



Appeal Decision

Site visit made on 3 July 2019

by E Brownless BA (Hons) Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 1 August 2019

Appeal Ref: APP/W3520/W/19/3220984

Land to the west of Barking Road, Barking Tye, Ipswich, Suffolk IP6 8HY

- 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 J Ruffle against the decision of Mid Suffolk District Council.
 - The application Ref: DC/18/01749, dated 23 April 2018, was refused by notice dated 1 October 2018.
 - The development proposed is described as 'online application with all matters reserved for the erection of four dwellings with associated access, parking and ancillary works'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal is submitted in outline with all matters reserved for future consideration. Plans have been submitted showing the proposed siting and layout of the dwellings. I am advised that these are indicative only and accordingly I have considered the appeal on this basis.

Main Issues

3. The main issues are:-
 - i) whether the appeal site is a suitable location for residential development having regard to the settlement strategy of the development plan and the accessibility of services and facilities;
 - ii) the effect of the proposal on the character and appearance of the countryside; and
 - iii) the effect of the proposal on the setting of a nearby listed building, Brown's Farm House.

Reasons

Settlement strategy and the accessibility of services and facilities

4. The appeal site lies outside of any settlement boundary. It therefore lies within the countryside for the purposes of planning policy where development is limited to uses that are appropriate to the countryside.
5. However, in the absence of anything to suggest that the proposed dwellings would be consistent with countryside policies, the principle of development would clearly conflict with the spatial strategy for the district which seeks to direct new development to locations with good access to jobs and key services.

6. The Framework sets out that isolated homes in the countryside should be avoided unless there are special circumstances. Given the proximity of other dwellings I do not consider that the appeal site would be 'isolated' for the purposes of the Framework, since it cannot be said that it would be far away from other places, buildings or people, albeit the location is rural.
7. However, it does not necessarily follow that a site that is not 'isolated' will be reasonably accessible to services when considered in the context of other requirements of the Framework. There is no detailed evidence before me as to the availability of services and facilities within Barking Tye, however, the appellant recognises that they are limited. To my mind, future occupants of the proposed dwellings would need to travel further afield to access day-to-day needs such as employment, shopping, leisure and education. However, there is very limited information before me regarding the extent of these services, their location and the distances involved in reaching those destinations, whether by foot or cycle along existing highways or by using the footpath network.
8. Reference has been made to the availability of a nearby bus stop and a bus service that connects to larger settlements. The parties dispute the frequency of this service. The appellant has provided a bus timetable which details that the service runs in the region of three times per day in each direction, Monday to Saturday.
9. I am mindful of the advice in the Framework that opportunities to maximise sustainable transport solutions will not be the same in rural areas as in urban locations. Taking everything into account, even though some day to day trips could be undertaken by sustainable means of public transport, I consider that future occupiers of the proposed dwellings would still tend to be highly dependent on travel by private motor vehicle to access services and facilities.
10. Whilst the number of daily movements which would be generated by the proposed dwellings would be relatively modest, future occupants would have a limited choice of transport mode, contrary to the objectives of the Framework, and the overall aim of the Mid Suffolk District Core Strategy Development Plan Document (2008)(CS) to deliver sustainable development. This is a significant matter weighing against the proposal.
11. For the reasons given above, I therefore conclude that the appeal site is not a suitable location for new dwellings with particular regard to the settlement strategy and accessibility to services. Whilst not specifically cited within the Council's reason for refusal, the proposal would be contrary to CS Policies CS1 and CS2, which restrict development within the countryside and direct new development to locations with good access to jobs and key services.

Character and appearance of the countryside

12. The appeal site comprises a rectangular plot of agricultural land that runs along the west side of Barking Road from the common boundary with 'Coppins', a dwelling situated on the corner junction where Barking Road joins the B1078. Notwithstanding its angled orientation towards the junction, Coppins forms the end dwelling to a ribbon pattern of development. A similar linear pattern of development exists along Barking Road and as such, the nearby dwellings appear as part of the core shape and form of the settlement.

12. The appeal site and its adjoining agricultural fields have a pleasant open, spacious and countryside feel that makes a positive contribution to the surrounding area. In contrast, the opposite side of Barking Road has a built up character and as such, the appeal site provides an important break and visual relief between the built environment and the wider countryside beyond.
13. The proposal would introduce a new line of development along Barking Road and given an absence of development at present, the introduction of upto four dwellings would appear at odds with the prevailing open character. In addition, notwithstanding the retention of hedgerows, prominent trees and the use of traditional styles and materials, the appeal site is readily visible and thus any long distance views from the countryside would be seen as an unwelcome intrusion or a harmful encroachment into the countryside.
14. Accordingly, I conclude that the proposal would be materially harmful to the character and appearance of the surrounding area. Therefore, the proposal would conflict with Policies H7 and H15 of the Mid Suffolk Local Plan (1998)(LP). Among other things, these policies require development to be consistent with existing patterns and forms and protect the existing character and appearance of the countryside. Furthermore, it would conflict with the aims of the Framework which recognises the intrinsic character and beauty of the countryside.

