



Appeal Decision

Inquiry held on 26-29 January, 1-5 and 24 February 2021

Site visit made on 23 February 2021

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 25th March 2021

Appeal Ref: APP/W3520/W/20/3258516

Former Poultry Processing Plant, Haughley Park, Haughley, Stowmarket IP14 3JY

- 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 Amber REI Holdings Ltd against the decision of Mid Suffolk District Council.
 - The application Ref DC/19/02605, dated 30 May 2019, was refused by notice dated 24 April 2020.
 - The development proposed was originally described as "outline planning permission with all matters reserved except the access point for the demolition of existing industrial buildings and construction of 134 dwellings, employment provision (Use Class B1), community building, provision of public open space including playing fields, village greens, green corridors, community orchard, landscaping and surface water attenuation and associated works".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The original application was made in outline with all matters reserved except for access. Approval is only sought at this stage for the access point onto Haughley New Road. All other matters relating to access, including internal access circulation, would be determined at reserved matters stage. The parties have agreed that the illustrative masterplan (P18-0128_004 Rev I) and the land use parameter plan (P18-0128-11-01 Rev B) are indicative only and do not form part of the formal plans for determination. Nevertheless, I have had regard to both plans as they show a potential approach to the layout and development of the site.
3. The original application was for 134 dwellings as noted above. However, during the application process this was amended to 120 dwellings. Therefore, I have had regard to this reduced number in my decision.
4. A completed and executed Section 106 agreement (S106) was submitted by the appellant shortly before the close of the inquiry. My decision refers to it where necessary.

Main Issues

5. The original application was refused for 7 reasons. The Council confirmed that the reasons for refusal relating to affordable housing provision and drainage would not be contested at the inquiry. Vacant Building Credit applies to this

site, meaning that affordable housing is not required provided the development does not exceed the existing floorspace. Drainage issues can be resolved at reserved matters stage. Suitably worded conditions can address both matters.

6. Haughley Park Limited (HPL), who run events on the land next to the appeal site, appeared as a main party at the inquiry. They identified an additional objection in their statement of case relating to highway safety. Therefore, the main issues are as follows:
 - i) whether the development would be in an appropriate location having regard to the development plan and national policies;
 - ii) whether the development would provide acceptable access to services and facilities;
 - iii) the effect of the development on highway safety;
 - iv) the effect of the development on existing businesses and events, having regard to noise and disturbance issues and the living conditions of future occupants of the development;
 - v) the effect of the development on the significance and setting of the Grade I listed Haughley Park and the Grade II listed former barn and stable; and
 - vi) the overall planning balance.
7. Although not a reason for refusal or an explicit main issue, the Council and appellant dispute whether the existing lawful use of the appeal site provides a realistic fallback position. This has a direct bearing on many of the main issues and so is addressed first.

Reasons

The site and its surroundings

8. The appeal site is located within the grounds of Haughley Park, a Grade I listed property with its surrounding estate of parkland and woods. The site contains vacant factory buildings and associated areas of hardstanding, along with a grass field to the west (known as Squire's Piece) and a private (and separately owned) access drive that connects to Haughley New Road to the north. It is agreed that over 50% of the site represents previously developed land (PDL).
9. Immediately to the south of the site is the A14 dual carriageway which is screened by vegetation and bunding. Further planting and bunding provides screening to the north and west of the factory buildings. Haughley Park and associated buildings (including the Grade II listed former barn and stable) are situated a short distance to the north and north-east of the factory buildings.

The fallback position

10. The site was previously in the same ownership as Haughley Park and its wider estate. The father of the current owner of Haughley Park constructed the first factory building on a derelict orchard in the late 1950s as a new site for his existing poultry business at Elmswell. The building has been extended in subsequent years and a number of other structures have been erected to the south and east towards the A14. The site was sold in 2002 and now belongs to the appellant.

