
Appeal Decision

Site visit made on 17 June 2019

by Sarah Dyer BA BTP MRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2019

Appeal Ref: APP/J3530/W/19/3220555

7 Main Street, Leiston IP16 4ER

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Seaprop Limited against Suffolk Coastal District Council.
 - The application Ref DC/16/4134/FUL, is dated 3 October 2016.
 - The development proposed is a housing development of 5 houses, with associated parking and access.
-

Decision

1. The appeal is dismissed, and planning permission is refused.

Procedural Matters

2. The Leiston Neighbourhood Plan 2015-2029 (2017) (the Neighbourhood Plan)) has been made and forms part of the Development Plan along with the Suffolk Coastal District Local Plan Core Strategy and Development Management Policies Development Plan Document (2013) (the Local Plan).
3. The Council's Statement concludes that the level of detriment to the character of the Leiston Conservation Area and setting of listed buildings arising from the development is not outweighed by the public benefit.

Main Issue

4. The main issue is the effect of the development on listed buildings and Leiston Conservation Area, which are designated heritage assets.

Reasons

5. Leiston Conservation Area (the CA) covers an area around Main Street, Station Road and Dinsdale Road in the centre of Leiston. The town accommodates a wide variety of shops and services including a library and museum which are adjacent to the appeal site. Although the shopping streets to the south of the CA are busy thoroughfares, the character of the CA is slower-paced, and it is dominated by attractive historic buildings of mainly the Victorian era and areas of open predominantly green space. There are several listed buildings within the CA, including the White Horse Hotel and 4 Station Road which are close to the appeal site.
6. The site accommodates a public house and beer garden and there is a large grassed space with trees to the rear. The Council has identified the main public

house building as an unlisted building that makes a positive contribution to the CA and the open space is shown as important open/green/tree space (IOGTS) on the Conservation Area plan. The open areas adjacent to the White Horse Hotel, in front of the library and Council Offices, off Dinsdale Road and at the junction of Main Street and High Street are also IOGTS. The high proportion of open space, and tree planting in particular, in this part of the CA are justifiably recognised of being of importance to the character of the CA in the Leiston Conservation Area Appraisal (2014) (the CA Appraisal).

7. The CA Appraisal also references the last remaining parts of the Garrett's Town Works site. These lie opposite the site and form the basis of the Long Shop museum. Between the public house building and the boundary with the library and Council Offices is a remaining section of the Garrett's Works Railway which is embedded into an area of hard standing. The route of the railway tracks is also picked out in setts across Main Street towards the museum.
8. The appeal proposals would introduce a row of two-storey houses into the open area to the rear of the public house. Although they would be sited towards the side boundary with a substantial green space being provided between the front gardens associated with the houses and the boundary with houses fronting Dinsdale Road, the new houses would be visible in the street scene. Consequently, the scheme would result in the loss of part of the IOGTS and this would have a significant impact on the appearance of this part of the CA.
9. 4 Station Road (No. 4) is a substantial two storey hip roofed building fronting the road. It benefits from a substantial mature rear garden and there are some large trees and shrubs on the boundary with the appeal site. Although some of this screen planting would be removed as part of the development, the design of those parts of the new houses which may become exposed to views from No. 4 would be principally the hipped roof elements and they would be compatible with the character and appearance of the listed building. Thus, the new development would not adversely affect the setting of this listed building.
10. The layout plan indicates that some of the existing trees which form the boundary with the IOGT adjacent to the White Horse Hotel could be retained within the proposed layout. In combination with the separation distance between the new houses and the White Horse Hotel building, this would ensure that the development would not have a harmful impact on this listed building or its setting. Given the relationship between the site and other listed buildings in the surrounding area, the development would also not have a harmful effect on those heritage assets.
11. Part of the site is proposed to be laid out as open space and features including railway tracks and a decked area to form a 'station platform' are shown. There is also reference to the new tracks being part of the Leiston Works Railway restoration project (the LWR project). Car parking to serve the new houses is also shown which would be accessed across part of the new tracks which would be laid flush with the new surface treatment. The open space and car parking area would be consistent in appearance with the other IOGTS within the CA.
12. In summary the dwellings would not have a harmful impact on nearby listed buildings or their settings. Nevertheless, given the important role which the IOGTS play in the character of the CA, I conclude that the loss of part of one of these spaces which would arise from the construction of five houses would be harmful to this designated heritage asset. The development is therefore

