

Appeal Decision

Site visit made on 16 January 2017

by Graham Chamberlain BA MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23rd January 2017

Appeal Ref: APP/E3525/W/16/3161066

Dover Farm, Stow Road, Ixworth, Suffolk IP31 2HZ

- 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 Terry Lucas against the decision of St Edmundsbury Borough Council.
 - The application Ref DC/16/0995/FUL, dated 9 May 2016, was refused by notice dated 14 July 2016.
 - The development proposed is 4 new dwelling houses (plots 11, 12, 14 and 15) and associated garaging in lieu of 5 dwelling houses (plots 11, 12, 14, 15 and 16) previously approved under planning and listed building applications SE/11/1071 and 1072. Change of use of paddocks to residential garden land.
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Decision

1. The appeal is allowed and planning permission is granted for 4 new dwelling houses (plots 11, 12, 14 and 15) and associated garaging and the change of use of paddocks to residential garden land at Dover Farm, Stow Road, Ixworth, Suffolk IP31 2HZ, in accordance with the terms of the application, Ref: DC/16/0995/FUL, dated 9 May 2016, subject to the conditions in the attached schedule.

Application for Costs

2. An application for costs was made by Mr Terry Lucas against St Edmundsbury Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues in this appeal are: 1) The effect of the proposed development on the character and appearance of the area, including the Ixworth Conservation Area; 2) Whether the proposal would preserve the setting of Dover House Farm, a Grade II* listed building; and 3) Whether the proposal optimises the potential of the appeal site to accommodate development.

Reasons

The effect on the character and appearance of the area, including the Ixworth Conservation Area

4. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the Ixworth Conservation Area (CA), a designated heritage asset. Many of the features of special interest are
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outlined in the Ixworth Conservation Area Appraisal and Management Plan¹ (CAA), which forms a useful basis for understanding the significance of the CA and assessing the effect of the proposal.

5. The Council suggest that the CAA identifies the appeal site as an open pasture forming an attractive setting to Dover Farm House. Nevertheless, like Dr Miele, the appellant's heritage consultant, I have been unable to find this reference in the CAA. The only reference to the appeal site that I have been able to identify is on Page 12, where the open pasture is recognised as providing a setting to Reeves Farm. Historic mapping also demonstrates that the pasture has been a long standing paddock. A point I return to later. The Council does not allege that there would be any harm to the setting of Reeves Farm, the buildings of which are currently being converted to dwellings. I have no substantive evidence before me to indicate the housing allocation at Reeves Farm was drawn to specifically exclude the paddock due to its significance to the CA.
6. As a consequence, I do not consider the CAA suggests that the part of the appeal site that would become gardens if this appeal were successful is of any great significance to the CA. What significance it does have appears to be as a green backdrop to Reeves Farm and views from Bury Road, particularly the bridge. The western part of the pasture, immediately behind Dover House Farm, is more important in views from the bridge. The change of use from a paddock to gardens would not fatally alter the sites ability to provide this green backdrop.
7. It is arguable whether the appeal site is identified within the CAA as falling within the fifth important open space defined in the CAA as 'Gardens'. Being a pasture and not a garden this could be considered somewhat counter intuitive. The reference in the CAA to the 'Gardens' open space predominantly refers to the gardens of Priory Farm and Priory Lodge, which form an attractive visual grouping with the River Blackbourn when viewed from Bury Road, including the bridge. The appeal site is in the backdrop to this view and was discernable during my site visit now that the trees are not in leaf. Nevertheless, the appeal site was hard to see and the view was dominated by landscaping in the foreground and the buildings along Stow Road in the distance. I am not satisfied the section of the paddock within the appeal site is a particularly significant feature in this view.
8. The proposed change of use from a paddock to gardens would result in an urbanisation of that part of the appeal site which is currently pasture. Whilst the site is not prominent, the change of use could prove harmful if unsympathetic materials such as close boarded fencing were used and inappropriate outbuildings erected in the gardens. However, such matters can be controlled through planning conditions requiring boundary treatments to be approved and, exceptionally, permitted development rights removed.
9. Furthermore, the proposed gardens would be reasonably large. As such, there would be sufficient space for soft landscaping within them, including trees and a hedge along the western side of the site, as a means of softening the effect of the proposed change of use, including glimpsed views of any domestic paraphernalia upon views from the bridge in Bury Road. This could, over time,

¹ The CAA was approved as planning guidance by the Council on 28 September 2010.

have a positive effect on the character and appearance of the area in much the same way the gardens at Priory Farm and Priory Lodge are considered to. In this respect I share the view of Dr Miele.

