



Appeal Decision

Site visit made on 6 January 2020

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2020

Appeal Ref: APP/W3520/W/19/3239171

Land Adjacent to Dagwood Farm, Ashfield Road, Elmswell IP30 9HJ

- 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 Cunningham against the decision of Mid Suffolk District Council.
 - The application Ref DC/19/00872, dated 13 February 2019, was refused by notice dated 1 May 2019.
 - The development proposed is erection of 3 No dwellinghouses with new site vehicle access and associated landscaping & amenity provision.
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Decision

1. The appeal is dismissed

Main Issues

2. The main issues are (i) the effect on the character, setting and significance of the listed buildings Dagwood Farmhouse, Oak Farmhouse, Mulberry Farmhouse and Willow Farmhouse, and (ii) whether the proposal would affect the significance of a non-designated heritage asset in respect of the integrity of Button Haugh Green (BHG).

Reasons

Dagwood Farmhouse

3. Dagwood Farmhouse is the closest of the identified listed buildings to the appeal site. It is grade II listed and of the early 17th century or earlier. Its significance lies in its age and the general retention of its original form and attractive architectural features that reflect its history as a farmhouse.
4. The appeal site lies on the north side of a straight driveway leading from the road to Dagwood Farmhouse and the adjacent complex of converted farm buildings. It is undeveloped and mainly laid to grass with hedging and trees along the roadside and driveway boundaries. The proposal would introduce a new access directly from Ashfield Road leading to parking and turning areas in front of the proposed dwellings.
5. Gaps in the boundary vegetation allows views into the site from the road and its openness is appreciated as you approach Dagwood Farm along the driveway. There are views from within the site over the driveway hedging towards the upper elements of Dagwood Farmhouse. Furthermore, the site's openness helps retain a sense of the listed building's historic context as a

farmhouse set back from the road. Other properties on Ashfield Road are not intrusive when on the site and so do not markedly detract from its contribution to the understanding of the historic context. The proposed development on the opposite side of the road would not affect the site's relationship to Dagwood Farm nor undermine the positive role it plays in forming the listed building's setting.

6. The proposed dwellings would curtail views from within the site towards Dagwood Farmhouse. In addition, existing and proposed vegetation would not prevent the proposal and the resulting loss of the site's openness from being seen from the road and along the driveway. As a consequence, the development would visually erode the open context to Dagwood Farmhouse which contributes positively to its character and significance. The paddock directly in front of Dagwood Farmhouse would be unaffected by the proposal, but this would not address the loss of openness of the appeal site and subsequent harm to the setting and character of the listed building.
7. The proposed houses would be in a line and therefore would not replicate the layout of a typical farmyard as suggested by the appellant. Moreover, by being closer to the road, the development would compete with, rather than compliment Dagwood Farmhouse. Furthermore, the proposal would lead to a more residential character to the appeal site, at odds with the largely rural setting to Dagwood Farmhouse and in this regards harm its character and significance. Being of a similar scale to nearby buildings and the use of sympathetic materials would not prevent the proposed development having a residential appearance.
8. The proposal would have no direct effect on the fabric of the listed building, but for the reasons set out above it would harm the setting and character of Dagwood Farmhouse and diminish its significance. Whilst this would not represent substantial harm, it would nonetheless constitute less than substantial harm to the listed building's significance.

Other listed buildings

9. Oak Farmhouse, Mulberry Farmhouse and Willow Farmhouse are all grade II listed buildings that date from the 15th, 16th and 17th centuries. Their significance lies with their age and retention of architectural features that reflect their history as farmhouses.
10. These properties lie further to the south of the appeal site than Dagwood Farmhouse and intervening trees and hedgerows would prevent any views between these properties and the proposed development. As such the proposal would not affect the setting, character or significance of these listed buildings. My finding in this regard does not overcome or override the harm that would be caused to the character and setting of Dagwood Farmhouse.

Consideration of harm against public benefits

11. The National Planning Policy Framework (the Framework) states that where less than substantial harm would be caused to the significance of a heritage asset, that harm should be weighed against the public benefits of the proposal. Regulations require special regard be given to the desirability of preserving the

setting of a listed building¹ and the Framework states that great weight should be given to a heritage asset's conservation.