11. Since the initial planning permission in the late 1950s, the site has been used as a factory for the processing of meat products under Class B2. The buildings were last in use in 2016. However, it is common ground between the appellant and the Council that the use has not been abandoned. A certificate of lawful existing use issued by the Council on 18 August 2020 confirms the use of the site as a poultry processing plant (B2).
12. The appellant has indicated that should this appeal fail, they would seek to resume a B2 use. The appellant contends that the existing buildings could be repurposed and, if necessary, subdivided for new occupants. Permitted development rights also exist¹ for a change of use from B2 to B1 (now Class E) or B8. The latter seems unlikely to be exercised given that the right is limited to 500 square metres of B8 (around just 3% of the site), but the former appears more feasible.
13. Prior to the appeal, the appellant argued that a re-use of the factory site was unviable due to the costs of refurbishment based on a buildings condition appraisal report dating from 2016. However, based on changing demand, the appellant's case at the appeal was that re-use could be viable. A potential subdivision scheme to provide 16 units was presented at the inquiry. The appellant argues that the scheme would be viable based on comparing demolition and refurbishment costs against a high-level site valuation.
14. In the costs report, assumptions have been made about the soundness of concealed structures and the existing flooring, as well as the re-use of the earliest factory buildings, without further investigation. The power supply and drainage infrastructure may be sufficient for re-use but there are uncertainties regarding their condition and the need for any potential upgrades. A contingency sum of 10% is included in the costs, but with the caveat that it has not been accurately assessed. Moreover, the costs have not been market tested for greater confidence levels. Therefore, even if VAT is recoverable, I consider there are doubts over the robustness of the figures in the costs report.
15. The valuation is based on full occupancy of the 16 units. It would appear that demand for business, industrial and/or warehousing space along the A14 corridor has increased to provide greater supply chain resilience in response to Covid-19 and Brexit in particular. The situation regarding the supply of space is disputed. There are a number of existing and emerging sites along the A14 offering land and buildings for commercial use. However, the valuation assumes generally cheaper rents than elsewhere in order to attract tenants. While the access via a parkland estate is unusual, there is little evidence to show that the site's location would put off future occupants. Nevertheless, the valuation does not take into account finance costs, developer's profit, or land costs, which adds to doubts on the overall viability of the scheme.
16. It is unclear whether the appellant's 16 unit scheme would represent permitted development, but any operational development associated with a resumed B2 use or permitted change of use could require planning permission. This could include for new openings, extensions, and changes to hardsurfacing areas. As to whether permission would be granted depends on a number of factors based on the scale and nature of the proposal and any effects. However, the Council has stated that it does not object to the principle of continued employment use

¹ Under Class I, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015

on this site and so it is plausible that planning permission would be granted. Any permission could be subject to specific planning conditions to regulate matters such as hours of operation or traffic movements and so reduce adverse effects.

17. Apart from the possible reoccupation of some of the rear units by a former occupant, there is little evidence that the site would return entirely to its previous poultry processing plant use. However, while there are flaws in the viability of the appellant's 16 unit scheme, it has not been demonstrated that any alternative scheme would be unviable or that planning permission would not be granted for related operational development. As a consequence, there is a real prospect that the site would be re-used for some form of commercial or industrial development in the event that this appeal fails. Therefore, a fallback position exists albeit one that is not clearly defined in terms of the level and nature of any use or the extent of any regulation via planning conditions. The implications of the fallback position are considered in the relevant main issues that follow.

The appropriateness of the location

18. The adopted development plan insofar as it is relevant to this appeal comprises the Mid Suffolk Core Strategy Focused Review 2012 (CSFR), the Mid Suffolk Core Strategy 2008 (CS), the Mid Suffolk Local Plan 1998 (LP), and the Haughley Neighbourhood Plan 2019 (HNP). The site is located within the countryside as defined by the CS settlement hierarchy. None of the site falls within the HNP settlement boundary.
19. CS Policies CS1 and CS2, and HNP Policy HAU1 restrict development in the countryside and outside of the settlement boundary to particular categories, none of which are applicable to the development. LP Policy H7 states that outside settlement boundaries there will be strict control over new housing which should normally form part of existing settlements. The parties accept that the development would conflict with these policies.
20. The National Planning Policy Framework (NPPF) sets out the approach to rural housing in paragraphs 77 to 79. In order to promote sustainable development in rural areas, NPPF paragraph 78 states that housing should be located where it will enhance or maintain the vitality of rural communities. Opportunities for villages to grow and thrive should be identified especially where this supports local services. Development in one village may support services in another village nearby.
21. NPPF paragraph 79 seeks to avoid the development of isolated homes in the countryside unless specific circumstances apply (none of which are relevant to this proposal). The NPPF does not define isolated, but established case law² considers that it refers to dwellings that are physically separate or remote from a settlement. A very recent court judgment³ confirms that it is remoteness from settlements rather than remoteness from other dwellings that is the test to apply.
22. While Haughley Park is in residential use, it is a single standalone property in the countryside. The associated buildings support the property and the HPL business. There are no other residential properties; Park Farmhouse is only

² *Braintree DC v SSCLG* [2018] EWCA Civ 610

³ *City and Country Bramshill Ltd v SSCLG* [2021] EWCA Civ 320

used as guest accommodation for weddings and other events. As such, it cannot be reasonably argued that Haughley Park as a single property forms a settlement. The nearest settlements, Wetherden and Haughley New Street, are over a kilometre away by road or foot. Thus, the development would represent isolated homes in the countryside contrary to NPPF paragraph 79. It follows that the location, set away from existing rural communities and villages, would also be contrary to NPPF paragraph 78.

23. Concluding on the first main issue, the development would not be in an appropriate location having regard to the spatial strategy of the development plan and the approach to rural housing in national policies. Therefore, it would conflict with CS Policies CS1 and CS2, LP Policy H7, and HNP Policy HAU1, as well as with NPPF paragraphs 78 and 79.

