



Appeal Decision

Site visit made on 16 March 2020

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th March 2020

Appeal A - Appeal Ref: APP/X3540/W/19/3239454

Russet Cottage, Main Road, Bucklesham, Suffolk IP10 0DN

- 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 Ms T Wark against the decision of East Suffolk Council.
 - The application Ref DC/19/0831/OUT, dated 14 February 2019, was refused by notice dated 18 April 2019.
 - The development proposed is described as 'erection of two detached dwellings with garaging'.
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Appeal B - Appeal Ref: APP/X3540/W/19/3239666

Russet Cottage, Main Road, Bucklesham, Suffolk IP10 0DN

- 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 Ms T Wark against the decision of East Suffolk Council.
 - The application Ref DC/19/2568/OUT, dated 26 June 2019, was refused by notice dated 19 August 2019.
 - The development proposed is described as 'erection of single storey dwelling and garage'.
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Decisions

1. Appeals A and B are both dismissed.

Preliminary Matters

2. The planning applications were both submitted in outline with all matters of detail reserved for future consideration save for 'access'. Although the site is within the setting of a listed building, the Council did not direct for further details¹, being content to consider the proposal based on drawings annotated as being illustrative. Accordingly, I have assessed the proposals as submitted and treated the drawings as being an illustration of how they could ultimately be configured. I have considered the two appeals concurrently, but on their own merits, because there are some common matters between them.

Main Issues

3. The main issues in this appeal are:
 - Whether the proposals would be in a suitable location with reference to relevant development plan policies concerned with housing in rural areas;

¹ Pursuant to Article 5(2) of the Town and Country Planning (Development Management Procedure) Order 2015

- The effect of the development proposed in Appeal A on the character and appearance of the area;
- The effect of the proposed developments on the setting of The Forge, a Grade II listed building; and
- The effect of the proposals on highway safety, with reference to visibility.

Reasons

Whether the proposals would be in a suitable location

4. The Felixstowe Peninsula Area Action Plan Development Plan Document 2017 (FAAP) establishes Physical Limits Boundaries (PLB) around some settlements including Bucklesham. In order to establish sustainable patterns of development the FAAP directs new housing to sites within these defined boundaries. Similarly, Policies SP1, SP1A, SP19 and SP27 of the CSDMP² direct housing in accordance with a settlement hierarchy to sites within PLBs.
5. It is unlikely that there would be sufficient space to accommodate both of the dwellings proposed in Appeal A within the PLB of the village and therefore the illustrative layout shows Plot 2 beyond the stream and therefore outside the PLB. The dwelling proposed in Appeal B would likewise be outside the PLB. Policy FPP2 of the FAAP states that residential development outside the PLB will be strictly controlled in accordance with national policy and the strategy for the countryside in Policy SP29 of the CSDMP.
6. Policy SP29 of the CSDMP states that new development outside PLBs will be limited to that which needs to be located there and when it accords with other policies in the CSDMP, such as those promoting rural business or the conversion of rural buildings. The appeal schemes do not need to be in the countryside and would not be the types of development expressly permitted in principle by other policies elsewhere in the CSDMP. For example, the proposals would not be the type of infilling permitted by Policy DM4 of the CSDMP because the appeal site is not located within a continuous built up frontage, it is behind one. Thus, both appeal schemes would be at odds with Policy SP29.
7. Policy DM3 of the CSDMP flows from Policy SP29 and lists the types of development that would be permitted in the countryside, such as replacement dwellings, the subdivision of larger dwellings, affordable housing exception sites, conversions and minor infilling in clusters. The appeal scheme would not be any of these types of development. Policy DM3 also permits development that accords with Paragraph 79 of the National Planning Policy Framework, but the proposals would not be any of the types of development listed therein.
8. In conclusion, although Plot 1 in Appeal A would be in the PLB of the village, Plot 2 would not. Similarly, the home proposed in Appeal B would be outside the PLB. Thus, the proposals would not adhere to Policies SP1, SP19, SP27, SP29 and DM3 of the CSDMP and Policy FPP2 of the FAAP³. Accordingly, the proposals would be at odds with the adopted spatial strategy for rural housing and therefore harmfully undermine a plan led approach.

