
Appeal Decisions

Site visit made on 21 July 2020

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 August 2020

Appeal A: APP/V0510/W/20/3249440

Site West of 22 Station Road, Dullingham, Suffolk CB8 9UP

- 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 Mark Tompkins against the decision of East Cambridgeshire District Council.
 - The application Ref 19/01551/FUL, dated 29 October 2019, was refused by notice dated 17 January 2020.
 - The development proposed is the erection of a single storey 2bed dwelling, linking onto rear of Grade II listed boundary wall.
-

Appeal B: APP/V0510/Y/20/3249441

Site West of 22 Station Road, Dullingham, Suffolk CB8 9UP

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Mark Tompkins against the decision of East Cambridgeshire District Council.
 - The application Ref 19/01552/LBC, dated 29 October 2019, was refused by notice dated 17 January 2020.
 - The works proposed are the erection of a single storey 2bed dwelling, linking onto rear of Grade II listed boundary wall.
-

Decision

1. Appeals A and B are dismissed.

Procedural Matters

2. I have taken the address for the site from the Decision Notice as this more accurately reflects the location of the site and included the postcode referred to in other correspondence pertaining to the site.
3. The appellant has submitted a new plan¹ for consideration. This shows a section through the glazed link proposed alongside the existing boundary wall and the corresponding floor plan layout of the proposed dwelling. The Council's reasons for refusal are relevant to the consideration of this matter, as the Council were concerned that the proposal would impact upon the fabric of the wall. The plan does not alter the layout of the proposal per se but has omitted the new wall shown alongside the existing wall to the south of the proposed dwelling. Moreover, all that would remain would be a short section at either end to the south of the door openings. Nevertheless, based on the information that is before me and with cognisance of the Wheatcroft Principles, I am

¹ Drawing Reference: (PL)30 Rev P1.

satisfied that the additional plan would not alter the nature of the proposed development before me. In accepting the plan, I am satisfied that this would not deprive those that have not had the opportunity of consultation.

4. The Officer Report referred to the location of the appeal site outside the development envelope of Dullingham and acknowledged that the proposal was not for any of the exceptions listed in Policy GROWTH 2 of the East Cambridgeshire Local Plan (April 2015) (the LP). However, the Council did not list this as a reason for refusal on the Decision Notice. The Council has introduced this as an additional concern during the appeal process, which they have justified by a change of circumstances since permission was refused, in respect of their housing supply position. Moreover, the Council has cited the aforementioned conflicts with Policy GROWTH 2. As the appellant has had an opportunity to consider the relevance of this matter to the appeal proposal, I have dealt with this as a substantive matter, as set out in the main issues below.
5. During the course of determining the appeal, my attention was drawn to a linked appeal decision² for two sites in Witchford (the Witchford appeals). This in turn referred to an appeal at Fordham³. I therefore invited the main parties to provide comment in relation to any implications that the Witchford appeals would have for this appeal, particularly in relation to housing land supply.

Main Issues

6. The main issues are: -
 - whether the proposal would preserve a Grade II listed building, known as 'Boundary Wall to Dullingham Park, West of Stable Block and Fronting Numbers 20 and 22, Station Road', a Grade II registered park and garden, Dullingham House Park and Garden, and any features of special historic interest that they possess, the effect of the proposed development on the setting of the Grade II listed buildings known as '20 and 22 Station Road', 'The Stables to Dullingham House' and 'Barn to South West Of Dullingham House', and the extent to which it would preserve or enhance the character or appearance of the Dullingham Conservation Area;
 - whether the proposal is consistent with development plan policies relating to housing in rural areas; and
 - whether the site would be accessible to local shops, services and facilities.

Reasons

Significance and settings

7. The appeal site concerns an open area of land to the north of Station Road, which is laid to grass and enclosed at the roadside by a tall flint boundary wall⁴, this is a Grade II listed building. The boundaries to the north and east are also marked by walls, whilst to the west there is hedge planting and several mature trees. The site and listed wall are both situated within the Dullingham House

² Appeal References: APP/V0510/W/18/3213834 & APP/V0510/W/19/3227487.

³ Appeal Reference: APP/V0510/W/19/3227639.

⁴ 'Boundary Wall to Dullingham Park, West of Stable Block and Fronting Numbers 20 and 22, Station Road'.

