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## Appeal Decision

Site visit made on 30 September 2019

**by L Gilbert BA (Hons), MA, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 21<sup>ST</sup> January 2020**

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**Appeal Ref: APP/W3520/W/19/3228600**

**Land adjacent to Pear Tree Farm, Chapel Road, Hinderclay IP22 1HY**

- 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 D Thorrold against the decision of Mid Suffolk District Council.
  - The application Ref DC/18/03801, dated 21 August 2018, was refused by notice dated 28 January 2019.
  - The development proposed is full planning permission for the erection of a dwelling and garage, and creation of a new vehicular access.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect on the character, setting and significance of the Grade II listed Pear Tree Farm House and the attached Granary.

### Reasons

3. The heritage assets relating to this appeal are the Grade II Pear Tree Farm House with attached Granary, and the Grade II listed Briarways on the opposite side of Chapel Road. The appeal site is located adjacent to Pear Tree Farm. This listing refers to early and late C16, raised early to mid C17, altered C19 and C20. The two-storey farmhouse has a timber frame with a steeply pitched corrugated sheet roof.
4. The side elevation of Pear Tree Farm House lies adjacent to Chapel Road and its frontage faces towards the appeal site. A boundary wall and hedge enclose a grassed area to the front of this listed building and beyond is an access road that leads into the farm, listed farmhouse and appeal site. The listed farmhouse is a prominent feature along Chapel Road due to its distinct appearance and the perception of spaciousness between Pear Tree Farm and the properties to the south (Two Oaks, Holly House, Cherry Meadow and Hawthorns). The appeal site provides a notable gap in development that helps to separate Pear Tree Farm House from the residential houses to the south. The appeal site contains a large grass field with a low hedge and a tree along the front boundary, and trees and hedges by the south side and rear boundaries. It is presently an open field that is part of the farm and it contributes to the rural character of the area.
5. Both listed buildings of Pear Tree Farm House and Granary, and Briarways face southwards along Chapel Road, which is in the direction of the appeal site. In

the past I understand they faced on to a Green. Over time this land at the side of Pear Tree Farm House became in agricultural use with new residential properties built beyond. The intrinsic nature of the buildings and the relationship with their immediate surroundings are important to the significance of the heritage asset. In that respect, I consider the available views of Pear Tree Farm and the existing verdant nature of the space between the properties to the south offered by the site make a positive contribution.

6. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires special regard to the desirability of preserving the setting of listed buildings. Paragraph 193 of the National Planning Policy Framework (the Framework) states that great weight should be given 'to the asset's conservation (and the more important the asset, the greater the weight should be)'.
7. The proposed dwelling would be set back at the rear of the site in keeping with historic development patterns and would not be dissimilar from the arrangement of other plots in the village. The main building would have a traditional appearance and 1.5 storey height which reflects a design that would not of itself look out of place in the wider area.
8. Notwithstanding the above, the submitted plans include the introduction of a new hedge and trees along the northern side boundary which would increase the visual containment and separation of the existing site from the curtilage of the listed building when supplementing existing trees that would be retained. When taken together with the proposed new house, detached garage, driveway and garden, this would have an urbanising effect on the site which would erode its existing openness and relationship with the listed building. In turn, the presence of such intervening development would detract from and therefore, adversely affect the setting of the Pear Tree Farm House listed building.
9. The loss of the distinct separation between Pear Tree Farm House and more recent residential properties to the south, would encroach upon the listed building and begin to merge with the modern residential development. I therefore do not agree with the appellant's claim that the views of the assets on Chapel Road are retained as existing, as uninterrupted views from the south along Chapel Road and looking across the appeal site would be affected.
10. In reaching the above findings, I have taken account of the Heritage Impact Assessment submitted with the application, which amongst other things, makes reference to the existing hedges along the site frontage and adjoining the neighbouring properties to the south. Furthermore, there are suggestions in the evidence that trees may have been present on the northern site boundary in the past. However, even if a physical boundary was previously in-situ, it is reasonable that there would have been some gaps allowing visibility through the trees. In any case, historic maps identify that the site was otherwise undeveloped and therefore, irrespective of the presence of vegetation, the evident relief from built form to the south of Pear Tree Farm is a historic feature of its setting that would be undermined by the proposal.
11. Briarways Grade II listed building is located opposite Pear Tree Farm House. Its listing refers to it as latterly 2 dwellings. This building is quite hidden and enclosed in its setting and there are more limited views of this heritage asset in the wider area. It is also on the opposite side of the street to the appeal site. I therefore do not consider the appeal development which would be set back

