The Planning Inspectorate

Appeal Decision

Site visit made on 10 November 2020

by Frances Mahoney MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 12 January 2021

Appeal Ref: APP/X3540/W/19/3242029
Part land south of Old Glebe House, Westerfield Road, Westerfield IP69AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Brentoak Properties Ltd (Mr John Howard) against the decision of East Suffolk Council.
- The application Ref DC/19/2271/OUT, dated 3 June 2019, was refused by notice dated 29 August 2019.
- The development proposed is an outline proposal for the erection of eight dwellings with garages.

Decision

1. The appeal is dismissed.

Preliminary matters

2. In this outline proposal all matters are reserved for future consideration. Therefore, other than the location plan, all other plans are purely for illustrative purposes only and whilst they may not be determinative, they have informed my reasoning.

3. In respect of the red lined appeal site I am aware that this is only a small part of a larger field in the same land ownership. The land edged in blue on the location plan is identified as a wildlife enhancement area[1] and as public open space[2], promoted as part of the illustrative plans for the overall development.

Policy matters

4. Since the refusal of planning permission for the appeal proposal and the subsequent lodging of this appeal, the East Suffolk Council[3] has adopted the Suffolk Coastal Local Plan (LP) on the 23 September 2020. It applies to the part of East Suffolk formerly covered by the Suffolk Coastal District and supersedes the Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document adopted in 2013 (CS) and the Suffolk Coastal District Local Plan - Site Allocations and Site Specific Policies Development Plan Document[4] (SASSPDPD). As decision-maker I am charged with considering this appeal in the context of

[1] Fronting Westerfield Road.
[2] Land including the tree-lined watercourse and extends in front of Old Glebe House, a Grade II listed building.
[3] Created in 2019 covering the former districts of Suffolk Coastal District Council and Waveney District Council.
[4] Those local planning policy documents quoted in the reasons for refusal and the initial appeal statements are now superseded.

Development Plan policy applicable at the time the decision is taken. Therefore, it is the newly adopted policies of the LP which are of relevance in this instance[5].

5. The new LP identifies Westerfield as a Small Village where development requirements will be delivered through site allocations in the LP, plus through windfall development in accordance with other policies in the LP[6]. A site for 20 dwellings on land south of Lower Road has been allocated in the LP[7] and Policy Map 68 – Westerfield also identifies 3 further sites with planning permission for housing as of 31 March 2018. The largest of these sites is the Old Station Works which lies within the up-dated settlement boundary for Westerfield[8].

6. The appeal site lies outside of the defined Settlement Boundary of Westerfield[9] although it does adjoin the policy boundary along part of its northern boundary. Land which is outside of Settlement Boundaries and which isn't allocated for development in the LP is defined as Countryside[10].

7. LP Policy SCLP5.3 sets out the limitations to housing development in the countryside which centre around a recognition that there is a need for housing in the countryside in certain circumstances and where this can help to sustain thriving rural communities, although not where unacceptable harm to the environment would result.

8. In essence, new residential development will not be permitted in the Countryside except where specific policies in the LP indicate otherwise[11].

9. On the face of a plain reading of these policies it would appear that there is a direct conflict with LP Policies SCLP3.2, SCLP 3.3 and SCLP5.3 stemming from the site's location in the Countryside.

10. However, in applying the presumption in favour of sustainable development set out at Paragraph 11 of the National Planning Policy Framework (the Framework), footnote 7 makes it clear where a Council cannot demonstrate a five-year supply of deliverable housing sites, such relevant policies must be considered out-of-date.

11. The Council published a Statement of Housing Land Supply dated October 2020 but based on a position as at 31 March 2020. The statement confirms that the Suffolk Coastal Local Plan area of East Suffolk has a housing land supply of 5.88 years. This figure, whilst not greatly in excess of the minimum 5 years requirement, does nonetheless accord with the requirements of the Framework in this regard.