² Suffolk Coastal District Local Plan Core Strategy & Development Management Policies Development Plan Document July 2013

³ The Council has erroneously referred to Policy SSP2 in its reason for refusal

The effect of Appeal A on the character and appearance of the area

9. Forge Close and Meadow View are both cul-de-sacs that are located opposite the appeal site. These small estates include some frontage development but are otherwise arranged in depth. The intervening presence of Main Road means the appeal site is not principally viewed as part of the cul-de-sacs. Instead, the appeal site is located towards the eastern end of a ribbon of linear frontage development that stretches west from Russet Cottage along Main Road. This linear development is broadly characterised by properties with a direct street frontage. The dwellings are generally set within reasonably large plots with extensive rear gardens that provide a generous buffer between the housing and the arable landscape beyond.
10. The two dwellings proposed in Appeal A would be to the rear of The Forge and would not have a street presence. Regardless of what form the design of the homes would take, it would be necessary to employ a discordant tandem layout. Plot 1 would be located directly behind The Forge resulting in an untypical spatial relationship that would be visible from Main Road and the public footpath immediately to the north of the appeal site. This would erode the pattern of the linear development on the northern side of Main Road. In addition, the plots would be comparatively small with limited space available to provide a spacious buffer with the adjoining arable field.
11. That said, the building line to the west of the appeal site is staggered such that the three existing properties immediately to the west of the appeal site are set behind The Forge. Radwood House⁴ is also close to the boundary with the field. The presence of these properties immediately to the west of the new dwellings would lessen the impact of the tandem development. Moreover, it would be possible to secure at the reserved matters stage that the dwellings are single storey properties. This would lessen their impact. Nevertheless, Plot 1 would be unusually close to the rear elevation of The Forge and the two plots would still appear relatively cramped. Accordingly, these combined impacts would result in the development proposed in Appeal A appearing out of place.
12. I therefore conclude that Appeal A would harm the character and appearance of the area contrary to Policy DM7 of the CSDMP, which seeks to secure development that would not harmfully erode the character of the area⁵.

Whether the proposals would preserve the setting of Holly Cottage

13. The Forge is a thatched, timber framed dwelling that probably dates from the 17th Century. It is a good example of the local rural vernacular and is therefore intrinsically linked with the rural agricultural landscape around the village. This is part of how it is appreciated, experienced and understood – its setting. The property is viewed from Main Road with an open backdrop that provides a visual connectivity between the building and the arable field beyond. Historic mapping demonstrates that the area to the rear of The Forge has remained largely undeveloped and this provides a sense of space around it.
14. In more recent times the construction of Forge Close has eroded the rural context of the listed building, as has the presence of Russet Cottage and its tarmac drive, boundary fencing and large outbuilding. The Forge has

⁴ Marked as Brook Cottage on the plans

⁵ The Council as referred to Policies SP19 and SP27 in its second reason for refusal but these policies do not appear to be directly relate to the matter in hand.

nevertheless retained a connection with the wider landscape despite this due to the open aspect provided by the undeveloped area behind it. This is the case even though the appeal site is not farmland.

15. The submitted drawings suggest the dwellings proposed in Appeal A and Appeal B would have large footprints and detached garages. This would seriously reduce the space around the listed building and interrupt views of The Forge. Such large dwellings would be prominent in the listed building's backdrop and disrupt and erode the sense of connectivity with the countryside. This would amount to a harmful evolution of the building's setting.
16. The provision of extensive landscaping would soften the visual impact and presence of the properties, with there being more scope for this in Appeal B than Appeal A. Moreover, the dwellings could be designed to be single storey homes, which could perhaps reflect the rural vernacular by, for example, having the appearance of subservient converted barns or such like. However, such details are not before me so it is difficult to judge whether the inherently harmful presence of the dwellings could be mitigated and softened through design. Accordingly, I am not satisfied the proposals would preserve the setting of the listed building.
17. In conclusion, the proposals would harm the setting of The Forge and this would be contrary to Policy SP1 of the CSDMP, which seeks to secure development that conserves the areas historic environment.

