
Appeal Decision

Site visit made on 28 February 2017

by R W Allen B.Sc PGDip MRTPI

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

Decision date: 16 March 2017

Appeal Ref: APP/D3505/W/16/3163128

Land to South of Boss Hoggs, Old London Road, Copdock and Washbrook, Suffolk IP8 3JW

- 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 T Ingram against the decision of Babergh District Council.
 - The application Ref B/16/00263/FUL/LJB, dated 1 February 2016, was refused by notice dated 7 June 2016.
 - The development proposed is change of use of the land to form extension to existing transport yard and pallet storage, repair and sales area.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposed development would preserve or enhance the character, appearance or setting of Woodsend House and Longwood House Grade II Listed Buildings; and
 - The effect of the proposed development on the living conditions of the occupiers of Woodsend House and Longwood House.

Reasons

Effect on listed building

3. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard should be given to the desirability of preserving the setting of listed buildings. This means that considerable weight and importance must be given to any harm caused to the designated heritage assets in the planning balance, and this includes any harm to the setting of listed buildings. Paragraph 132 of the National Planning Policy Framework (the Framework) says great weight should be given to heritage assets' conservation. Paragraph 134 of the Framework states that where less than substantial harm is identified to the significance of designated heritage assets, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Policy CN06 of the Babergh Local Plan Alteration No.2 2006 (Local Plan) states that proposals for new work within the setting of listed buildings should be of an appropriate scale and siting to harmonise with the existing buildings and their setting.
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4. Woodsend House and Longwood House are Grade II Listed semi-detached dwellings. The listing description describes the properties as dating from circa 1500, and that they are noted for the method of construction, remnants of some original features and their architectural detailing. The appellant's transport business borders the site on one side, and the dwellings front a busy dual carriageway. The elevated A12 dual carriageway is visible beyond the rear boundaries of both the appeal site and the listed buildings, separated by an area of open land.
5. The appellant asserts that changes to the setting of the listed buildings would not affect their significance. I disagree. In my judgement, understanding the surrounding context and thus the setting of the listed buildings is integral to understanding and appreciating their architectural significance. Here, I find the significance of the listed buildings is particularly appreciated and understood when viewed from the west and south, where the buildings are largely viewed against the backdrop of open space and trees, and where there are little obvious visual distractions which undermine the enjoyment of the heritage assets. The elevated A12 is, I find, sufficiently distant not to have a significantly adverse effect on the setting of the listed buildings.
6. There is scant detail before me as to the precise activities that would be undertaken on the appeal site, and no evidence has been advanced as to the effect pallet storage and other the general haulage use associated with the appeal site would have on the setting of the listed buildings. Nevertheless, I find that it is somewhat inevitable that the proposed development would create a crude and stark relationship between the appeal site and the listed buildings, which would subsequently undermine the setting of the listed buildings and would depreciate their value. This harm would also undermine and harm the appreciation of their architectural significance.
7. I have considered whether the imposition of planning conditions such as limitations on the height of pallet storage, and securing adequate and appropriate landscape buffers could be imposed as means to ensure the identified harm would be mitigated. However, because insufficient evidence is before me which demonstrates that pallet storage would not cause harm to the setting of the listed buildings, even at a restricted in height and with the appropriate planting, I cannot conclude with any degree of certainty that the imposition of such conditions would have the effect of making an unacceptable development acceptable, as advocated by paragraph 203 of the Framework.
8. Therefore in the absence of convincing heritage evidence to the contrary, I find that the proposed development would cause less than substantial harm to the significance of the listed buildings. The Council states, and not disputed by the appellant, that the proposed development would create one additional job. While I do not underplay the importance of employment creation or that the appeal site is within close proximity to good road networks, it would not amount in my judgement to any worthwhile public benefits necessary to outweigh the harm that I have identified. The proposed development would not accord with the relevant parts of the Framework, or with Local Plan policy CN06, details of which I have set out above.

Living conditions

9. At the time of my site visit, which was in the early morning period, background noise levels appeared to me to be somewhat high, dominated principally by traffic noise caused from passing vehicles from both the dual carriageway to the site's frontage and from the A12. For that reason, I can understand the appellant's assertion that the occupiers of Woodsend House and Longwood House may already be exposed to high levels of noise nuisance.
10. However, in my experience noise generated from the proposed use would be perceptively different and easily identifiable from background traffic humming noise, particularly from the stacking of pallets, vehicle reversing, vehicle door opening and closing, reversing alarms, and general activity.
11. While I note the appellant's assertion in respect to the Council's assessment of the scheme in respect to noise, the burden of proof rests with the appellant to demonstrate that his scheme would not give rise to significant harm. I find that given the proximity of the appeal site to the residential properties, and in the absence of sufficient noise evidence to the contrary, the proposed development would cause additional and significant harm to the living conditions of the occupiers of Woodsend House and Longwood House.
12. Again I have considered whether the imposition of planning conditions to limit pallet storage height and hours of operation would mitigate the harm I have identified. However for the reasons given above, I am not persuaded that such restrictions would have the effect of making the scheme acceptable in this regard. I find that the proposed development would not accord with Local Plan policy EM20. This states that proposals for the expansion of an existing employment site will be permitted provided there is no material conflict with residential and environmental amenity.

Conclusion

13. For the reasons given above I conclude that the appeal should be dismissed.

R Allen

INSPECTOR