
Appeal Decision

Site visit made on 17 March 2020

by S Harley BSc(Hons) MPhil MRTPI ARICS

an Inspector appointed by the Secretary of State

Decision date: 1st April 2020

Appeal Ref: APP/W3520/W/19/3242243

Rookery Barn, Rookery Lane, Walsham-le-Willows, Bury St Edmunds, Suffolk, IP31 3BD

- 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 and Mrs C Wadham-Smith against the decision of Mid Suffolk District Council.
 - The application Ref DC/19/01250, dated 12 March 2019, was refused by notice dated 5 July 2019.
 - The development proposed is the erection of a detached residential dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached residential dwelling at Rookery Barn, Rookery Lane, Walsham-le-Willows, Bury St Edmunds, Suffolk, IP31 3BD in accordance with the terms of the application, Ref DC/19/01250, dated 12 March 2019, subject to the conditions set out in the attached Schedule.

Procedural Matter

2. The application is in outline with all matters reserved for future consideration. A "sketch drawing indicative plans and elevations" has been provided. I have considered it as showing only one way in which the site could be developed.

Main Issue

3. The main issue is whether or not the site is a suitable location for a dwelling taking into account the effect of the proposal on the setting of the Grade II Listed Building known as The Rookery; the effect of the proposal on the living conditions of occupiers of Grange Barn, Rookery Barn and The Rookery taking particular account of vehicle movements and privacy; and the spatial strategy for development in the area.

Reasons

4. For Mid Suffolk, the development plan includes the saved policies of the Mid Suffolk District Local Plan 1998, the First Alteration to the Mid Suffolk Local Plan 2006, the Mid Suffolk District Core Strategy Development Plan Document 2008 (the CS), and the Mid Suffolk District Core Strategy Focused Review 2012 (the CSFR). There is an emerging Babergh and Mid Suffolk Joint Local Plan Preferred Options 2019 (the emerging LP), but this is still under consultation and so does not attract much weight in the context of this appeal.

Effect on the Listed Building

5. The Rookery, a Grade II Listed Building, is a former farmhouse dating from about 1600 with later additions. It has architectural interest arising from its timber frame construction and decorative appearance. The oldest part of the house is aligned north/south with the northern elevation facing Rookery Lane. There are outbuildings/garages along the boundary such that little of The Rookery building apart from its roof and chimney can be seen from Rookery Lane. It has access from both Rookery Lane and Finningham Road to the south. To the west is a modern house. To the east are fields that were once part of the farm, and adjoining the property are two dwellings converted from what were once the farm's barns.
6. The proposal would not directly affect The Rookery but Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard be given to the desirability of preserving the setting of listed buildings. The appeal site is some distance from The Rookery building and is part of the curtilage of Rookery Barn, one of the barn conversions. As such, it already helps segregate the former farmhouse from the agricultural land to the east. Even though the appeal site may have been historically associated with the farmhouse, there is now no functional link between the two.
7. There is some inter-visibility between the Listed Building and the appeal site, from which part of the upper floor and roof of The Rookery can be seen, and it is likely that the proposed dwelling would be visible from parts of the upper floor of The Rookery. A wall on the southern boundary of the appeal site separates it from the farther reaches of land still associated with The Rookery. Whilst the appeal site could be said to lie within the setting of the Listed Building it does not make any meaningful contribution to its historic significance, whether or not the converted barn and adjoining cart lodge could be considered to be listed as within the original curtilage of The Rookery.
8. The proposal would add another building within a relatively small site but this is not dissimilar to how outbuildings have developed historically. With an appropriate building design, which could be achieved at reserved matters stage, I consider the proposal would not harm the character and appearance of the locality, the landscape or the setting of heritage assets.
9. The proposal would occupy part of the curtilage of Rookery Barn. I acknowledge the concern about the loss of garden expressed by the Council's Heritage Team in the Council's Statement of Case. However, this was not a reason for refusing the planning application and there would still be some open land within the curtilage of Rookery Barn some of which could be used as garden. Accordingly this does not lead me to any different conclusions.
10. I conclude that the proposed development would have neutral effect on the setting and the special interest and significance of the identified heritage assets and, in the absence of harm, it is not necessary to address the matter of public benefits. I therefore find the proposal does not conflict with Policy CS5 of the CS; or Policies HB1, GP1, H3, H16 or SB2 of the LP; or those principles of the National Planning Policy Framework (the Framework) that seek to maintain and enhance heritage assets and their settings and the character and appearance of the locality.

