



Appeal Decision

Hearing held on 12 December 2023

Site visits made on 11, 12 & 13 December 2023

by Mr JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06.03.2024

Appeal Ref: APP/D3505/W/23/3314690

Land to the East of Sand Hill, Boxford CO10 5AD

- 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 Catesby Development Land Limited against the decision of Babergh District Council (the Council).
 - The application Ref DC/20/00330, dated 24 January 2020, was refused by notice dated 27 July 2022.
 - The development proposed is residential development of up to 64 dwellings (Use Class C3) including means of access into the site (not internal roads) and associated highway and drainage works along with and provision of land for a community building (Use Class D1).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. This is an outline application with all matters but access reserved for later consideration. I have therefore treated any details concerning appearance, landscaping, layout, and scale as being illustrative but nonetheless informative.
3. A few days before the Hearing opened the Council adopted the *Babergh and Mid Suffolk Joint Local Plan – Part 1* (the Local Plan), and I have treated the policies in that as superseding the corresponding policies in the *Babergh Local Plan 2011-2031* that the Local Plan replaced.

Main Issues

4. The main issues in this case are
 - a) whether the development would be contrary to the spatial strategy;
 - b) its effect on the character and appearance of the area and the significance of various designated heritage assets;
 - c) its impact on highway safety;
 - d) whether it is a sustainable location with regard to reliance on the private motorised vehicle; and
 - e) if harm would be caused by any of the above, whether there are material considerations that would justify a decision otherwise than in accordance with the development plan.

Reasons

Spatial strategy

5. As part of a strategic plan, Local Plan Policy SP03 broadly seeks to direct where housing is located. It aims to restrict development outside settlement boundaries, saying that in such a location it will normally only be permitted where it complies with one of 4 criteria. Although I note the age of the settlement boundaries, given the recentness of this Local Plan, I have no basis to consider such an approach is inconsistent with the *National Planning Policy Framework* (the Framework). Policy BOX1 in the *Boxford Neighbourhood Plan 2021-2037* (the Neighbourhood Plan) supports this, stating that new development outside of the defined settlement boundaries will only be supported where it was in accordance with development plan policies.
6. In contrast, the **Council's decision on this case was made against** Policy CS11 in the then operative but now superseded *Babergh Local Plan 2011-2031*. That policy does not draw so strong a distinction between inside and outside of the settlement boundary. Its supporting text says

The [settlement boundaries]... provide a useful starting point when considering the relationship of proposed development in relation to the existing pattern of development for that settlement and for defining the extent of its developed area and a distinction between the built up area and the countryside. Policy CS11 intentionally provides greater flexibility for appropriate development beyond these.

It therefore anticipated some development in the countryside, stating development for core villages, of which Boxford was one, would have been allowed if certain defined impacts were satisfactorily addressed. To my mind this is a materially different approach to that of Local Plan Policy SP03.

7. In addressing this matter, the Parish Council contended there was also a conflict with Neighbourhood Plan Policy BOX3. To my mind though this just gives the instances where Rural Exceptions Sites will be accepted, and does not expressly state whether or not other development outside of settlement boundaries would be appropriate.
8. The development would be next to, but nonetheless outside of, the settlement boundary for Boxford. As none of the circumstances in Local Plan Policy SP03 apply, I therefore conclude the scheme would be contrary to the **Council's** spatial strategy, conflicting with that policy and with Neighbourhood Plan Policy BOX1.

Character and appearance

9. A further purpose behind Local Plan Policy SP03 restricting development outside settlement boundaries to certain limited instances, is to recognise the intrinsic character of the countryside in line with the Framework.
10. The appeal site at the moment is part of a large field, which slopes down from its southern boundary, alongside the A1071, to the back gardens of houses to the north. Here, the curtilages of housing on Brook Hall Road and Station Field form a clear and sharp edge to the settlement, with the cluster of development at Calais Street, on the opposite side of the A1071, being distinct and separate. As a result, when seen from the main road, from Sand Hill, from the rising land

to the north or from the footpath and bridleway that cross this large field, the appeal site is perceived very much as being outside of the village, and part of the rural context in which Boxford sits. Moreover, its open, agricultural nature with its boundary hedging mean that from where it can be seen it contributes positively to the pleasing rural character of the countryside around.

