



Appeal Decision

Site visit made on 20 June 2019

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 July 2019

Appeal Ref: APP/W3520/W/19/3221171

Land south of New Bells Lane, Haughley Green, Stowmarket, Suffolk

- 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 outline planning permission.
 - The appeal is made by Mr and Mrs Kevin and Gill Cook against Mid Suffolk District Council.
 - The application Ref DC/18/02457, is dated 30 May 2018.
 - The development proposed is described on the application form as "Erection of detached dwelling".
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Decision

1. The appeal is dismissed.

Procedural matters

2. The proposal seeks outline planning permission with all matters reserved for future consideration.
3. Since the appeal was submitted, a revised version of the Framework has been published¹. I have determined the appeal in light of this, which is a material consideration that should be taken into account.

Main issues

4. The Council has confirmed that if the appellant had not appealed against non-determination, it would have refused the development under delegated powers for the reasons set out in its appeal statement. Set against this context and the evidence in this case, the main issues are:
 - whether the development is in an appropriate location, with particular regard to the adopted development plan settlement hierarchy and access to shops, services, community facilities and transport choices other than the private car;
 - character and appearance, with particular regard to the effect of the development on the setting of the listed building.

¹ National Planning Policy Framework, Ministry for Housing, Communities and Local Government, February 2019.

Reasons

Appeal site context

5. The appeal site is laid to grass with a small number of trees and enclosed by mature hedging. It lies to the east of New Bells House, a Grade II listed building, and fronts onto New Bells Lane, a narrow vehicular highway with no footways enclosed by mature hedging and trees.

Whether the development is in an appropriate location

6. The Council and appellant both agree that the site falls within the open countryside for planning purposes, directly adjacent to the settlement of Haughley Green. Policy CS1 of the Core Strategy² establishes a settlement hierarchy which directs the majority of new development to towns and key service centres, with some provision in primary and secondary villages. It also clarifies that the rest of the district will be designated as countryside and countryside villages and that development in this area will be restricted to particular types of development that supports the rural economy, meets affordable housing/community needs and provides renewable energy. Policy CS2 of the Core Strategy states that development in the countryside will be restricted to defined categories in accordance with other Core Strategy policies.
7. The development does not fall within any of the specified settlement types and neither would it (a) support the rural economy (such as a dwelling restricted to a rural-allied occupation); or (b) provide an affordable dwelling or meet a local community need. There is also no evidence that it would result in the provision of renewable energy for the wider area. Neither would it fall within any of the specified categories referred to in other Core Strategy policies. As a consequence, I conclude that the proposal would conflict with Policies CS1 and CS2 of the Core Strategy.
8. I recognise that the development would be in close proximity to other dwellings and not be physically isolated. However, this does not mean that it would be sustainable in terms of access to shops, services, community facilities and transport choices other than the private car, or that it should be approved.
9. The settlement of Haughley Green contains no day-to-day amenities, which would as a consequence result in the proposed dwelling being wholly reliant on a range of other rural towns and villages further afield for access to shops, services and community facilities.
10. The appellant has referred to a wider range of facilities at the villages of Haughley and Bacton being accessible, but there are no footways linking these villages to the appeal site, and neither are they within reasonable walking distance. I recognise that it would be possible to cycle to both villages, but would only expect a small proportion of trips to be made in this way given the modest range of facilities available in these settlements. The evidence before me also reveals there to be no regular bus services from Haughley Green to elsewhere.
11. I recognise that in rural locations access to sustainable rural transport solutions will be typically less than that of an urban area and that development in one village may support services in another nearby. However, in this case, I found

² Core Strategy Development Plan Document, Adopted September 2008, Mid Suffolk District Council.

the overall level of day-to-day access to shops, services and community facilities by walking, cycling and public transport to be of such a poor standard and consequential reliance on the private motor car to be so high, that I consider the appeal site's location to be inappropriate.

