



Appeal Decision

Site visit made on 23 July 2019

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 28 August 2019

Appeal Ref: APP/D3505/W/19/3222555

Gardener's Cottage, Hall Road, Chelsworth, Suffolk IP7 7HX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Colton against the decision of Babergh District Council.
 - The application Ref DC/18/03066, dated 30 June 2018, was refused by notice dated 21 December 2018.
 - The development proposed is erection of 1 no. dwelling, ancillary outbuilding and new vehicular access (following demolition of existing stables approved under B/96/00283).
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Decision

1. The appeal is allowed and planning permission is granted for erection of 1 no. dwelling, ancillary outbuilding and new vehicular access (following demolition of existing stables approved under B/96/00283) at Gardener's Cottage, Hall Road, Chelsworth, Suffolk IP7 7HX in accordance with the terms of the application, Ref DC/18/03066, dated 30 June 2018, subject to the 7 conditions set out in the attached schedule.

Main Issues

2. The main issues are:
 - (a) the effect of the development on the character and appearance of Chelsworth Conservation Area and the significance of non-designated heritage assets; and
 - (b) whether the development would provide a suitable location for housing, having regard to local need and the accessibility of services and facilities.

Reasons

Heritage assets

3. The appeal site is located within a walled area of garden as part of the grounds of Gardener's Cottage. The site and surrounding area are situated within Chelsworth Conservation Area. The conservation area covers most of the village of Chelsworth with its variety of historic and local vernacular buildings as well as large areas of countryside and parkland to the south of the B1115. Hall Road leads south from the B1115 and gradually rises up from the River Brett to the edge of the village.
4. There is a progression of historic buildings and structures along the west side of Hall Road, including The Old Hall, The Coach House and Gardener's Cottage. While there are outbuildings in-between, the three properties are sizeable two

storey buildings with the latter two immediately adjoining the road. There is a tall 19th century red brick wall between The Coach House and Gardener's Cottage, which continues along the frontage of the site. The wall has openings for driveways and gates. The above street scene in combination with historic buildings on the opposite side of the road makes a positive contribution to the character and appearance of the conservation area.

5. The space within the site is unremarkable with rough grass and a modern stable building on its southern side. Nevertheless, the site contributes positively to the conservation area due to the age and appearance of the walls, particularly along the road frontage, along with the sense of enclosure. The walled garden can be regarded as a non-designated heritage asset with a degree of significance due to its heritage interest. As a relatively modest feature, the level of significance is no more than moderate.
6. The Old Hall as the remnant of a larger country house has a greater degree of significance as a non-designated heritage asset given its architectural and historic qualities. Its setting includes the above street scene along Hall Road, which contributes to its significance.
7. The development would be a large property, but not noticeably bigger than its three neighbours to the north and would have a similar sized outbuilding. It would be set back in the site behind the wall and would utilise a sympathetic architectural design and materials. Thus, the property would not negatively affect the progression of buildings and structures along this side of Hall Road or detract from the street scene in this part of the conservation area. The setting and significance of The Old Hall would be maintained.
8. The openness of the existing walled garden would be lost but the space within is not particularly sensitive. The property would remain enclosed by the walls with two existing openings bricked up. The creation of a new access in the wall along the road frontage would result in the loss of some historic fabric, but would be of a limited extent and would appear similar to the accesses for Gardener's Cottage and The Coach House. Thus, the degree of harm to the significance of the walled garden as a non-designated heritage asset would be low. Similarly, the adverse effect of the development on the character and appearance and significance of the conservation area in terms of the alterations to the walled garden would be slight.
9. The development would help to boost the supply of housing locally where the Council accepts it cannot currently demonstrate a 5 year housing land supply. While only a single dwelling, this public benefit nevertheless carries modest weight sufficient to outweigh the slight harm to the conservation area. Equally, when weighed against the scale of harm to the significance of the walled garden, the benefit tips the balance in favour of the development.
10. Concluding on this main issue, and having had regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the development would have an acceptable effect on the character and appearance of Chelsworth Conservation Area. It would also have an acceptable effect on the significance of the non-designated heritage assets of The Old Hall and the walled garden. Therefore, it would accord with Policy CS15 of the Babergh Core Strategy 2014 (BCS) which requires proposals to respect streetscape, townscape and heritage assets such as conservation areas. It would also accord with Policy CN08 of the Babergh Local Plan 2006 which seeks to

preserve or enhance the character of conservation areas. Moreover, the development would sustain the significance of heritage assets as required by the National Planning Policy Framework (NPPF) where the balancing of harm against benefits in NPPF paragraphs 196 and 197 indicates that the impact would be acceptable.

