
Appeal Decision

Site visit made on 15 May 2017

by Graham Chamberlain BA (Hons) MSc MRTPI

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

Decision date: 5 June 2017

Appeal Ref: APP/T3535/W/17/3168883

Land adj. Little Priory, Church Street, Wangford, Beccles, Suffolk NR34 8RW

- 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 Trevor Clarke Homes Ltd against the decision of Waveney District Council.
 - The application Ref DC/16/1780/FUL, dated 18 May 2016, was refused by notice dated 18 July 2016.
 - The development proposed is described as 'provision of terrace row, affordable housing – consisting of 4No. 3bed & 4No. 2 bed, 2 storey houses'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During my site visit, and in addition to entering the appeal site, I viewed the area from Little Priory and 29 Church Street.

Main Issues

3. The main issues in this appeal are:
 - Whether the appeal site is a suitable location for housing having particular regard to the relevant development plan policies relating to housing and the countryside and its effect on the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB); and
 - The effect on heritage, with particular reference to whether the proposed development would preserve the setting of nearby listed buildings and whether it would preserve or enhance the character or appearance of the Wangford Conservation Area.

Reasons

Whether the appeal site is a suitable location for housing

4. Policies CS1 and CS11 of the Core Strategy (CS)¹ state that most new development in the district will be concentrated at Lowestoft and the District's market towns. Wangford is defined as a 'larger village' and the CS confirms that 5% of the District's housing growth is to be directed to such settlements.

¹ The Approach to Future Development in Waveney Core Strategy Development Plan Document 2009

5. The policies in the Waveney Development Management Policies 2011 (DMP) flow from the strategy laid out in the CS. Policy DM01 of the DMP concentrates development within the defined physical limits of the market towns and larger villages and Policy DM22 states that housing will not be permitted in the countryside, which is the area outside the physical limits of settlements, except in certain circumstances.
6. The appeal site is located outside the defined physical limits of Wangford² and is in the countryside. The appellant nevertheless questions this designation because the appeal site is surrounded by residential development, including a sunken house to the west. Nevertheless, the appeal site is a segment of the countryside that flows into the village and is visually continuous with the wider landscape. This adds to its significance as an undeveloped space as it softens the built form of the village and reinforces its rural character by connecting the village with the landscape beyond. The sunken house does not alter the appreciation of the countryside beyond the settlement as there are views over the building and it will become even more difficult to perceive once a hedge planted along its eastern boundary matures. As such, the appeal site has not been incorrectly designated as countryside and the boundary of the village is in a rationale position and thus not arbitrary.
7. As a housing development in the countryside the appeal scheme would be contrary to the development plan unless it meets the exceptional circumstances set out in the CS and DMP. It has already been determined by a previous Inspector³ that the development of the appeal site would not amount to infilling. This is because the appeal site is not part of a built frontage due to its extensive width. Moreover, the development on the western side of Church Street, including Little Priory, is characterised by detached houses in large and spacious plots with a notable extent of undeveloped space in-between. I have seen nothing to suggest planning policies or the context of the site have altered significantly since the Inspector reached this conclusion. The Inspector had regard to the approval of Low House. Therefore, I have afforded his findings, which I share, significant weight.
8. The appellant suggests that the appeal scheme would be a rural exception site because it would incorporate affordable housing. Nevertheless, I have not been presented with any mechanism, such as a planning obligation, that would secure the properties as 'affordable housing' in accordance with the definition in the National Planning Policy Framework⁴. It is notable that the definition of affordable housing in the Framework specifically states that low cost market housing is not to be considered affordable housing for planning purposes. As such, the appeal scheme would not be a rural exception site as the provision of affordable housing cannot be guaranteed or compelled.
9. Moreover, even if I considered the proposal to be a rural exception site, the appellant's submissions lack a robust justification for the proportion of market housing proposed. It is suggested the market housing is necessary to deliver a scheme equivalent to Code for Sustainable Homes (CfSH) levels 5 or 6, but costings have not been provided to demonstrate this. Additionally, the building

² The appeal site was previously within the village boundary but this is no longer the case and therefore the historic designation is of very limited relevance.

³ In appeal decision APP/T3535/A/12/2168207

⁴ The conditions suggested by the Council, which would have the effect of requiring a planning obligation to be submitted at a later, do not meet the tests in the Planning Practice Guide because such conditions can only be used in exceptional circumstances when a proposal is of a complex and strategic nature. This does not apply here.

techniques suggested would not be particularly pioneering or innovative as they meet a pre prescribed level that was set out in the CfSH. As such, exceptional circumstances have not been demonstrated that would justify the appeal scheme's location in the countryside.