Park and Garden, which is designated as a Grade II registered park and garden, and the Dullingham Conservation Area (CA). Meanwhile to the west are The Stables to Dullingham House, to the east are 20 and 22 Station Road and to the southeast is the Barn to South West of Dullingham House⁵, all of which are Grade II listed buildings.

8. The listed wall is of early 19th Century origin and faced in flint of similar sized pieces arranged in loose coursings, with brick dressings and copings. The rear side of the wall is solely of red brick, part of which is obscured by the higher ground enclosed by the wall. There is a sizeable opening in the wall for a vehicular access serving the site and The Old Dairy and The Stables, but the wall continues west, beyond the original gateway to Dullingham House and The Old Dairy. The list description also suggests that the wall was listed for group value with that to the frontage of Nos 20 and 22, which is of a similar form. Its significance today is derived from its architectural and historic interest, as a largely intact example of an ambitious 19th Century flint wall of notable length.
9. The Stables to Dullingham House to the west of the site are of 18th Century origin and were built at the same time as Dullingham House in red brick and slate. The buildings are significantly larger in footprint than the House and the entrance originally faced west toward the house. The taller element of the buildings is topped by a wooden domed and arched bell cote, with an iron weather vane finial. Despite modern alterations to the listed building, which emanate from its conversion to housing in the late 20th Century, its significance today is derived from its architectural and historic interest, as a notable and substantial range of stable buildings formerly associated with an 18th Century country house, Dullingham House.
10. To the east of the site, 20 and 22 Station Road are both one storey estate cottages of early 19th Century origin, with rooms in their attic served by dormer windows. The roofs are clad with intricate thatched roofs and front façades finished in flint and dressed with red brick. The cottages are elevated above the road, set back of one another and No 18, and face over long front gardens. The significance of the cottages is derived from their architectural and historic interest, as noteworthy examples of 19th Century estate cottages in the village. In particular, the use of flint in similar sizes and loosely arranged in courses, with brick embellishments and ornate thatch roofs of contrasting designs, ensures that their architecture is ambitious and decorative.
11. The ordnance survey plans of the village illustrate that there has been planting of the appeal site over time, some of which is still in place, and the vehicular access was formed to serve the converted stable and dairy buildings. The setting of the listed buildings has therefore changed over time. Moreover, although the access and route through the site has reduced the undeveloped qualities of this open land it still makes a positive contribution to the historic setting of the listed buildings, which contributes to their understanding and significance.
12. To the south of the site, the Barn to South West of Dullingham House is a tall barn of 17th Century origin with a timber frame and dark coloured weather boarded exterior. Like No 22 its roof is clad with an intricate half-hipped thatch roof. The building also incorporates a single storey red brick and tile range to

⁵ Curiously this listed building is not to the south west of Dullingham House, as identified in the list description, contained in the Heritage Design & Access Statement (dated October 2019).

its eastern façade. The barn is on land lower than Station Road and situated behind a single storey range of converted stables at the roadside⁶. The significance of the listed building is derived from its architectural and historic interest, as a 17th Century timber frame and weather boarded barn with an articulate thatch roof.

13. The open nature of the land to the rear of the wall ensures that the height and intricacy of the flint wall is very prominent within its immediate surroundings and the enclosing effect of the wall is also evident from within the site and access. Due to their elevated position, the estate cottages at Nos 20 and 22 are visible over the wall and across the site. This enables appreciation of the relationship of the cottages to one another, including the half-hipped gable end of No 22 and the gable end of No 20. Similarly, the thatch roof of the Barn is also partially visible from within the site and access, over the wall. Although mature planting between the western boundary of the site and the Stables reduces the visibility between them and from Station Road, I am mindful that vegetation is subject to seasonal change and is, in any event, ephemeral. Furthermore, the bell cote can still be appreciated from the site and access, through the trees, and the building emerges in views further north. The openness of the site and the functional relationship of the access alongside it therefore forms an integral part of the setting of the listed buildings, which contributes to the understanding and significance of these heritage assets.
14. The Park and Gardens cover a significant area to the north and south of Station Road and extend as far north as the junction of Eagle Lane and the B1061. The listing suggests that renowned landscape architect Humphry Repton is credited with the design of the formal garden area within the Park and Gardens, much of which follows his Red Book of 1802. The main parts of the gardens are situated to the north and northeast of Dullingham House and are composed of three walled enclosures. The park has been separated from the House and Garden and was developed in the late 1980s as a race-horse stud. The park is divided into two by Station Road, with the southern park partly fenced into horse paddocks but largely retained as gently rising pastureland, scattered with mature trees. The northern park incorporates the stabling associated with the stud and is fenced into paddocks.
15. Despite the recent building of The Old Arboretum, the grant of permission for a site of five dwellings situated at the frontage of Brinkley Road⁷ and the separation of the Park from Dullingham House and its formal gardens, the significance of the Park and Garden today is derived from its special historic interest, as an early 19th Century designed landscape. In particular, the formality of the House and its gardens and the mature landscaped enclosed paddocks within the park to the north, east and west and the open undulating landscape to the south, partly as envisaged by Humphry Repton.
16. The CA extends east and south along Stetchworth Road and Brinkley Road and to a greater extent to the west in Station Road. It contains a number of notable listed buildings, including those to which I have referred and Dullingham House. It also encompasses numerous areas of open and undeveloped land between houses and other buildings, principally those situated within the Park and Gardens, but also incorporates the historic centre of the village, where the village green, public house and guildhall were situated.

