
Appeal Decision

Site visit made on 20 January 2020

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd March 2020

Appeal Ref: APP/W3520/W/19/3239652

Grange Farm, Drinkstone Road, Gedding IP30 0QE

- 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 & Mrs Graham Paske against the decision of Mid Suffolk District Council.
 - The application Ref DC/19/03335, dated 12 July 2019, was refused by notice dated 11 September 2019.
 - The development proposed is Erection of 1 No dwelling, creation of new access drive from existing (following demolition of existing agricultural barns); Conversion of barn to garaging/workshop (Resubmission).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has submitted two new plans¹ for consideration. These show the existing and proposed arrangements for the building that is proposed to be converted to form garaging and a workshop. The Council's fourth reason for refusal is relevant to the consideration of this matter, as the application drawings did not include the floor plan or long elevations for the building. Based on the information that is before me and with cognisance of the Wheatcroft Principles, I am satisfied that the additional plans would not change the nature of the proposed development before me. In accepting the plans, I am satisfied that this would not deprive those that have not had the opportunity of consultation.

Main Issues

3. The main issues are: -
 - whether the proposal is consistent with policies relating to housing in rural areas, including with regard to accessibility to local services and facilities; and
 - the effect of the proposed development on the character and appearance of the area, including whether it would preserve or enhance the setting of the Grade II listed building known as Grange Farmhouse.

¹ Drawing References: 1216-06 and 1216-07.

Reasons

Housing in rural areas

4. For the purposes of planning policy, the appeal site is situated within the countryside as defined by Policy CS1 of the Mid Suffolk Local Development Framework Core Strategy Development Plan Document 2008 (CS). This policy suggests that development is directed to Towns and Key Service Centres. In the countryside, development is restricted to particular types of development to support the rural economy, meet affordable housing, community needs and provide renewable energy. Policy CS2 of the CS also restricts development to defined categories in accordance with other CS policies. The appeal scheme is not for any of the types of development listed under these policies. Policy H7 of the Mid Suffolk Local Plan (adopted September 1998) (LP) repeats the strict control over new housing in the countryside and directs development to existing settlements.
5. I have been referred to the inclusion of a settlement boundary for Gedding, as a 'Hamlet Village', in the emerging Babergh & Mid Suffolk Joint Local Plan Preferred Options (Consultation Document, July 2019) (the JLP). A recent appeal decision that is before me considered a similar situation in Willisham² but I am not aware of the full circumstances surrounding that case. In any event, the appeal scheme would not comply with Policy LP01 of the JLP, as it would not be situated within the proposed settlement boundary, equate to infill development within a continuous built up frontage or be associated with an existing cluster of ten dwellings adjacent to a highway.
6. The JLP is not at an advanced stage of preparation. Emerging policies and site allocations are not therefore matters that have a significant bearing on my consideration of the merits of this appeal, particularly as there may be unresolved objections to contend with. Therefore, whilst I have had regard to the policy, in accordance with the requirements of Paragraph 48 of the Framework, the JLP has attracted very limited weight in my consideration of the merits of the appeal.
7. In light of the above, the proposed development would be contrary to the spatial strategy in Policies CS1 and CS2 of the CS, as it would encompass housing outside a defined settlement boundary. Being in conflict with these policies would also bring conflict with Policy H7 of the LP.
8. Whilst the appeal site is situated within an area of countryside, in terms of whether the dwellings would be 'isolated' in the language of the National Planning Policy Framework (the Framework) and the recent Court of Appeal judgement³, it is important to have regard to the site's relationship to existing built development as well as accessibility to services and facilities. Paragraph 78 of the Framework seeks to restrict housing in rural areas to locations where housing will enhance or maintain the vitality of rural communities.
9. Taking the physical dimension of isolation first, the proposed dwelling would be located fairly close to other dwellings situated within the immediate area to the north of Drinkstone Road and east of Felsham Road and, therefore, would not be isolated from them. Nonetheless it would do little more than add to existing development in the open countryside, some distance away from the nearest

² Appeal Ref: APP/W3520/W/19/3233330 (Antler Ridge, Main Road, Willisham)

³ *Braintree DC v SSCLG* [2018] EWCA Civ. 610

settlements, particularly the Town of Stowmarket and the Secondary Village of Felsham. There are no facilities and services available in the immediate vicinity of Gedding. The reality is therefore that future residents would be obliged to travel further to other settlements, where there are a greater range of facilities and services available, particularly to Stowmarket where rail services are available to London.

10. In terms of accessibility, the appeal site is poorly located. Paragraph 103 of the Framework suggests that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. There are no shops or community facilities within a reasonable and convenient walking distance of the site. The local road network lacks street lighting and pedestrian footways. Accordingly, the opportunities to walk or cycle to the services and facilities available nearby are not therefore convenient or realistic ones, particularly after dark or in bad weather.
11. Given the location of the proposed dwellings, future residents would be highly likely to be required to travel regularly by private motorised transport to access education, retail, employment and healthcare. The proposal would not, of itself, generate a large number of traffic movements. Furthermore, a greater dependency on car use is inevitable in more rural locations and there are existing residential properties in the immediate vicinity. However, the cumulative effect of allowing developments in locations such as the proposal would be likely to increase the amount of unsustainable journeys made. I also have limited information before me regarding the nearby bus services and their frequency to be able to conclude that this would sufficiently discourage further use of private motorised transport.
12. In light of the above, I conclude that the site would not represent a suitable location for housing, having regard to access to shops, services and facilities. Hence, the proposal would conflict with Policies CS1 and CS2 of the CS, Policy H7 of the LP and paragraphs 78 and 103 of the Framework.