10. I therefore conclude that the proposal would amount to development in the countryside that would not accord with the spatial strategy for housing contained in the development plan. It would thus be an unjustified intrusion of built form into the countryside that would harm the setting of the village and the AONB. An AONB is a designation that should be afforded great weight⁵. This would be contrary to Policies CS01 and CS11 of the CS and Policies DM01, DM22 and DM27 of the DMP. These policies are consistent with Paragraphs 17, 55 and 115 of the Framework and substantive evidence has not been provided to suggest the Council are currently unable to demonstrate a five year housing land supply, which could render the housing policies of the development plan out of date. As such, the Policies, and the appeal scheme's conflict with them can be afforded significant weight.

The effect on heritage

11. The appeal site is located in close proximity to the Church of St Peter and St Paul, which is Grade I listed and therefore of the highest level of significance. The Church is an important focal point and landmark. The appeal site is also situated near to Little Priory, the Coach House and The Old Vicarage, which are Grade II listed. 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 listed buildings. The setting of a building is the way in which it is experienced and goes beyond views from public vantage points⁶.
12. The setting of the nearby listed buildings identified above extends beyond their respective curtilages. The buildings have a historic inter-relationship and together form an important grouping on the western side of Church Street. The churchyard, the garden of Little Priory and the appeal site combine with the countryside to the west to create a spacious and verdant setting to these listed buildings that contributes positively to their significance, character and appearance and is appreciated from a number of public and private areas.
13. The appeal site is also located in the Wangford Conservation Area (CA) and 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 it. For similar reasons to that described above, the appeal site, and the grouping of listed properties around it, contributes to the significance of the CA. This is because the spacious and verdant character of the grouping provides a contrast with the closely developed frontage on the eastern side of Church Street. The fact that this is articulated in the Wangford Conservation Area Appraisal 2009 (CAA) lends further weight to such a conclusion.
14. The open nature of the appeal site facilitates views from Church Street towards the Church. The landscaping along the church boundary does not block this view. The appeal site is identified in the CAA as a significant green space in

⁵ Paragraph 115 of the National Planning Policy Framework.

⁶ See Historic England's Good Practice Advice (Note 3) Setting of Heritage Assets 2015

part for this reason as it allows views within, into and from the conservation area. The management plan that supports the CAA suggest the appeal site should remain open and undeveloped. Views of the appeal site along Church Street are specifically recognised in the CAA.

15. The hedge marking the boundary between the appeal site and Church Street is a natural feature that adds positively to the street scene even though it is apparently unmanaged at present. It is possible to perceive the open character of the appeal site behind the hedge, which will be more apparent when it is not in leaf. The hedge is a natural feature which is to be expected at the edge of the village and therefore it is not a visual detractor which should be removed.
16. The proposal would introduce eight properties to the appeal site arranged in two semis and a terrace. These properties, along with the site access and parking area, would span the width of the appeal site. The character of the appeal site would thus be significantly altered from an open and verdant finger of countryside to a built street scene. This would harm the positive contribution the open and verdant character of the appeal site currently makes to both the setting of nearby listed buildings and the conservation area as a whole. Moreover, the juxtaposition of the appeal scheme with the spacious housing either side would result in it appearing discordantly cramped.
17. The detailed design of the proposal would lack sensitivity. The hedge would be entirely removed and the frontage of the houses would be given over to vehicle parking. This would be a jarring suburban layout at odds with the grain of development along Church Street, where houses are reasonably close to the back edge of the street. Additionally, parking spaces are proposed along the boundary with Little Priory which will give the appeal scheme the sense of being car dominated. The presence of the houses would also harmfully disrupt the important view of the Church from Church Street.
18. The appellant has attempted to replicate historic architectural details found on period properties elsewhere in the conservation area, such as string courses and double height bays but has omitted important details such as chimneys. The rather ad hoc 'pick and mix' approach of including a number of different architectural features would result in the dwellings having a grand and over-worked appearance. Overall the design is unconvincing as an attempt to harmonise the appeal scheme with the historic properties along the eastern side of the road. Instead, the proposal would appear as an awkward and incongruous intrusion into an attractive and historic street scene.
19. Part of the design concept is to open up a view of the church around the site entrance by removing the existing landscaping. However, the creation of such a view could be achieved without constructing the appeal scheme. Notwithstanding this, the new view would be dominated in the foreground by parked cars, a vehicular access and the presence of the proposed dwellings. As such, the new view would not mitigate for the harm caused to the existing view from Church Street of the church tower across the appeal site. This is notwithstanding the appellant's analysis on drawing 406.P5, which demonstrates that the view of the church tower becomes more limited the closer one stands to the roadside hedge.
20. The appeal site has an historic association with the Cluniac monastery but this does not justify the intrusion of built form into the appeal site because historic maps show the site appears to have remained largely undeveloped for

centuries and thus open for a considerable period. A terrace of buildings was present along the High Street to the north of the Church and it is understood this was demolished in the 1970s. However, I share the view of Historic England that this is not a precedent for the appeal scheme, which would introduce an unsympathetic and tight urban form into an area characterised by spaciousness.