12. I am satisfied that with a newly adopted LP in the context of a recently issued Housing Land Supply Statement, the relevant policies of the Development Plan, including those policies which are most important for

[5] Both parties submitted additional comments in relation to the relevant LP Policies and up-dated Housing Supply Position statement which have been taken into account.
[6] LP Policy SCLP3.2 – includes small groups of new housing and infill within settlement boundaries LP SCLP5.2.
[7] LP Policy SCLP12.67.
[8] As set out on LP Policy Map 68.
[9] LP Policy map 68.
[10] LP Policy SCLP3.3.
[11] LP Policies SCLP.4 housing in clusters, SCLP5.11 affordable housing on exception sites, SCLP5.3 conversion of agricultural buildings or replacement dwellings or SCLP5.6 rural workers' dwellings. None of these exceptions apply in the case of the appeal site.

determining the appeal, are up-to-date. Therefore, the tilted balance set out in paragraph 11 d) of the Framework is not engaged.

13. What must now be considered is whether the proposed development accords with Development Plan policy and the policies of the Framework. Any resultant identifiable harms would need to be weighed into a balance along with any benefits of the scheme.

Reasons

Character and appearance

14. The village of Westerfield lies just to the north of the main built-up area of Ipswich. Some definition does remain between the urban sprawl of Ipswich and the southern section of the village by reason of green, treed spaces discernible on the short drive between town and village.

15. The village is divided into two distinct parts. The southern section is mainly established housing in a linear pattern, strung out along the B1077 which straddles the railway line. This part of the village includes the Railway Station and the Old Station Works which are both dominating characterising features.

16. The Old Station Works includes existing business units, in active use, and an open area of land which was identified in the SAASP as an under-used employment site. Outline planning permission has been granted for the re-development of this site for up to 75 new homes and a number of business units within the village Settlement Boundary[12].

17. The northern section of Westerfield is the main village core, where development fans out along the converging roads from the crossroads[13]. This part of the village has much more of a verdant residential character than the southern section[14]. Further new housing development has both been allocated and granted planning permission either within the Settlement Boundary or immediately adjoining that policy defined limit[15].

18. The two distinct sections of the village are separated by a wedge of predominantly agricultural land which extends the expansive surrounding countryside into the heart of the village. This central penetrating pastoral green open space is a defining characteristic of the village maintaining the nature of separation between the distinct sections of the settlement.

19. The appeal site forms part of this central separating green pastoral land. Whilst sharing a boundary with the built-up area of the village its character and appearance, even as a rather unkempt, undistinguished piece of open pasture, is still very much integral to the wider belt of open intervening countryside.

20. The appeal is in outline, but the indicative layout plan shows how 8 semi-detached bungalows could be accommodated. The proposed open green

[12] LP Policy Map 68.
[13] Lower Road, Westerfield Road, Church Road & B1077.
[14] Even with the future development of the Old Station Works site, the character and appearance of this southern section of the village, will continue to be influenced by the Railway Station, the railway line and the inclusion of business uses.
[15] Lower Road – LP Policy SCLP12.67.

space[16], along with the central water course, would likely constrain development to be concentrated towards the frontage of the site. With a frontage to Westerfield Road and being central to the village it would have a considerable level of visual prominence which is easily discernible by those passing by.

21. LP Policy SCLP10.4 requires development to protect and enhance the special qualities and features of the area, and the visual relationship and environment around settlements and their landscape settings. Part of the objective of this policy, to my mind, is a recognition of the particular qualities and features of landscapes to provide an understanding of distinct sense of place and sensitivities to development and change.

22. The appeal proposal would extend the hard-suburban edge of the village by the introduction of garden fencing, residential massing of buildings and paraphernalia of domestic, private recreational space. This green gap, in its undeveloped form, makes an important contribution to the village character. Its development, even on only a small part of open pasture would present a strong and visually dominant feature which would erode the nature of this important intervening belt of green space, unacceptably harming the character and appearance of Westerfield, particularly in respect of its identity as a settlement in its own right, discernible from the spread of Ipswich.