12. The proposed houses would be of low energy design and no concerns are raised over highway safety, accessibility to services, flood risk, contamination or effects on the living conditions of occupiers of nearby residences. However, acceptability in these regards is a neutral factor rather than a public benefit. There is no evidence to support the claim that the proposal would secure the optimum viable use of the site in the interests of long term conservation and so I attach only limited weight to this factor in my assessment.
13. The proposal would generate construction jobs and boost the supply of housing on a small site. Also, future occupiers may support local businesses. However, as the proposal is for only 3 dwellings, the overall public benefits are modest and would not outweigh the identified harm to Dagwood Farmhouse.
14. For the reasons set out above, I conclude the proposal would not harm the listed buildings Oak Farmhouse, Mulberry Farmhouse and Willow Farmhouse. However, the proposal would not preserve or enhance the character, setting and significance of the listed building, Dagwood Farmhouse. In this regard, it would be contrary to saved policy CS5 of the Mid Suffolk Core Strategy Development Plan Document 2008 (CS), saved policy HB1 of the Mid Suffolk Local Plan 1998 (LP) as well as the Framework. These seek, amongst other things, to protect and enhance the historic environment and the significance of heritage assets. Policies FC.1 and FC1.1 of the Mid Suffolk District Core Strategy Focused Review 2012 (CSFR) are referred to in the Council's refusal reasons but contain no provisions that are relevant to this main issue.

Button Haugh Green (BHG)

15. A case is made that the appeal site forms part of BHG, a medieval village green which it is argued should be treated as a non-designated heritage asset. Concern is raised that the proposal and subsequent loss of openness of the site would adversely affect the integrity of BHG, thereby harming its significance. In response, the appellant contends the site does not form part of the BHG and in any case its integrity has already been markedly harmed by development so that it no longer has any heritage significance.
16. To meet the Framework's definition of a heritage asset, BHG needs to be identified as an area having a degree of significance because of its heritage interest. Planning Practice Guidance² states that non-designated assets can be identified through decision-making on planning applications, but identification should be based on sound evidence and assets should ideally be included on a local list.
17. I have not been informed that BHG is included on a local list and there is limited evidence before me that demonstrates its significance or heritage interest. The appeal site forms part of a stretch of undeveloped land running from the edge of Elmswell, but intervening hedgerows and development on the elsewhere along the road prevent the easy identification of the medieval green as a single entity. As such, there is insufficient justification to treat BHG as a non-designated heritage asset in the assessment of this appeal. However, my

¹ Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

² Historic environment Paragraph: 040 Reference ID: 18a-040-20190723 Revision date: 23 07 2019

finding in this regard fails to address the identified harm to the setting, character and significance of the listed building, Dagwood Farmhouse.

18. For the above reasons, I conclude the proposal would not harm the significance of a non-designated heritage asset in terms of the integrity of BHG. In this regard, it would not be contrary to policy CS5 of the CS and the Framework, which seek to avoid harm to the significance of the historic environment, including non-designated heritage assets. LP policy HB1 and policies FC.1 and FC1.1 of the CSFR are referred to in the Council's refusal reasons but contain no provisions that are specifically relevant to this main issue.

Other matters

19. The Council dispute the appellant's claim that it is unable to demonstrate a five year housing land supply. If the appellant's claim is accepted, paragraph 11 of the Framework states that permission should be granted unless policies of the Framework that protect assets of particular importance provide a clear reason for refusing the proposal. Footnote 6 of the Framework states that such policies include those related to designated heritage assets.
20. The harm identified to the setting, character and significance of Dagwood Farmhouse, a listed building, provides clear reason for refusing the proposal as set out at paragraph 11 d)(i) of the Framework. As such, any presumption in favour of granting planning permission as set out under paragraph 11 of the Framework would not apply in this case, irrespective of the housing land supply position.
21. The appellant states that Council officers have previously advised that development on the site would be acceptable. However, any such advice would not be binding on the Council nor on myself and so fails to affect my assessment of the appeal.

Conclusion

22. I have found no harm would be caused to the significance of the listed buildings Oak Farmhouse, Mulberry Farmhouse and Willow Farmhouse and that there is insufficient evidence to support BHG being treated as a non-designated heritage asset. However, the proposal would harm the character, setting and significance of Dagwood Farmhouse, a listed building and designated heritage asset. That harm is the overriding consideration. The proposal conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.
23. For these reasons, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR