



Appeal Decision

Site visit made on 13 August 2019

by David Spencer BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3 September 2019

Appeal Ref: APP/W3520/W/19/3226943

Cottage Farm Barn, Mill Road, Buxhall, Stowmarket 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 Ed Hume against the decision of Mid Suffolk District Council.
 - The application Ref DC/18/02098, dated 10 May 2018, was refused by notice dated 13 February 2019.
 - The development proposed is erection of 2no detached 3 bedroom dwellings with garages (one dwelling being one and a half storeys and the other being two storeys). Creation of vehicular access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form sought outline planning permission with only one matter reserved, that being landscaping. As such there are detailed plans covering layout, scale, appearance and access. The Local Planning Authority (LPA) dealt with the proposal on this basis and so shall I.

Main Issues

3. The LPAs decision notice identifies two main issues around sustainability of location and harm to the setting of a designated heritage asset. It is clear, however, from the appellant's statement of case that considerations of whether there is a five-year supply of deliverable housing land are integral to the appeal. Over the course of the appeal both parties have submitted additional (and considerable) evidence on housing land supply such that I consider it an additional main issue on which I need to make judgement. Consequently, there are three main issues:
 - (i) Whether there is a five-year supply of deliverable housing land;
 - (ii) Whether or not the proposal would result in unsustainably located new housing; and
 - (iii) The effect of the proposal on the setting of Cottage Farmhouse, a grade II listed building.

Reasons

Five Year Supply of Deliverable Housing Land

4. The LPA conceded that at the time of its decision it could not demonstrate a required supply. This appears to be reflected in the September 2018 inquiry decision at Woolpit¹ which concluded supply in the District to be less than 3.4 years. That assessment applied the standard method for local housing need and a 20% buffer. It is clear from that Inquiry that additional supply coming forward in the 2018/19 monitoring period was not accepted given that supply needs to be calculated within defined periods with cut-off points.
5. As part of the appeal process the appellant was invited to clarify their housing land supply submissions. This included reference to recent 2019 appeal decisions in Mid Suffolk² that concluded there was not a requisite supply and a recent July 2019 committee report for a scheme at Badwell Ash (reference DC/19/01554) which stated no weight should be given to a draft (but undated) housing land supply statement identifying a 5.32 year supply. The appellant also provided submissions that lead-in times for some developments have been miscalculated and that overly-optimistic assumptions have been made for developments delivering in unison at locations such as Thurston. For its part the LPA has provided copies of its Interim Housing Land Supply Statement (March 2019) and a draft Housing Land Supply Statement (July 2019). The appellant was invited to respond to the additional documents and reiterates that little weight, if at all, should be given to the LPAs latest draft evidence.
6. The LPAs March 2019 land supply statement avers that it could demonstrate a 5.06 year supply based on its local housing need figure plus a 20% buffer. Since then, the LPA has augmented this into a full draft Housing Supply Position Statement for the period 2018/19 to 2023/24 which on a revised local housing need figure (adjusted for affordability) and a 20% buffer concludes that a 5.68 year supply exists. The statement has been informed by consultation with stakeholders and contains signed statements of agreement for delivery at certain key sites. The LPA further asserts that recent appeals³ have upheld it can demonstrate a five-year supply but acknowledges that the draft July 2019 statement is of limited weight as it is yet to be adopted.
7. The appellant refers to extracts from other recent appeal decisions in Norfolk and Suffolk⁴ where in the light of paragraph 74 of the National Planning Policy Framework (NPPF) asserted claims of a deliverable supply have been found wanting in the absence of an agreed annual position statement. Matters appear to be different here in that Mid Suffolk have, since the Woolpit decision, prepared a comprehensive statement that seeks to address methodological concerns as well as seeking to respond to the requirements for an annual position statement as set out in the NPPF and Planning Practice Guidance. Whilst I agree with the LPA that the statement cannot yet be ascribed significant weight I nonetheless note that it is well-advanced and has been consulted on. Overall, I find that the LPAs evidence to be the more analytical and comprehensive and therefore the more persuasive in demonstrating that there is a deliverable supply of housing land to meet latest local housing needs.
8. Accordingly, I conclude that there is a deliverable supply of housing land and as such the policies which are most important in determining this appeal are not out of date. On this basis the tilted balance at paragraph 11(d) of the NPPF

¹ APP/W3520/W/18/3194926

² Principally 3217559 and 3214007

³ 3214324 & 3209219

⁴ 3210361, 3206195 & 3209464

would not be engaged. The fact that there is a five-year supply of housing land is, however, not in itself a cap on further sustainable housing development and I consider this as part of my overall conclusion below.