Character and appearance and the setting of the listed building

13. Along with their plot size and shape, the design of dwellings within the area varies greatly. However, the arrangement of dwellings is coherent, as they are primarily aligned with the streets and incorporate a frontage. The space around the dwellings provides a transition to the agricultural fields beyond and mature planting of boundaries creates a verdant character. Taken together these stated features create a clear and distinct pattern to development that makes a significantly positive contribution to the character and appearance of the area.
14. Grange Farmhouse is a grade II listed building, which probably dates from the 17th Century and was altered in the 19th and 20th Centuries, the significance of which is derived from its architectural and historic interest. The building is a two-storey timber frame and plaster structure on a primarily L-shaped plan, with an axial red brick chimney and plaintiled roof and smaller rear additions. Along with the agricultural buildings within the appeal site and those to the northwest and northeast, Grange Farmhouse was part of a farm, however it is now in private residential use. The site is also northeast of linear frontage development to either side of Felsham Road.

15. I am mindful of the Framework's definition of 'setting' as being the surroundings in which a heritage asset is experienced. The site is occupied by agricultural buildings erected at some point in the post war period. Although other buildings between the site and the listed building share a closer historical association with the farmstead, the buildings within the site and the open land that surrounds them provide a rural context which forms an integral part of the historic setting of Grange Farmhouse and contribute to the understanding and significance of the heritage asset.
16. The existing agricultural buildings within the site are of a utilitarian form, layout and appearance that currently make a neutral contribution to the character and appearance of the area. Whilst the proposal would be taller than these buildings, the views and glimpses of the proposed dwelling from public land would be from some distance away and would be primarily set against the backdrop of trees rather than the skyline. Therefore, given the varied architecture locally, the design and materials palette of the proposed dwelling and altered outbuilding would not, of itself, offend the appearance of the area.
17. I have referred to the appearance of the dwelling in the context of the effect on its surroundings and did not find harm. However, the effect on the setting of the listed building is a different issue related to its significance. Moreover, despite the fact that the proposal has been designed to mimic a traditional Suffolk timber-framed barn with subservient elements, it would be unrelated to the more subservient nature of the existing buildings arranged around the former farmyard. Furthermore, the proposal would also be some distance from the highway and unrelated to the conventional form of frontage residential development that characterises the surrounding area.
18. The form and scale of the proposed dwelling would therefore compete with Grange Farmhouse, which is the only purpose designed and built dwelling in the former farm. I appreciate that the buildings between the listed building and site would reduce the visibility between the two but I do not find the absence of a visual connection to be a determinative factor, as it is the physical presence, form and scale of the proposal that would be harmful to the significance of the heritage asset.
19. In addition, although the site is currently accessed through the former farmyard from Drinkstone Road, the proposal would be accessed by a new driveway from Felsham Road, some distance to the west. I appreciate that this would be enclosed by a mature hedge to the south but it would primarily be open to the north. The driveway would therefore be prominent beyond the street frontage. Whilst planting could be put in place to soften its appearance, this would be unlikely to have a meaningful effect for some time. The harm that would result from the proposal would therefore be worsened by the proposed driveway, which would jar with the established appearance of Felsham Road, where such long residential driveways are not a common feature within this rural setting.
20. I appreciate that the Council has consented the residential use of other buildings formerly associated with Grange Farm⁴ and this will have changed the setting of the listed building. However, as those consented schemes relate to the conversion of existing buildings, the disruption to the setting of the listed

⁴ Planning References: 1753/15 (conversion of a building to a dwelling to north of Grange Farmhouse) and 2873/15 (conversion of building to two dwellings and demolition of two others to northwest of Grange Farmhouse)

building is not comparable with the appeal proposal. For this reason and in light of my findings in relation to this main issue, the proposal would not be a more suitable alternative development for the site than the consented scheme for the conversion of an agricultural building to a dwelling⁵, within the limits set by the relevant statutory instrument⁶.

