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## Appeal Decision

Site visit made on 26 May 2020

**by M Chalk BSc (Hons) MSc MRTPI**

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

**Decision date: 9 June 2020**

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**Appeal Ref: APP/W3520/W/20/3244230**

**Land Adj Hall Orchard, Mill Road, Buxhall IP14 3DW**

- 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 Miller against the decision of Mid Suffolk District Council.
  - The application Ref DC/19/03352, dated 15 July 2019, was refused by notice dated 1 October 2019.
  - The development proposed is described as "erection of off-grid sustainable dwellinghouse with associated parking, landscaping, sewage treatment & improved access to highway. Detached garage & annexe".
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether the development proposed would preserve the settings of nearby listed buildings.

### Reasons

3. The appeal site lies within the vicinity of several listed buildings, including the Grade I listed St Mary's Church, as well as several Grade II listed buildings on Mill Road. Paragraph 193 of the National Planning Policy Framework (the Framework) sets out that 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. The Framework defines significance as being archaeological, architectural, artistic or historic, and the setting of a heritage asset such as a listed building is the surroundings in which it is experienced.
4. There are five Grade II houses on Mill Road from which I consider the appeal site is presently visible to some extent, all of which date to the 17<sup>th</sup> century or earlier. The historic maps provided with the appellants' heritage statement suggests the appeal site has undergone little permanent change other than apparently through the growth of trees since at least the late 19<sup>th</sup> century. The heritage statement notes that the field has been in agricultural pasture usage for a number of centuries, and currently contributes to the rural character and appearance of Buxhall.

5. The appellants have suggested that the bank of mature trees surrounding the pond in the north of the appeal site limits the setting of Cottage Farmhouse and Sawyers, immediately opposite the site. I am not persuaded by this argument, as the appellants' heritage statement suggests that both properties were constructed before any of the trees had become established on site. The Framework states that the extent of a heritage asset's setting is not fixed and may change as its surroundings evolve. However, these houses were constructed in a rural village, and the agricultural field to their south has existed largely unchanged for more than a century, and these relationships contribute in part to the significance of these buildings. I consider that the growth of even the substantial trees around the pond does not prevent the appeal site from forming part of these houses' setting.
6. Similarly, Lawn Cottage, Old Lawn Cottage and a formerly single building now subdivided and known separately as Bennetts and Ye Olde Guildhall are all on Mill Road and all face the field of which the appeal site is a part. While not directly adjacent to the appeal site, the historic records provided as part of the appeal show that these buildings have been adjacent to an agricultural field for rather more than a century. I consider that their significance derives in part from their historic relationship with these surroundings. From within the appeal site I could see all five of the Grade II listed buildings, although the established boundary planting did limit views of Bennetts and Ye Olde Guildhall, Cottage Farmhouse and Sawyers. The appellants have suggested that the boundary hedgerow between the field and Lawn Cottage and Old Lawn Cottage has been reduced without their consent. However, I do not consider that a larger hedge in this location would significantly alter the relationship between these properties and the field.
7. St Marys Church is a Grade I listed building. I consider that its significance derives from its architectural interest as well as its historic association and importance within the village and surrounding area. During my site visit I established that I could not see the church from within the appeal site nor the appeal site from within the church grounds due to the established trees that lie between them. However, from the public footpath to the east of the appeal site I could see both the appeal site and the church. I consider that, as a long-established focal public building and a destination for visitors from throughout the surrounding area, the setting of the church will extend for some distance beyond where it can be seen.
8. Having regard to these considerations, I therefore consider that the field of which the appeal site is a part forms part of the setting of the church and all the above identified Grade II listed houses. The field has been undeveloped since at least the late 19<sup>th</sup> century, as detailed in the appellants' heritage statement, and makes a positive contribution to the significance of the surrounding listed buildings. Construction of the proposed dwelling and garage and annexe on the site would introduce significant built form to the site, resulting in a domestic character out of keeping with the open rural character of the appeal site and the wider field in which it is set. The appellants argue that the building aims to interpret a recognisable traditional local vernacular of steeply roofed black barns in a foldyard arrangement using materials suited to the local area. However, in the absence of any evidence of built development ever having existed on this site I consider that it would intrude into the settings of the listed buildings, resulting in a loss of significance.