11. The scheme would be introducing not only built form, but also associated roads, fencing, and other paraphernalia, as well as lighting during the hours of darkness. Consequently, it would be apparent to some degree when passing in either direction on the A1071, although the fall of the land from that road would screen elements of the development. It would also be visible through the new access that is to be formed on Sand Hill, from the housing to the north that overlooks the site and from the rising land beyond. Moreover, the character of the footpath and the bridleway on the site would appreciably change. From such points the scheme would constitute an expansion of the built-up area of the village at the expense of the rural landscape. I therefore consider that it would fail to have regard to the intrinsic character and beauty of the countryside.
12. The illustrative plans show scope for extensive planting that may well soften the development to some extent. However, on the evidence before me, and mindful of the sloping nature of the site, I have no grounds to consider it would overcome the harm identified. I also accept that currently the southernmost houses on Station Field form a relatively abrupt and harsh edge to the settlement. Again though any softening of this that may result from the development would not allay my concerns with the impact of the proposal.
13. Just to the south-east is the Dedham Vale National Landscape (formerly called the Dedham Vale Area of Outstanding Natural Beauty). However, the fall of the site towards the north means the scheme would be on a slope that faced away from this National Landscape, and so would not harm its landscape and scenic beauty. To the south and west is the Box Valley Special Landscape Area, but again, because of the topography, the proposal would be substantially concealed from there and so would not fail to protect this area either.
14. Turning to heritage, the significance of the Boxford Conservation Area lies partly in the way its buildings, road layout, and other intervening spaces reflect the organic evolution over time of this historic rural settlement. This significance is enhanced by the rolling countryside around. Numerous listed buildings line the streets in the conservation area. Although varying in detail from one building to another, in general terms the significance of these tends to be architectural as they each show a level of detailing, form and style that reflects their age and function. Moreover, they are seen in a streetscape that enhances their significance by placing them in the context of a historic village.
15. The conservation area runs up to the junction of Sand Hill and Ellis Street. Consequently, the site itself is outside of, and a little away from the boundary. Currently, the trees lining and overhanging Sand Hill, and the absence of any apparent housing on Sand Hill between those at its junction with Ellis Street and the Station Field development, mean there is a strong sense of entry into and exit from the conservation area when using this road. Given the location of the scheme, I am not satisfied this would be changed in any appreciable way by what is before me. Furthermore, the older part of the village in the valley bottom is already extensively surrounded by more recent development, much

of which lies closer to the conservation area. As such, an appreciation of this designated heritage asset would not be adversely affected by the impact of the scheme on its setting. I therefore find that the housing itself would not harm the significance of the conservation area.

16. When looking from the site various listed churches are visible in Boxford and the villages around. Insofar as this appeal is concerned, their significance lies in them being distinctive and historic landscape features that mark the location of their respective settlements. Although the proposal may be seen as part of the landscape in which these churches stand, given its scale it would not diminish how they are experienced or erode their significance.
17. Taking into account the existing traffic flows and being mindful that many older properties are already experienced in the setting of **Boxford's busy streets**, the significance of either the listed buildings or the conservation area itself would not be harmed by any increase in vehicle movements that may occur. Concerning proposed works in the conservation area, a new pavement is to be formed on part of Ellis Street while an existing one is to be modified on Broad Street. Although these would bring a greater formality to these roads, noting they would be generally within the adopted carriageway, their nature would not harm the significance of the conservation area or any listed buildings adjacent.
18. The footpath works would be more extensive next to the side garden of 5 Ellis Street, which is Grade II listed. Here, the pavement would encroach into what is currently a grassed bank, not only resulting in the substantial loss of that feature but also necessitating the introduction of a retaining structure. Again there would be increased formality, but there is scope to consider the design detail of necessary walling, fencing or similar. Given this, and taking into account its limited length, I consider it would not harm the significance of the conservation area, and mindful too that it is to be to one side, its effect on the setting of No 5 would not cause harm to the significance of that building.
19. Accordingly, I conclude the proposal would not harm the landscape and scenic beauty of the Dedham Vale National Landscape, and would not fail to protect or enhance the Box Valley Special Landscape Area. Furthermore, it would not fail to preserve the character or appearance of the Boxford Conservation Area, or the special architectural and historic interest of the various listed buildings in the village and the surrounding landscape, and it would not harm the significance of any of these designated heritage assets. In relation to these matters it would therefore not conflict with the Framework.
20. However, I also conclude that, by extending the built-up area of Boxford onto a field that currently makes a positive contribution to the rural nature of the surroundings, the development would fail to recognise the intrinsic character and beauty of the countryside. In this regard it would therefore conflict with Local Plan Policy SP03 and also with the Framework.