from the street would harm the setting of this nearby listed building. However, the absence of harm in that respect is a neutral factor which does not offset or justify the harm I have otherwise identified to the setting and significance of the Grade II listed, Pear Tree Farm House.

12. The appeal site has an undeveloped nature that makes a positive contribution to the setting of Pear Tree Farmhouse, and the proposal would harm that. The appellant has referred to the interaction of the historic Green, however this is not an influential factor in my decision because the presence of the Green and its relationship to the listed building had different vantage points and therefore influence upon the setting of the listed building, when compared with the site. As the influence of the proposed development on the setting on the listed building is localised and affects not all vantage points, the harm would be less than substantial to the significance of the designated heritage asset. In that respect, the public benefit suggested is the provision of one family house close to local services in Hinderclay and with access to a wider range of services and facilities in nearby settlements. However, the public benefits in that respect would be limited based on the scale of development proposed and do not outweigh the great weight given to the conservation of the Grade II listed Pear Tree Farm House and the less than substantial harm to its setting and significance that I have identified.
13. Accordingly, I conclude that the appeal development would harm the character, setting and significance of Grade II listed Pear Tree Farm and attached Granary and therefore is contrary to Policy CS5 of the Mid Suffolk District Core Strategy Development Plan Document (2008) (CS) which seeks amongst other things that all development maintain and enhance the environment, including the historic environment and retain the local distinctiveness of the area. It would also not be in accordance with Policy HB1 of the Mid Suffolk Local Plan 1998 which places a high priority on protecting the character and appearance of all buildings of architectural or historic interest, particular attention will be given to protecting the settings of listed buildings. The policies are consistent with the Framework and there is associated conflict of the proposal in those respects.

### **Planning Balance**

14. The Framework does not change the statutory status of the development plan as the starting point for decision making and I have identified a less than substantial harm to the setting of Grade II Listed Pear Tree Farm House with attached Granary. The proposal is not in accordance with the development plan due to the harmful effect upon the character, setting and significance of the Grade II listed Pear Tree Farm and the consequent failure to preserve or enhance the heritage asset.
15. The appellant considers the most important Policies CS1, CS2, CS5 and H7 of the CS to be out of date in terms of the provision of housing in rural areas and that they are inconsistent with the Framework. It is also matter of dispute between the parties as to whether the Council can demonstrate a five year housing land supply, with the appellant having referred to an appeal decision (APP/W3250/W/18/3194926) which identified a 3.4 year supply within the District and referred to more recent Council evidence of 5.06 year supply being based on overly optimistic assumptions. However, even if I were to accept the appellants views in those respects and were to consider the proposal against

paragraph 11(d) of the Framework, it falls under footnote 6 for the purposes of 11d(i). In that regard, based upon my previous findings, the application of policies in the Framework relating to designated heritage assets provide a clear reason for refusing the application. Consequently, the presumption in favour of sustainable development does not apply in this case.

16. The conflict with the development plan and the Framework when taken as a whole, and the associated harm identified are significant and overriding factors. Consequently, the material considerations in this case, including the limited contribution of a single dwelling in an accessible location to housing supply and associated benefits in that respect, do not indicate that the application should be determined otherwise than in accordance with the development plan.

### **Conclusion**

17. Consequently, for the reasons set out above, I conclude that the appeal should be dismissed.

*L Gilbert*

INSPECTOR