- contrary to Policies SP1, SP1a, SP15 and DM21 of the Local Plan. These policies jointly, amongst other things, seek to conserve and enhance the built environment and enhance and preserve attributes of historical value, support development which accords with the Local Plan and resist developments which detract from the character of their surroundings
13. The Neighbourhood Plan highlights the significance of Garrett's Works and the Long Shop Museum. However, I do not find any of the policies set out in the Neighbourhood Plan to be of direct relevance to the appeal proposals.
 14. The statutory duties in Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are matters of considerable importance and weight. I have not found that the development would have a harmful impact on the setting of listed buildings. However, as a consequence of loss of part of an area of open space which is identified as an IOGTS the new dwellings would have a harmful impact on the CA, therefore the statutory duty under Section 72 (1) applies.
 15. The degree of harm arising from the development on the CA would be less than substantial and the Council's Conservation Officer has reached a similar view. Paragraph 196 of the National Planning Policy Framework directs that where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal.
 16. The development would provide five houses close to the wide range of shops and services which are available in the town centre. Whilst in this regard the development would provide a public benefit, the scale of that benefit would be limited by the number of houses proposed.
 17. Both main parties recognise the opportunity to provide land to allow the reintroduction of track and other facilities as part of the LWR project as a public benefit. Given the juxtaposition of the Long Shop Museum to the site, I appreciate the potential which the site offers in contributing towards the understanding of the development of the town.
 18. A significant public benefit could arise from the implementation of a development which secures some of the works needed to realise the LWR project. However, there is limited information before me regarding the detailed proposals for the open space or any form of legal agreement to secure the delivery of the works and their long-term management and retention. In the absence of such evidence, the potential to deliver the LWR project attracts limited weight in terms of a public benefit arising from the development.
 19. The appellants argue that were planning permission to be granted, another planning application would be needed if any other use for the railway land were to be brought forward. However, on the basis of the description of the development given on the planning application form and the limited details provided on the submitted plans, there is very limited evidence that the railway use would be secured as part of an approval of planning permission in this case.
 20. In combination the limited public benefits arising from the appeal scheme would not outweigh the harm to the designated heritage asset that I have found in this instance.

Other Matters

21. The Council has confirmed that the site lies within the 13km 'zone of influence' of the Leiston-Aldeburgh Site of Special Scientific Interest (SSSI) and Sandlings Special Protection Area (SPA); the Sizewell Marshes SSSI; the Minsmere-Walberswick Heaths and Marshes SSSI and Minsmere-Walberswick SPA and the Alde-Ore Estuary SPA. SPA and SSSI fall within the definition of a European site. The Conservation of Habitats and Species Regulations 2017 requires that where any proposal is likely to have a significant effect on a European site either alone or in combination with other plans or projects, an appropriate assessment must be made in view of that site's conservation objectives. However, as I am dismissing for other reasons it is not necessary for me to consider this matter further as it could not change the outcome of this appeal.
22. I acknowledge the concerns raised by Leiston cum Sizewell Town Council, the Leiston Railways Trust, Friends of Leiston Railway and local residents, in addition to those relating to the impact of the development on designated heritage assets, including highway safety, the potential for change of use of the public house, impact on living conditions and flood risk. Given that I find the proposal to be unacceptable for other reasons, and any such concerns would have no bearing on my overall planning balance, it is not necessary for me to address these matters any further as part of this decision.

Conclusion

23. For the reasons set out above, the appeal is dismissed, and planning permission is refused.

Sarah Dyer

Inspector