Living conditions

11. Grange Barn and Rookery Barn share an access to the front of the former barn. Future occupiers of the proposed dwelling would share the same access and, as a result, there would be an increase in vehicle and pedestrian movements along it. Although there are windows facing across the access the additional movements associated with one modest dwelling would not materially increase noise and disturbance to an unacceptable level in planning terms.
12. The submitted plan shows a first floor window and balcony facing south and objections have been raised about the impact of this on the privacy of The Rookery garden. The plan is indicative of only one way in which the development could take place but the Council considers that the balcony would be set back far enough within the site so that overlooking would not be so severe as to justify refusal. I see no reason to come to a different view.
13. For the reasons set out above I conclude that the proposed development would not have an unacceptably harmful effect on the living conditions of occupiers of Grange Barn, Rookery Barn or The Rookery. Therefore I find no material conflict with Policy H16 of the LP which seeks to protect the amenity and privacy of occupiers of land and buildings.

Spatial Strategy

14. The CS recognises that Mid Suffolk does not have a spread of significantly sized towns and that, in many cases, local sustainable services must be provided within villages. Policy CS1 of the CS sets out a settlement hierarchy for the distribution of development. Walsham-le-Willows is identified as a Primary Village. These are villages that have basic local services and where small scale housing growth to meet local need will be appropriate. I also note that the emerging LP considers that Walsham-le-Willows could accommodate some 82 dwellings proposed for two sites on Wattisfield Road.
15. The appeal site is separated from the built up area boundary for Walsham-le-Willows, as shown on the Local Plan inset maps, by a number of properties along Rookery Lane. It is therefore within the countryside for development plan policy purposes. Policy CS2 restricts development in the countryside other than for specified exceptions. The evidence does not indicate the proposal would amount to one of these exceptions. Accordingly I conclude that the proposal would be contrary to the spatial strategy set out development plan policies and, in this respect, the site would not be a suitable location for a dwelling.
16. However, the appeal site is compact; within the curtilage of Rookery Barn; and the boundaries are enclosed by the flint wall of the cart lodge; the boundary wall to the south and the fence and tree/hedge line. The site is therefore well separated from the agricultural land to the east. As a result the introduction of a modest dwelling within it would have a very limited impact in terms of encroaching into the countryside. I find limited conflict with Policy CS5 in seeking to protect Mid Suffolk's environment.
17. Policy FC1 of the CSFR presumes in favour of sustainable development as set out in the Framework and recognises that development should be focussed in settlements where the need to travel can be reduced through good access to facilities and services. There are some services and facilities within walking distance and future occupiers would therefore not be totally reliant on the

private vehicle for access to services and facilities. I find limited conflict with Policy FC1 in respect of the accessibility of the site.

Planning Balance and Conclusion

18. I have found that the appeal site is not a suitable location for a dwelling taking into account the adopted spatial strategy for development in the area and the proposal conflicts with the development plan in this respect. However, I agree with the Council that, in this instance, the policies that relate to the delivery of housing cannot be said to be fully consistent with the Framework so the weight given to them is limited.
19. The proposal would result in the addition of a dwelling to the local housing stock. Whilst there is no dispute that the Council is able to demonstrate a five year housing land supply, I am mindful of the Government's intention to significantly boost the supply of housing. I have found the proposal would have a neutral effect on the setting and the special interest and significance of the identified heritage assets; would have a very limited effect on the character and appearance of the area and would not unacceptably harm the living conditions of occupiers of nearby properties. Furthermore, there would be some employment generated during the construction of the building and future occupiers would contribute to the local economy.
20. On balance I conclude that the absence of harm combined with the benefits of the proposal are sufficient to outweigh the conflict with the spatial strategy in this instance. Taken as a whole the appeal site is not an unsuitable location for development. The appeal should be allowed.

Conditions

21. I have considered the conditions put forward by the Council against the advice in the Framework and the national Planning Policy Guidance (the PPG). Where appropriate I have amended the wording to more closely follow the guidance.
22. The standard conditions specifying the time limits for submission of reserved matters and commencement of development are necessary to provide certainty. As all matters are reserved for future consideration compliance with the sketch drawing indicative plans and elevations is not relevant. A requirement to include details of areas for parking and manoeuvring of vehicles and storage and presentation of refuse/recycling bins with the reserved matters application is necessary and relevant to ensure appropriate provision. The amelioration of any unexpected contamination encountered during the course of development is necessary in the interests of public health and safety.
23. Paragraph 53 of the Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification for doing so. The PPG advises that such conditions will rarely pass the test of necessity and should only be used in exceptional circumstances. No evidence of such exceptional circumstance has been provided and so I will not impose such a condition.

S Harley

INSPECTOR

Schedule of Conditions

- 1) Details of the access, appearance, landscaping, layout, scale, parking and manoeuvring of vehicles, and areas for the storage and presentation of refuse/recycling bins (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.

End of Schedule