Access to services and facilities

24. NPPF paragraph 102(c) states that opportunities to promote walking, cycling and public transport should be identified and pursued by proposals. NPPF paragraph 103 states that significant development should be focused on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes. This can help reduce congestion and emissions and improve air quality and public health. It goes on to note that opportunities to maximise sustainable transport solutions will vary between urban and rural areas which should be taken into account for decision-making. NPPF paragraph 108(a) refers to whether appropriate opportunities to promote sustainable transport modes can be, or have been, taken up, given the type of development and its location.
25. CSFR Policy FC1.1 sets out Mid Suffolk's approach to delivery sustainable development. Proposals are required to demonstrate how they meet the objectives and policies of the CS which include minimising carbon footprints and shifting towards more sustainable travel patterns.
26. The development would provide some on-site services and facilities in terms of recreational and other public open space, a building for early years/community use, and commercial/employment land. Online deliveries and home working (using the proposed superfast or ultrafast broadband) would reduce the need to travel to some extent. However, residents would still need to make off-site journeys for a variety of purposes including shopping, work, healthcare, and education. Wetherden is the nearest settlement at around 1.5km from the site. Elmswell and Haughley are around 3-4km while Stowmarket is 7-8km away.
27. Any off-site journey would require the use of the access drive. Safety issues relating to this use are dealt with separately. For pedestrians, the distance to Wetherden via the drive and a proposed footway along Haughley New Road and Park Road as far as Park View would be manageable in about 15 minutes. The new footway would provide adequate segregation from the road. However, the route would be unlit for most of the way making it less attractive outside of daylight hours. Moreover, Wetherden has few services and facilities, mostly limited to community and recreational uses that would be provided on-site.
28. An existing public footpath link from Wetherden to Elmswell allows access to a wider range of services including a primary school, shops and a train station. However, the additional distance from the site and the countryside terrain, even with proposed footpath improvements, means that walking to Elmswell

- would not be a realistic option for most people. The distance and nature of routes to Haughley are also unlikely to encourage walking either. Thus, walking as a sole mode of transport to access services and facilities seems unlikely.
29. There is an off-road cycle route to Stowmarket on the far side of Haughley New Street and journey times to the town from the site would not be unreasonable. However, to reach the off-road section, cyclists would have to travel for some distance along Haughley New Road where speeds average around 50mph. Journeys to Elmswell would also include large sections of on-road cycling with similar potential vehicle speeds. Therefore, cycling is not a realistic option either. It is evident that some employees of the previous factory use in circa 2008 walked or cycled to the site from the surrounding area. Their rationale for doing so is unclear, but the percentages involved were low.
30. Turning to public transport, Wetherden has a bus service that connects Stowmarket to Bury St Edmunds via Haughley and Elmswell. There are 8 buses on weekdays and 4 buses on Saturdays. From the site, the existing bus stop at the former public house would require walking along parts of the Park Road roadway north of Park View. However, the development would provide a diversion along Park Road and a bus stop near to the junction of Haughley New Road. The diversion would also include one bus in the early morning to Stowmarket and one bus in the late afternoon or early evening from Stowmarket entering the site.
31. The new bus stop on Park Road would be nearer than the existing Wetherden bus stop and accessible via the proposed footway. It would be within walking distance from the site, but the same issues apply as above in terms of the attractiveness of the route. Moreover, while the frequency of buses is reasonable for a rural area, it still averages less than one an hour from early morning to early evening which is unlikely to be very appealing when the 15 minute walk is also factored in.
32. Park Road is very narrow in places and has existing vehicle weight restrictions which raises concerns about its suitability as a bus route. In addition, the Park Road diversion would necessitate moving the existing public house bus stop further west on Elmswell Road. While the new location is not yet fixed, there is less space in terms of footways, verges and on-street parking compared to the existing bus stop. The relocated bus stop would be a permanent change but would represent a less satisfactory location than existing.
33. The two buses into the site on Mondays to Saturdays would mainly benefit commuters and secondary school pupils to/from Stowmarket given the timings. However, the latter would also be entitled to statutory school transport (funded for the first 5 years via the S106). Moreover, the bus would have a fairly limited capacity not aided by passengers from other stops along the route. Thus, it would only benefit a relatively small number of residents.
34. The diversion would only be funded via the S106 for 5 to 7 years. Given the likely limited patronage, the statutory requirement to provide secondary school transport, and the restrictions along Park Road, it is far from certain that the diversion would continue to be maintained by the bus operator after that. This would result in residents having to walk further into Wetherden to catch the bus. Therefore, the likelihood of public transport being used as a realistic option to access services and facilities would be low.