12. The appellant states that one additional dwelling would not generate significant amounts of traffic and could be mitigated by it incorporating renewable energy measures. However, I do not consider this to be a sound basis upon which to justify the scheme as it could be repeated too easily and often for all forms of similar development in the countryside, no matter how poor their access is to shops, services, community facilities and transport choices other than the private car, and in doing so, would collectively undermine a sustainable approach to local development strategies and settlement hierarchies.
13. I therefore find that the scheme would also conflict with Paragraphs 9 and 103 of the Framework as it would result in; (a) a planning decision not playing an active role in guiding development towards sustainable solutions; and (b) the planning system failing to actively managing patterns of growth in support of the transport objectives outlined in Paragraph 102; - namely, that it would be heavily car dependant and not promote walking, cycling and public transport.

Character and appearance

14. Even though Haughley Green has a linear settlement character, there are examples of development projecting off this road, the most significant being Fir Tree Lane, which is quite heavily built up with residential housing. However, New Bells Lane has a quite different character and appearance to this, with no built form fronting onto the highway between New Bells House and the sharp bend in this road to the east where a single dwelling is sited. As a consequence, this road is dominated by the countryside and agricultural fields, which collectively make a significant and important contribution to the historic setting of New Bells House, and views of it when approaching from the east.
15. Although the historic maps provided by the appellant appear to show the appeal site as falling outside the original curtilage of New Bells House, this does not mean that the property would not have had direct access to the land to the rear. However, even if it did not, the proposed dwelling would nonetheless erode the attractive natural undeveloped countryside setting of this listed building and potentially obscure views of it when approaching from the east. As a consequence, whilst I am satisfied that the appeal site could physically accommodate a new dwelling and that this could be designed in a sympathetic architectural style, it is my view that the development would intrude into and obscure the historical setting of New Bells House, and harm the wider rural character of the lane.
16. The appellant states that the existing boundary hedges give the site a visual break from the countryside beyond and could be retained as part of the development. However, to my mind, the appeal site's soft landscaped appearance makes an important contribution to the countryside character of the area and setting of New Bells House. Furthermore, whilst I recognise that the boundary hedge would provide a soft edge to the development, the new dwelling would still be publicly visible and change the underlying character of the lane.

17. The appellant also asserts that the setting of the property has already been interrupted by more modern development to the west and south. However, this does not justify the harm I have identified; – on the contrary, this demonstrates to me that a line needs to be drawn or the listed building's remaining historic setting will be substantially lost.
18. In view of the above, I conclude that the development would be harmful to the countryside character and appearance of New Bells Lane and not preserve the setting of New Bells House in accordance with S66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal would therefore conflict with Policies GP1, HB1, H13 and H15 of the Local Plan³, Policy CS5 of the Core Strategy and Policies FC1 and FC1.1 of the Core Strategy Focused Review⁴, which collectively seek to ensure, amongst other things, that new development protects and conserves the setting of listed buildings and respects the character of the site and its surroundings.
19. I also find that the scheme conflicts with Paragraph 127 of the Framework which seeks, amongst other things; (a) development that is sympathetic to local character, including the surrounding built environment and landscape setting; and (b) schemes that establish or maintain a strong sense of place using the established pattern of buildings, streets and spaces.

Other matters

20. Given my conclusion on the main issues that the development is unacceptable, the other matters raised by interested parties have not been central to my decision. Accordingly, there is no need for me to consider them further as it would not alter the outcome of the appeal.
21. I note the appellant's frustration regarding the processing of the application, but this has little bearing on the planning merits of the scheme before me and is a matter between the parties. I have also noted the lack of objections by Historic England, but this in itself does not demonstrate a lack of harm, as is the case for the Parish Council's support of the scheme.
22. My attention has been drawn by the appellant to other planning appeal decisions. However, none of these are comparable to the proposal in terms of harm to a designated heritage asset. I have as a consequence assessed the scheme on its own merits in the light of all the evidence before me.
23. The appellant has also drawn my attention to other decisions made by the Council in Haughley Green. However, whilst I recognise that there are some similarities in terms of the principle of development, I do not have the full background and details to these cases, and in any event, I must consider the appeal scheme on its own merits. The existence of these other developments would not therefore set a precedent in this case.