Suitability of location

11. Chelsworth is designated as a Hinterland Village in BCS Policy CS2. From the evidence before me, it is not clear whether the site is within the built up area boundary of the village. If it is within the countryside, BCS Policy CS2 only permits development in exceptional circumstances subject to a proven justifiable need.
12. BCS Policy CS11 provides greater flexibility for appropriate development beyond Hinterland Villages subject to specified criteria. Given the location of the site on the edge of Chelsworth, the development would have a close functional relationship with the settlement. As the previous main issue has found, it would be well designed and well related to the existing pattern of development for the village and would have an acceptable effect on heritage assets. It would support local services in the village and beyond, and there is no evidence to suggest that it would compromise the delivery of other schemes or have cumulative impacts. However, the development does not show how it would meet a proven or identified local need such as affordable housing. Thus, the development would not fully accord with either BCS Policy CS2 or CS11.
13. Chelsworth has relatively few services and facilities, largely restricted to a public house, church and village hall, with limited bus services. The larger village of Bildeston is a short distance to the north-east and contains more day to day facilities including a school and post office. However, the B1115 between the two settlements lacks pavements and street lighting, making it unattractive to walkers or cyclists. As such, occupants of the development are likely to be largely dependent on the private car to access most services and facilities. Thus, the development would conflict with criteria (xviii) of BCS Policy CS15 which seeks to minimise the need to travel by car.
14. As noted with the previous main issue, the Council cannot demonstrate a 5 year housing land supply, with the figure currently standing at 4.92 years. As a consequence, policies most important for determining the proposal are out of date by virtue of NPPF paragraph 11(d) including footnote 7. The impact on designated heritage assets in terms of the conservation area would be acceptable as noted above, so NPPF paragraph 11(d)(i) is not applicable. This means considering the proposal against NPPF paragraph 11(d)(ii) as well as BCS Policy CS1 which applies the presumption in favour of sustainable development.
15. In terms of the adverse impacts, there would be negative social and environmental effects from a development largely dependent on the private car to access services and facilities, with no evidence of meeting an identified local need. There would also be conflict with BCS Policies CS2, CS11 and CS15. However, the proposal only involves a single dwelling and so the scale of these negative effects would be modest. The conflict with CS2 is tempered by the fact, as the Council acknowledges, that its approach to countryside development is not wholly consistent with the NPPF while settlement boundaries have not been updated since 2006. The conflict with CS11 is limited

to the failure to respond to local need, which for a single dwelling is not significant.

16. Moreover, the policy conflicts should be considered against the emphasis in paragraph 78 of the NPPF to locating housing where it would enhance or maintain the vitality of rural communities and support local services. Given its location on the edge of the village, the proposal would help to achieve this and would not be isolated housing which NPPF paragraph 79 seeks to avoid. Therefore, the weight to the policy conflicts for this appeal is modest. Set against the modest benefits of providing a new house to help with local supply, the adverse impacts would not significantly and demonstrably outweigh the benefits when assessed against the NPPF policies taken as a whole.
17. Concluding on this main issue, although the development would conflict with BCS Policies CS2, CS11 and CS15, the application of NPPF paragraph 11 indicates that the development would provide a suitable location for housing in this instance. The development would also comply with BCS Policy CS1 in terms of the presumption in favour of sustainable development.

Conditions

18. In addition to the standard time limit condition, I have imposed a condition specifying the approved plans for clarity and compliance. Conditions relating to materials and landscaping are necessary in the interests of the character and appearance of the area. Conditions securing the vehicular access, parking and manoeuvring areas as well as the bin storage/presentation areas are necessary in the interests of highway safety. I have not imposed conditions on surface water discharge onto the highway or ground levels, or required the submission of a landscaping scheme, as sufficient details for each matter are shown on the approved plans.

Conclusion

19. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Tom Gilbert-Wooldridge

INSPECTOR

Schedule of Conditions (7)

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 18/45/01, 18/45/02, 18/45/03, 18/45/04, 18/45/05, 18/45/06 and 18/45/07.
- 3) No development shall be commenced above slab level until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and approved in writing by the local planning authority. Such materials as may be agreed shall be those used in the development and fully applied prior to the first occupation.
- 4) All changes in ground levels and all hard landscaping, planting, seeding or turfing shown on the approved plans shall be carried out in full during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be approved, in writing, by the local planning authority up to the first occupation of the development. Any trees, hedges, shrubs or turf identified within the approved plans (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and species.
- 5) The new vehicular access shall be laid out and completed in all respects in accordance with the approved plans and with an entrance width of 3m, and made available for use prior to first occupation of the development. Thereafter the access shall be retained in the specified form.
- 6) The development shall not be occupied until the area within the site shown on the approved plans for the purposes of manoeuvring and parking of vehicles has been provided, and thereafter this area shall be retained and used for no other purposes.
- 7) The bin store area and presentation point shall be provided in accordance with the approved plans and made available for use prior to first occupation of the development, and shall be retained thereafter.