Highway safety

Background

21. To assist my appreciation and understanding of the traffic issues in Boxford, I observed vehicle and pedestrian movements in and around the central part of the village from 1430h to 1900h on 11 December, and between 0800h and 1200h on 13 December. Furthermore, I watched traffic and pedestrians in the

village and specifically on Swan Street between 0800h and 0900h on 12 and 13 December, between 1700h and 1800h on 11 December and between 1715h and 1800h on 12 December. I also went round the village at 2030h on 12 December to appreciate evening parking. Moreover, I drove up to the A134 via Lavenham, I drove to and from Bury St Edmunds along the A134 and A1071, and I drove along Stone Street on a number of occasions. I accept that these visits offered only snapshots of traffic, conditions and parking pressures on each of these roads, lanes and streets. However, having noted the submissions made to me, I have no reason to consider that what I saw was not, at least in broad terms, representative of what is commonly found.

22. The policy context for considering the effect on highway safety comprises Policy LP29 in the Local Plan and BOX4 in the Neighbourhood Plan. The former says

significant impacts on highway safety or the function of the highway network must be mitigated. Impact on highway safety must not be unacceptable and the residual cumulative impacts on the road network must not be severe.

The latter states support will not be given to schemes that would result in a substantial risk to highway safety or increase congestion through vehicles having to make awkward manoeuvres or intruding onto pedestrian spaces. The Framework advises that development should only be prevented on highway grounds if there would be an unacceptable effect on highway safety or the residual cumulative effects would be severe.

Swan Street

23. Whilst the A1071, which runs between Sudbury and Ipswich just to the south of Boxford, is a major road to modern design standards that carries a significant traffic flow, the village otherwise sits within a network of winding, narrow lanes typical of a rural area such as this. Two roads, School Hill and Sand Hill / Ellis Street / Broad Street link the village to the A1071 (one to the south-west and the other to the south-east), while a third road, Swan Street, runs to the north, and all 3 lead to a junction outside the post office in the village centre.
24. Swan Street is on the furthest side of the village to the appeal site, and not only links the modern residential developments on that side of Boxford to its centre, but also provides access to and from the rural settlements in the countryside to the north. Furthermore, it is the most direct route to Lavenham, and one of the possible ways to Bury St Edmunds and beyond.
25. For its initial length northwards from the post office junction, Swan Street forms part of the historic core of the village, and is lined on both sides mainly by older houses that have little or no off-street parking. As a result, on my various visits cars were parked along much of the western kerb, with the remainder of the carriageway being of insufficient width to carry a vehicle in each direction. When travelling along the road with no opposing traffic, the available carriageway remains wide enough and forward visibility generally good enough to allow drivers to proceed with ease.
26. However, the scale of the flows, and the restricted visibility from the southern end, mean on-coming traffic often meets. When this happens vehicles can only pass if drivers wait either in a gap among the parked cars or at one end of this narrowed stretch. Alternatively they have to reverse back to allow passing, or

vehicles have to mount the kerb on the east side. I saw all of these manoeuvres, and indeed sometimes a degree of congestion occurred around the post office junction especially. Again, mindful of the representations before me I have no basis to consider what I saw was not broadly reflective of what is commonly experienced here. Furthermore, given the arrangement of the road, I anticipate that these issues have been longstanding, though accept that with increased traffic flows their occurrence would be more regular.