9. As the development proposed would fail to preserve the settings of the listed buildings, it is necessary to determine whether this amounts to substantial or less than substantial harm. Having regard to paragraph 194 of the Framework, the harm to the significance of the listed buildings would be limited to a single location within their setting, and in each case the appeal site is separated from the individual buildings by distance, well-established planting or both. These factors would result in the harm to the settings of the listed buildings being less than substantial in this context.
10. Paragraph 196 of the Framework directs that where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset this should be weighed against the public benefits of the proposal.
11. The appeal proposal would deliver a new family dwelling in an accessible location, and the appellant has stated that the intention is to provide accommodation for their family. They are employed locally in a business run by the appellants' family. The development proposed would reduce the need to travel and provide support for older members of the family. These benefits principally relate to the personal circumstances of the appellants. I have given these factors consideration in determining this appeal, but I am mindful of national guidance that in general planning is concerned with land use in the public interest. I have not been presented with evidence that these personal circumstances are particularly unusual. The appellants have suggested that there is no other viable housing for sale in Buxhall, but this is not supported by detailed evidence of the local housing market.
12. The appellants have stated that the field of which the appeal site is a part is unviable as part of any main farm due to its size and ground conditions. However, no detailed evidence has been submitted in support of this.
13. The occupation of the new dwelling would result in the addition of a house to local housing stock. There would be a modest ongoing contribution to supporting local services and facilities, as well as those in neighbouring settlements. There would also be temporary economic benefits from the construction of the development.
14. The appeal proposal has been designed to achieve a high degree of sustainability, operating off grid including the incorporation of triple glazing, passive house levels of insulation, solar gain and LED lighting among other measures. The Framework directs that great weight should be given to designs which promote high levels of sustainability, so long as they fit in with the overall form and layout of their surroundings. However, I have found that there would be harm to the settings of listed buildings arising from the development proposed. I cannot therefore give great weight to its sustainability in determining this appeal.
15. Reference has been made to the Council's ability or otherwise to demonstrate a five year housing land supply. However, even if the Council could not demonstrate this, footnote 6 to paragraph 11 of the Framework directs, amongst other things, that when there is a need to protect assets of particular importance, such as designated heritage assets, then the presumption in favour of sustainable development is not engaged.

16. The development would also result in landscaping of the site with native species planting, delivering ecological benefits. However, I do not consider that this is dependent on the appeal proposal, and any benefits of this must be weighed against the introduction of significant built form at the site.
17. I recognise that there would be benefits from the appeal proposal. However, the benefits of a single dwelling are limited. Even taking into account the added benefits of the high degree of sustainability of the proposed dwelling, I do not consider that the benefits would, in this instance, outweigh the harm.
18. Having regard to the above considerations I therefore conclude that the development proposed would fail to preserve the settings of the identified listed buildings. The development would therefore conflict with Policies HB1 of the Mid Suffolk Local Plan September 1998 and CS5 of the Mid Suffolk District Core Strategy Development Plan Document September 2008. These policies, amongst other things, state that particular attention will be given to protecting the settings of listed buildings.

#### *Other Matters*

19. My attention has been drawn by both parties to appeal decisions, including several relating to the extent of the setting of a listed building or the impact of a development on it. I have reviewed the evidence submitted, which amounts to excerpts of the various decisions. I do not therefore have the full circumstances of these cases before me, including the scale of developments proposed or the precise relationship to the listed buildings in each case. However, I do note that in none of the appeals does it appear that the Inspector was considering the impact on the setting of more than one listed building, as I have found that the appeal proposal would do. I am therefore only able to give limited weight to the findings of these appeals due to this lack of information and difference in identified circumstances.
20. The Council has advised that a revised planning application has been submitted on the site for a similar development with a reduced ridge height. I have no evidence before me of the outcome of this application, so I have not been able to afford it any weight in my determination of this appeal.
21. The appellants' heritage statement identifies further listed buildings within Buxhall. I viewed each property from the road during my visit, and from what I saw I am satisfied that the development proposed would preserve the settings of these properties. I have not therefore addressed them in further detail.

#### **Conclusion**

22. For the reasons given above I conclude that the appeal should be dismissed.

*M Chalk*

INSPECTOR