35. The S106 would fund a car club for 3 years with free membership for on-site residents and businesses. However, even if the funding was maintained after that, it would be a single car for 120 homes. Therefore, the car club would only provide a limited alternative. It is possible that car sharing could occur, but that would rely on vehicle occupants having the same broad destinations and timings. Electric vehicle charging points would help to reduce emissions but not the reliance on private cars. Internet infrastructure would not remove the need to travel on a regular basis. Finally, while the Travel Plan would provide for a number of measures and initiatives with the aim to reduce single occupancy vehicle journeys by 10%, it is difficult to see how it could achieve meaningful changes given the limitations of the location.
36. I acknowledge that the appellant has sought to maximise the opportunities to promote sustainable transport options in a rural location such as this. However, the above limitations means that in reality the development would not reduce the need to travel and would not offer a genuine choice of transport modes. Future occupants of the development are likely to be highly reliant on the private car to access most services and facilities, which would have negative environmental and social consequences.
37. I accept that places like Wetherden and other parts of rural Mid Suffolk are not much better than the development in terms of accessibility. People already travel by car from village to village for services and facilities. However, these are existing long-established settlements. They do not justify the creation of a new residential estate where there will be little alternative other than to drive, particularly given the emphasis in national policy towards sustainable locations.
38. The Council and the appellant agree there would be no material difference in vehicle trip rates during peak hours between the development and a resumption of the existing land use. However, the development would generate significantly more trips over a 12 hour period than the lawful use based on agreed figures (around 1,130 trips compared to 780). The parties dispute the total distance that would be travelled per week by vehicles associated with the development compared to those associated with any reoccupation of the existing factory site. I agree that trips from the development may be relatively short and only as far as nearby settlements, unlike the longer distances that would likely be travelled by commuters and heavy goods vehicles (HGVs) associated with any commercial/industrial re-use of the existing site. However, even if the overall distances travelled would be lower, occupants of the development would still be highly reliant on the private car to access services and facilities.
39. In conclusion, the development would not provide acceptable access to services and facilities. Therefore, it would conflict with NPPF paragraphs 102(c), 103 and 108(a) as well as CSFR Policy FC1.1.

Highway safety

40. HPL raised two concerns regarding highway safety. The first related to the adequacy of visibility splays at the junction of the access drive with Haughley New Road. It is now common ground that this can be addressed via a planning condition and so this concern has fallen away. However, the second concern remains regarding the use and safety of the access drive.

41. The access drive is approximately 780m from the site to Haughley New Road. The appellant has a right of way along the access drive restricted to the roadway rather than the adjoining verges or parkland. Other than the roadway being maintained in a good condition, the appellant has little influence over any improvements or alterations. Any future resident of the development could only lawfully use the roadway, even if they were on foot or bike.
42. The access drive has no speed restriction signs other than a current 15mph section closest to the factory buildings which was erected by the appellant rather than the owner of Haughley Park. The nature of the access drive with its bends and slopes means that vehicles accessing the development would be unlikely to travel at speeds as fast as Haughley New Road. Interpreted as a shared surface route, there could be some degree of self-enforcement by drivers. However, the length of the drive, its design, and the number of houses it would serve means that it would not meet the standards required of most shared surfaces by guidance documents like Manual for Streets. Drivers would be likely to travel faster than speeds within the proposed 20mph residential streets as the drive is relatively open and unrestricted.
43. Apart from a short but narrow stretch past the rear of the house at Haughley Park (where visibility is good and waiting space is provided), the width of the drive is generally sufficient for two vehicle traffic. However, it does not leave much room for pedestrians or cyclists with no road markings, street lighting, or separate footways present. Therefore, there is a risk of conflict between vehicles and other users of the drive which would be exacerbated by the time of day and weather conditions.
44. As noted above, workers accessing the factory buildings in the past walked and cycled along the drive also used by cars and HGVs. There is no known accident data and the site expanded over the years with subsequent planning permissions. The likely peak hour trip rates associated with the development would not be significantly different to a reoccupation of the existing site. However, traffic movements associated with residential use would likely be greater over a 12 hour day than any resumed use. It would also likely be more irregular than factory shift patterns, along with a greater range of road users including children, elderly and disabled people. There is also traffic associated with the events business. This means a potential greater risk of conflict throughout the week with more vulnerable users even though there would likely be fewer HGVs. Although the drive has sufficient capacity to cope with the projected increase in traffic movements, and hourly traffic flows would be considered to be low in terms of safety guidance⁴, pedestrians would be likely to meet several vehicles every time they walked along it.
45. While I have found that the access drive is likely to be less attractive to pedestrians and cyclists due to the limitations associated with accessing services and facilities, it is still likely to be used by such users for leisure outings and by some people heading to Wetherden and back. The use of an unrestricted roadway by such users, including more vulnerable groups, raises genuine highway safety concerns. The previous factory use and its potential resumption does not justify the negative effects that would arise.
46. Concluding on this main issue, the development would have a negative effect on highway safety. Therefore, it would not accord with LP Policy T10 which

⁴ RoSPA Guidelines *Assessment of Walked Routes to School*

considers the provision of safe access to and egress from the site and the suitability of existing access road in terms of the safe and free flow of traffic and pedestrian safety. The development would also not comply with NPPF paragraph 108(b) which seeks safe and suitable access to the site for all users and paragraph 110(b) which seeks to address the needs of people with disabilities and reduced mobility in relation to all modes of transport.

