

Appeal Decision

Site visit made on 28 March 2017

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

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

Decision date: 27th April 2017

Appeal Ref: APP/W3520/W/16/3161759

Manor Lodge, Ashfield Road, Norton IP31 3NN

- 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 Steve Ashley against the decision of Mid Suffolk District Council.
 - The application Ref 3095/16, dated 13 July 2016, was refused by notice dated 6 October 2016.
 - The development proposed is a new dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a new dwelling at Manor Lodge, Ashfield Road, Norton IP31 3NN in accordance with the terms of the application, Ref 3095/16, dated 13 July 2016, subject to the following conditions:
 - 1) Details of the access, appearance, landscaping (including details of the trees to be retained and how they will be protected during construction), 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 three years from the date of this permission.
 - 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargement or alteration shall be carried out on the dwelling hereby permitted and no fence, gate, wall or other means of enclosure or building or structure shall be erected within the curtilage of the dwelling hereby permitted, as defined within Classes A to E of Part 1 and Class A of Part 2 of Schedule 2 of that Order, except pursuant to the grant of planning permission on an application made in that regard.

Procedural Matter

2. The planning application was in outline with all matters reserved. I have had regard to the Location and Block Plans which show the appeal site outlined in
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red and have based my decision on the principle of a single dwelling on this site.

Main Issues

3. The main issues are:

- (a) the effect of the proposed development on the setting of listed buildings at Manor Lodge and Manor Farm; and
- (b) whether the proposed development would provide a suitable location for housing, having regard to the character and appearance of the area and the accessibility of services and facilities.

Reasons

4. The appeal site is situated within Norton Little Green, an outlying part of the village of Norton along Ashfield Road. Existing built development within Norton Little Green is linear to Ashfield Road or set back in small cul-de-sacs. The appeal site forms part of a small wooded area fronting Ashfield Road between modern properties at Woodpeckers and Manor View and in front of Manor Lodge. To the south of the wooded area and Manor Lodge is open countryside.

Setting of listed buildings

- 5. The listed buildings of Manor Farm (Grade II*) and Manor Lodge (Grade II) are located to the north-west and south-west of the appeal site respectively. Their significance is greatly informed by their architectural and historic interest as buildings dating back several centuries with the survival of key features. The setting of both listed buildings also contributes to their significance, and I have had special regard to preserving the setting as required by the relevant statutory duty¹.
- 6. Both listed buildings are set within generous plots surrounded by planting and gardens with views south across the open countryside that forms part of their setting. Modern development has encroached towards these buildings, but they remain separate and set back from Ashfield Road and other development. Notwithstanding the uncertainties regarding the historic and functional relationship between the two buildings, it was evident from my site visit that they have a strong intervisibility across Ashfield Road and the wooded area.
- 7. The wooded area contains a range of trees of different ages and sizes and apparently represents the remnants of the common that ran through Norton Little Green. It has some value as an area of undeveloped space along Ashfield Road and falls within of the setting of the listed buildings, but has been diminished by the proximity of modern development while its association with the historic common is not obvious when viewed on site.
- 8. It is evident that there would be a degree of tree loss within the appeal site, although its extent would depend on the access, scale and layout of development. The appeal site appears sufficiently large to accommodate a dwelling and retain some screening along its boundaries. Furthermore, it would be located at the eastern end of the wooded area furthest from the listed buildings. The intervisibility between the two listed buildings and views

¹ Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

towards the countryside would not be diminished, while the separation and set back of these buildings from other development would endure.

9. I note the appellant's argument that the dwelling is necessary to fund the preservation of Manor Lodge. The evidence before me is limited as to whether the proposal represents enabling development and would lead to the preservation of a listed building. Nevertheless, the principle of development would be acceptable in terms of its effect on the setting and significance of the listed buildings regardless.
10. Interested parties and the Council's heritage officer indicate that modern development at Manor View was allowed on a flawed understanding of setting. I have not been provided with details relating to this or any other development, but have made my decision based on the evidence before me.
11. Concluding on this main issue, the proposed development would preserve the setting of the listed buildings and there would be no harm to their significance. Therefore, it would accord with Policy HB1 of the Mid Suffolk Local Plan 1998 ('the Local Plan'), Policy CS5 of the Mid Suffolk Core Strategy 2008 ('the Core Strategy') and Policies FC1 and FC1.1 of the Core Strategy Focused Review 2012 (CSFR). Amongst other things, these policies seek to conserve the district's local character and historic environment and protect the setting of listed buildings. The proposed development would also comply with the aims of the National Planning Policy Framework (NPPF) to sustain the significance of designated heritage assets.
12. I am unable to conclude against Policy CS2 for this main issue, which refers to the preservation of listed buildings as acceptable development in the countryside, due to uncertainties regarding whether enabling development applies. Nevertheless, this does not diminish the compliance with other policies listed above.