23. The appeal site, as part of the intervening gap between the built elements of the village, makes an important contribution to the sense of place of Westerfield.

24. The gap between the two distinct parts of the village has already been identified as a fundamental characteristic of the settlement where the sense of leaving one part of the village with a very distinct character and arriving at another, contributes to the sense of place and the individual identity of Westerfield and mirrors the gap between Ipswich and the village itself. The appeal proposal would serve to reduce the openness and space between the different parts of the village as well as creating an urbanising effect between parts of the settlement.

25. The diminishing of the undeveloped nature of this intervening green space and its wider open countryside context, by reason of the development of the appeal site, would unacceptably harm the character and appearance of Westerfield and of its wider landscape setting. In this way the terms of LP Policies SCLP10.4 and SCLP10.5 would be compromised.

26. I have considered the various sites drawn to my attention within or adjacent to the village Settlement Boundary which have been granted planning permission[17]. However, I am satisfied that the circumstances of this appeal are sufficiently removed from those of the other sites and have determined the proposal accordingly.

Heritage matters

27. As decision-maker I must consider this appeal in light of the statutory duties placed upon me in Section 66(1) and of the Planning (Listed Buildings and Conservation Areas) Act 1990 which require that special regard shall be had

[16] Which the appellant asks to be given weight as a public benefit in the balance of the decision.
[17] As much as it is possible in the limitation of the evidence submitted.

to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess.

28. The only Heritage assets affected by the appeal proposal are Old Glebe House, a Grade II listed building and, to a lesser degree, the Church of St Mary Magdalene, Grade I listed.

29. The setting of a Heritage Asset is defined in the Framework as the surroundings in which a Heritage Asset is experienced[18].

30. In respect of Old Glebe House it can be experienced in glimpses from Westerfield Road, the level of visibility changing with the seasons, and from views to the south across the open fields, although I appreciate these may be private views[19], and from the north in the context of views from Church Lane as a backdrop to the Parish Church itself[20]. Views towards the House from the Church graveyard and the open land behind[21] are readily available and when taking in the scene one is aware of the open farmland and more distant woodland beyond as a rural backdrop.

31. The settings of both listed buildings are very much intertwined in respect of proximity to one another, as well as their association, Old Glebe House having been historically used as the Rectory. They both benefit from the housing development of the village being set at a distance allowing for each listed building to stand in its own open grounds where there is only limited awareness of the modern village beyond. Old Glebe House particularly has a much closer visual relationship with the open countryside to the south than to Westerfield as a built-up area.

32. The significance of the Church is firmly based in its grandeur as a 12/13th century Parish Church at the heart of the village, representing the generations of local people who have lived, worked and worshipped in Westerfield over hundreds of years. Its embattled parapet tower dominates in views from around the village and in the wider countryside.

33. The Church tower adds to the significance of Old Glebe House, punctuating the relationship of the two buildings as old Rectory and associated place of worship. The significance of the House, in part, lies in its 17th century origins, along with the evolution of the building overtime. No one elevation is of greater or lesser importance in this case. Much of the value lies in the overall presence and expression of a building of importance in the life of the village standing close to the Parish Church.

34. The open countryside to the south of the House is still in active agricultural use and a likely reflection of long-established land use in the life of the village, along with the woodland beyond. The nature of this part of the setting of Old Glebe House adds to its significance.

35. Whilst the appeal site has been left to pasture and physically detached from the cultivated fields by an overgrown hedge, in character terms it still forms part of the open countryside and intervening gap within the village. It is a

[18] Framework Glossary.
[19] Although of no less importance than were they public views.
[20] These views are much more limited and distant.
[21] Which includes the bowling green and pond.

contributor to the open nature of the countryside to the south of Old Glebe House and thereby to its significance.