27. The adverse effect of traffic on Swan Street was the only concern about this development that was raised in the Decision Notice. At the Hearing the Council confirmed this concern focussed on the potential implications for pedestrians as a result of increased traffic from the scheme leading to, on the one hand, more vehicles mounting the kerb on the east side and, on the other, the greater vehicle movements putting pedestrians at risk at the points where they had to go onto the carriageway because of narrow sections of pavement.
28. The appellant contended that, at peak times, the scheme would send only one or 2 extra vehicles along Swan Street, as the bulk of the traffic would go to or come from the A1071 to the south. If residents of the scheme wanted to go to Bury St Edmunds, Stowmarket or many other places in Mid-Suffolk, it was contended they would tend to use the main road network rather than travel along Swan Street and wind through the lanes. The appellant did not say that drivers from the appeal site would not use Swan Street at other times, but rather as the peak times were the times when the situation was most acute, it focussed on movements then.
29. There was discussion about when exactly the peak times should be in the evening, whether the **appellant's traffic** survey was undertaken when COVID restrictions and advice on homeworking were still in place, and how many cars would in fact travel that way, with the Council considering 6 additional movements to be more reasonable. **The Council's higher figure was arrived at** by assuming all who it was estimated would work in St Edmundsbury, Mid-Suffolk and 'other' areas would use this route, but to my mind that is an unlikely assumption given the nature of the roads involved. In any event, the Council explained that regardless of the numbers any increase in the use of Swan Street was unacceptable.
30. There was also discussion about how long it took to drive to Bury St Edmunds via Swan Street, when compared to travelling on the main roads. Any differences in this regard though did not seem to be great, and so, as there could be delays on either way, I consider it unlikely that these differences in journey time would have a major influence on travel patterns. Rather, the route to Bury St Edmunds that any resident opted for would be a matter of their choice and preference.
31. At this stage clearly the scale and nature of traffic flows from the site can only be estimations, and even if the development went ahead any recorded travel patterns would be subject to change over time. Overall though, I have no firm basis to find that the surveys and traffic data presented by the appellant were not in line with industry best-practice. However, even if the projected figures along this road were higher than those the appellant suggested (or the survey base-data lower), I am not satisfied that such changes would be so great as to have a material effect on my reasoning.

32. On the other hand, when considering the impact of the development's traffic flows, I was encouraged by the appellant to give limited weight to what the Council saw as the harmful effect of vehicles mounting the kerb, because that was a traffic offence. I saw myself that this regularly happens at the moment, and my observations supported comments from local residents. It seems to occur because drivers considered it quicker or more convenient than reversing to a passing place. Furthermore, I was told of no enforcement action being taken to deter this, and no proposals coming forward from the Council or sought as part of this scheme to prevent it happening, despite the occurrence already taking place and being likely to continue on into the future irrespective of my decision. Accordingly, whilst it might in fact be a highway offence, I have no reason to consider drivers will not continue to mount the kerb, and so it is nonetheless a material consideration to which I am to have regard.
33. Clearly, neither the road nor the adjacent houses were designed for modern traffic, and have difficulty accommodating its demands. That though is not uncommon in historic rural settlements such as this, and no doubt similar situations arise on the streets winding through many other older towns and villages across Suffolk. Consequently, despite the matters noted above, as some 170-223 vehicles an hour use Swan Street at the peak times, I am not satisfied that the limited additional movements on that road arising from this scheme on the other side of the village will have a material effect on its safety situation, the congestion experienced, or any danger that might now exist. In coming to this view I accept that the Framework seeks to resist '*a cumulative*' impact on highway safety. However, as I find the increase in movements would be so slight, I consider that even on this basis the scheme would not be harmful.
34. In its case the Council placed much weight on an appeal decision from 2018 for 24 dwellings off Daking Avenue, which is one of the estate roads that runs from Swan Street (the 2018 decision). I understand that Inspector was told Swan Street carried traffic flows of 216 vehicles in the morning peak and 221 in the evening peak, and the scheme would result in an extra 7 or 8 movements at those times. That decision highlights many of the highway issues on Swan Street that I have noted above. However, the Inspector found that

'the additional vehicle movements [of the scheme before him] would place an unacceptable burden on the road. They would increase the incidence of conflicts between vehicles travelling in opposite directions ... and, in turn, the likelihood of conflict between pedestrians and vehicles'.

