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## Appeal Decision

Site visit made on 24 February 2020

**by S A Schinaia MSc EngD FGS**

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

**Decision date: 3<sup>rd</sup> June 2020**

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**Appeal Ref: APP/W3520/W/19/3240937**

**Land west of Windsor Cottage, The Street, Hunston**

- 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 Johnson against the decision of Mid Suffolk District Council.
  - The application Ref DC/19/01616, dated 29 March 2019, was refused by notice dated 30 July 2019.
  - The development proposed is described as 'Erection of two detached dwellings with garages. Construction of vehicular access'.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are (i) whether the site would be a suitable location for the proposed development having regard to the development strategy for the area, (ii) whether the proposal would preserve or enhance the character or appearance of the conservation area of Hunston and preserve the setting of listed building and (iii) the effect of the proposal on highway safety.

### Reasons

3. The appeal site is within the village of Hunston, classified as a Countryside Village in the adopted Mid Suffolk Core Strategy (2008) (CS), where development is restricted and permitted only in exceptional circumstances. Policies CS 1 and CS 2 of the CS and Policy H7 of the Mid Suffolk Local Plan (1998) (LP) are the main policies related to the principle of development relevant to the appeal site: Policy CS 1 establishes the development strategy with the implementation of a settlement hierarchy and development boundaries, Policy CS 2 lists the categories of development allowed in the countryside and countryside villages, and Policy H7 establishes strict control over new housing development outside settlement boundaries.
4. The Council indicates it is able to demonstrate a housing land supply of 5.66 years, following the publication of the Mid Suffolk District Council Housing Land Supply Position Statement in September 2019. The National Planning Policy Framework (2019) (the Framework) promotes sustainable development in rural areas, especially where it could enhance or maintain rural community and support local services. The above policies on the principle of development are considered out of date as they are very restrictive in terms of protecting the countryside from development and, therefore, not fully consistent with the less restrictive approach to rural housing of the Framework.

5. As such, according to paragraph 11(d) of the Framework, where local policies are out of date a presumption in favour of sustainable development should be applied and planning permission be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. Paragraph 8 of the Framework defines the three objectives of sustainability in the planning system: economic, social, environmental.
6. A joint Babergh and Mid Suffolk Joint Local Plan is currently being reviewed by the Council, but still at early stage. A broad selection of provisional new allocations of development boundaries is currently being proposed, including the reinstatement of a development boundary in Hunston, which would include the appeal site. However, the Council stressed that full discussion and consultation on housing land supply, accessibility, heritage and other issues has not been carried out and there is no guarantee that the development boundaries will be confirmed for each settlement. Therefore, given its provisional status and early stage process, I give the Joint Local Plan little weight in this decision.

#### *Location*

7. Hunston has no services and facilities. The village of Badwell Ash, which benefits from a limited number of services and facilities, is within cycling distance. However, whilst cycling may be possible in the summer months when the days are long, it is unlikely that residents would be encouraged to cycle during winter in the dark along unlit rural roads and when the weather is inclement. There are bus services to connect local residents to the larger settlements of Ixworth, Diss and Bury St. Edmunds, but they are very limited to a total of three bus services in each direction daily during working days.
8. Therefore, future residents would heavily rely on the private motor vehicle, to reach the service and facilities of larger settlements for daily needs. In reaching this view, I have considered paragraph 103 of the Framework, which indicates that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
9. For the above reasons, the appeal site is not in an accessible area and the proposal would not be sustainable due the environmental harm caused by the use of unsustainable modes of transport. Therefore, I conclude that the appeal site would not be a suitable location for housing and that the proposal would be contrary to Policies FC1 and FC1.1 on matters of sustainable development adopted by the CS in 2012. Policies FC1 and FC1.1 of the CS were introduced to reflect the presumption in favour of sustainable development contained in the Framework and are consistent with the policies of the Framework, unlike the housing policies on the principle of development of the CS mentioned above.

#### *Listed buildings and conservation area*

10. The appeal site is within the Conservation Area of Hunston, which covers most of the village. The village of Hunston is characterised by a very low density built form with sparse dwellings surrounded by large gardens and undeveloped land such as the appeal site that provide a distinctive rural character to the Conservation Area and to the setting of its listed buildings. The Hunston Conservation Area Appraisal (2009) describes the low density of the settlement as an asset.

