



Appeal Decision

Site visit made on 12 November 2019

by David Nicholson RIBA IHBC

an Inspector appointed by the Secretary of State

Decision date: 11 December 2019

Appeal Ref: APP/J3530/W/19/3224515

The Old Cottage, Blacklands Lane, Sudbourne IP12 2AX

- 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 Clare Spencer against the decision of Suffolk Coastal District Council¹.
 - The application Ref. DC/18/4261/FUL, dated 15 October 2018, was refused by notice dated 14 December 2018.
 - The development proposed is: Subdivision of existing site to form two residential plots, including retention of existing dwelling. Erection of new dwelling including associated external works. New drive to form access point from highway.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider that the main issues are:
 - a) the effect of the proposed dwelling on the character and appearance of the area with particular regard to its location for housing, and the accessibility of services and facilities;
 - b) whether the proposal would preserve the special architectural or historic interest of the existing listed building or its setting;
 - c) the effect of the proposals on the Sandlings Special Protection Area (SPA);
 - d) highway safety.

Reasons

3. Sudbourne has a sporadic and varied range of dwelling and plot sizes loosely focussed on the two crossing roads. Beyond this grouping there is little existing pattern to development. The village lies around 2 miles from the services and facilities at Orford. It is identified as an 'Other Village' in the Settlement Hierarchy in the Suffolk Coastal District Local Plan Core Strategy (CS) & Development Management Policy SP19. These are settlements with few or minimal facilities which have no defined physical limits boundaries under CS Policy SP28 and so are considered to be in the countryside to which CS Policy SP29 applies, setting particularly restrictive requirements.

¹ Now East Suffolk Council, following the merger of the existing Suffolk Coastal and Waveney districts.

4. Although in quite a small village, the appeal site is close to the centre and so not isolated in the sense described in paragraph 79 of the National Planning Policy Framework (NPPF§79). While not a particularly sustainable location, such a minor housing development could be seen to accord in part with NPPF§78 insofar as could maintain vitality and support nearby services. It should also gain some support as an unidentifiable small site in that it would constitute a “windfall” site under CS Policy SP19.
5. The dwelling would be single storey and in the heart of the village surrounded by other houses where it is not credible to claim that it would harm the natural beauty of the Area of Outstanding Natural Beauty (AONB) or conflict with CS Policy SP15 which aims to protect landscapes including the AONB.
6. The Appellant has roots and friends in the area, and does not want or need to leave the village. She now lives alone, and the cottage does not cater for her needs moving into old age. The Appellant is conscious that whilst she currently keeps it in exceptional condition, she does not want the building to deteriorate. I accept that there would be nothing to restrict the occupancy of the proposed dwelling, in the short or longer term, but also that the existing cottage might well be suitable for a family and so accommodate more people than it does at present. In the short term the proposal would provide considerable personal benefits to the Appellant and release an under-occupied house. Even set against a long term balance, I give these matters moderate weight.
7. On the first issue, the scheme would be contrary to CS Policies SP1, SP19, SP28, SP29 and DM3 which aim for sustainable development, identify a settlement hierarchy, strictly control new housing in other villages, and strictly limit new housing in what it defines as countryside. On the other hand, the benefits of a windfall in the heart of a settlement, support for nearby services, and personal benefits, are material considerations which should be weighed against this.

Setting

8. The Old Cottage is a Grade II listed building from the late 17th/early 18th Century. It stands towards one side of the plot. Historic maps show that the relationship between the cottage and its garden has been consistent back to at least the late 19th Century. I find that much of its significance lies in its fabric including the large thatched roof, the brickwork and windows, including the window on the left hand gable wall, and the chimneys. Beyond these features, I have little evidence that the garden itself is of particular significance beyond providing space in which to appreciate the cottage.
9. The proposed division of the garden would retain reasonably generous amenity land for both dwellings, whether in relation to the requirements of future occupiers or the setting of the listed building. The proposed dwelling would rise up away from the cottage at a low pitch from a new boundary wall so that the roof would generally be out of sight. Although close to the side of the Old Cottage, the gap would be only slightly less than the existing separation on the other side and, to my mind, on its own this would not be unacceptable.
10. The majority of the dwelling would be towards the rear of the plot. Adjoining the new boundary wall, it would be set down, starting at a lower level than the top of the existing brickwork and rising up from that. However, the position of