As such, it was found that the scheme '*would lead to significant reduction in highway safety for vehicles and pedestrians using Swan Street*'.

35. In contrast, a further appeal decision in 2019 (the 2019 decision) for 6 houses, again off Daking Avenue, found the 2 additional vehicle movements on Swan Street during peak hours generated by that scheme '*would have a negligible and almost imperceptible impact on existing vehicular congestion and any associated conflicts between road users*'.
36. The judgement of *North Wiltshire District Council v Secretary of State for the Environment* found that consistency in the planning process is important and like cases should be decided in a like manner. A previous appeal decision is capable of being a material consideration where it is sufficiently closely related to the issues to mean that regard should be had to it. However, a later

Inspector is entitled to disagree with an earlier decision if there are sound reasons for doing so.

37. The 2018 decision concerned a scheme that had a much more direct relationship with Swan Street than the one before me. If any of its future residents had wanted to use their cars to access the village centre, the main A1071, or Colchester they would have had no choice but to drive along that road. As a result, I consider **that proposal's** impact on Swan Street would have been far greater and far more certain than for the scheme I am considering, which, as it is on the opposite side of Boxford, offers no strong need for its occupiers to use that road and so would have a negligible and imperceptible effect on **Swan Street's** vehicle movements.
38. Furthermore, it was put to me that, having regard to the 2018 decision, peak time flows of 223/228 vehicles an hour were unacceptable. Whilst the appellant contended that traffic flows were now less **and so gave a certain 'headroom'**, others said additional housing schemes allowed since the 2018 decision, or the general growth in car ownership, had pushed the existing flows up higher to above those before that previous Inspector. Indeed, I am aware that since that date planning permission has been granted for a few housing developments in the village that could also have had some limited effect on traffic flows on Swan Street, even if their residents already lived in Boxford.
39. I consider that the general terms of the advice in the Framework and the policy context do not lend themselves to such a precise, mathematical approach. I therefore do not share the view put to me that 223/228 vehicles an hour on Swan Street is unacceptable while a marginally lower number would not be. Rather, I consider the matter should be assessed more broadly having regard to the additional and cumulative impact of the development.
40. I have treated the 2018 decision as a material consideration and have had regard to its findings. However, concurring to a great extent with the Inspector in the 2019 decision, I consider that the relationship of the appeal before me to Swan Street, and the projected increase in vehicle movements on that road that it would generate, mean it would have a negligible and almost imperceptible impact on existing vehicular congestion there, and any associated conflicts between highway users that now exist. To my mind, this constitutes a sound reason for departing from the 2018 decision.
41. Accordingly I conclude that any effect the development would have on highway safety on Swan Street, and in particular the safety of its pedestrians, would not be sufficient to justify dismissing the scheme.

Ellis Street

42. When travelling from the appeal site to the village centre, Sand Hill runs into Ellis Street, which, in turn, becomes Broad Street. There is no pavement on either side of the southern end of Ellis Street, but it has a carriageway width that is great enough for 2 vehicles to pass, albeit with little spare room if the vehicles in question are large ones. However, a number of the residents on Ellis Street (and possibly on Cox Hill) park on the western side of the road as they do not have sufficient on-site parking at their properties. The effect of this is to reduce the available carriageway in places to single-file traffic.

