
Appeal Decision

Site visit made on 15 September 2020

by S Tudhope LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 November 2020

Appeal Ref: APP/D3505/W/19/3239287

Land South of Waylands, Smithbrook Lane, Hartest, Bury St Edmunds, Suffolk IP29 4EQ

- 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 and Mrs Loxton against the decision of Babergh District Council.
 - The application Ref DC/19/02730, dated 1 June 2019, was refused by notice dated 17 July 2019.
 - The development proposed is described as 'erection of 1 No. 2 bedroom, single storey dwelling (utilising existing vehicular access)'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) whether the appeal site would be in a suitable location for the proposed development having regard to the development strategy for the area and accessibility to services and facilities; and (ii) whether or not the proposal would preserve or enhance the significance of nearby grade II listed buildings, Hartest Place and Northend Cottages, and preserve or enhance the character or appearance of the Hartest Conservation Area.

Reasons

Development strategy and access to services and facilities

3. Policy CS2 of the Babergh Core Strategy 2014 (CS) directs new housing growth to within defined settlements, only allowing development in the countryside in exceptional circumstances if it is for a proven justifiable need. The requirement for exceptional circumstances to be demonstrated for development in the countryside beyond settlements is not wholly consistent with the 'exceptional circumstances' test found in the National Planning Policy Framework (the Framework), which only applies to isolated development. Policy CS2 is out of date and the Council accepts that the weight given to any conflict with this policy is thus reduced.
4. Nonetheless, there is nothing in the Framework to indicate that the definition of settlement boundaries is no longer a suitable policy response. I consider the remainder of Policy CS2, in terms of housing spatial strategy, is broadly consistent with the aims of the Framework, which similarly requires new development to be accessible to services.

5. The appeal site is situated to the north of Hartest, approximately 0.7 km outside of the 'built up area boundary' of the village. It is therefore within the countryside for planning policy purposes. Given its grouping with other dwellings the proposed dwelling would not be isolated. However, there are very few services within the village, none of which would satisfy the day to day needs of future occupiers of the proposed development.
6. I am advised that there is a bus stop on Brockley Road to the south of the site and that there is a bus service available that connects to Bury St Edmunds. A reasonable degree of services and facilities are able to be accessed there. Nonetheless, the bus service is quite limited and would require future occupiers of the proposed dwelling to negotiate a short stretch of a narrow, busy, unlit road, without footpath and with little verge on which to escape. I do not consider that the route to the bus stop, or further to the village core, to be particularly attractive to pedestrians or cyclists. Accordingly, the opportunities to regularly walk, cycle or use public transport to access services and facilities would not be convenient or realistic, particularly with children, after dark or in inclement weather.
7. Future occupiers of the development would be likely to be highly reliant on private motorised transport to access services and a significant number of journeys would be further afield, in order to access a full range of services, facilities and employment opportunities. The proposed development would not provide a suitable location for housing in respect of accessibility to services and facilities.
8. I have been referred to a number of planning permissions granted by the Council which the appellants consider support their proposal. In particular, permission for two dwellings situated south of the appeal site along Brockley Road. I have also been referred to several appeal decisions both within and outside of the Council's district which deal with matters relating to accessibility to services. However, I do not consider that the permissions referred to provide clear and definite confirmations of the sustainability of the location of the appeal site. Rather, the environmental harm caused by those developments, in association with the reliance of future occupiers on private vehicular transport, was recognised by the Councils and the Inspectors, but was considered to be outweighed by other material considerations, including redevelopment of redundant employment land, specific site characteristics and a shortfall in deliverable housing land supply.
9. In one of the referenced cases, permission was granted for a dwelling north of the appeal site at Hartest Lake. The extract from the Council's officer report provided by the appellants states that a clear walking route to the village is given and that the site is considered to be well located in terms of accessibility to local facilities. The appellants suggest that this route would be available to the future occupiers of the appeal proposal and therefore the appeal site should be considered to be as well located, in terms of accessibility, as this other site.
10. However, whilst I do not disagree that it would be possible to walk to the centre of Hartest, even if it was certain that this 'walking route' were to be available to future occupiers of the appeal proposal, I consider that it is unlikely to prove attractive or practical for everyday use. In addition, from the limited information provided, it appears that the Hartest Lake development is linked to re-opening of a commercial fishing lake which would provide jobs and leisure

facilities and also tourist accommodation. Therefore, I do not find the circumstances of that permission directly comparable to the appeal proposal and it does not alter my conclusion in regard to the accessibility of the appeal site to services and facilities.

11. Further, the Inspector in a case in Boxford, which was for the erection of four dwellings on the site of a former nursery and garden centre with an existing dwelling, found that site to offer a 'genuine' option to utilise local bus services. I have not found this to be the case for the appeal site.
12. The appellants have also referred to the emerging Hartest Neighbourhood Plan (NP) and its identification of a number of 'clusters' of development in the otherwise designated countryside where new development may be considered acceptable. One of these areas is around Pear Tree Farm which is situated to the north of the appeal site. However, the appeal site is not located within the identified 'cluster' area and the NP has not progressed since 2018. I therefore do not consider that this matter offers support to the appeal proposal.
13. I appreciate that opportunities to maximise alternative transport solutions will vary between urban and rural areas, but even taking this into account I consider that the proposal runs contrary to the objectives of Policy CS2.
14. I conclude that the appeal site is not in a suitable location for a dwelling having regard to the development strategy for the area and accessibility to services and facilities. The proposal would conflict with CS Policies CS1, CS2 and CS15 and Paragraph 8 of the Framework which together, and amongst other matters, seek to ensure that development can be served by an appropriate level of services and facilities and minimises the need to travel by car.