the front of the dwelling in the plot would start on the same line as the front of the existing cottage and, unlike its height, there would be no set back at this point. Moreover, it would then come forward as a wall with a timber surround and arched gate above that to enclose part of the front area of the new garden. While this would not be roofed over, from the road it would result in a substantial feature on a line in front of the Old Cottage.

11. In my assessment, by aligning the front wall of the proposed dwelling with that of the Old Cottage, rather than setting it back a little, and by introducing a taller element further forward of this line, albeit slightly further away, would combine to have a significant impact on the appreciation of the special interest of the listed building that it gains from its setting. It would reduce its sense of importance and dominance in the street scene and detract from its features, including the small window in the gable end, which would otherwise become more apparent with the removal of some of the hedge for the new drive. I conclude on this issue that the scheme would harm the significance of the listed building contrary to policy in NPPF§§193, 194 and 196 and CS Policy DM21 which does not permit proposals that comprise poor visual design.
12. Under NPPF§196 “less than substantial” harm would need to be clearly outweighed by the scheme’s public benefits. The Appellant has argued that the most significant of these would be the provision of a specifically-needed home. While the multiple housing needs identified for the district do amount to a public benefit, and there would be some benefits from the supply of one dwelling, no heritage benefits have been identified and those for the Appellant amount primarily to a private rather than a public benefit.

SPA

13. Suffolk’s Regulations Assessment Recreational Avoidance and Mitigation Strategy (RAM Strategy) is a means by which sustainable housing growth can be delivered in Babergh, and other districts, allowing both development and protection for European wildlife sites from harm due to recreational pressure. CS Policy DM27 aims to protect biodiversity by not permitting development that would affect the integrity of designated environmental sites unless mitigation is in place. The site lies within the 13km zone of influence of the SPA and so likely significant effects (LSE) should be expected from the proposed house.
14. The Council originally refused the application on the grounds that it would harm the SPA. The Appellant advised that a Unilateral Undertaking would be completed prior to determination of the appeal. In the event, however, it submitted a payment of £321.22 instead as a contribution to the RAMS, following which the Council concluded that there would be no LSE on the protected sites from increased recreational disturbance.
15. There are several problems with this approach. First, I have no evidence that the SPA would be harmed. Second, I lack the opinion of Natural England required to undertake an Appropriate Assessment. Third, there is insufficient guarantee that the payment would be used for its intended purpose. I have not pursued this matter as I have dismissed this appeal for other reasons.

Highway safety

16. Revisions were made to the visibility splays in order to accord with the relevant Manual for Streets guidance on safe stopping distances and so satisfy the

provision concerning safe and convenient access in CS Policy DM22. From my visit and assessment of visibility and likely vehicle speeds, I find that, subject to suitable conditions, the proposals would not lead to a severe risk to highway safety and would accord with Policy DM22 and NPPF§109.

Conclusions

17. I note the dispute concerning the Council's 5 year housing land supply, but this is only relevant if NPPF§11 is engaged. As it stands, the scheme would harm the setting of a listed building and so NPPF§11 footnote 6, referring to designated heritage assets, means that this element of policy would not apply.
18. I conclude that while the risk to highway safety would be acceptable, the benefits of an additional house, support for nearby services and a more suitable home for the Appellant, would not outweigh the combination of harm to the setting of the listed building and the conflict with the development plan with regard to the location of the site. Although not necessarily a reason to dismiss the appeal, the approach to the SPA is not adequate and would need to be resolved before permission could be granted.
19. For the reasons given above, and having regard to all other matters raised I conclude that the appeal should be dismissed.

David Nicholson

INSPECTOR