43. As referred to above, the proposal includes forming a pavement, some 70m long, along the west side of Ellis Street from the Sand Hill junction to just beyond No 5. This would be in the existing carriageway for a significant part of its length, and, for much of that, it would mean at all times the remaining carriageway was too narrow to allow 2 vehicles to pass, especially when one was larger than a car. It would also encourage parking closer to the village core beyond No 5, thereby lengthening the extent of narrowed carriageway.
44. Ellis Street is an important road within the village. This is because it not only serves relatively sizeable residential areas along Cox Hill, but is also the link that buses, delivery lorries and other traffic takes when travelling to Boxford from the east or leaving the village in that direction. Although the traffic flows using Ellis Street could not be described as great, I nonetheless saw a number of times when vehicles had to pass on that stretch of road.
45. It was said that the existing parking situation meant that drivers already had to give way on this section of road and, in effect, a one-way flow currently operated. However, on my various visits to the village I never saw anything approaching a continual line of parked cars along this length. Rather, there were always gaps available that provided the opportunity for vehicles to pass if they met within the part where the pavement is to be formed. This opportunity would no longer exist if the scheme went ahead, thereby introducing a need for manoeuvres and reversing that is not now experienced, with a consequent effect on the free-flow of traffic and on highway safety. Furthermore, by confining parked cars to a few specific bays, this increases the likelihood of those places being in use and so not being available for passing either.
46. Indeed, even if my observations were not reflective of a more common situation and there is, in fact, regularly a continual line of parked vehicles on this length of road, the current arrangement at least allows the possibility of gaps occurring that could be used for passing. That possibility would be lost along an appreciable length by the works now proposed.
47. Although it was said there was good forward visibility that would mean drivers could wait at one end or the other for traffic to pass, I am not satisfied that would be sufficient to allay my concerns. In any event, if the proposed bays at the southern end of the pavement were occupied I consider forward visibility when coming down Sand Hill would be restricted, and drivers may nonetheless proceed not realizing that passing was not practicable in the length of road beyond, thereby resulting in a conflict.
48. The pavement would be removing the need for pedestrians from the Brook Hall Road estate, from Station Field and from Cox Hill to walk along the carriageway, but this benefit to highway safety is insufficient to overcome my concern.
49. Given the limited parking pressures and the continued provision of 4 bays, I am not satisfied that any displacement of parking would be unacceptable.
50. Accordingly, I conclude that the formalised narrowing of Ellis Street would reduce the existing ability of the carriageway to allow vehicles to pass, and so the resultant manoeuvres and conflicts would have an unacceptable effect on highway safety.

Stone Street

51. Running south from the A1071, to the west of that **road's** junction with Sand Hill, is Stone Street. This is part of the network of country lanes around Boxford, and like many others, it was not designed to modern standards. While it is wide enough in places for 2 cars to pass comfortably, at other points its width is sufficient for single file traffic only. However, despite its inadequacies, it is a much shorter and quicker route from Boxford and surrounding areas to Colchester when compared to using the main roads, and so, as a result, carries a greater traffic flow than would otherwise be expected.
52. Approximately 1km south of the A1071, Stone Street passes through a hamlet, where houses are very close to the carriageway and indeed appreciably constrain its width in places. A number of vehicles from the appeal scheme would use this road at peak hours, and it was contended that this would further exacerbate the highway dangers experienced in this hamlet.
53. I accept that the scheme would increase the traffic on this road. However, as a route to and from Colchester it serves a wide area and I am again not satisfied that the increase in flows would be sufficient to have a harmful additional impact on the existing situation in relation to highway safety or lead to severe effects in this regard.

Other traffic issues

54. Access to the site would be onto Sand Hill, close to its junction with the A1071. However, as I consider adequate sight splays could be formed, I am satisfied that such a location would not compromise highway safety. Visibility at the junction of Sand Hill with the A1071 is good, whether entering the main road or leaving it, so any extra movements would not be a problem.
55. Much was made of the effects of sizeable lorries that come down Sand Hill and turn up Cox Hill (or vice versa) but I consider those movements would not be affected to any material degree by the scheme before me or its associated traffic flows.
56. Although School Hill is busy when children are being dropped-off and collected, that is a common occurrence around schools and does not necessarily indicate a deficiency in the capabilities of the highway network.
57. The appellant has offered to pursue establishing a 20mph speed limit through the village, but I am not satisfied that there are outstanding issues that could be overcome by delivering this. As such, I find it unnecessary.

Conclusions on this issue

58. Accordingly, I conclude the scheme would have an unacceptable effect on highway safety on Ellis Street by reason of the narrowing proposed, and so would conflict with Local Plan Policy LP29, BOX4 in the Neighbourhood Plan, and the Framework.

