



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: 17 January 2020

Appeal Ref: APP/W3520/W/19/3236169

Lawn Farm, Warren Lane, Woolpit, Suffolk IP30 9RS

- 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 David Sheldrake (Landmark Scaffolding) against the decision of Mid Suffolk District Council.
 - The application Ref DC/19/02339, dated 13 May 2019, was refused by notice dated 30 July 2019.
 - The development proposed is demolition of storage buildings, conversion of brick cart lodge to a dwelling house and construction of 3 no. new dwellinghouses.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline with approval also sought for access and layout details. Part of the appellant's appeal statement indicates that layout is a reserved matter, however this is not the basis on which the application was submitted. The 'Proposed Outline Plan' provided with the application shows layout details and is not marked as being for illustrative purposes. As such, I have assessed the appeal on the basis that it seeks approval for the submitted access and layout details.
3. Reference is made to the emerging Woolpit Parish Neighbourhood Plan and emerging Mid Suffolk and Babergh District Councils Joint Local Plan. As they may be subject to change, I have given limited weight to these plans.

Main Issues

4. The main issues are (i) the effect of the proposal on the setting of the listed building, Lawn Farmhouse, (ii) whether the proposed development would be in a suitable location having regard to the National Planning Policy Framework (the Framework), development plan policies and accessibility, (iii) the effect on the local economy, and (iv) whether the requirement to provide appropriate living conditions for future occupiers would prejudice employment generating development by reason of noise.

Reasons

Listed building

5. Lawn Farmhouse is a grade II listed building, dating back to the late 17th century. As well as its age, its significance lies with the retention of a number

- of attractive architectural features that reflect its history of a farmhouse. The listed building appropriately sits within a largely rural setting dominated by open fields and a wooded area on the opposite side of the road.
6. The proposal includes demolition of a large barn that blocks views of the listed building and partially obstructs the outlook from Lawn Farmhouse of the countryside. Its demolition and the removal of the smaller building, external storage and vehicles associated with the existing business would open up views of the listed building and so improve its setting.
 7. However, the proposed housing would stretch back into the site and so would also obstruct views of Lawn Farmhouse from the road and surrounding land. Also, by reason of its layout and proximity, the proposed development would compete with, rather than compliment, the listed building. Furthermore, limited explanation has been provided as to how the proposed layout of houses and garages would sympathetically reflect the rural context of the area and setting of the listed building. The appellant states that the proposal would be of a lesser scale and mass compared to the existing buildings, but I am not convinced from the information before me that this in itself would preserve or enhance the character and setting of Lawn Farmhouse.
 8. Planning permission¹ has been granted for employment development on part of the adjacent field, which would impinge on the rural landscape and harm the character, setting and significance of Lawn Farmhouse. Nevertheless, the listed building would still retain heritage interest and would remain as a designated heritage asset. Harm caused to the setting of Lawn Farmhouse by the approved employment development does not justify the additional harm that would be caused by the appeal proposal. I have not been provided with details of the referred to extension to the adjacent dwelling and so this has no effect on my views regarding the appeal proposal's impact on Lawn Farmhouse.
 9. For the reasons set out above, I find the proposal would harm the character and setting of Lawn Farmhouse and thereby diminish its significance. Whilst this would not represent substantial harm, it would nonetheless constitute less than substantial harm to the listed building's significance.
 10. In such circumstances, the Framework states that harm caused to a designated heritage asset should be weighed against the public benefits of the proposal. Legislation require special regard be given to the desirability of preserving the setting of a listed building² and the Framework states that great weight should be given to a heritage asset's conservation.
 11. The proposal would generate construction jobs and boost the supply of housing on a small, previously developed 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 the significance of Lawn Farmhouse.
 12. For the reasons set out above, I conclude the proposal would not preserve or enhance the character, setting and significance of the listed building, Lawn Farmhouse. In this regard, it would be contrary to saved policy HB1 of the Mid Suffolk Local Plan 1998 (LP) as well as the Framework. These seek, amongst

¹ Council ref. no. DC/18/01279

² Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

other things, to protect and enhance the historic environment and the significance of heritage assets.