Heritage assets

Listed buildings.

15. The appeal site is situated on the north side of Smithbrook Lane, opposite Hartest Place and its range of outbuildings. It is a long, roughly rectangular area of land comprising of groups of mature and semi mature trees, amongst areas of semi-managed grass and bounded by mature hedgerow. It is largely free from built form and has an existing unmade access from the lane. A single storey dwelling is situated beyond the site's western boundary. To the north east of the site is a two storey modern dwelling (Waylands), which addresses the lane and Brockley Road. Adjacent to that property on Brockley Road is Northend Cottages.
16. I am required under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
17. The separation distance between the appeal site and Northend Cottages, along with the intervening position of Waylands is such that the proposed development would not be read in conjunction with this listed building or its setting. Its significance, which derives from its physical form and fabric, would be preserved.

18. Hartest Place is a 16th-17th century timber framed and plastered house, formerly a farmhouse, with historical connections to the woollen cloth industry. Its significance is derived primarily from its physical form and fabric and its position within the rural landscape.
19. The appellants' Heritage Impact Assessment (HIA) indicates that the appeal site has a historical functional relationship with Hartest Place and was once a 'garden and drying ground' associated with this listed building. The reference to 'drying ground' appears to link Hartest Place with the woollen cloth industry. On this basis, I consider that the appeal site forms part of the setting of this heritage asset and contributes to the historical interest and its significance.
20. I do not consider that the site is visually severed from Hartest Place by either properties' boundary treatments. There is a close visual relationship between the site and the listed building, in addition to the historical functional link. Despite the development to the east and west of the site, a sense of seclusion to the listed building remains and is in part provided by the appeal site. The proposal would place a dwelling within the immediate rural setting of Hartest Place, thereby eroding the appeal site's historic role as an ancillary space serving this listed building. The proposed building would be single storey and has been thoughtfully designed to resemble an agricultural building, incorporating a utilitarian palette of materials in order to minimise its impact on its surroundings. Although a functional relationship between the site and the listed building appears to have ceased, the intrusion of the building and its inevitable accompanying domestic paraphernalia and activity would result in a fundamental change in the character and appearance of the site. It would further disrupt and erode the historic seclusion of Hartest Place and therefore would be harmful to its significance.
21. I conclude that the proposal would result in less than substantial harm to the setting of Hartest Place and would fail to preserve its particular significance. This is contrary to Policies CN01, CN06 and CN08 of the Babergh District Local Plan Alteration No.2 2006 (LP) which require, amongst other matters, for development to respect heritage characteristics and heritage assets.

Conservation Area

22. The appeal site is located inside of the northern boundary of Hartest Conservation Area (CA). The CA is widely drawn and includes more areas in agricultural use than not. The agricultural setting of Hartest forms an integral part of its history and development and is of interest because of its status as a former minor centre for Suffolk's woollen cloth industry during the 16th century. Agricultural setting is therefore one of the defining features of the CA.
23. I am required under section 72(1) of the Act to give special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
24. The area in the immediate vicinity of the appeal site has a rural, agricultural character and appearance. The appellant's HIA states that Hartest Place was formerly a farmhouse and therefore has a direct historical relationship with the agricultural setting of the CA. The appeal site, by virtue of its historic freedom from built form and pleasant verdant appearance, positively contributes to the character and appearance of the CA.

25. The introduction of a dwelling and its associated domestic paraphernalia and activity into the appeal site would increase the urbanisation of this part of the CA. Whilst the effects would be localised, and would be minimised by the scale of the development and the proposed retention, reinforcement and protection of the existing boundary treatments at the site, the alteration to the nature of the site would, nonetheless, fail to preserve or enhance the character or appearance of the CA. Due to the scale of the proposal and the localised nature of the harm, it would be less than substantial.
26. Thus, the proposed development would be contrary to LP Policies CN01 and CN08 where they require developments to be appropriate for their environment and to preserve or enhance the character of the conservation area.

Planning Balance

27. The Framework indicates that great weight should be given to the conservation of designated heritage assets. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 196 of the Framework requires that this harm should be weighed against the public benefits of the proposal in such circumstances.
28. The proposal would provide an additional dwelling thereby making a small contribution to the supply of housing and self-build plots. However, the limited social and economic benefits to the area resulting from the construction of one dwelling would be very modest and attract modest weight.
29. Taking the above points together I do not consider that there would be public benefit sufficient to outweigh the significant weight to be attached to the harm I have identified in relation to the designated heritage assets.
30. It is not disputed that the Council can demonstrate a 5 year supply of deliverable housing sites. However, the appellants consider that the Council has a history of undersupply and that this should weigh in favour of the proposed development. In addition, the weight to be given to the conflict with Policy CS2 is reduced because it is out of date. However, the conflict with the Framework in terms of designated heritage assets provides a clear reason for refusing the development.
31. In terms of housing spatial strategy, Policy CS2 is broadly consistent with the aims of the Framework, where it requires new development to be accessible to services. I therefore attribute considerable weight to the conflict with this policy and CS Policies CS1 and CS15 in determining the appeal. The conflict with LP Policies CN01, CN06 and CN08 in relation to the conservation and preservation of heritage assets attracts significant weight. Accordingly, the conflict with the development plan is not outweighed by other considerations including the Framework and for the reasons set out the appeal must fail.

Conclusion

32. For the above reasons the appeal is dismissed.

S Tudhope

Inspector