Sustainable location

59. Although clearly containing less than would be expected in, say, a market town, Boxford has a reasonable number of services for a rural settlement, with shops, a post office, a GP surgery, a school, a church, playing fields and 3 community halls among other things. It is also served by a bus service, which

although limited, nonetheless allows some connection to larger settlements around. The future of this bus service was discussed, but in the absence of any firm and up-to-date evidence from those directly involved, I am assuming it is to continue for now. The Neighbourhood Plan appears to support my view. It **identified the village's facilities as 'undoubtedly an attraction'**, and said it may be found that many other villages lacked such provision. Whilst there might have been some change in what was available since the Neighbourhood Plan was prepared, I consider any such change has not been sufficient to expect a different finding.

60. The new pavement the appellant is proposing to form along parts of Ellis Street and Sand Hill, and the existing section it is intending to widen on Broad Street, mean walking to and from the village core would be a realistic option for the residents of this scheme. It would also have the wider benefit of making walking a more attractive proposition for the occupiers of Station Field, Cox Hill and the Brook Hall Road estate, as they would no longer have to walk along the carriageway for part of the way. While the proposed new pavement may be below the recommended width, it would still be wide enough to be used by wheelchair users or those with push chairs, and I consider the scale of the flows are unlikely to give rise to regular conflicts.
61. There was uncertainty about whether the Ellis Street section of pavement that cut into the bank by No 5 would be on highway land or land that was privately owned. That is not something I can resolve or that should necessarily stand in the way of me giving **weight to the pavement's formation. Rather, it could be** appropriately tackled by a negatively worded condition preventing the development from otherwise proceeding until the matter had been satisfactorily addressed and that section of pavement delivered. If this could not be achieved then the permission could not be implemented and so, in time, would lapse. Given the importance of a walkable link to and from the site, in these circumstances this form of condition would be justified. While such an approach **could involve actions and decisions by parties outside of the appellant's control**, that is often so with such conditions.
62. The limitations of the services available in Boxford mean there would be a need to go elsewhere for, for example, larger shopping expeditions, secondary education, much health care and, quite probably, employment. No doubt many settlements across the district are in a similar or worse position, and the Framework states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Consequently, the level of service provision does not necessarily mean this should be deemed to be a location that is unsustainable and so inappropriate for further housing. I therefore consider the limitations in service provision here are not so great as to render the village unsustainable for a scheme of this size.
63. It was said many of the services offered in Boxford were overstretched at the moment. However, the required contributions to education provision arising from this scheme would be delivered, and I was told of no wider requirements **in the development plan to support the village's infrastructure** with which the proposal needed to comply.
64. Accordingly, I accept that the access to services and the alternative transport modes available are restricted to some degree. However, I conclude that

neither the limited facilities in Boxford nor the distance to them from the site render this location sufficiently unsustainable to conflict with the Framework.

Other matters

65. Local residents raised concerns about flooding, Biodiversity Net Gain, wildlife and various other matters. Although I have taken them into account they do not lead me to different findings.

Other considerations

66. Above I have found development plan conflict in relation to the spatial strategy, the effect on the character and appearance of the area, and highway safety. Section 38(6) of the *Planning and Compulsory Purchase Act 2004* advises that development should be in accordance with the development plan unless material considerations indicate otherwise. In this regard a number of material considerations have been cited.
67. The appellant has contended that Boxford still sits in the same place in the settlement hierarchy as it did under the *Babergh Local Plan 2011-2031*. Even if this is so, I consider that does not offer a basis to accept this proposal in the light of the development plan conflict now apparent. Based on a 2019 survey it was also said that there is a local need for housing in general in Boxford, and for affordable housing here in particular. I have no reason to question these and afford them significant weight. However, I was told that there was not a district-wide shortfall in the housing land supply, while the element of affordable housing cannot be provided in isolation. Consequently, taking into account the policy context that now exists, to my mind any benefit this may bring does not outweigh the harm identified.
68. I accept too that the site is a relatively sustainable location, but no doubt many sites just outside settlement boundaries can have good access to services and facilities within the settlement. To my mind that does not offer a reason to outweigh a policy emphasis of focussing development within the settlement boundary. However, I acknowledge some weight should be given to the bus stop improvements, the improvements to the public rights of way and to formation of a pavement along Ellis Street, as these would also assist the existing **village's** population. I afford moderate weight to the economic benefits both during the construction phase and during occupation, though recognise that such benefits are often likely to be found when development occurs near a village and so, of themselves, cannot outweigh the policy conflict of the nature identified. I have already confirmed though that the landscape works would not allay my concerns, though I recognise they would be likely to offer some benefit from the establishment of improved habitat.
69. A legal agreement has committed the developer to make various contributions towards **the village's services and infrastructure**. **Given my findings on the case**, there would be no benefit in assessing the elements of the agreement against the requirements of the *Community Infrastructure Levy Regulations 2010*. However, even if they were each compliant with those requirements, these contributions are to address possible impacts of the development. As such, other than where cited above under this issue, I afford them little weight as a benefit of the scheme in this balance.