11. The appeal site is adjacent to two listed buildings: Treetops, a Grade II Listed late C16 house opposite the property to the north of the Street, and Tudor House, a Grade II Listed early C17 house to the west of the property. The two buildings are important testimonies of the historic rural heritage of the village as Huston has its origin as a small rural community. The scattered settlement pattern of the village is a characteristic element that contributes to the rural setting of the listed buildings and enhances their presence along The Street, due to the limited surrounding development. Further southeast from the site is the Church of St. Michael, a Grade II listed medieval church. Although remote and surrounded by farmland, the church is part of the rural landscape south of the village that can be appreciated from the village across the fields, and in particular along The Street, due to one plot deep character of the Hunston settlement pattern and the presence of undeveloped land.
12. The proposal would fill a significant gap within the development pattern of the area and the cumulative effect with other recent development would further erode the spacious qualities of the Conservation Area and therefore its character and appearance. Equally, since the low density of the development pattern characterises the setting of the adjacent listed buildings, the proposal would harm the rural character of their setting. By increasing the built form, the proposal would also harm the character and appearance of the listed buildings as currently they are visually prominent within the street scene.
13. Two applications for development of the appeal site were refused in the 1990s partly on heritage grounds. In one application, heritage reasoning included the importance of the views across the site and open countryside towards the Church of St. Michael and their contributions to the setting of the church. These views are currently mostly screened by the presence of a dense vegetation of conifers subsequently planted to the rear of the site. If the views were to be reinstated they would permanently be altered by the proposed development.
14. For the above reasons, I conclude that the proposal fails to preserve the character and appearance of the Conservation Area and would cause harm to the significance of a designated heritage assets due to the negative impact on the setting of the listed buildings. Therefore, I conclude that the proposal would be contrary to Policies GP1, HB1 and HB8 of the LP, to Policies CS2 and CS5 of the CS, all aiming to protect the character and appearance of an area and the historic environment. The proposal would also conflict with the policies of section 16 of the Framework aiming to conserve and enhance the historic environment.
15. According to paragraph 196 of the Framework, if a development proposal would lead to less than substantial harm to the significance of the designated heritage assets, this harm should be weighed against the public benefits of the proposal. The proposal would support the economy through temporary building contracts and long-term support to the local economy. The social benefits of the proposal would include the provision of two residential dwellings to the housing supply and the strengthening of the local rural community with new residents. However, these economic and social benefits would be very limited. Therefore, the public benefits of the proposal would not outweigh the harm to the significance of the designated heritage asset.

### *Highway safety*

16. Paragraph 108(b) of the Framework requires that in assessing development applications it should be ensured that safe and suitable access to the site can be achieved for all users. The scheme has been designed with the dimensions of access splays according to U Class Roads with a nominal speed limit of 30 mph. However, as the site enters the highway via the C556, in absence of measured speeds a wider visibility splay would be required to facilitate the intensification of use proposed. The advice of the Local Highway Authority (LHA) on the suitability of visibility splay for highway safety at the appeal site is a material consideration.
17. Although an extension of time was agreed from the Council to allow for the submission of an updated design, no further information has been provided to indicate that the proposal would have a safe and suitable access on to the highway. In his statement, the appellant points out that the appeal site is in an area with a local speed traffic of 30 mph and no heavy traffic. The appellant also contends that the Council has not provided evidence to support their claim regarding the occurrence of incidents along the road and inside the Conservation Area, but further data has not been provided to support the absence of incidents in the area.
18. During the site visit, I noticed that there was no heavy traffic along The Street, but the vegetation along the road may limit visibility in some places. Furthermore, the width of the carriageway and the absence of footpaths does not allow for safe passage by pedestrians and it is necessary to step away from the road to avoid passing cars.
19. Therefore, an access with satisfactory visibility is needed and I cannot be certain that the proposal would not cause harm to highway safety. I conclude that the proposal would be contrary to Policy H13 and T10 of the LP, which require the provision of safe and satisfactory access between the development site and the highway amongst other matters, and to paragraph 108 of the Framework on highway safety.

### **Other Matters**

20. I note that the Parish Council and some local residents support the proposal. However, the harm identified in the decision is significant and cannot be ignored.
21. I have considered the appeals provided by the main parties. In the appeals provided by the appellant, the schemes are set in circumstances markedly different from the application in this appeal. Willsham (Appendix 4 of the appellant's statement) is a village with different setting surrounding the appeal site from this case and no other harms were identified relating to the historic environment or any other issue raised. Woolpit is a larger settlement with more facilities and services than Hunston and is a Key Service Centre, which is a different status within the Mid Suffolk Council's settlement strategy. Even in this case the circumstances surrounding the appeal site are different: the application was for a large housing scheme outside but adjacent to the settlement boundary of Woolpit and well outside the boundaries of the Woolpit Conservation Area, which has a different character from that in Hunston. Each appeal should be assessed according to its own circumstances and I assessed this case on its own merits and the evidence submitted before me.

## **Conclusion**

22. In conclusion, the proposed development would not be in a suitable location, the proposal would have a harmful effect on the historic environment, and there would be harm caused to highway safety. There would be limited economic and social benefits. As such, the adverse impacts identified would significantly and demonstrably outweigh the benefits of the proposal having regard to the policies in the Framework taken as a whole.
23. For the above reasons, I conclude that the appeal should be dismissed.

*S A Schinaia*

INSPECTOR