⁶ A property known as The Old Stables.

⁷ Planning Reference: 18/01672/FUL, granted 14 November 2019.

17. The significance of the CA is principally derived from the contribution made by the Park and Garden, which makes a considerable positive contribution to the character and appearance of the CA. Moreover, the open areas within the park remain very distinct from the built development. However, the prominence of boundary wall enclosures also brings great variety to the street scene which contributes to the character and appearance of the CA, and thereby its significance.
18. In so far as is relevant to the appeal, given the prominent location of the appeal site and the listed wall in the context of the Park and Gardens and the CA, the open and undeveloped qualities of the site and the notable length and materials of construction of the listed wall make a positive contribution to the character and appearance of the CA and provide separation from the buildings formerly associated with Dullingham House and the cottages to the east. Moreover, evidence before me suggests that the site has not previously been developed and either remained open or planted. The openness and undeveloped qualities of the site therefore contribute to the understanding and significance of the CA and Park and Garden.

Effect of the proposal on the setting and significance of the listed buildings, character and appearance of the Dullingham Conservation Area and the openness of the Dullingham House Park and Garden

19. The design of dwellings within the locality varies greatly and the proposed single storey, hipped roof, dwelling has been designed to mimic The Old Dairy building to the west, as a linear building is proposed parallel behind the listed wall. However, the historic narrative envisaged unravels through the layout and form of the proposed dwelling, as it would share very few characteristics with a traditional linear farm building, such as The Old Dairy. Moreover, its original use and form dictated that the building faced north to maintain cooler temperatures inside and included the solid listed wall in its southern façade.
20. I appreciate that the design and scale of the proposal would minimise its impact in public views, including a structural glazed link which would offset the majority of the proposed footprint from the wall, and provide level access. In particular, the glazed link would serve as circulation space and make a clear distinction between the wall and the proposal. However, the northern façade of the dwelling would be sunken into the site, with the horizontal window openings positioned close to the outer ground level; the eastern façade and entrance from Station Road would be dominated by the proposed bin storage structure and parking area for the dwelling; and the western elevation would incorporate larger rectangular windows that would face over a small garden. The proposal would therefore have a modern and overly domestic appearance.
21. I note that the palette of facing materials for the proposed dwelling have been carefully considered and it is intended that a scheme of landscaping would be implemented within the site, but these would be unlikely to have a meaningful effect in softening the appearance of the proposal. Moreover, despite the proposal being designed to a similar height to The Old Dairy and closely arranged to the street frontage, the built form and engineered land levels would still be prominent behind the wall, visible through the access and from within the site itself. The physical presence of the proposal would therefore significantly and permanently erode the openness of an important part of the site. Furthermore, planting within the site would be unlikely to mature for some

