



Appeal Decision

Site visit made on 22 September 2020

by L Gilbert BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th November 2020

Appeal Ref: APP/D3505/W/20/3245419

Land East of Upper Street, Upper Stanstead, Sudbury, Suffolk, CO10 9AX

- 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 Mrs D Wilson against the decision of Babergh District Council.
 - The application Ref DC/19/03994, dated 21 August 2019, was refused by notice dated 15 November 2019.
 - The development proposed is described as 'erection of 1no two-storey dwelling, 2no single storey dwellings (linked), associated outbuildings and new shared vehicular access including a change of use of land'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: (i) the effect of the development on the character and appearance of the area; (ii) the effect on the setting of nearby listed buildings; and (iii) whether the proposal is consistent with policies relating to the location of housing, including with regard to accessibility of local services and facilities.

Reasons

Character and Appearance

3. The appeal site forms part of a large open grassed field that gently slopes away from Upper Street and offers long-distance expansive and attractive views of arable fields and wooded areas beyond. The absence of an enclosing hedgerow or other screening at the frontage to the road accentuates the site's openness. The site is within a locally designated Special Landscape Area and is located outside the settlement boundary of the village of Stanstead.
4. To the north of the appeal site sits The Maltings, a Grade II listed building, and to the south lies Juniper Lodge. Hedges and trees line these adjacent properties' boundaries either side of the site. A public footpath runs adjacent to the south side of the site. Opposite the appeal site to the east are Barnfield Cottages, a Grade II listed building, as well as a pair of recently constructed semi-detached houses of a traditional design that were allowed at appeal in 2018¹.
5. The appeal scheme proposes a two storey dwelling, with a detached garage and store to the south; and a pair of single storey linked dwellings with integral garages. All the dwellings would be served by a new access perpendicular to

¹ APP/D3505/W/17/3182786

- the road. Landscaping is proposed as well as the introduction of a pond between the road and the new dwellings.
6. I acknowledge that considerable effort and thought has been given to design the buildings in a sympathetic and attractive style. The proposed architectural form of the buildings would be traditional, drawing on local examples. The detached dwelling would comprise a vernacular style, incorporating traditional pitched roofs and gables, covered with hand-made clay tiles. The dwelling would have brick chimneys, with walls of colour washed render and 'Flemish bond' brickwork, and with traditional timber framed windows and doors. The single storey dwellings would be of a contrasting almost 'stable-like' design compared with the more imposing detached dwelling, with a shallow pitched Welsh slate roof and a mix of traditional brickwork and black stained feather edged boarding.
 7. All that said, the construction of a substantial detached house together with a large detached garage, as well as the linked dwellings of a significant footprint, with their associated residential curtilages would erode this open countryside setting and significantly diminish the site's contribution to the existing open landscape character. Although the appellant states that the proposal has been designed to provide views through to the countryside beyond, the new dwellings would inevitably and irrevocably change the character of the open countryside. The buildings would obscure much of the view from Upper Street across the attractive open countryside. Notwithstanding any landscaping, including the pond, and the set back from the road, the buildings would still appear prominent in the locality. The effect would be compounded in the winter months when deciduous trees lose their leaves and there is much less tree foliage.
 8. The appellant argues that the newly constructed pair of dwellings on the opposite side of the road provides support for this scheme. However, the circumstances in that appeal were quite different. As the previous Inspector noted, the development was on a much more enclosed area of overgrown land, formerly part of the garden of Barnfield Cottages, bounded by trees and hedging, with dwellings immediately to the north and south. Importantly, in that case, the Inspector noted that the site had a different character in comparison to the surrounding agricultural land, and that therefore the development would avoid the appearance of encroachment into the wider countryside. Furthermore, the site was significantly smaller and comprised only a single pair of semi-detached dwellings. Consequently, I do not consider that scheme provides support for this appeal proposal.
 9. Overall, I find the proposal would harm the character and appearance of the site by encroaching into the open countryside and Special Landscape Area, and would fail to comply with policies CN01 and CR04 of the Babergh Local Plan 2006 ('the Local Plan'); and Policies CS11 and CS15 of the Babergh Core Strategy & Policies 2014) ('the Core Strategy'). Together, these policies require high quality developments that respect local character; be well related to the existing pattern of development; and harmonise with the landscape setting, and maintain or enhance the quality of Special Landscape Areas.