Existing businesses and events

47. HPL runs weddings and other events in the former barn and stable, while the wider parkland is used for major events at various times of the year as well as other outdoor events such as scout camps. Regular events have taken place since 2007 with an average of 48 weddings per year attended by an average of 120 guests per wedding. In 2019, over 31,000 people attended the major events and around 8,500 people attended other outdoor events.
48. It is estimated that the events contribute between £1.67 and £1.95 million to the local economy each year and support 33-37 full time equivalent jobs. CS paragraphs 3.109 to 3.112 note the role of tourism in the local economy. In addition to these economic benefits, the events also generate a range of social benefits. Correspondence from organisers of existing events highlight the advantages of the location in terms of its size and isolated rural feel as well as its accessibility and security.
49. NPPF paragraph 182 expects new development to be integrated effectively with existing businesses and community facilities. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant or 'agent of change' should be required to provide suitable mitigation before the development has been completed.
50. The appellant and the Council have reached broad agreement on the level of noise from weddings at the barn in relation to the proposed nearest properties. Agreement was also achieved in terms of conditions necessary to mitigate the effects of noise from the barn as well as the A14. The appellant and Council consider that noise from outdoor events would be acceptable based on the nature of such events, with less focus on live music, and their relative infrequency. The two parties also concur that any noise from live music can be controlled via mitigation and the established code of practice⁵ (known colloquially as the Pop Concert Code). HPL disagree in terms of the effects of outdoor events.
51. It is evident that the existing event licence allows for more outdoor events per year than have taken place so far. There is interest from organisations in staging additional outdoor music events and festivals due to the size and location of Haughley Park close to the A14 but sufficiently distant from housing. An existing tenancy agreement between HPL and the appellant limits large-scale music events but this is due to expire in 2027. Whether or not event attendees are able to stay overnight, the location is not so remote that it would not attract considerable numbers of people to additional events. Therefore, it is plausible that the frequency and nature of events will increase in the future.

⁵ The Noise Council Code of Practice on Environmental Noise Control at Concerts

52. The construction of housing within 500m of an outdoor event with amplified music could trigger the need for a noise limiter to be applied to amplifiers as set out in the event licence. The Pop Concert Code may also need to be applied which controls noise levels to any noise sensitive property. However, mechanical ventilation and heat recovery to properties, which is already proposed to address noise from the wedding barn and A14, is likely to mitigate noise levels internally. In terms of external spaces such as gardens, prevailing south or south-westerly winds would lessen the effect of noise, while the design of modern amplifiers and their siting can direct the music towards the audience rather than elsewhere. The estimated noise levels from larger music events (64dB), including when compared to the predicted ambient background noise levels externally (42-53dB), appear to broadly fall within the Pop Concert Code guidelines for events. Therefore, it is unlikely that outdoor events would face unreasonable restrictions in terms of noise matters.
53. However, noise is not the only consideration in terms of the effects of the development on the HPL business and events. The access drive provides the only access for events and it would also be the only access for the development. Future residents would expect to use the drive at all times, but this would conflict with vehicles travelling to and from events. This would be particularly problematic for larger events where there may be thousands of attendees and congestion onto Haughley New Road.
54. The introduction of housing and hundreds of residents would also raise safety and security issues for events, including scout camps where safeguarding is of paramount importance. The sense of rural isolation for many events would also reduce with an adjacent large-scale housing development. This could limit the attractiveness of Haughley Park for a variety of events. Modifications may need to be made by HPL to accommodate residential development, such as the moving of the scout hut from its existing location near the main house.
55. The access drive has been shared before with the previous factory use and would be shared again if such use resumed as part of the fallback position. Likewise, the previous use and the fallback position generate security and safety issues for events. However, such uses typically follows shift patterns and/or normal working hours and largely avoid weekends when events are more likely to take place. Therefore, the previous use and the fallback position do not justify the harm that the development would cause in terms of access and safety and security issues.
56. As a consequence of these issues, HPL may need to adapt to reduce or avoid conflict with future residents of the development. It is also feasible that existing events may cease and the potential for new events may be hindered. In such circumstances, the economic and social benefits these events bring would be greatly curtailed. It has not been demonstrated that the development would integrate effectively or suitably mitigate significant adverse effects.
57. In conclusion, while noise effects of the development would be largely satisfactory, there would be a negative effect on existing businesses and events having regard to other forms of disturbance and the living conditions of future occupants of the development. Therefore, the development would not accord with CSFR Policies FC1 and FC3, which seek to promote sustainable development including the importance of tourism to the local rural economy, and CS Policy CS2 which permits recreation and tourism in the countryside

amongst other things. CS Policy CS5 relates to Mid Suffolk's environment and so is not relevant to this main issue. The development would also conflict with NPPF paragraph 182 as set out above as well as paragraphs 80 and 82 which require decisions to support businesses and economic growth.