- time and, in any event, should not be relied upon to hide development from view that would otherwise be harmful, particularly in a sensitive heritage context such as the site.
22. Due to its scale and prominence, the proposal would not be harmful in the views toward The Stables from the public domain in Station Road. However, its appearance, form and layout would be very prominent and inharmonious when viewed in the context of the approach to and from The Stables along its private access. This would be harmful to the setting of the listed building.
23. Conversely, the proposal would not compete with or be a distraction from Nos 20 and 22, which would continue to dominate views from the east along Station Road, across the site, due to their striking architecture and prominent position above the road. Similarly, the thatch roof of the Barn would continue to be visible over the proposed development, as shown in the visual in the appellant's Heritage Design & Access Statement.
24. In granting permission for the site at Brinkley Road, I note that the Council failed to have regard to the location of the site within the parkland to the south of Station Road and the CA. However, the Council has since accepted that the approval of the application was an error. Nevertheless, despite the open frontage at Brinkley Road, that site would not be comparable with the appeal site which is also within the setting of several listed buildings. The proposed development would therefore be in a more sensitive location. Similarly, I note that works have also been approved to Dullingham House itself⁸, including for an outdoor swimming pool, but the house is not the subject of the proposal before me and its grounds are within a different context within the wider Park and Garden.
25. Despite my findings in relation to the setting of Nos 20 and 22 and the Barn to the South West of Dullingham House, given its modern appearance and the presence of domestic paraphernalia, the proposal would introduce a discordant form of development that would have a significantly detrimental effect on the setting of the listed wall and The Stables, the character and appearance of the CA and the openness of the Park and Gardens and, thereby, their understanding and significance as heritage assets.

Historic built fabric of the listed boundary wall

26. I have had regard to the new plan submitted with the appeal, which amends the arrangements for the attachment of the proposal to the listed wall. Although a new wall intended to run parallel with the listed wall would no longer be constructed, the structural glazed link between the wall and the proposal would still have its own means of support. This would not add loading to the listed wall, but pad foundations for steel supporting columns would be constructed in close proximity of the wall and any foundations it may possess. Furthermore, the floor level of the proposed dwelling would be close to that of the footway in Station Road, which would be appreciably lower than the existing site level and require meaningful excavation adjacent to the wall. The roof of the glazed link would also be chased into the wall and enclosed at either end by brick panels either side of the proposed doorways.

⁸ Planning References: 19/01100/FUL and 19/00542/FUL.

27. Given the extent of the works proposed in close proximity of the wall, it would be necessary to assess the extent to which the works could impact upon the wall, particularly in respect of the excavations that would be undertaken behind the wall, the proposed foundations and the suitability of underpinning of the listed wall. Despite the new plan, neither the application nor the appeal have been supported by any further additional information in respect of the structural integrity of the wall or the methodology for the proposed works described above.
28. Moreover, notwithstanding the nature of the proposal, it is unclear whether there are any existing structural deficiencies with the listed wall that would require mitigation through strengthening or repair, such as underpinning or other structural support. Even if this were to be the case, there is no substantive evidence before me that the preservation and maintenance of the listed wall and the land to its rear could only be necessarily secured through the proposed development. In terms of the latter, although the site was partially overgrown at the time of my visit, there is no evidence before me that there would be any constraints to planting taking place within the site in the absence of the proposal.
29. I note that the coach house to The Old Arboretum may have been erected alongside another section of the former garden wall, but it is unclear whether that wall is a listed building or what the works entailed. Although I understand that the Council did not object to that proposal, I have considered the individual merits of the appeal scheme and the grant of permission of another scheme elsewhere would not be sufficient justification to outweigh the potential harms that I have identified.
30. Having regard to all of the above and the particular circumstances of this case, there is insufficient evidence before me pertaining to the structural integrity of the listed wall to establish the acceptability of the proposal in terms of its impact on the historic built fabric of the wall and I am not satisfied that it would be appropriate to secure this matter by planning condition, given that this goes to the heart of whether the proposal would preserve the listed building.

Public benefits and conclusions on the first main issue

31. The statutory duties in Sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) are matters of considerable importance and weight. Paragraph 192 of the National Planning Policy Framework (the Framework) states that the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation should be taken into account in determining applications. Meanwhile, paragraph 193 of the Framework also advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation.
32. The proposed works would be harmful to the special historic interest of the Grade II listed wall and its setting, the setting of the Grade II listed The Stables to Dullingham House, the character and appearance of the CA and the openness of the Park and Gardens. This would have a negative effect on the significance of these designated heritage assets. In my view the harm that I have identified, including the potential harm to historic built fabric, would equate to less than substantial harm to the significance of the designated