36. The proposed eight dwellings, whilst indicated to be located close to the Westerfield Road frontage, would limit views of Old Glebe House and the Church beyond from Westerfield Road.

37. The outline proposal indicates that an area of open space would be established close to the House along with a wildlife enhancement area. This would maintain some sense of openness and may actually allow for close-quarter public views of the House with the Church beyond.

38. The proposed development would introduce built form into an open area of countryside already identified as being fundamental to the significance of the Heritage Assets, which would introduce an uncharacteristic sense of enclosure to the setting of the Heritage Assets, in much more of an immediate way than the development of the existing village does at present.

39. It is undeniable that the appeal proposal would represent change in the significance and setting of these designated Heritage Assets. The proposed outline development in the context of the appeal site being outside of the settlement, within an area of rural character, which is of significant importance to the setting of both Old Glebe House and to a lesser degree the Parish Church, would introduce a suburban form of development, eroding the countryside setting and significance.

40. LP Policies SCLP10.3 and SCLP10.4 seek to conserve and enhance the historic environment to ensure that development makes a positive contribution to that historic environment. LP policy also identifies that the national policies of the Framework will be applied in respect of designated Heritage Assets.

41. 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 irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance[22]. The appeal proposal would cause less than substantial harm to the heritage significance of both Old Glebe House and the Parish Church.

42. The degree of harm to the significance of the Parish Church in isolation would be at the lower end of the sliding scale of less than substantial harm. However, in respect of Old Glebe House I would place the level of less than substantial harm towards the mid to upper end of the sliding scale. The degree of heritage harm would be cumulative considering the intertwined significance of the Church and Old Glebe House as already described.

43. Having reached this view, the less than substantial harm to the significance of the designated heritage asset should be weighed against the public benefits of the proposal[23].

[22] Framework para 193.

[23] Framework paragraph 196.

Main public benefits - these are not listed in order of importance

44. *Locational sustainability* - The appellant identifies that Westerfield is a highly sustainable village close to Ipswich and with good public transport, cycling and footway facilities. It is suggested that the development would then meet the presumption in favour of sustainable development[24]. Locational sustainability is only one aspect of the assessment of whether a development achieves sustainable development, but I consider it does warrant some positive weight to be attributed in the balance of the decision in this regard.

45. *Delivery of market housing* – The proposal would contribute to the provision of housing in the District which, even in the case of a proven 5-year housing land supply, would still serve to support Government's objective of significantly boosting the supply of homes[25]. Positive weight results in this regard.

46. *Make full and effective use of vacant/under-utilised land for housing*[26]*.* The Framework promotes making as much use as possible of land in the context of safeguarding and improving the environment. The impact of the proposal on the area's character and setting has already been explored above and I do not demur from those conclusions.

47. The appellant also suggests the appeal proposal would *make efficient use of land* in the context of Framework paragraph 122. This specifically relates to achieving appropriate densities of development. It is placed in the context of, amongst other things, the availability of land suitable for accommodating development, in this case housing, and the desirability of maintaining an area's prevailing character and setting. With a number of sites within the village either allocated or already with planning permission and a declared 5-year housing land supply in the positive, it seems reasonable to conclude that there is an availability of land suitable for housing elsewhere and therefore, little weight is ascribed as a public benefit.

48. *Provision of open space and wildlife enhancement area*– The indicative layout plan does include an area of open space, including the water course within the appeal site. In isolation this relatively small pocket of green would be likely to be of benefit to the future residents of the new dwellings as a recreational area close to their homes, but not a great wider public benefit to villagers or more broadly. However, the proposed wildlife enhancement area, which lies outside the appeal site, but within the same land ownership, in conjunction with the on-site open space, could offer more opportunities for recreation as well as ecological initiatives and improvements. The achievement of net environmental gains such as development that would enable new habitat creation or improve public access to the countryside is also recognised as a public benefit[27]. I have little evidence at this stage of what could actually be achieved by the wildlife enhancement of this area and by what mechanism that would be secured in terms of long-term provision, funding and maintenance. However, I recognise there may be some net biodiversity gain through new and

[24] Framework para 10.
[25] Framework para 59.
[26] Framework para 117 and 118(d).
[27] Framework para 118.

enhanced planting and landscaping. Further, with public access as a recreational space obvious health and well-being benefits for villagers would ensue. Therefore, even in the uncertainty of how and what would be provided I still ascribe some weight to the provision of the recreational and wildlife enhancement space.