Setting of a listed building

15. The appeal site lies opposite Browns Farmhouse, a Grade II listed building (LB). The LB is a 16th century timber framed farmhouse that I consider derives its significance from its form, fabric and architectural features. In addition, notwithstanding that the LB is flanked to each side by dwellings and a highway lies to its front, by reason of the open agricultural fields opposite, the LB's setting within the open countryside is also significant. However, I recognise that this has been diluted over time, which is similarly recognised by the guidance of Historic England.
16. The proposal would introduce upto four dwellings in an area opposite the LB which is presently open agricultural fields. Albeit the appellant has suggested that existing hedgerows and prominent trees would be retained together with the provision of additional landscaping, the proposal would be highly visible from the highway, wider countryside views, neighbouring properties and the LB.
17. Given that the rural character of the LB is emphasised by the open agricultural fields that are positioned to its front, the proposal would introduce built form, hard surfaced areas for parking and domestic paraphernalia into an area that is largely undeveloped. The resultant effect would be that the LB would be entirely surrounded to three sides by buildings and sightlines across to adjoining fields would be largely interrupted. Accordingly, I consider that the proposal would harmfully erode the remaining open character and the surviving degree of isolation of the LB. As such, the proposal would detract from the rural and semi-open setting of the LB.
18. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires the decision maker in considering whether to grant planning permission for development which affects a listed building or its setting, to

have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.

19. The Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
20. The harm identified would amount to "less than substantial harm" and in the context of paragraph 196 of the Framework, which requires such harm to be balanced against the public benefits of the proposal.
21. The appellant has identified a number of public benefits including the provision of additional dwellings, the ensuing support for nearby services and facilities by future occupants and expenditure during the construction process. However, given the scale of the proposal these benefits would be relatively limited and do not outweigh the harm I have identified above.
22. Overall, I conclude that the proposal would harmfully erode the setting of the LB. It would therefore be contrary to LP Policy H15 insofar as this policy requires development to be consistent with the character of its setting. In addition, whilst not specifically cited by the Council within their reason for refusal, the proposal would also conflict with LP Policy HB1 that seeks to protect the character and appearance of all buildings of historic importance and their setting. I find that there would be insufficient public benefit to outweigh the identified harm, to which I attach great weight, and therefore I conclude the proposed development would also fail to comply with national policy outlined in section 16 of the Framework.

Other Matters

23. My attention has been drawn to a development¹ on land adjacent to The Acorns which the appellant considers to be similar to the appeal scheme. However, there are limited details before me relating to the specific circumstances of this scheme. Moreover, I had the opportunity to observe this scheme at the time of my site visit. I observed this was a continuation of the existing built form and linear pattern of development on the opposite side of Barking Road. However, it is located at some distance from the appeal site and the LB and taken in combination with the intervening built development its impact on the setting of the LB is vastly different to the appeal case. As such, it is not directly analogous to the case before me. In any event, I must consider the proposal before me on its individual planning merits. Accordingly, I am not persuaded that the general existence of another development in the locality justifies the harm I have identified above.
24. Reference has been made to a number of appeal decisions² including recent appeal decisions at Moat Farm Barns³ and Windsor Green⁴. However, the particular circumstances of these developments differ from the appeal case

¹ DC/17/05533

² APP/L2630/W/18/3209464 & APP/D3505/W/18/3206195

³ APP/W3520/W/16/3144431

⁴ APP/D3505/W/17/3170002

insofar as those schemes did not cause any adverse harm to heritage assets. Therefore, they are not directly comparable to the appeal proposal and a comparison is of limited relevance in this instance.

25. The appellant has identified a number of benefits associated with the proposal which I have considered in turn. There would be some economic uplift during construction through short-term employment and the purchase of building materials. Future occupants of the proposed dwellings would contribute to services and facilities in nearby settlements. Socially, the development would add to the supply of housing and future occupants would be likely to participate in the local community. However, given that the proposal provides up to four additional dwellings, these benefits would be relatively limited.
26. In environmental terms, the proposal would seek to provide biodiversity enhancements through use of log piles, sift boxes and hedgehog corridors. However, this minor benefit does not overcome the harm I have identified above.
27. The parties dispute whether the Council is currently able to demonstrate a five year supply of deliverable housing sites, which I am unable to resolve definitively on the basis of the evidence before me. However, even if this were to be the case, it is necessary to consider first, as advised by Framework paragraph 11(d)(i) whether the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. Such policies include those relating to designated heritage assets such as listed buildings, as detailed within section 16 of the Framework. As I have found harm to the setting of a listed building, the policies to protect heritage assets provide a clear reason to dismiss the appeal.

Conclusion

28. For the reasons given above and having had regard to all matters raised, I conclude that the appeal should be dismissed.

E Brownless

INSPECTOR