- heritage assets. In such circumstances, paragraph 196 of the Framework identifies that this harm should be weighed against the public benefits of proposals, which includes the securing of optimal viable use of listed buildings.
33. The proposal would provide a single private dwelling in the village which would contribute to the supply of housing in the district. The proposed dwelling would also be constructed to high environmental standards, which would form a public benefit in environmental terms. Furthermore, the construction of the dwelling would provide short term benefits to the local and wider economy; and the occupants would be likely to stimulate consumer spending, boost local labour supply and help to support local services, which would all constitute benefits in social and economic terms.
34. I also recognise that the proposal could be said to make more efficient use of the site, as the land is unused by the appellant. However, the Framework is clear that making efficient use of land should include taking into account the desirability of maintaining an area's prevailing character and the importance of securing well-designed, attractive and healthy places.
35. In accordance with paragraphs 193 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.
36. Despite the absence of objections received from the Gardens Trust and Historic England and my findings in respect of the setting of 20 and 22 Station Road and the Barn to the South West of Dullingham House, given the above and in the absence of any substantiated public benefit, I conclude that insufficient information has been advanced in relation to the effect of the proposal on the historic built fabric of the wall. Furthermore, the proposal would fail to preserve the special historic interest of the Grade II listed boundary wall, including its setting, the setting of the Grade II listed The Stables to Dullingham House, the character and appearance of the Dullingham Conservation Area and the openness of the Dullingham House Park and Garden. Hence, the appeal proposal would fail to satisfy the requirements of the Act, paragraphs 192 and 193 of the Framework and conflicts with Policies ENV 2, ENV 11, ENV12 and ENV 15 of the LP which, amongst other things, seek to ensure that proposals that affect the significance of a Historic Park or Garden will not be permitted where they would have a detrimental impact on its character, amenity or setting; should be of a particularly high standard of design and materials in order to preserve or enhance the character or appearance of conservation areas; and proposals to extend or alter a listed building will only be permitted where they would be compatible with the character, architectural integrity and setting of the listed building.

Rural housing

37. For the purposes of planning policy, the site is situated within the countryside, as defined by Policy GROWTH 2 of the LP, which suggests that the majority of development will be focused on the market towns of Ely, Soham and Littleport, but more limited development will take place in villages.
38. In the countryside, outside defined development envelopes, development is strictly controlled to protect the countryside and the setting of towns and villages. Development is therefore restricted to particular types of

development, including affordable housing through exception schemes or community-based development, dwellings for essential rural workers and the extension and replacement of dwellings in the countryside.

39. The appeal scheme is not for any of the types of development listed under the policy. I therefore conclude that the proposed development would conflict with the locational strategy outlined in Policy GROWTH 2 of the LP, as it would encompass housing outside a defined development envelope.

Accessibility of local shops, services and facilities

40. Paragraph 103 of the Framework suggests that the opportunities to maximise sustainable transport solutions will vary between urban and rural areas. A greater dependency on car use is therefore inevitable in some rural locations, particularly to access opportunities for employment.
41. The proposal would not, of itself, generate a large number of traffic movements and future residents would not be restricted to travelling by private motorised transport. Moreover, the opportunities to walk or cycle to the services and facilities available in Dullingham would be convenient and realistic and there are bus stops nearby that offer services to Cambridge, Newmarket and Stetchworth. Furthermore, the Railway Station, accessed by a footpath to the northwest of the village, offers services along the Ipswich to Ely line.
42. In light of the above, I conclude that the site would be accessible to local shops, services and facilities. Hence, the proposed development would not conflict with paragraphs 78 and 103 of the Framework. In particular, the former seeks to restrict housing in rural areas to locations where housing will enhance or maintain the vitality of rural communities.

Other Matters

43. I acknowledge the appellant's concerns with the Council's handling of the application, including the nature and clarity of the advice given, the information required to be able to determine the application and the approach to and consistency of its decision-making. However, in reaching my decision I have been concerned only with the individual merits of the appeal scheme in relation to the relevant policies and evidence before me.
44. I note that there is common ground between the appellant and the Council that, subject to conditions, the proposal would be acceptable in terms of its impact on living conditions, highway safety and parking provision, trees and ecology. Whilst there is no substantive evidence before that would lead me to arrive at a different conclusion, none of these other matters raised would alter or outweigh my conclusion on the main issues.