The effect on highway safety

18. Both appeal schemes would intensify the use of the existing access because the village does not have a comprehensive array of services within walking distance and therefore travel by private motorised transport would be necessary. The intensification in the use of the access by the occupants of Russet Cottage was previously found to be acceptable by the Council. There is nothing before me to suggest the Council took issue with the visibility at the access when approving this dwelling. It is unclear why the access can serve the two existing properties but not up to two more. The Council has not robustly articulated why it considers there to be a tipping point after two dwellings and nor has it referred to any technical document or planning policy on this point.
19. The Council is seeking visibility splays of 90m by 2.4m as outlined by the Design Manual for Roads and Bridges (DMRB). However, this guidance relates to trunk roads and not rural streets such as Main Road, which appears to be subject to a 30mph speed limit. Such a splay could result in the layout being car dominated due to an unnecessarily over engineered access. Therefore, I am not satisfied a visibility splay guided by the DMRB is appropriate in this instance, particularly as traffic would be slowing to negotiate the bend to the west and there are no records of any accidents nearby. Accordingly, the Council has not demonstrated the appeal schemes would be served by an access that is, or would be, unsafe and unsuitable.

Other Matters

20. The harm I have identified to the setting of The Forge would not be severe and therefore it would be 'less than substantial' within the meaning of the National Planning Policy Framework (the 'Framework'). As a material consideration, Paragraph 196 of the Framework requires such harm to be weighed against the

public benefits of the proposal. The Framework also states that great weight should be given to a designated heritage asset's conservation.

21. Appeal A would deliver two new dwellings and Appeal B one on land that could be considered previously developed if taken to be garden land outside a built-up area. The Council are currently significantly boosting the supply of housing by virtue of it being able to demonstrate a five-year housing land supply. In this context the delivery of a modest level of housing is a matter of limited weight as a public benefit. In addition, the proposal would result in benefits to the construction industry and future residents may spend locally and generally support village facilities and the vitality of the community from a location within walking distance of the village centre. These can also be considered public benefits, but they are of limited weight given the small size of the proposals.
22. Thus, when giving considerable importance and weight to the special regard I must have to the desirability of preserving the setting of a listed building⁶, I find that the harm that would arise from the appeal scheme would not be outweighed by its cumulative public benefits. Accordingly, there would be a conflict with Paragraph 194 of the Framework as harm to a designated heritage asset would not have a clear and convincing justification. Thus, the benefits of the proposals would not outweigh the harm that would occur to the setting of the listed building, let alone the totality of harm I have identified. This does not indicate the proposals should be determined other than in accordance with the development plan.
23. Policies SP1, SP19, SP27, SP29 and DM3 of the CSDMP and Policy FPP2 of the FAAP as a collective basket are consistent with the Framework's aims to deliver sustainable patterns of development that significantly boost the supply of housing, recognise the intrinsic character and beauty of the countryside and promote sustainable transport. As such, the policies are not out of date and Paragraph 11d) of the Framework is not engaged on this account.
24. The Framework seeks to prevent isolated homes in the countryside and the dwellings proposed in the two appeals would not be. This weighs in favour of the two schemes. However, the Framework does not state that a dwelling must be isolated for it to be resisted. There may be other reasons, such as a Council's spatial strategy, which would suggest non-isolated housing should be resisted in the countryside in certain circumstances. Thus, a lack of conflict with Paragraph 79 of the Framework is not determinative.
25. Given my overall conclusions, the appeal schemes would have no effect on any European Site/Special Protection Area and therefore I have not considered this matter further.

Conclusions

26. The developments proposed in Appeal A and Appeal B would be contrary to the development plan and there are no other considerations which outweigh these findings. Accordingly, for the reasons given, the appeals should not succeed.

Graham Chamberlain
INSPECTOR

⁶ See Sections 66(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990