
Appeal Decision

Site visit made on 1 November 2017

by J Gilbert MA (Hons) MTP MRTPI

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

Decision date: 8th November 2017

Appeal Ref: APP/W3520/W/17/3178941

'Fairfields', Langton Green, Eye, Suffolk IP23 7HL

- 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 David Phillips against the decision of Mid Suffolk District Council.
 - The application Ref 0324/17, dated 23 January 2017, was refused by notice dated 25 April 2017.
 - The development proposed is described as "proposed two detached cottages at 'Fairfields', Langton Green, Eye, Suffolk."
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The planning application was made in outline with all matters reserved. I have had regard to the Location Plan (216.757.07) which shows the appeal site outlined in red and have based my decision on the principle of 2 dwellings on the appeal site. Drawings showing an indicative block plan, site layout, elevations and floor plans were also submitted with the application and I have had regard to these indicatively in determining this appeal.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area, including the setting of nearby listed buildings at Langton Grove Farmhouse, Rose Cottage, Oak Cottage and 81 Langton Green.

Reasons

4. The appeal site is located in Langton Green within the settlement boundary of Eye. An existing bungalow 'Fairfields' lies to the north of the appeal site, beyond which is open countryside. The appeal site is bounded to the north by a close-boarded timber fence. The eastern and western boundaries, which face Brome Avenue and the B1077 respectively, are made up of hedging, shrubs and large trees, including a number of oaks and conifers. The appeal site is laid out with grass, shrubs and a small area of hardstanding towards the eastern boundary.

5. The listed buildings of Langton Grove Farmhouse and Rose Cottage are situated to the west and the south-west of the appeal site respectively, while Oak Cottage and 81 Langton Green are located to the south-east of the appeal site. All of the aforementioned listed buildings are grade II and are situated in generous plots facing their respective roads and the appeal site.
6. The appeal site forms a narrowing tongue of land located between Brome Avenue and the B1077 and apparently represents a remnant of the former village green bounded by a number of listed buildings. Although the Council's Heritage Officer asserts that the appeal site should be considered as an undesignated heritage asset, I have not been provided with maps showing the original extent of the village green. Given the presence of modern development between the Langton Grove Farmhouse and 68 and 69 Langton Green and along Brome Avenue, and the road layout around the appeal site, it is uncertain what the historic and functional relationship was between the appeal site as part of the village green and the neighbouring listed buildings. Nevertheless, the appeal site falls within the setting of listed buildings at Langton Grove Farmhouse, Rose Cottage, Oak Cottage and 81 Langton Green. As a listed building's setting contributes to its significance, I have had special regard to preserving the setting of listed buildings as required by the relevant statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
7. Paragraph 132 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. The glossary to the Framework states that the setting of a heritage asset comprises the surroundings in which it is experienced, and that the extent of setting is not fixed, and may change as the asset and its surroundings evolve, and that different elements of that setting may either make a positive, negative or neutral contribution to its significance.
8. The proposed development is for the erection of two detached houses on the appeal site. Although the application was made in outline with all matters reserved, I observed on my site visit that it would not be possible to set out the proposed houses with the same generous spacing within their plots as either the existing listed buildings surrounding the appeal site or neighbouring 'Fairfields' to the north of the appeal site. Consequently, the plots of the 2 proposed dwellings, particularly the plot nearest the narrow tip of the appeal site, would lack the depth of surrounding plots and would be developed at a higher density than the plots of nearby listed buildings. Given the indicative positioning of the proposed dwelling on plot 2 close to the site's boundaries and the limited amenity space surrounding the house on plot 2, the proposed development would result in a cramped form of development which would not suitably relate to its surroundings. This would in turn alter the relationship of the proposed and existing buildings both with each other and with the former green, diminishing the semi-rural character of the undeveloped space which forms part of the setting of the listed buildings at Langton Grove Farmhouse, Rose Cottage, Oak Cottage and 81 Langton Green facing the appeal site, thereby harming their significance.