Listed buildings

Summary of policy and legal approach

58. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act) requires decision makers, when considering whether to grant planning permission, to have special regard to the desirability of preserving the listed building or its setting or any feature of special architectural or historic interest which it possesses.
59. NPPF paragraph 193 states that great weight should be given to the conservation of a designated heritage asset when considering the impact of a proposal on such an asset. This is irrespective of the level of harm. Any harm to the significance of a designated heritage asset should require clear and convincing justification based on NPPF paragraph 194. NPPF paragraph 196 states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
60. LP Policy HB1 places a high priority on protecting all buildings of architectural or historic interest, with particular attention given to protecting the setting of listed buildings. LB Policy HB7 seeks to refuse development that adversely affects parks and gardens of historic interest. Amongst other things, CS Policy CS5 seeks to maintain and enhance the historic environment. CSFR Policies FC1 and FC1.1 contain no explicit reference to heritage assets but aim to achieve sustainable development and the conservation and enhancement of local character. Last but not least, HNP Policy HAU9 seeks to conserve and enhance Haughley's historic environment.

The significance and setting of the listed buildings

61. The Grade I listed Haughley Park was built as a home for the Sulyard family in the early 17th century. It was remodelled in the 19th century and has been restored following considerable fire damage to sections of the building in the early 1960s. The house was purchased by the current owner's father in 1956 shortly before he constructed the first factory building next door. The south and stable wings were converted to offices in the early 1960s in connection with the factory business while the remainder of the house is still a family home.
62. The house is grand and imposing with much architectural consistency. Red brick is used throughout alongside contrasting stuccoed brick windows. The gables and dormer windows are crow-stepped, bay windows are crenelated, and a number of decorative chimneys and finials adorn the tiled roof. The front elevation that overlooks the formal gardens and lawns is particularly richly detailed. It is a wide elevation containing full height bay windows above and to either side of the main entrance and gable fronted north and south wings.
63. The rear elevation reflects many the details of the front elevation albeit more understated. It faces onto the access drive and is the first part of the building seen on the approach to the site. The south elevation of the south wing echoes the same features of the front elevation. The wing contains surviving fabric

from the 17th century including the Justice Room with its fine wood panelling and fireplace. The stable wing is plainer internally and externally and was added to the rear of the south wing in the 19th century. The south and stable wings, including the Justice Room, look directly at the site and its buildings. The stable wing encloses a courtyard with a pair of 19th century stable blocks. Brick and flint rubble walls surround the house and gardens, forming part of the listed building designation.

64. To the south-east of the house is the Grade II listed former barn/stable and the 19th century Park Farmhouse that host events and guest accommodation respectively. The stable dates from the late 16th century and is timber framed and plastered. The barn dates from the early 17th century and is brick with timber panelled gables and a pantiled roof. There is a fine timber roof structure visible internally.
65. The significance and special interest of Haughley Park and the former barn/stable are greatly informed by their architectural and historic details. For Haughley Park, this relates to its role as a large and grand country house that has been remodelled and adapted over the centuries. For the former barn/stable, this relates to its function as an ancillary structure to the house but also from its materials and construction. The significance of both listed buildings is also informed by their setting.
66. The house was designed to be seen in approaches from the north and west across the parkland as well as from the formal gardens and lawns to the east. These surroundings survive and so make a strong positive contribution to the significance of the house as part of its setting. The southern aspect of the house is less visible from the parkland or formal gardens. It has long been the more functional element with former stables and other spaces that are now used as offices and outbuildings for the running and maintenance of the estate and HPL's events business. The walled kitchen garden, 19th century stables and farmhouse, and the Grade II listed barn/stable all make a positive contribution to the significance of the house given their architectural and historic details and the role in supporting the house. The setting of the former barn/stable is focused on the formal gardens of the house, as well as other historic structures including the house, which contribute positively to its significance.
67. The site lies within the setting of both listed buildings. Squire's Piece in the west of the site is a grass field with some mature trees. It is a rather isolated green space with bunds and vegetation along all sides. Nevertheless, it represents a remnant area of parkland and so makes a minor positive contribution to the significance of Haughley Park in terms of its setting.
68. The factory buildings are located on what was a derelict orchard and fields to the south of the listed buildings that appear to have always been beyond the formal parkland landscape. The first factory building was built in the late 1950s as an egg and poultry packing station and has a timber hyperbolic paraboloid roof and brick tower (hereafter referred to as the HP building). The later extensions and additional factory buildings include large steel framed structures clad in brick and metal sheeting. They stretch across the southern part of the factory area surrounded by large areas of hardsurfacing. A double-stacked portacabin structure adjoins the factory entrance nearest to the listed house.
69. Most of the factory buildings are nondescript and utilitarian with little architectural merit. However, the HP building was designed by the architectural