Effect on Listed Buildings

10. As noted above, Barnfield Cottages and The Maltings, both Grade II listed buildings, are in the vicinity of the proposal. Barnfield Cottages comprise a 17th

-18th century building with a thatched roof, small casement windows and rendered facades, and is set some distance back from the road. The Maltings formerly individual cottages, but now a single dwelling, is an 18th century timber framed and plastered building, with a roof of pantiles. It is largely obscured from public view by dense vegetation. The significance of both the buildings derives partly from their historic architectural detailing and heritage, but also in part from their attractive open rural setting.

11. The appeal site currently positively contributes to the wider rural setting of the both these listed buildings. Whilst the listed buildings would be screened to some extent by the proposed landscaping of the new scheme, this would vary in effectiveness with the seasons, and would not fully mitigate the detrimental urbanising effect. The relevant legislation² requires that where considering whether to grant permission for development that affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting. The resulting loss of countryside, together with the more built-up character of the proposal would harm, and so not preserve the settings of these listed buildings, contrary to the relevant legislation.
12. Consequently, there would be a conflict with Policy CN06 of the Local Plan, which requires that proposals within the setting of a listed building should respect those features which contribute positively to its setting, including views from and to the building and historic layout. I am satisfied that the harm would be 'less than substantial' in terms of Paragraph 196 of the National Planning Policy Framework ('the Framework'), but this harm must be weighed against the public benefits of the proposal. I deal with this matter below in the planning balance.

Whether an appropriate location

13. The appeal site is some distance away from towns and villages where employment, services and facilities are located. There is no pavement or streetlighting on this part of Upper Street and so it is not well suited to pedestrians or cyclists. The village of Stanstead is served by very limited bus services, and buses to the larger town of Bury St Edmunds involve travelling to the nearby villages of Hartest or Glemsford.
14. Therefore, it is reasonable to assume that occupiers of the new dwellings would be heavily reliant on the private car to reach services and facilities (as is no doubt the case with existing occupiers of properties in the locality). However, the level of trips generated by three dwellings is likely to be limited. Moreover, the Framework at Paragraph 103 is clear that that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and that this should be taken into account in decision making. As such, I do not consider that the site's location is a reason, of itself, for the appeal to fail, notwithstanding any potential conflict with Policy CS15 of the Core Strategy. This requires, amongst other things, that an appropriate level of services, facilities and infrastructure be available to serve developments. However, the location of the proposed dwellings does not weigh positively in the planning balance.

² Planning (Listed Buildings and Conservation Areas) Act 1990, Section 66(1)

Planning Balance and Conclusion

15. The Council is able to demonstrate a five year supply of housing. Nonetheless, the scheme would provide three additional dwellings in accordance with the Framework's objective of boosting the supply of homes³. The scheme would generate social and economic benefits, through the provision of new housing, although the number of new units would be modest. The dwellings would be well designed and include landscaping and a pond feature. That said, the scheme would result in the serious intrusion of built form into attractive open countryside, harming the character of the Special Landscape Area. The settings of listed buildings in the vicinity would not be preserved, contrary to the relevant legislation.
16. As noted earlier, Paragraph 196 of the Framework requires the harm to the significance of heritage assets to be balanced against the public benefits of the scheme. In addition, Paragraph 193 requires that, when considering the impact of a proposed development on the significance of heritage assets, great weight should be given to their conservation. In this instance, I consider that the harm should be placed at the lower end of the 'less than substantial' spectrum. However, I do not consider that the less than substantial harm to heritage assets would be outweighed by the scheme's limited public benefits outlined above.
17. The appellant has mentioned that in the emerging local plan, the site is proposed to be included within the revised settlement boundary of Stanstead, falling outside the countryside for the purposes of planning policy. However, the emerging local plan is still at a relatively early stage of preparation. It has not yet been subject to examination, nor is it clear the extent to which there are unresolved objections, or the degree to which its policies are consistent with the Framework. Therefore, having regard to Paragraph 48 of the Framework, it can only attract very limited weight in this appeal.
18. For the reasons already explained above, the appeal scheme on the opposite side of the road does not set a precedent. It is also notable that that scheme was decided in the context of the Council's inability to demonstrate a five year supply of housing. Both parties have referred to numerous other appeals in support of their respective cases, but none share the exact locational characteristics of the appeal scheme before me.
19. Although I have not found against the scheme in terms of its location, I consider that the scheme would be harmful in terms of its effect on the character and appearance area. It would also fail to preserve the setting of nearby listed buildings. Overall, the scheme would conflict with the development plan. I therefore conclude that the appeal should be dismissed.

L Gilbert

INSPECTOR

³ Paragraph 59