Suitability of location and accessibility

13. The appeal site lies outside any of the settlements listed under policy CS1 of the Mid Suffolk District Core Strategy Development Plan Document 2008 (CS) and so under the terms of the policy lies in countryside. As the proposal would not be one of the identified developments permissible in the countryside, it would be contrary to CS policy CS2. The proposal would also go against saved policy H7 of the LP which looks to strictly control proposals for new housing in the countryside. These policies are of some age and are to a degree inconsistent with the Framework, and so are afforded reduced weight in my assessment. Even so, conflict with these policies counts against the appeal.
14. The site is away from services in Elmswell and Woolpit, the closest settlements. It is likely that the occupiers of the proposed dwellings would be deterred from walking or cycling to the facilities in these villages by reason of the separation distances, topography and lack of roadside pavements and lighting. For the same reasons, it is likely that future occupiers would not walk or cycle to Elmswell railway station and so the proposal would not meaningfully promote public transport use. Instead, it is likely that future occupiers would travel by car to facilities at the nearest villages or further away to the broader range of services at larger settlements along the nearby A14 road.
15. It is reasonable to assume that future occupiers of the proposed houses would have good access to workplaces given the aforementioned permitted employment development on adjacent land. Also, the site's current use attracts vehicle movements and it is unlikely that the proposal would lead to a significant increase in car travel. However, these factors do not address future occupiers' lack of good access to key services such as schools and shops.
16. I have not been provided with details of the relationship of the approved housing at Kiln Lane, Elmswell³ to services or the other factors considered by the Council in granting this planning permission. As such, this decision fails to affect my views in respect of this main issue.
17. For the above reasons, I conclude that the site would not provide a suitable location for the proposal having regard to accessibility and to saved policies CS1 and CS2 of the CS, saved policy H7 of the LP, policy FC1.1 of the Mid Suffolk Local Development Framework Core Strategy Focused Review 2012 (CSFR) and the Framework. These all aim, amongst other things, to locate development where there is good access to services. CSFR policy FC.1 is referred to in the Council's first refusal reason but contain no provisions that are relevant to this main issue.

Effect on local economy

18. Saved policy E6 of the LP recognises the importance of industrial and commercial premises. It also states that the redevelopment of such sites will be expected to result in a significant benefit for the surrounding area, particularly in terms of improved residential amenity or traffic safety.

³ Council ref. no. DC/18/05363

19. There is no evidence before me that shows the site's existing employment use causes harm to the living conditions of occupiers of any nearby residences or that associated traffic prejudices highway safety. Consequently, it has not been shown that the proposal would result in significant benefits in this regard. I have found that the proposed development would harm the setting of the adjacent listed building and so it would not result in significant benefits to the character and appearance of the area.
20. The appellant claims that the existing business would relocate and therefore the proposal would not result in job losses. However, there is nothing to ensure this would be the case and the proposed redevelopment would prevent another business from occupying the site.
21. The existing business premises are small and the aforementioned planning permission for employment development suggests that there would be other nearby workplaces in the future. Also, I note the availability of other vacant commercial buildings in the District. Furthermore, LP policy E6 is partly inconsistent with the Framework which advocates a more flexible approach to the redevelopment of previously developed land. For all these reasons, I attach reduced weight to the policy in my assessment, but nevertheless, the conflict with LP policy E6 counts against the appeal.
22. For these reasons, I conclude the development would have a harmful effect on the local economy through the loss of an existing employment site. Consequently, it would be contrary to LP policy E6 which recognises the importance of employment land in maintaining the local economy.

Future occupiers' living conditions and nearby employment development

23. If implemented, the aforementioned planning permission for employment development would result in the introduction of warehouse and office premises on part of the adjacent field. The Council's concern is that the need to provide adequate living conditions and noise environment for the residents of the proposed houses would prevent the ability of future business occupiers from operating effectively. Consequently, it is argued that the appeal proposal would threaten the adjacent employment generating development.
24. Potential noise effects on existing residential properties have not prevented the Council from granting planning permission for the employment development. However, the plan provided with the appellant's statement suggests that the proposed houses would be closer to part of the approved commercial development than any existing residence. As such, it is reasonable to assume that the proposed dwellings would be subject to higher levels of noise generated from the approved development compared to existing residences.
25. There is no evidence before me that describes the potential noise impacts of the approved commercial development on the appeal proposal or that demonstrates that any unacceptable impact could be addressed through conditions. Given the proximity of the proposed houses to the approved commercial development, there is a significant risk that future occupiers would be subject to unacceptable noise effects. As such, the proposal would prejudice the approved employment development and its continued use.
26. For these reasons, I find the need to provide appropriate living conditions for future occupiers of proposed development would prejudice employment

generating development by reason of noise. Consequently, and in this regard, the appeal proposal would be contrary to policy E4 of the LP and the Framework which aim, amongst other things, to ensure that new development can be integrated effectively with businesses. LP policy E6 is referred to in the Council's refusal reason but includes no provisions relevant to this main issue.

Other Matters

27. The appellant does not dispute the Council's claim that it can demonstrate in excess of a five year supply of housing land. However, reference is made to an appeal decision⁴ in which the Inspector states that various CS policies, including some of those most important to the determination of this appeal, are out of date. In such circumstances, 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.
28. The harm that would be caused to the setting, character and significance of Lawn 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 relevant development plan policies being out of date.
29. I note that the proposal would be acceptable in terms of flood risk, drainage and parking provision. However, acceptability in these regards is a neutral factor that fails to outweigh the identified harm caused by the proposal.

Conclusion

30. For the reasons given above, I conclude the proposal would conflict with the development plan when read as whole and that there are no circumstances that justify a decision otherwise. As such, the appeal is dismissed.

Jonathan Edwards

INSPECTOR

⁴ Appeal ref. no. APP/W3520/W/18/3194926