



Appeal Decision

Site visit made on 25 July 2019

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

an Inspector appointed by the Secretary of State

Decision date: 10 September 2019

Appeal Ref: APP/W3520/W/19/3226049

12 Mill Lane, Great Blakenham, Ipswich, Suffolk, IP6 0NJ

- 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 S, B, C Plummer, Holland, Farthing against the decision of Mid Suffolk District Council.
 - The application Ref DC/18/04162 dated 14 September 2018, was refused by notice dated 16 November 2018.
 - The development proposed is described on the application form as "Erection of four detached dwellings with associated garages, car parking and access".
-

Decision

1. The appeal is dismissed.

Main issues

2. Within the context of the Council's reason for refusal and the evidence in this case, the main issue is the effect of the development on the setting of a listed building.

Reasons

Appeal site context

3. The appeal site forms part of the grounds to No 12 Mill Lane, also known as Great Blakenham Hall, which is a Grade II listed building ('the listed building'). It is predominantly laid to grass, interspersed with mature trees, hedges and shrubs, and straddles both sides of a long and narrow private drive, which is the main access route and approach to the listed building. The River Gipping directly abuts the northern boundary of the site, with countryside beyond this, and a small cluster of spacious detached properties lie to the west.
4. Overall, I found the appeal site and wider grounds to the listed building to have a tranquil rural riverside and parkland character, quite different to the hard built-up nature of the modern residential estate and commercial development to the south and east. This character makes a significant contribution to the way in which the listed building is experienced, particularly when approaching it on the long drive, and as a consequence I consider the appeal site to constitute an important part of its setting¹. It also provides an important soft-landscaped transition between the urban area of the village and countryside beyond.

¹ Annex 2: Glossary, National Planning Policy Framework, February 2019, defines the setting of a heritage asset as the surroundings in which it is experienced.

Effect on the setting of the listed building

5. The proposed development would occupy a large part of the existing grounds associated with the listed building and significantly erode its soft-landscaped riverside and parkland character. This change would be particularly prominent and intrusive when viewed from the long private drive that leads to the listed building, which makes a significant contribution to its setting and how it is experienced. I also note from the appellant's historical mapping extracts that the main approach to the listed building appears to have little altered from at least 1885, and that it therefore has a strong historical relationship with the building.
6. The appellant states that the appeal site does not form part of the immediate curtilage to the listed building and that there would be extremely limited views of the proposed dwellings from it. However, advice given by Historic England states that while many day-to-day cases will be concerned with proposals in the vicinity of an asset, development further afield may also affect significance, particularly where it is large-scale, prominent or intrusive². In the current case, it is my view that the entire grounds of the listed building are central to its historic significance and such limited inter-visibility does not justify the harm that would be caused.
7. The appellant has also referred to the setting of the listed building having already been partly compromised by the modern residential development and community/leisure facilities to the south. However, I am not aware of the particular circumstances where planning permission was granted for these, but in any event, these are sited away from the main approach to the listed building and are not therefore comparable. I also note that the setting has been eroded by a modern residential property known as Carrera Rose at the western end of the original grounds. However, the impact of this scheme on the setting of the listed building has only served to reinforce my concerns about the harm that would arise if additional residential development adjacent to the private drive were permitted.
8. Furthermore, whilst I recognise that the surroundings of a heritage asset will change over time, I am not of the view that previous negative changes to the setting of the listed building should be used to justify further harm to its significance; – on the contrary, this demonstrates to me that a line needs to be drawn or similar development shall continue until all of its remaining setting has been harmed or lost.
9. I acknowledge that views of the proposed dwellings would be restricted from outside and within the site by existing mature trees, hedges and shrubs, and that these would be reinforced by additional planting. However, I do not consider the screening of a development by landscaping to be a sound basis upon which to justify an otherwise harmful scheme as this could be repeated too easily and often for all forms of poor quality development.
10. In view of the above, I conclude that the development would be harmful to the setting of the listed building and its significance as a heritage asset. As a consequence, the proposal would conflict with Policy HB1 of the Local Plan³

² The Setting of Heritage Assets, Historic Environment Good Practice Advice in Planning Note 3 (Second Edition), Historic England.

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

which seeks to ensure that particular attention is given to protecting the setting of listed buildings.

11. Furthermore, because the riverside and parkland character of the grounds to the listed building is central to how it is experienced, I find that the development would fail to preserve its setting in accordance with S66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
12. 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

13. 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.
14. The Council states that since the application was determined, Natural England has begun to seek financial contributions from developments within the 13km zone of influence of the River Stour and Orwell Estuary (a Ramsar site and Site of Special Scientific Interest) towards the emergent Suffolk Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). Set against this context, I note that the appellant has submitted a unilateral undertaking to address this, which has been welcomed by the Council. However, given that I am dismissing the development for other reasons, it has not been necessary for me to carry out an appropriate assessment of the scheme and consider the requested financial contribution as it would not alter the outcome of the appeal.

Planning balance

15. 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.
16. Although the Local Plan 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. I recognise that Policy HB1 does not fully accord with the Framework on how the impact of a development on heritage assets should be assessed. In view of this, I have attached only moderate weight to the scheme's conflict with Policy HB1.
17. My attention has been drawn by the appellant to Paragraph 78 of the Framework which states that housing should be located where it will enhance or maintain the vitality of rural communities to promote sustainable development. However, whilst I recognise that the development would be in close proximity to other dwellings and not be physically isolated, and that the villages of Great Blakenham and Claydon have a modest range of facilities and employment areas that would be accessible by means of transport other than the private motor car, this does not alter my view that the development as a whole would be harmful for the reasons I have given.

18. The appellant also states that the scheme was identified in the strategic housing land availability assessment as a potential site for residential development and within the village settlement boundary in the emerging Local Plan. However, this does not justify the harm I have identified or outweigh the scheme's conflict with the adopted development plan and national policy in the recently published Framework.
19. My attention has been drawn by the appellant to another planning permission in support of their position. However, the layout and character of this site is different to that before me in that it fronts onto a public highway. In any event, I do not have the full background and details to this case, and must consider the appeal scheme on its own merits. The existence of this other decision does not therefore set a precedent in this case.
20. On the basis of the evidence and my observations on-site that part of the original setting has already been eroded, I am satisfied that the scheme would cause less-than substantial harm to the significance of the listed building 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.
21. 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.
22. I recognise that the scheme would result in a range of public benefits, namely;
- (a) the provision of additional residential dwellings towards the District's housing stock; (b) future occupiers contributing to local shops, services, facilities and community organisations; and (c) 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 the listed building and its significance as a designated heritage asset.
23. I have concluded that the proposal does not accord with the development plan and Paragraph 127 of the Framework. I also find that the scheme conflicts with Paragraphs 193, 194 and 196 of the Framework in terms of its harmful impact upon a designated heritage asset. In view of this, the presumption in favour of sustainable development as outlined in Paragraph 11 of the Framework is not engaged⁴.

Conclusion

24. 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

⁴ Footnote 6, Paragraph 11(d)(i), National Planning Policy Framework, February 2019.