Sustainability of Location

9. The appeal site is located within a very small, dispersed group of dwellings on this part of Mill Road. Whilst there is a strong rural character at the appeal site resulting from a patchwork of open land along Mill Road, the proposed dwellings would not be socially remote due to nearby properties and the proximity of housing at Mill Green, Buxhall. The proposed dwellings would be within close walking distance of the Crown public house, a playing field (including play area) and a village hall. Accordingly, the proposed dwellings would not be isolated within the terms expressed within recent case law⁵.
10. Whilst services in Buxhall are limited, paragraph 78 of the NPPF countenances the potential of rural housing in smaller settlements where it may support services in a village nearby. The nearest settlements of note are the villages of Great Finborough (approximately 1 mile) and Rattlesden (approximately 2 miles) which contain a greater variety of services and employment. Having examined the distances involved and highway conditions I am satisfied that both of these larger villages are within reasonable and safe cycling distance and that any private car use to access services at these villages would be brief. Overall, the appeal proposal would benefit sustaining the rural community and services in Buxhall as well as in larger adjoining villages.
11. I therefore conclude that the appeal proposal would not be isolated and would be sustainably located in a rural settlement where opportunities to maximise sustainable transport solutions are unlikely to be optimal. Accordingly, I find that the spatial location of the appeal proposal would not conflict with Mid Suffolk's approach to delivering sustainable development that is set out in Policy FC 1.1 of the Mid Suffolk Focused Core Strategy Review 2012 (the CSR). It would also accord with paragraph 78 of the NPPF on rural housing.

Heritage

12. The appeal site is situated a very short distance to the west of Cottage Farmhouse, a Grade II listed building. Whilst there are varying submissions about the degree of historical functional relationship between the listed building and the appeal site there appears to be little dispute that the listed building is a historical farmhouse. As such the very function and rationale of the heritage asset is inherently linked to proximate countryside. From the various historical plans before me, dating back to 1763, it is clear that there has been open countryside immediately to the west of the farmstead at Cottage Farm as part of a longstanding situation of a very scattered pattern of development on this part of Mill Road. Part of the heritage significance of the listed building is therefore its rural farmhouse origins within a countryside context.
13. The appearance of the property has been altered but it can still be interpreted by its scale and proportions as a timber-framed dwelling of Sixteenth Century origins. Its overall height is accentuated by tall and rather striking diagonally-set square brick chimney stacks, at each gable end. Its heritage significance as a status farmhouse dwelling of some antiquity is clearly discernible including

⁵ Braintree District Council v Secretary of State for Communities and Local Government [2018] EWCA Civ610

in wider country lane views along Mill Road, particularly to the west across the appeal site due to the curvature of the rural byway.

14. Whilst there are various traditional farm outbuildings immediately to the west of the farmhouse, a range of more modern agricultural barns to the north and a small traditional cottage immediately to the east, the farmhouse, remains to be widely experienced in the rural context of the verdant verges and the patchwork of planted field boundaries and copses along the rural Mill Road. The appeal site is integrally part of this openness such that the height and scale of the farmhouse, including its impressively tall chimneys, can be appreciated over distance in views across the appeal site. Additionally, within the immediate environs of the farmhouse looking west, the appeal site forms part of the openness in the gap between the farmhouse and outbuildings, again highlighting the rural derivation of the heritage asset.
15. The extent of the setting is contested with the appellant inviting me, in part, to adopt a narrower focus on the immediate frontage of building and its relationship to Mill Road due to the tall boundary wall to the west of the farm, the intervening utilitarian farm buildings and the access road and hedgerows abutting the eastern boundary of the appeal site. Whilst I accept that in some immediate views, these features limit inter-visibility between the listed building and the appeal proposal, setting is not entirely a visual matter and certainly not confined to what may or may not be the original curtilage of the building.
16. The NPPF defines setting of a heritage asset as the surroundings in which a heritage asset is experienced. The extent of setting is not fixed such that it can include wider concepts of openness and landscape character. Consequently, for the reasons given above I find that the rural, verdant nature of the appeal site, in such close proximity, makes a positive contribution to the setting of the heritage asset in terms of appreciating and understanding its significance as a remnant status farmhouse in the countryside.
17. The appellant submits that the appeal scheme by virtue of positioning the dwellings further back within the site, reducing the scale of the proposed plot 2 dwelling and amalgamating the access into a single point within the frontage hedge would reduce any visual impact or intrusion on setting. This could be reinforced by retaining the remaining boundary hedging around the appeal site to a minimum 2 metre height. I accept that the listed building would remain visible when looking across the appeal site from the west within Mill Road but the context of the listed building would change from a verdant, rural perspective to one which would be dominated by the presence of modern domestic dwellings. The rich rural milieu would be tangibly eroded with new sizeable houses only moderately set back from the frontage hedge, and the interruption of the ample shared domestic driveway entrance on Mill Road. In reverse views from the frontage of the listed dwelling I cannot rule out that the openness that is perceptible in the gap between the dwelling and the forward outbuilding would not be appreciably eroded by the presence of the proposed dwellings despite the amended design. The sparse historic distribution of development around the farmhouse would be harmfully consolidated by the appeal proposal.
18. I therefore conclude that the appeal proposal would harm the setting of the Grade II listed building at Cottage Farmhouse. Consequently, it would be contrary to policy HB1 of the Mid Suffolk Local Plan 1998 which requires that

development gives particular attention to protecting the setting of listed buildings. Accordingly, it would also conflict with the objective of the NPPF to conserve heritage assets in a manner appropriate to their significance.

19. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special regard to the desirability of preserving a listed building or its setting. This is a stern test such that it is incumbent that I attach considerable importance and weight to the harm that has been identified. The harm to the setting of the listed building would be less substantial and therefore paragraph 196 of the NPPF expects such harm to be balanced against the public benefits.
20. The appeal proposal would provide two additional self-build dwellings. As set out elsewhere I have found that housing need in the District is being met. As such I attach very limited weight to this public benefit. The appellant refers to a nearby proposal for an energy efficient dwelling (although very few details are before me) and asserts similar (PassivHaus standards) could be achieved here and secured by condition. The energy performance of housing stock needs to improve more generally as part of transitioning to a net zero carbon future such that I ascribe little weight to this benefit which to some extent would be offset by the degree of car dependency at the appeal location. No compelling additional arguments have been put forward and accordingly the level of benefit identified would not be sufficient to outweigh the harm to heritage assets, which the NPPF identifies are an irreplaceable resource.
21. The appellant also refers to proposals affecting the traditional outbuildings between the listed building and the appeal site. Again, I have very few details about what is proposed or whether any consent has been granted. I also note that the appellant has sought through a revised layout and design and through a Heritage Impact Assessment (February 2018) to address the findings of the previous appeal decision at this site (ref APP/W3520/W/17/3180201). I have taken this evidence into account within the requirement to consider each appeal proposal on its own merits, but for the reasons given, I have found similar in relation to the harm to the setting of designated heritage assets.

Conclusions

22. As set out above I have found the LPA can demonstrate a deliverable supply of housing land such that footnote 7 of paragraph 11(d) is not engaged. Furthermore, the harm identified to the setting of the heritage asset invokes footnote 6 of paragraph 11(d) further militating against engaging the tilted balance in favour of granting planning permission. Whilst the proposed dwellings would not be isolated, the harm arising to the setting of a designated heritage asset would outweigh the generally limited benefits of the appeal proposal. Consequently, the proposal would not amount more widely to sustainable development for which there is a presumption for at Policy FC1 of the CSR or at paragraph 11(d) of the NPPF. Overall, there are no other material considerations or points raised that indicate a decision other than the appeal should be dismissed.

David Spencer

Inspector.