10. Importantly, the CAA states that...*throughout the conservation area there are numerous private gardens open to public view. The shrubs and mature trees within these gardens..... contribute significantly to the overall character and appearance of the conservation area and enhance the setting of the many traditional buildings.* I have seen no substantive evidence that would suggest the proposed change of use of the paddocks to gardens could not have a similarly positive impact if carefully designed.
11. Additionally, the change of use would continue the pattern of development found to the immediate east of the appeal site, where gardens stretch down to the river. The river would also provide a natural and logical boundary to the gardens. Consequently, the proposed gardens would not appear as an obtrusive or discordant intrusion into the countryside. The gardens would also be proportionate in size to the properties they would be associated with and would not appear overly large in the immediate setting. As such, no harm would arise to the local landscape and the setting of the countryside.
12. When taken together, these factors demonstrate that the partial change of use of the existing pasture behind Dover House Farm and Reeve Farm to four gardens would preserve the character or appearance of the CA. The significance of the CA would not be harmed. As a consequence, I find no conflict with Policy DM17 of the Forest Heath and St Edmundsbury Joint Development Management Document 2015 (DMD), which seeks to preserve or enhance designated heritage assets. Nor do I find any conflict with Policies DM2 and DM25, which seek to protect local character, including the character of the local landscape.

Whether the proposal would preserve the setting of Dover House Farm

13. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the setting of Dover House Farm, whose features of special interest and significance are partially outlined by the list description and CAA. The appellant has also provided a heritage asset assessment, the findings of which are not challenged by the Council.
14. Dover House Farm is a jettied timber-framed 15th century Wealden farmhouse. In this respect it is of particular significance as Wealden houses are not commonly found in East Anglia. The building was a former farmhouse with a yard of buildings nearby as well as surrounding paddocks. These buildings are in the process of being converted to dwellings alongside new ones that are being constructed. The pasture to the rear of Dover House Farm and Reeve Farm is the remaining remnants of a much larger paddock shown on historic maps, which has been truncated by infilling since 1847. As a consequence, the paddock adds to the significance of Dover House Farm as a reference to its historic use and agricultural past.
15. Nevertheless, Dover House Farm is now viewed as part of Stow Road. Moreover, the residential development of Reeve Farm has diminished the physical and visual link between the part of the paddock that would become

gardens and the listed building. Therefore, whilst the proposal would truncate a paddock that has a long standing historic association with Dover House Farm, I do not, on balance, consider this would amount to harm to this designated heritage asset. The absence of any objection from Historic England adds weight to this finding.

16. I therefore conclude that the proposal would preserve the setting of Dover House Farm. It would therefore adhere to Policy DM15 of the DMD, which seeks to preserve or enhance the special interest of listed buildings.

Whether the proposal optimises the potential of the appeal site to accommodate development

17. The Council have suggested that a reduction in the number of units from the five approved (planning application SE/11/1071) to the four now proposed would not be an optimisation of the appeal site. I share the view of the Council that it is important to use land that is suitable for development effectively, as it is a finite resource that should not be squandered through under development. This is a clear aim of the National Planning Policy Framework (the 'Framework').
18. However, whilst the Framework seeks to boost the supply of housing I do not equate the optimisation of a site as purely a numerical exercise in maximising the number of homes within a site. The Framework also requires consideration to be given the delivery of an appropriate housing mix. In this respect, the appellant has provided evidence from local estate agents that there is a short fall in larger family homes. I have no reason to disagree and I have not been presented with evidence to suggest there is an acute need for houses that are smaller than that proposed. As such, the provision of four larger houses in lieu of five more modestly sized properties would assist in meeting this apparent demand.
19. The appeal scheme encompasses a layout with the four houses grouped reasonably close to one another. The proposed houses would also maximise site coverage whilst remaining within the site allocation. There would not be large areas of land left underdeveloped or inaccessible as a result of the proposal. Moreover, the four houses would have a similar site coverage to the five approved and would be of a larger footprint. The proposed houses, and the plots within which they sit, would not be unduly large and the development as a whole unduly spacious when compared to the immediate setting. Thus, the proposal would not constitute an under development of the site. The Council has not objected to the design or scale of the houses proposed.
20. Taking these above points together, I am satisfied the appeal scheme has optimised the potential of the appeal site to accommodate development, which in this case would be larger homes intended to serve a particular market. As a consequence I do not find a conflict with Paragraphs 47 or 58 of the Framework.

Conditions

21. I have had regard to the advice in the Planning Practice Guide and the list of suggested conditions submitted by the Council, many of which were apparently

imposed on application SE/11/1071, which the appeal scheme before me will form an integral part of. With some minor revisions, all the conditions are necessary. I also note that the appellant is content with the list of conditions provided by the Council.

22. As the development has started, a commencement condition is not required. It is necessary in the interests of safeguarding the character and appearance of the area to attach conditions requiring the development to be implemented in accordance with the submitted drawings and for the precise details of finishing materials, boundary treatment and hard and soft landscaping to be approved. I have amended the landscaping condition as it is unclear whether the previously approved landscaping scheme included the four gardens now approved. Exceptionally, and for the same reason, it is also necessary to remove some permitted development rights, including the ability to erect outbuildings.
23. In the interests of providing a suitable access and the proper functioning of the development it is necessary to ensure wheelie bins are provided and that the carriageways and footways that would serve the houses are provided. In the interests of biodiversity, it is necessary to implement the recommendations set out in the report prepared by Adonis Ecology Ltd. In the interest of living conditions, it is also necessary to ensure any land contamination is properly addressed and that some of the windows are obscured.

Conclusion

24. For the reasons given above, and having regard to all other matters raised, I conclude the appeal should be allowed.

Graham Chamberlain
INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall not be carried out except in complete accordance with the details shown on drawings: 1138-01B, 1138-02A, 1138-03B as received 27th May 2016, 1138-04A, 1138-05A & LS3927/2 as received by the Local Planning Authority on the 12th May 2016.
- 2) Prior to the first use in construction, samples of the facing and roofing materials, including all external finishes, to be used shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 3) No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least base course level or better, in accordance with the approved details shown on drawing(s) no. 6781 SL01P (DC/16/0589/VAR).
- 4) The hereby approved dwellings shall not be occupied until details of the siting, design, height and materials of boundary treatment have been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be constructed, planted or erected before the dwelling to which it relates is first occupied. No other boundary treatment shall be erected other than as approved.
- 5) The hereby approved dwellings shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking and re-enacting that Order): No development permitted by Article 3, Part 1 Class A, B, C, D or E of Schedule 2 to the Order shall be erected/carried out within the site other than any expressly authorised by this permission unless planning permission has been obtained
- 7) The hereby approved dwellings shall not be occupied until all windows specified on the approved plans as being obscure glazed shall not be glazed other than with obscure glass and this form of glazing shall be retained permanently at all times thereafter.
- 8) The hereby approved dwellings shall not be occupied until a scheme of soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification and seeding and turfing treatment.

- 9) All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in the first planting and seeding seasons following the first occupation of the development unless otherwise previously agreed in writing by the Local Planning Authority.

Any trees or plants which die, are removed, or become seriously damaged, or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

- 10) The hereby approved dwellings shall not be occupied until a hard landscaping scheme for the site has been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed means of enclosure; car parking layouts; other vehicle and pedestrian access and circulations areas; hard surfacing materials; minor artefacts and structures (for example furniture, refuse and/or other storage units, signs, lighting and similar features); proposed and existing functional services above and below ground (for example drainage, power, communications cables and pipelines, indicating lines, manholes, supports and other technical features); retained historic landscape features and proposals for restoration where relevant. The scheme shall be implemented prior to the occupation of any part of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority).
- 11) The hereby approved dwellings shall not be occupied until they have been provided with 3 wheelie bins, a compost bin and an installed water butt or their equivalent, the specification of which shall have first been submitted to and approved in writing by the Local Planning Authority.
- 12) The recommendations as set out in Section 5 of the Ecological Assessment dated 13 April 2011 prepared by Adonis Ecology Ltd. as submitted with application SE/11/1071/FUL, and supplemented by the letter from Adonis Ecology Ltd. dated 25 October 2011, shall be implemented prior to the first occupation of the dwellings hereby permitted.
- 13) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.
- 14) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 of this condition have been complied with.

1. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until part 4 has been complied with in relation to that contamination.
2. **Submission of Remediation Scheme**
A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
3. **Implementation of Approved Remediation Scheme**
The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.
Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.
4. **Reporting of Unexpected Contamination**
In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part 2, which is subject to the approval in writing of the Local Planning Authority.
Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with part 3.