9. Although I acknowledge that the proposed development would be similar in scale to a number of surrounding properties at one and half storeys in height; that the proposed development would utilise elements of the local vernacular architecture; and that shrubs and trees would be retained on the appeal site, these positive aspects of the proposed development do not overcome my concerns about the cramped nature of the proposed development or its effect on the setting of listed buildings.
10. I note the outline planning permission granted for a single large detached bungalow on the appeal site in 2015¹. I have not been provided with any plans or further information for this approved development and cannot therefore comment in detail on the differences between the 2 applications. However large the approved bungalow would be, it is likely that the 2 proposed dwellings would have greater site coverage, particularly given the likely additional domestic paraphernalia of driveways and garages required for such development.
11. The appellant also refers to a number of schemes on nearby sites which have obtained planning permission. While I have considered the maps and plans provided by the appellant, these sites do not have the same site-specific circumstances as the appeal site. Although I recognise that one of the sites is located at Langton Grove Farm to the rear of Rose Cottage and another is at Bothy House on the edge of Langton Green, these sites do not have the same relationship with either the former village green or listed buildings as the appeal site. I therefore consider that these planning permissions have only limited weight in my decision.
12. The harm identified to the significance of the listed buildings would amount to "less than substantial harm" which paragraph 134 of the Framework advises must be weighed against the public benefits of the scheme. There is no dispute between the parties that the appeal site lies within Eye's settlement boundary and is therefore considered generally to be a suitable location for development. I note that the appellant and his son wish to construct the proposed 2 dwellings as self-build houses to meet their own housing needs. I recognise that the proposed dwellings may well provide affordable homes for members of a local family. However, while I have given consideration to the limited information provided on the appellant's personal circumstances and those of his son, I am mindful of the advice contained in Planning Practice Guidance that in general planning is concerned with land use in the public interest². It is probable that the proposed dwellings would remain long after the personal circumstances of the appellant and his son cease to be material. The provision of the 2 dwellings would therefore provide a largely personal benefit and I attribute only very limited weight to the public benefits the proposal would make to the wider housing stock within the settlement boundary. This would be insufficient to outweigh the harm identified to the significance of the listed buildings. I therefore conclude the proposal would fail to comply with national policy outlined in the Framework.
13. Concluding on this main issue, the proposed development would have an adverse effect on the character and appearance of the area and would fail to preserve the setting of nearby listed buildings at Langton Grove Farmhouse, Rose Cottage, Oak Cottage and 81 Langton Green. As such, the proposed

¹ Application reference 3187/15.

² What is a material planning consideration? Paragraph Reference ID: 21b-008-20140306.

development would be contrary to policies GP1, SB2 and HB1 of the Mid Suffolk Local Plan 1998 (LP) and policy CS5 of the Mid Suffolk District Core Strategy 2008 (CS). Policy GP1 requires, amongst other things, that proposals maintain or enhance the character and appearance of their surroundings, and respect the scale and density of surrounding development. Policy SB2 states, amongst other things, development should be permitted unless it adversely affects listed buildings and their settings. Policy HB1 places a high priority on protecting the character and appearance of historic buildings, particularly the setting of listed buildings, while policy CS5 requires development to maintain and enhance the environment, including the historic environment.

14. The proposed development would also not meet the aims of the Framework as it would fail to sustain the significance of the setting of listed buildings, where the public benefits would not outweigh the harm. In addition, for the reasons set out above, the statutory duty within Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 has not been met.

Other Matters

15. I note that neighbouring residents have raised a number of further concerns regarding the proposed development and that the appellant has sought to address these concerns. Given my findings on the main issue, it has not been necessary for me to consider these concerns in any detail.
16. The appellant has confirmed that a pre-application meeting was undertaken with the Council and has provided a summary of the matters discussed during that meeting. I also note that no environmental health, land contamination or public rights of way issues were raised. This information does not alter my findings on this appeal.

Planning Balance

17. There is no dispute that the Council cannot demonstrate a 5 year housing land supply (HLS), although neither party has confirmed the extent of the HLS shortfall. As such, I have no reason to dispute that the Council cannot demonstrate HLS. Paragraph 49 of the Framework applies which states that relevant policies for the supply of housing should not be considered up to date where HLS cannot be demonstrated. Although the Council has not relied on any relevant policies for the supply of housing in refusing planning permission for this proposed development, the lack of HLS is sufficient to trigger paragraph 14 of the Framework.
18. Paragraph 14 states that where relevant policies are out of date, 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 Framework taken as whole; or specific policies in the Framework indicate that development should be restricted. As I have already found that the Framework's policies relating to heritage assets indicate that development should be restricted, the presumption in favour of sustainable development does not apply to this appeal.
19. To conclude on the planning balance, I consider that the proposed development would have an adverse effect on the character and appearance of the area and the setting of listed buildings. These are significant factors weighing against the

proposed development and would render the proposed development contrary to policies GP1, SB2 and HB1 of the LP and policy CS5 of the CS.

Conclusion

20. For the above reasons, and having had regard to all other matters raised, the appeal should be dismissed.

J Gilbert

INSPECTOR