21. The appeal scheme followed advice from the Suffolk Design Review Panel. The panel, in considering a different scheme for two houses within the appeal site, came to the view that a development along its site frontage would be preferable. It is unclear whether the appeal scheme was presented to the panel. Notwithstanding this, the Panel's comments are misguided in light of the site history - that a housing development within the site would be harmful to heritage⁷ - and the guidance in the CAA, which identifies the appeal site as an important undeveloped space. Additionally, the panel appears to have given weight to the appeal site's overgrown appearance but there is a management plan⁸ in place for the site. Adherence to this would address the appearance of the site without the need for a housing development. As such, the views of the panel on the appropriateness of the appeal site for a residential development are afforded very limited weight in this instance.
22. As a consequence of the above, the proposal would considerably harm the significance of the conservation area. The character and appearance of the CA would not be preserved. Furthermore, the proposal would harm, and thus fail to preserve, the setting of nearby listed buildings. When applying the language in the Framework, the proposal would result in less than substantial harm to the significance of the CA and nearby listed buildings. Consequently, I do not share the conclusions reached in One Planning's heritage statement.
23. As a public benefit of the proposal the appellant suggests the appeal scheme would deliver much needed smaller and affordable housing for the village and this would be on previously developed land (PDL) close to local services. This could benefit local families, first time buyers and those wishing to downsize. There is nothing before me to suggest this is an inaccurate proposition. The appeal scheme could also support local building firms and thus local jobs.
24. However, it has not been demonstrated that these public benefits could not be delivered in a less harmful way, including a consideration of alternative sites. As such, and in this context, the delivery of housing is a public benefit of limited weight in this instance. This is especially so as the Council suggest the target in the CS of delivering 5% of the District's housing in the larger villages has been exceeded. Substantive evidence has not been submitted demonstrating otherwise.
25. In the absence of a planning obligation the appellant cannot be compelled to deliver affordable housing or to ensure that some of the houses would be occupied by local people. Consequently, these aspirations cannot be considered a public benefit of more than very limited weight. Thus, the petition advocating the provision of affordable housing is also of limited relevance because the scheme may not provide any.

⁷ A view supported by experts including Historic England and the Georgian Group

⁸ Required by Condition 4 of planning application DC/10/0031/FUL and is a requirement that runs with the land.

26. The appeal site was formally part of the curtilage of Little Priory and residential gardens in built up areas are excluded from the definition of PDL. Nevertheless, the appeal site is located in the countryside and therefore the view could be taken that it is garden land outside a built up area and thus PDL. However, the land is no longer part of the garden of Little Priory, is over grown and a previous Inspector found that it had blended back into the landscape and was not PDL. Substantive evidence has not been provided that would lead me to a different conclusion.
27. Even if the appeal site was PDL its development would not amount to a notable public benefit. This is because although the development of PDL is supported at a local level through the development plan, so is the protection of heritage assets. The proposal would harm heritage of local and national significance and would be located outside the physical limits of the village. These are not harmful impacts that would be outweighed by a PDL status in this instance.
28. Taken together, the public benefits of the proposal would be of limited weight whereas the harm would be considerable but less than substantial. When attaching great weight to the special regard I must have to the desirability of preserving or enhancing the character or appearance of the CA and the setting of listed buildings, the less than substantial harm to designated heritage assets would not be outweighed by the limited public benefits of the proposal. Consequently, there would be a conflict with Paragraph 132 of the Framework as the harm to the designated heritage assets would not have a clear and convincing justification.
29. As such, my overall conclusion is that the proposal would therefore be contrary to Policies CS17 of the CS and DM30 of the DMP, which seek to secure proposals that are well designed and protect the historic environment. These policies are consistent with Paragraphs 17, 58 and Section 12 of Framework and can be afforded significant weight.

Conclusion

30. From a consideration of the information presented I conclude that the appeal scheme would be contrary to the development plan taken as a whole and material considerations do not indicate planning permission should be forthcoming in spite of this. Accordingly, it would not be sustainable development. For this reason, and the reasons given above, and having regard to all other matters raised, I conclude the appeal should be dismissed.

Graham Chamberlain
INSPECTOR