Planning Balance

45. 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.
46. The development plan for the area comprises the LP, which predates the current Framework, as it was examined when the 2012 version of the Framework was in place. 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.
47. In the context of Policy GROWTH 2 of the LP, a settlement envelope policy, in isolation of other considerations, would not be wholly aligned with the more flexible and balanced approach implicit in the objectives outlined in the Framework. Furthermore, the policy does not include all of the policy exceptions to isolated homes in the countryside referred to within the Framework, particularly in circumstances where the design is of exceptional quality or relates to the subdivision of an existing dwelling. However, the policy text for Policy GROWTH 2 suggests the overall aim of the locational strategy is to focus development within or on the edge of towns and villages, and to minimise unnecessary development of open fields and countryside areas of the district, thereby helping to promote easier access to jobs and services. Moreover, the policy suggests that the exceptions to development outside defined envelopes may be permitted, providing there is no significant adverse impact on the character of the countryside and that other Local Plan policies are satisfied. This approach is therefore consistent with the aim of the Framework to direct housing to locations where it is supported by local facilities and services through an established pattern of distribution; and contributing to and enhancing the natural and local environment by recognising the intrinsic character and beauty of the countryside. In light of this the underlying objectives of the policy are generally consistent with the revised Framework.
 48. Policy ENV2 of the LP is consistent with the Framework in terms of its aim to achieve well designed places.
 49. Whilst the approach to development affecting conservation areas, listed buildings and historic parks and gardens outlined in Policies ENV11, ENV12 and ENV15 of the LP are generally consistent with the aims of the Framework, these policies fail to acknowledge the balancing exercises required by paragraphs 195 and 196 of the Framework.
 50. Overall, given the inconsistencies of Policies ENV11, ENV12 and ENV15 with the Framework, taken as a whole the policies referred to above are to be regarded as out-of-date. I have therefore afforded modest weight to the conflict of the proposal with the abovementioned policies, as set out in the main issues.
 51. A period of five years has passed since the adoption of the LP. In such circumstances, the Framework suggests that the housing requirement used in assessing a Council's five-year supply of deliverable housing land will be based on the standard method for determining local housing needs for the local planning authority area. Accordingly, the Council issued a new Five Year Housing Land Supply Report⁹ (FYHLSR), which has regard to the latest Housing Delivery Test results¹⁰, so includes a 20 percent buffer. The FYHLSR identifies that the Council can demonstrate 6.61 years supply of deliverable housing land within East Cambridgeshire.
 52. In the Witchford appeals the Council argued that it could demonstrate 3.94 years supply of housing land but the Inspector ultimately relied on the Fordham appeal, where the position was only calculated to be 2.1 years. However, the Fordham appeal decision has since been quashed, specifically in

⁹ East Cambridgeshire District Council Five Year Housing Land Supply Report 1 April 2019 to 31 March 2024.

¹⁰ Published in February 2020.

relation to how the Inspector calculated the housing land supply. I am not therefore able to give any weight to the quashed decision or the Witchford appeals in respect of this matter.

53. I note that paragraph 74 of the Framework states that a five year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in a subsequent annual position statement which has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State. There is no evidence before me to suggest that the supply of housing stated in the FYHLSR has been calculated using this method. However, other than pointing to the fragility of the situation presented by the Fordham and Witchford appeals, I have not been provided with any evidence by the appellants setting out an alternative calculation for the five-year housing land supply in the district.
54. I am also mindful that the presence of a five-year supply does not represent a ceiling on the delivery of housing, as the Framework supports the Government's objective to significantly boost the supply of homes. I note that this position was also discussed by another Inspector in a decision to which I have been referred¹¹. On this basis, I did not reengage with the main parties following receipt of their comments.
55. Clearly, should I determine that the Council cannot demonstrate a 5-year housing land supply, paragraph 11 of the Framework would be engaged. Nonetheless, the policies most important for determining the appeal are out-of-date, so 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.
56. 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. Furthermore, the proposal would be situated in an accessible location in the terms of the Framework. In terms of harm, the proposed development would not comply with development plan policy in respect of the harm to the special historic interest of the Grade II listed boundary wall, including its setting, the setting of the Grade II listed former stables, the character and appearance of the Dullingham Conservation Area and the openness of the Dullingham House Park and Garden; and the locational strategy of the development plan.
57. Whilst 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.

¹¹ Appeal Reference: APP/W0530/W/18/3214057 (Land to the south of Whitecroft Road, Meldreth, Royston SG8 6ND).

58. Even if I were to conclude there is a shortfall in the five-year housing land supply on the scale suggested in the Fordham and Witchford appeals, the adverse impacts of granting permission identified would still significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This does not indicate the proposal should be determined other than in accordance with the development plan.

Conclusion

59. 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