21. Moreover, with cognisance of the caselaw to which I have been referred⁷, whilst I consider this to be a 'fallback' position, it would have very different effects to the appeal scheme. The fallback would require the conversion of a single storey building and the demolition of the remaining buildings within the site. It would also utilise the existing access through the former farmyard from Drinkstone Road. The appeal proposal would not be comparable with the fallback, as it would be more extensive in footprint and utilise a new access.
22. The statutory duty in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. The proposals would be harmful to the setting of the listed building, which would have a negative effect on its significance as a designated heritage asset. This would equate to less than substantial harm to the significance of the designated heritage asset. Paragraph 196 of the Framework identifies that this harm should be weighed against the public benefits of proposals.
23. In the context of Paragraphs 59 and 68 of the Framework, I note the contribution that would be made to the supply of housing by this small site, particularly as it could be built-out relatively quickly. There is no threshold for the assignment of weight to the quantum of residential development but I note that the proposal would be an alternative to the 'permitted' scheme which would also have delivered a large family home. Nonetheless, the proposal would contribute to the overall housing mix in the district.
24. Some economic benefits would arise from, for example, employment and procurement of materials during the construction period. Future occupiers would also contribute to the local economy through expenditure, including to Felsham but would be likely to do so by utilising private motorised transport.
25. In accordance with paragraphs 195 and 196 of the Framework, considered together, I conclude that the public benefits I have outlined above do not outweigh the great weight to be given to the less than substantial harm that I have identified.
26. For the reasons outlined above, despite my findings in relation to the appearance of the proposed dwelling, I conclude that the appeal scheme would have an unacceptably harmful effect on the character and appearance of the area and would be harmful to the setting of the listed building. Hence, the proposed development would not accord with Policies CS5 of the CS, Policy FC1.1 of the Mid-Suffolk Core Strategy Focused Review 2012 (the CSFR) and Policies GP1, H7, H13, H15, HB1 and SB2 of the LP. Together these policies require that development respects the local distinctiveness and the built heritage of Mid Suffolk, enhancing the character and appearance of the district. Development should also achieve a high standard of design through, amongst other things, its layout, form and scale, and be consistent with the pattern of

⁵ Planning Reference: DC/18/02697.

⁶ Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

⁷ *Mansell v Tonbridge and Malling Borough Council* [2017] EWCA Civ 131.

development in the surrounding area. Furthermore, particular attention should be given to protecting the settings of listed buildings.

27. The proposal would also not accord with paragraphs 8(c), 130, 192 and 193 of the Framework. In particular, paragraph 193 states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Planning Balance

28. The Framework states that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise. The Framework is a material consideration.
29. The development plan for the area comprises the LP, CS and the CSFR, all of which predate the Framework. However, the Framework makes it clear that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them according to their consistency with the Framework.
30. The Inspector for the appeal at Willisham referred to the applicability of Policies CS1 and CS2 of the CS and Policy H7 of the LP and found the policies to be out-of-date. For the reasons outlined in that decision, I have little reason to disagree with this view. Policy FC1 of the CSFR only unnecessarily duplicates what was in paragraph 14 of the 2012 version of the Framework, it is therefore out-of-date for the purposes of the current Framework. Policy CS5 requires that all development will maintain and enhance the environment including the historic environment and retain local distinctiveness. This exceeds the abovementioned statutory duty and goes beyond what paragraph 192 of the Framework requires. The policy also fails to have regard to the balancing exercise required by paragraph 196 of the Framework. The policy is therefore out of date, for the purposes of the Framework. Hence, I attach only moderate weight to the conflict of the proposal with these policies, which lessens the magnitude of that conflict.
31. Policies GP1, H13 and SB2 of the LP and Policy FC1.1 of the CSFR are consistent with the aims for achieving well-designed places as set out in the Framework. Policy H15 of the LP is also consistent with this aim, as well as the aims to make effective use of land outlined in the Framework. In terms of Policies HB1 of the LP and CL8 of the CS, these are closely aligned with the aims of the Framework to conserve heritage assets such as listed buildings and protect and enhance biodiversity. Accordingly, the policies are up to date and I have afforded them full weight in the determination of the appeal.
32. The Council has referred to their latest Housing Land Supply Position Statement. It is suggested that this demonstrates five-years supply of deliverable housing land within the district. Other than pointing to the fragility of the situation, the appellant accepts this position.
33. Nonetheless, some of the policies most important for determining the appeal are out-of-date, namely Policies CS1, CS2 and CS5 of the CS, Policy FC1 of the CSFR and Policy H7 of the LP. Therefore, in line with footnote 7 to paragraph

11 of the Framework, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. However, I am mindful that in light of my finding in relation to heritage matters, paragraph 11d) i) of the Framework would apply.

Accordingly, as the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the proposed development, the proposal is not sustainable development, for the purposes of the Framework and therefore, the presumption in favour of sustainable development does not apply.

34. I have already identified the benefits of the scheme as part of the assessment of public benefits in undertaking the necessary balancing exercise in relation to the heritage assets, in this case the setting of a Grade II listed building. In terms of harm, the proposed development would not comply with development plan policy in respect of its location and the harm to the character and appearance of the area and the setting of the listed building. Whilst some of the development plan policies most important for determining this appeal are out-of-date, the proposal would not amount to sustainable development under the terms of the Framework. Overall, I find that the adverse impacts of the proposal are matters of significant and overriding weight against the grant of planning permission.
35. In the final balance, I consider that the location of the proposal outside a defined settlement boundary and the harm to the character and appearance of the area and the setting of the listed building would outweigh the benefits of the proposed development outlined above. Therefore, the other material considerations in this case do not indicate that the appeal scheme should be determined other than in accordance with the development plan.

Conclusion

36. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, I conclude that the appeal should be dismissed.

Paul Thompson

INSPECTOR