70. Accordingly, even if these suggested benefits, and any others mentioned, are all taken together, I find they are insufficient to justify a decision otherwise than in accordance with the development plan.

71. Finally, the Council has already approved this scheme once (albeit then quashed in the Courts), whilst its refusal of the redetermination was based solely on the effect on Swan Street. However, I am aware that the policy context has now changed from both the initial and the second determination, **and I am not bound by the Council's decisions. These circumstances are** therefore not something to which I afford any appreciable weight.

Conclusion

72. Accordingly, I conclude the scheme would be contrary to the spatial strategy, cause harm to the character and appearance of the area and adversely affect highway safety, with the associated development plan conflict arising. In the absence of any material considerations to indicate otherwise, I conclude the appeal should be dismissed.

JP Sargent

INSPECTOR

Richborough

APPEARANCES

FOR THE APPELLANT:

Edward Barrett	Appellant
Killian Garvey	Counsel, Kings Chambers
Matthew Morgan	Heritage consultant
Dave Neale	Transport consultant
David Neame	Planning consultant

FOR THE LOCAL PLANNING AUTHORITY:

Anjoli Foster	Barrister, Landmark Chambers
Rupert Lyons	Transport consultant
S Stroud	Strategic and Professional Lead for Development Management and Heritage
Jasmine Whyard	Principal Planning Officer

INTERESTED PARTIES:

Stephanie Atkins	Local resident
Mr D Benton	Local resident
Louise Carpenter	Local resident
Mr Chalkley	Local resident
Jennifer Eastwood	Local resident
Cllr Hurran	District Councillor for Box Vale Ward
David Lamming	Local resident
Jenny Lindsley	Local resident
Colin Parr	Chairman, Boxford Parish Council
Hugh Phillips	Vice Chairman, Boxford Parish Council
Mr Watts	Local resident
Mr R Wild	Local resident
Lisa Wortley	Councillor, Boxford Parish Council

DOCUMENTS SUBMITTED AT OR AFTER THE HEARING EVENT

SUBMITTED BY THE APPELLANT

APP1: Drawing No 19217-07A

APP2: Supplementary Statement dated January 2024

APP3: Planning Obligation showing track changes received 12 January 2024

APP4: **Appellant's** Final Comments dated January 2024

APP5: Executed Planning Obligation dated 23 January 2024

SUBMITTED BY THE LOCAL PLANNING AUTHORITY:

LPA1: Letter dated 12 January 2024 with 2 appendices

LPA2: Schedule of Planning Conditions received 12 January 2024.

LPA3: List of residential planning permissions in Boxford Neighbourhood Plan area received 12 January 2024

LPA4: Email dated 18 January 2024

SUBMITTED BY OTHER PARTIES

OP1: Letter from Suffolk County Council (SCC) dated 18 December 2023

OP2: CIL Compliance Statement from SCC dated 11 January 2024

OP3: Letter from SCC dated 11 January 2024

OP4: Email from Mr Lamming dated 15 January 2024

OP5: Email from Mr Lamming dated 19 January 2024

OP6: Final Statement from Boxford Parish Council received 19 January 2024