Suitability of the location

13. Considering the effects on character and appearance first in terms of the location of the proposed development, the appeal site and wooded area overall has some value in providing a visual break in development along Ashfield Road, but is separate from the countryside to the south. Although there would be a degree of tree loss, there is scope to retain screening along boundaries. A new dwelling would continue the linear form of development along Ashfield Road and would not encroach into the open countryside or be physically isolated. Thus, it would have an acceptable effect on the character and appearance of the area in terms of its effects on the countryside.
14. Turning to the accessibility of services and facilities, Norton Little Green has very few services and is considered to be a countryside village by Policy CS1 of the Core Strategy. Policy CS2 of the Core Strategy restricts development in the countryside to defined categories outside of new market housing, which reflects Policies H7 and H10 of the Local Plan. As discussed above, there is insufficient evidence to indicate that the development would lead to the preservation of a listed building, which is one of the categories in Policy CS2.
15. Norton to the west and Elmswell to the east contain a range of services and facilities appropriate to their status as a Primary Village and Key Service Centre respectively. Although neither settlement is particularly far from the appeal

site, there are sections of narrow country roads at national speed limit with no pavements or lighting, which discourages walking or cycling. The bus service through Norton Little Green, while providing an alternative mode of transport, is very limited in terms of the number of services.

16. Occupiers of the proposed development would need to travel beyond Norton Little Green to access most services and facilities, and given the above limitations with other modes of transport, would likely be reliant on the private motor car. This would lead to negative social and environmental effects in terms of the lack of accessible local services and the inefficient use of natural resources.
17. The proposed development would thus not accord with Policies CS1 and CS2 of the Core Strategy and Policies H7 and H10 of the Local Plan. However, it is recognised by the Council and the appellant that the Council is unable to demonstrate a five year supply of deliverable housing sites and that relevant policies for the supply of housing should not be considered up to date in line with paragraph 49 of the NPPF. Policies CS1, CS2, H7 and H10 are relevant policies for the supply of housing and so, while not rendered redundant, I can only afford them limited weight.
18. Where relevant policies are out of date, paragraph 14 of the NPPF states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole or specific policies of the NPPF indicate development should be restricted. Policies FC1 and FC1.1 of the CSFR follow the approach of paragraph 14.
19. Considering the benefits of the proposed development first, there would be social benefits from the provision of a new dwelling in terms of housing land supply. There would be social and economic benefits in terms of sustaining local services and facilities. These benefits are tempered by the scale of development, but nevertheless carry modest weight in favour of the proposal.
20. Turning to the adverse effects, the effects on the character and appearance of the area and the setting of listed buildings would be acceptable as outlined above. While there would be negative environmental and social effects arising from a reliance on the private motor car, a single dwelling is unlikely to generate a significant number of vehicle movements. As a consequence, and conscious of the limited weight I have attached to Policies CS1, CS2, H7 and H10, the weight I can attribute to the adverse effects of development is modest.
21. In the context of paragraph 14 of the NPPF and Policies FC1 and FC1.1 of the CSFR, the adverse effects of the development would not significantly and demonstrably outweigh the benefits. Therefore, the presumption in favour of sustainable development applies which points towards the grant of planning permission.
22. Concluding on the main issue, the proposed development would provide a suitable location for housing having regard to the character and appearance of the area and the accessibility of services and facilities. Thus, it would accord with Policies FC1 and FC1.1 of the CSFR which have a presumption in favour of sustainable development and require proposals to conserve and enhance the local character of the district.

23. The proposed development would meet the aims of paragraph 55 of the NPPF which seeks to maintain the vitality of rural communities and avoid new isolated homes in the countryside. It would also represent sustainable development as described by the NPPF and protect the intrinsic character and beauty of the countryside.

Other Matters

24. Given the separation distances between existing properties and the proposed development, there is likely to be no harm to the living conditions of neighbouring occupiers in terms of outlook or privacy. Such issues can be adequately addressed at the reserved matters stage. Any effects arising from the construction of the dwelling would be temporary and could be addressed through other regulatory processes.
25. Concerns regarding effects on highway safety and the proximity of a bend in the road to the west will depend to some extent on the access details. Nevertheless, based on my site visit observations, Ashfield Road is lightly trafficked and subject to a 30mph speed limit through Norton Little Green. The probability and severity of any traffic incident arising from the provision of a single new dwelling are likely to be low. Thus, the effects on highway safety would be acceptable.
26. Concerns regarding the loss of trees and wildlife habitats will depend on the proposed landscaping, which would be controlled through a reserved matter application. Finally, I note local concerns about further development in the village, but have assessed this proposal on its own merits. The grant of planning permission relates to a single dwelling and any proposal for additional housing would need to be subject to a separate planning application.

Conditions

27. I have imposed standard conditions relating to the submission and timing of reserved matter applications and the commencement of development. The Council has requested conditions requiring details of materials and landscaping to be provided, but as an outline application with all matters reserved, such conditions are not necessary. However, I have specified that the reserved matter application relating to landscaping needs to include details on tree retention and protection given the benefits of screening.
28. Removing permitted development rights for any future enlargement or alteration of the dwelling, or the erection of any form of enclosure or building, is necessary to safeguard the character and appearance of the area. However, conditions requested by the Highway Authority in terms of parking and visibility are not necessary as they are elements of the development that can be dealt with under the relevant reserved matter application.

Conclusion

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

Tom Gilbert-Wooldridge

INSPECTOR