
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/17/3180201

Cottage Farm Barn, Mill Road, Buxhall IP14 3DW

- 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 Edmund Hume against the decision of Mid Suffolk District Council.
 - The application Ref 1226/17, dated 18 March 2017, was refused by notice dated 13 May 2017.
 - The development proposed is erection of two, two storey, four bedroom houses.
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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 (CFBSH0417 01A) which shows the appeal site outlined in red and have based my decision on the principle of 2 dwellings on the appeal site. An indicative block plan (CFBSH0417 02) was also submitted with the application and I have had regard to this in determining this appeal, but have treated it as indicative only.

Main Issues

3. The main issues in this appeal are:
 - the effect of the proposed development on the character and appearance of the area, including the setting of the nearby listed building at Cottage Farm; and
 - whether the proposed development would provide a suitable location for housing, having particular regard to the accessibility of services and facilities.

Reasons

Character and Appearance

4. The appeal site currently provides an orchard of relatively young fruit trees on part of the garden land of Cottage Farm Barn, a detached two-storey house. The appeal site is separated from Mill Road by a small ditch and a hedgerow situated some 3m from the road. Cottage Farm, a Grade II listed building, lies to the east of the appeal site, while Cottage Farm Barn lies to the north. Bakers

Puddle fishing lake is located to the west, while there is open countryside to the south of the site across Mill Road.

5. The listed building at Cottage Farm is a mid 16th century timber-framed pebble-dashed farmhouse with a number of tall red brick chimney stacks with diagonally set square flues. Of these stacks, 2 are visible on the gable end of Cottage Farm facing the appeal site. The listed building at Cottage Farm's significance is greatly informed by its architectural and historic interest as a building dating back several centuries with the survival of key features. The setting of the listed building also contributes to its significance, and I have had special regard to preserving the setting as required by the statutory duty set out in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
6. The listed building is set within a generous plot with a number of farm outbuildings and gardens to the front and rear, with views southwards and to the north-west between farm buildings and a driveway to open countryside that forms part of the listed building's setting. While modern development has encroached somewhat towards the listed building particularly on the northern and eastern sides, there remains some intervisibility between the approach to the appeal site along Mill Road, the appeal site itself and the listed building as I observed on my site visit.
7. Despite the uncertainties present regarding the historic and functional relationship of the appeal site with the listed building, and while I recognise that the orchard and hedgerow on the appeal site may well be modern inventions, the 1885 map referred to by the Council shows the appeal site as a field with a number of trees on the boundary adjacent to the road and within the field. Although I acknowledge that the appellant has undertaken significant remedial works to remove considerable debris from the appeal site and to plant numerous trees and the hedgerow over the past 16 years, the appeal site has some inherent value as an established area of undeveloped space along Mill Road and within the setting of the listed building at Cottage Farm.
8. While the appeal site appears to be large enough to both accommodate 2 houses and to retain the hedgerow, the proposed development requires the removal of a portion of the hedge to allow for the site entrance and the hedge to be reduced in height to allow for visibility splays. Although the matter of site access is reserved, the appellant has confirmed that the proposed entrance to the appeal site would be in the middle of the site boundary on a straight section of road with visibility of approximately 43m in either direction. This hedgerow contributes to the rural nature of the appeal site. By diminishing the hedgerow, the proposed development would alter an intrinsic element of the existing character and appearance of the area.
9. Although I recognise that the appellant intends to provide 2 houses of sympathetic vernacular design and finish to the listed building at Cottage Farm and other buildings in the locality, the proposed development of 2 houses would fundamentally change the nature of the appeal site and its relationship with the listed building, as the 2 houses would diminish the setting of the listed building and would reduce views of open land from the listed building's curtilage and reduce views through to the listed building from the road and the appeal site itself. While the appellant has referred to the development of

Lancaster House¹ at Poy Street adjacent to the listed building at Limberlost and a number of other local planning decisions and appeals and considers the Council to have been inconsistent in their approach, this does not alter my views with regard to this appeal as I do not know the full site-specific circumstances of the sites provided.

10. The Council has confirmed that the original application did not describe the significance of any heritage assets affected, including any contribution made by their setting and as such was insufficient to understand the potential impact of the proposal on their significance or to make an assessment on the level of potential harm. I also note that the appellant was not advised at the pre-application stage to produce a heritage statement to accompany the application. While this is unfortunate, I am required to deal with the appeal before me.
11. The harm to the significance of the listed building at Cottage Farm would be less than substantial, but still important given the effect of the proposed development on the setting of the listed building. Paragraph 134 of the National Planning Policy Framework (the Framework) provides for a balancing exercise to be undertaken, between "less than substantial harm" to the designated heritage asset, on the one hand, and the public benefits of the proposal, on the other.
12. I note that there have been few applications locally for new houses in recent years and that the provision of 2 houses would provide additional housing within the locality and would allow for new families to move into the area or families to move within the area. I also acknowledge that the proposed development may involve the use of renewable energy generation on south-facing roofs and that the reserved matters would confirm the presence of home offices within the 2 houses allowing occupiers to work from home. Given the overall number of houses proposed, I can attribute only very modest weight to the economic, social, and environmental benefits the proposal would make to the local economy, the local housing stock, and to the provision of renewable energy. This would be insufficient to outweigh the harm identified to the significance of the listed building. I therefore conclude the proposal would also fail to comply with national policy outlined in the Framework and referred to above.
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 the listed building at Cottage Farm. As such, the proposed development would be contrary to policies GP1 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, while policy CS5 requires development to maintain and enhance the environment, including the historic environment.
14. The proposed development would not meet the aims of the Framework as it would fail to sustain the significance of the setting of a listed building, where the public benefits would not outweigh the harm. In addition, for the reasons

¹ Ref 2398/14.

set out above, the statutory duty within Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 has not been met.