- practice Johns, Slater and Haward who were also responsible for the Grade II listed Sprites Primary Academy in Ipswich built around the same time with a similar roof structure. The academy is listed for more reasons than its roof, but it is noted as an innovative feature. While the HP building is not the same construction as the academy, the roof structure is of some architectural and historic interest as a different approach to factory design. It allows the building to be relatively low key in terms of its height having regard to the listed house and contributes to overall visual interest.
70. The proximity of factory buildings to a Grade I listed country house is very unusual. However, the HP building was constructed around the same time that part of Haughley Park was converted to offices in connection with the packing station. It is submitted by HPL that the factory business helped to support the upkeep of the house which by the 1950s had fallen into some disrepair. There is no conclusive evidence either way on this point, but nevertheless it is clear that the factory was located on the functional side of the house and was associated with it. Thus, the HP building and the associative links of the factory use provide a minor positive contribution to the significance of the house.
71. The factory area is remarkably well-screened from large parts of the Haughley Park estate thanks to vegetation and earth bunding along the northern and eastern boundaries. Even in winter months, the buildings are hard to spot from the access drive and parkland until one reaches the narrow stretch of drive past the rear elevation of the listed house where the portacabins come into view. The buildings are largely hidden from the formal gardens in front of the house and around the former barn/stable. They cannot be seen in views from the front and rear elevations of the house.
72. From the south side of the house, including the Justice Room and stable wing as well as the courtyard, one can see the roof and brick tower of the HP building and, depending on the height of the viewpoint, the more recent buildings behind. The view of the HP building including the brick tower is not unpleasant and the more recent factory buildings are less apparent in the background. Furthermore, given the historic functional association of the factory area with the house, the negative effect on views from the south side is only minor.
73. The portacabins are dilapidated and particularly unsightly especially in views along the drive to the factory entrance as well as views towards the house from within the factory area. Further within the factory area and from the adjoining Squire's Piece, the existing factory buildings hamper views of the house. As a consequence, this results in negative effects on the significance and setting of Haughley Park.
74. The traffic generated by the previous factory use, including HGVs, would have had a marked negative effect on the significance and setting of the listed buildings in terms of noise and disturbance. This would occur again under the fallback position along with operational effects. The extent of any changes to buildings under the fallback position is unclear, but if largely retained as currently configured the visual effects would be broadly similar to now.
75. The site's functional associations, the HP building and Squire's Piece all represent positive elements. The effective screening and lack of views from much of the house and former barn/stable are neutral elements. The poor appearance of the site and most of its buildings has some negative effect on

views, while the traffic and operational elements are negative factors. On balance, the existing site results in a minor negative effect on the significance of the listed buildings.

The effect of the proposed development

76. The scale, internal access and layout, appearance, and landscaping of the development would all be addressed at the reserved matters stage. However, it is plausible that the new housing and commercial space would be concentrated on the current factory area as indicated by the illustrative masterplan and land use parameter plan.
77. The development would remove all of the existing structures and could strengthen planting along the boundaries nearest to the listed buildings. The houses are unlikely to be as large or tall as the factory buildings and their general appearance and design could be sympathetic to the existing historic buildings. The new buildings would likely be mostly hidden from the parkland by existing bunds and trees and would not be seen from the former barn/stable or the front and rear elevations of the house. Planting would also likely screen most of the buildings from the south side of the house. Thus, the development would have a limited negative visual effect from the house and the former barn/stable.
78. However, even without significant visual effects, the predominant character would be a residential estate with a large number of separate properties rather than a commercial/industrial site that is far more likely to remain in a single use or single ownership via a landlord. The functional association of the factory site with the house would be lost, along with the architectural and historic interest of the HP building. Squire's Piece could become a more formal recreation and play space along with the addition of an early years building, eroding its current parkland qualities. The development would be detached and fragmented from the listed house in a physical, functional, and associative sense and so would result in harm to its significance.
79. Residential use would generate vehicle trips similar to a reoccupied use during peak hours, but significantly more trips over a 12 hour period. There would be fewer HGVs, but traffic would occur at any time throughout the week rather than just following shift and delivery patterns. Therefore, there would be a marked negative effect on the listed house from traffic movements.
80. According to HPL, the income generated from its events business goes towards the upkeep of the listed buildings and other parts of the estate. It is possible that negative effects on this business could result in less money being made available to maintain the buildings and wider estate. While I have been provided with a list of recent repair and restoration projects and their costs, the evidence before me does not show a direct link between any loss of income and the ability to carry out such projects. Therefore, it is not possible to say that the development would cause particular harm in terms of building and estate conservation.
81. Nevertheless, the development would cause harm to the significance of the listed buildings, primarily in terms of the house. While the harm would be less than substantial, it would still be significant due to the erosion of the functional associations and the loss of the HP building, the change in character to

residential and the fragmentation of the use and land ownership, and the traffic movements. Therefore, NPPF paragraph 196 is engaged.