49. *Heritage benefits* - The appellant promotes the heritage benefits as the replacement of the existing agricultural land with open space in the context of enhancing the setting of the Heritage Assets, along with providing closer and additional public views to experience Old Glebe House with the Church behind.

50. As already identified in the heritage section the agrarian setting of the Heritage Assets is an important part of their significance, primarily for Old Glebe House. The proposed new dwellings, open space and wildlife enhancement area would significantly change that setting.

51. The proposed open space may actually allow for close-quarter views of Old Glebe House and the Church behind, and a greater appreciation of the architectural interest of the Heritage Assets, as the public would have access to the northern boundary, closer to Old Glebe House than it is currently possible to achieve. This opening up of public viewpoints would be a public benefit which warrants some positive weight, although this must be weighed against the loss of views, however glimpsed, from Westerfield Road, already identified as an important contributor to significance.

Heritage balance

52. The identified public benefits[28] of the appeal proposal do present, cumulatively, considerable weight to be added in the heritage balance set out in Framework paragraph 196.

53. However, great weight should be afforded to the conservation[29] of the designated heritage assets of Old Glebe House and St Mary Magdalene Parish Church as listed buildings of National importance.

54. Further, considerable importance and weight to the desirability of preserving the settings of listed buildings must be undertaken in any balancing exercise.

55. In my consideration of the impact of the proposal in heritage terms, it is clear that there would be identified and weighty harm to the significance of the Heritage Assets due to the erosion of the pastoral setting of Old Glebe House and the consequential diminishing of the relationship between the Church and Old Glebe House as already examined above. This would result in an inordinate amount of harm to the significance of the Heritage Assets[30] which, whilst constituting less than substantial harm[31] in Framework terms, would be of considerable importance and great weight sufficient to roundly outweigh the public benefits identified above which would ensue from the development.

[28] These include heritage benefits.
[29] Framework para 193.
[30] More so to Old Glebe House.
[31] At the mid to upper end of a sliding scale of less than substantial harm.

Planning balance

56. As already established the recently adopted LP presents an up-to-date suite of relevant planning policy, the application of which, as part of the Development Plan, has resulted in the required 5-year housing land supply.

57. Taking into account the primacy of Development Plan policy it is clear from the above reasoning and conclusions that the proposed development would result in conflict with the Development Plan as a whole. This generates significant harm alongside the weighty landscape[32] and heritage harm already identified.

58. The proposal having been assessed against the Framework as a whole and Development Plan policy and, when specifically assessed against Framework paragraph 196, it is found in the balance of the decision, that the specific identified policies indicate development should be restricted. This finding weighs significantly against the proposal, the identified public benefits not outweighing the harms. This overall conclusion provides clear reasons for dismissing this appeal.

59. Consequently, I dismiss this appeal[33].

Frances Mahoney

Inspector

[32] Including character and appearance.

[33] In the circumstances of a decision to dismiss the appeal it has not been necessary to consider whether the development would not, beyond scientific doubt, have an adverse effect on the integrity of the Stour and Orwell Estuary Special Protection Area/RAMSAR site and the Deben Estuary Special Protection Area/RAMSAR site. I have, however, noted that it is common ground that the secured mitigation would avoid any adverse effects on the integrity of the protected site. Further, I have noted that there was concern relating to the passage of time since the relevant Ecological Report was written. Had this been the only determinative factor in this appeal I would have given it further consideration, but as other matters have proved overwhelmingly influential, I have not examined it further.