Planning balance

24. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that the determination of applications should be made in accordance with the development plan unless material considerations indicate otherwise. This is reflected in Policy FC1 of the Core Strategy Focused Review.

³ Local Plan, Adopted September 1998, Mid Suffolk District Council

⁴ Core Strategy Focused Review, Adopted December 2012, Mid Suffolk District Council

25. Although the Core Strategy is over 10 years old, Paragraph 213 of the Framework states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework and that due weight should be given to them according to their degree of consistency with the Framework.
26. Although I consider the first part of Policy CS1 to be consistent with the Framework in that it seeks to concentrate new development in larger urban areas and villages where there are a wide range of services and facilities, the latter part of this policy and all of Policy CS2 adopts a restrictive approach to development in the countryside which does not fully accord with the more balanced and open position of the Framework.
27. I also recognise that Policy CS5 goes slightly further than Paragraph 192 of the Framework in that it states that development should, where possible, enhance the natural and built historic environment, as opposed to taking account of the desirability of enhancing the significance of heritage assets. However, aside from this minor difference, I consider this policy to be generally compliant with the Framework, as is the case with Policies GP1, HB1, H13 and H15 of the Local Plan and Policies FC1 and FC1.1 of the Core Strategy Focused Review.
28. In view of the above, and despite me attaching only moderate weight to the scheme's conflict with Policies CS1 and CS2 in this balancing exercise, I am nonetheless satisfied that the proposal conflicts with the development plan when taken as a whole.
29. Turning to the matter of the scheme's impact on the setting of New Bells House, I am satisfied that a well-designed dwelling would cause less-than substantial harm to its significance as a designated heritage asset. As a consequence, I have weighed this harm against the public benefits of the proposal, including securing optimum viable use, in accordance with Paragraph 196 of the Framework.
30. In carrying out this balancing exercise, I have given considerable importance and weight to the desirability of preserving the setting of the listed building in accordance with Section 66 (1) of the 1990 Planning (Listed Buildings and Conservation Areas) Act 1990.
31. I recognise that the scheme would result in a range of public benefits, namely;
 - (a) the provision of a quickly-deliverable additional single dwelling built to modern sustainable construction standards; (b) a contribution towards the Council's housing land supply, which has been found in recent appeal decisions to be deficient; (c) future occupiers contributing to local shops, services, clubs and community organisations; (d) local sourcing of construction materials; (e) the utilisation of renewable energy to reduce the scheme's carbon footprint; (f) additional tree planting and biodiversity improvements; and (g) local employment during construction. However, it is my view that when considered collectively, these would be of modest value and outweighed by the harm to the setting of New Bells House.
32. Although the appellant disputes the existence of an up-to-date 5-year housing land supply and refers to recent appeal decisions which reinforce this, I have found that the scheme conflicts with Paragraphs 192, 193 and 194 of the Framework in terms of its harmful impact upon the significance of a designated heritage asset and that its public benefits do not outweigh this. In view of this,

even if the Council did not have a 5 year housing land supply and its policies were deemed to be out-of-date, the presumption in favour of sustainable development as outlined in Paragraph 11 of the Framework would not be engaged as the application of policies in this document protecting designated heritage assets provide a clear reason for refusal⁵.

Conclusion

33. No public benefits of the proposal have been found that outweigh the harm that would be caused to the significance of the listed building, and the failure to preserve or enhance its setting. All representations have been taken into account, but no matters, including the scope of possible planning conditions, have been found to outweigh the identified failures, harm and policy conflict. For the reasons above, the appeal should be dismissed.

Robert Fallon

INSPECTOR

⁵ Paragraph 11(d)(i) and footnote 6, National Planning Policy Framework, Ministry for Housing, Communities and Local Government, February 2019.