of sustainable development that was included in the 2012 Framework. That policy is out of date but nonetheless the proposal accords with development plan policies and therefore with Policy CS1.

Other Matters

46. The proposal has been considered by the flood and water management and highway authorities which have no objection subject to appropriate conditions.

47. The part of the development nearest the existing house would be light industrial or office development and this would not result in unacceptable

noise impact to the adjacent residential occupier. The warehousing and industrial land would be to the rear, adjacent to the haulage yard and would be unlikely to result in unacceptable noise or disturbance.

Conditions

48. I have imposed the conditions suggested by the Council with some exceptions, as set out below. I have also made some minor amendments to the conditions to ensure that they accord with the tests in the Framework.

49. It is not necessary to impose the suggested condition requiring the development to be carried out in accordance with submitted drawings as the layout plans are illustrative. The suggested conditions requiring car and cycle parking and refuse storage facilities to be provided in accordance with the submitted plan are not necessary for this reason and given that layout is a reserved matter.

50. The required time periods for submission of reserved matters and commencement of development are statutory requirements. It is necessary to limit the floorspace of the development in accordance with the terms of the application in order to limit the visual impact of the development. It is also necessary to restrict the permitted use of the Class E development and its amount in order to protect the vitality and viability of Hadleigh town centre.

51. Conditions are necessary to provide appropriate mitigation to protect biodiversity, to ensure that potential effects on biodiversity are managed and to provide for enhancement in this respect. It is also necessary to control lighting to protect biodiversity.

52. A restriction on burning is necessary to ensure that there is no harmful environmental impact in terms of pollution. A condition requiring approval of details of foul and surface water drainage measures and the carrying out of those measures is necessary to manage flood risk and ensure ground water is safeguarded.

53. It is necessary to require the provision of sustainable travel information to employees to ensure that options for sustainable travel are realised. Details of works that may affect the public footpath which crosses the site need to be approved and implemented to ensure the attractiveness of that route is not harmed.

54. A construction management plan is necessary to ensure that highway safety is maintained during construction. It is necessary to ensure that the detailed landscaping scheme which is to be approved under reserved matters is carried out at appropriate times and that plants are replaced as may be necessary to ensure the planting scheme becomes established. Finally, as advised by Suffolk County Council a scheme of fire hydrants is necessary to ensure fire safety.

Conclusion

55. For the reasons given, I conclude that the appeal should be allowed.

Nick Palmer

INSPECTOR

Schedule of Conditions

1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

4) The hereby approved development shall be limited to a maximum of 6,100 sq metres of floor space.

5) The hereby approved Class E uses shall be limited to Class E(g) of the Town and Country Planning (Use Classes) Order 1987 only and shall be limited to a maximum of 1,900 sq metres of floor space.

6) All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecology Report (MHE Consulting Ltd, November 2020). 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 work shall be carried out in accordance with the approved details.

7) A Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following:

   a) Description and evaluation of features to be managed.

   b) Ecological trends and constraints on site that might influence management.

   c) Aims and objectives of management.

   d) Appropriate management options for achieving aims and objectives.

   e) Prescriptions for management actions.

   f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).

   g) Details of the body or organisation responsible for implementation of the plan.

   The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details.

8) A Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority, following the details contained in the Ecology Report (MHE Consulting Ltd, November 2020). The content of the Biodiversity Enhancement Strategy shall include the following:

   a) The purpose and conservation objectives for the proposed enhancement measures.

   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.

9) A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. No other lighting shall be installed.

10) No burning shall take place on site at any stage during site clearance, demolition or construction phases of the project.

11) Full details of surface and foul water drainage shall be submitted to and approved in writing by the local planning authority prior to commencement of any works to the building it would serve. No part of the development shall be occupied or brought into use until the approved method of surface and foul water drainage has been fully installed and is functionally available for use. The surface and foul water drainage scheme shall thereafter be maintained as approved.

12) Within one month of first occupation, each employee on the commercial site shall be provided with a Travel Information Pack that contains the sustainable transport information and measures to encourage the use of sustainable transport. Not less than 3 months prior to the occupation, a completed Travel Information Pack shall be submitted to and approved in writing by the local planning authority and shall include up-to-date walking, cycling and bus maps, relevant bus and staff employee minibus information, car sharing information, and sustainable transport discounts. The Travel Information Pack shall be maintained and operated thereafter.

13) Before the development is commenced, details of the treatment of the public right of way footpath including surfacing and landscaping adjacent to the route, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

14) Before the development hereby permitted is commenced a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. Construction of the development shall be carried out in accordance with the approved plan. The Construction Management Plan shall include the following matters:

- A photographic survey to be carried out to determine the condition of the carriageway and footways prior to commencement of the works.
- Means of access for construction traffic.
- Haul routes for construction traffic on the highway network and monitoring and review mechanisms.
- Provision of boundary hoarding and lighting.
- Details of proposed means of dust suppression.
- Details of measures to prevent mud from vehicles leaving the site during construction.
- Details of the times of deliveries to the site during construction.
- Details of provision to ensure pedestrian and cycle safety.
- A programme of works, including measures for traffic management and operating hours.
- Parking and turning for vehicles of site personnel, operatives and visitors.
- Loading and unloading of plant and materials.
- Storage of plant and materials.

A register of complaints and record of actions taken to deal with such complaints shall be maintained at the site office throughout the period of construction.

15) All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out in full during the first planting and seeding season (October-March inclusive) following the commencement of the development or in such other phased arrangement as may be approved by the local planning authority. Any trees, hedges shrubs or turf identified within the approved landscaping details (both existing and proposed planting) which die, are removed, become seriously damaged or seriously diseased, within a period of 10 years of being planted or in the case of existing planting within a period of 5 years from commencement of development, shall be replaced in the next planting season with others of similar size and species.

16) Prior to the first occupation of the development, details of the provision of fire hydrants shall be submitted to and approved in writing by the local planning authority. The fire hydrants shall be provided in accordance with the approved details in their entirety and in accordance with the approved timetable for provision.