Suitability of the location

15. Buxhall is located approximately 2km from Great Finborough, a primary village with Mid Suffolk's settlement hierarchy. Great Finborough offers a pub, a church and 2 schools, while Buxhall has a church and a pub. While the 377/386 and 376/461/462 bus services serve Buxhall and allow travel between Buxhall, Stowmarket, Drinkstone, Bury St Edmunds, Hadleigh and other settlements, these services are limited to 3–4 buses per day Mondays to Saturdays and one bus per day on Mondays and Thursdays respectively. The appeal site is situated off Mill Road which is a narrow road without pedestrian footways. The speed limit outside the appeal site is 30mph.
16. Buxhall is a countryside village in policy terms set out in Policy CS1 of the CS. In these circumstances, development is restricted to particular types of development to support the rural economy, meet affordable housing, community needs and provide renewable energy. The appeal site lies outside the defined settlement boundary of Buxhall and is therefore situated on land defined as countryside where development is restricted by policies CS1 and CS2 of the CS. Policy H7 of the LP also confirms that housing development should be restricted in the countryside.
17. Policy CS2 of the CS sets out the types of development which may be permitted in the countryside. The proposed development does not appear to fall within any of the specified categories within the policy. Policy H10 of the LP only permits residential development in the countryside in the case of a proven essential and immediate need for a dwelling for key agricultural personnel and normally expects the development to be associated with existing farm buildings. There is no suggestion in this appeal that the proposed development would provide essential accommodation for key agricultural workers. I therefore do not consider that exceptional circumstances have been provided to justify the provision of new housing in the countryside in line with the policy requirements outlined above.
18. Paragraph 55 of the Framework also states that isolated new homes in the countryside should be avoided unless special circumstances arise. However, the proposed development would be viewed as part of a group with the adjoining properties at Cottage Farm Barn and Cottage Farm and the scattered group of buildings in this part of Buxhall, and I am satisfied that the proposed dwelling would not appear visually isolated. I do not therefore find conflict with paragraph 55 of the Framework.
19. Unquestionably, however, the appeal site is some 2km from the settlement of Great Finborough and its services and facilities. While I note that Buxhall benefits from bus services, the timing and number of services offered would provide limited options for future occupiers to commute locally to carry out work on a 9–5 basis. While it is not entirely out of the question for some journeys to take place on foot or by bicycle to access local services and facilities, the rural road would be largely unlit at night and the road presents some issues with visibility for pedestrians and cyclists around the shallow bends from the appeal site. As a result, it would potentially feel physically isolated and unsafe for pedestrians or cyclists dependent on the time of day. I therefore consider that the majority of journeys to and from the site would be

made by car. Despite the limited number of trips generated by 2 houses, the proposed development would fail to minimise the need to travel by car.

20. Although the appellant has referred to a recent appeal decision made at nearby Oaklands, Rattlesden Road, Buxhall², that appeal decision related to a single dwelling and had different site-specific circumstances from this appeal, particularly with regard to the proximity to a listed building. I have considered this appeal on its own merits. The appeal before me relates to 2 proposed houses, each with 4 bedrooms. As a result of the additional proposed house and the size of the proposed houses, I consider it likely that a greater number of transport movements would be generated by the proposed development than by the Oaklands appeal scheme and that the harm with regard to reliance on the private car would thereby increase.
21. Concluding on this main issue, I do not consider that the proposed development would provide a suitable location for housing, having particular regard to the accessibility of services and facilities. No exceptional circumstances have been demonstrated. Therefore, it would not accord with policies H7 and H10 of the LP and policies FC1 and FC1.1 of the Mid Suffolk Core Strategy Focused Review (2012) (CSFR). I have addressed the content of policies H7 and H10 above. Policies FC1 and FC1.1 require development to demonstrate the principles of sustainable development.

Other Matters

22. I note that neighbouring residents and the Parish Council have raised concerns regarding the proposed development and that the appellant has sought to address the issues raised. Given my findings on the main issues, it has not been necessary for me to consider these concerns in any detail.
23. While I recognise that the appellant asked the Council for pre-application advice and has sought to discuss the proposed development with the Council following the determination of the planning application, this does not alter my findings with regard to the main issues in this appeal.

Planning Balance

24. 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. The lack of HLS is therefore sufficient to trigger paragraph 14 of the Framework.
25. Although I acknowledge the appellant's reference to the Hopkins Homes Supreme Court judgment³ with regard to the supply of housing, 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. Footnote 9 of the Framework gives examples

² APP/W3520/W/16/3163111, decision issued 8 February 2017.

³ Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant) [2017] UKSC 37.

of specific policies which indicate that development should be restricted. While this is not an exhaustive list, the Forest of Dean judgement⁴ indicates that paragraph 134 of the Framework is a particular policy restricting development. Given that I have found above 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.

26. 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 the listed building at Cottage Farm, and would not represent a suitable location for housing, with particular regard to access to services and facilities. These are significant factors weighing against the proposed development and would render the proposed development contrary to policies GP1, H7 and H10 of the LP, policy CS5 of the CS, and policies FC1 and FC1.1 of the CSFR.

Conclusion

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

J Gilbert

INSPECTOR

⁴ Forest of Dean DC v SSCLG & Gladman Developments Ltd [2016] EWHC 421 (Admin).