The public benefits and the heritage balance

82. With the exception of the HP building, the removal of all of the factory buildings would represent a visual benefit. This would be significant in terms of the portacabins. However, due to the limited visual effect of the other factory buildings from the house and parkland, I attach only moderate weight to this heritage benefit. The reduction in HGVs would also be a heritage benefit, but given the overall traffic increase it only carries moderate weight.
83. There would be some broader environmental enhancement from the removal of factory buildings and the introduction of more green spaces and landscaping. Removal of any contaminated materials would also represent a benefit although the extent and severity of any pollution is not clear. I attach moderate weight to both benefits.
84. The potential introduction of a community orchard would provide some environmental and social benefits and be close to the location of the earlier orchard. However, it would be a relatively minor feature and so only modest weight can be attached to this benefit.
85. A large area of PDL would be redeveloped for housing which is encouraged in national and local policy terms. However, NPPF paragraph 117 refers to the need to balance this against safeguarding and improving the environment and ensuring safe and healthy living conditions. NPPF paragraph 118(c) refers to appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land. While NPPF paragraph 121 advocates a positive approach to alternative uses of PDL, I have found that the proposed residential development would create adverse effects in all of the other main issues above and so this could not be described as appropriate. Therefore, only limited weight can be given to any PDL benefits.
86. The introduction of 120 houses would represent a benefit mindful of the need to increase housing. However, Mid Suffolk can currently demonstrate a 5 year housing land supply and so this benefit carries no more than moderate weight. There would be economic benefits from the development in terms of construction and local spending by new residents. However, the site is already able to generate economic benefits and employment from its lawful use which would cease if permission was granted. Moreover, the development would have negative economic effects on HPL's events business. Therefore, these economic benefits can be afforded no more than moderate weight.
87. In terms of the S106, most of the obligations are intended to mitigate the effects of the development in education or highway terms. The diversion of the bus route and new bus stop is intended primarily to assist new residents rather than improve existing provision. Open space and other community facility provision would largely only benefit new residents too. I have little information on payments via the Community Infrastructure Levy (CIL) but based on consultation responses these are likely to mitigate impacts rather than provide actual benefits. Therefore, I give little weight to the contributions that would be received via the S106 and CIL.

88. The provision of a footway along Haughley New Road would generally only assist future residents rather than existing pedestrians. It is unlikely to be greatly utilised in any case for the reasons given above. The improvements to the public footpath between Elmswell and Wetherden cover relatively small sections. Moreover, given the distance from the site, they are likely to only benefit existing users. Thus, these provisions carry limited weight as benefits.
89. While there would be a number of public benefits, including the removal of existing buildings, they would be insufficient to outweigh the significant (less than substantial) harm to the listed buildings. As such, the clear and convincing justification for the harm would not be provided. The development would neither preserve nor enhance the listed buildings or their settings, which is a finding that carries considerable importance and weight in my decision.
90. The Council did not include a heritage reason for refusal in its previous decision for 149 homes on this site. During the application stage for this development, the Council's conservation officer and a heritage consultancy appointed to review the proposal considered the heritage effects would be acceptable. Elements of the Council's case have only become apparent during the appeal process. However, the Council has set out and evidenced its position on heritage matters which I have found to be compelling. It is a matter of professional judgment and so the views expressed by the Council and others at an earlier stage have had little bearing on my decision.

Conclusion on listed buildings

91. The development would have a harmful effect on the significance of the listed buildings through change within their setting that would not be outweighed by the public benefits. Therefore, it would be contrary to LP Policy HB1, CS Policy CS5, CSFR Policies FC1 and FC1.1, and HNP Policy HAU9. As the focus has been on the listed buildings rather than the parkland itself as a distinct heritage asset, LP Policy HB7 is of little relevance. The development would also be contrary to NPPF paragraphs 193, 194 and 196 and conflict with Section 66(1) of the LBCA Act.

Planning balance

92. NPPF paragraph 11(d) states that where there are no relevant policies, or the policies which are most important for determining the application are out of date, planning permission should be granted unless one of two exceptions apply. The first is the application of NPPF policies that protect areas or assets of particular importance (including designated heritage assets as clarified in footnote 6) provide a clear reason for refusing the development. The second is any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole (also known as the tilted balance).
93. The statement of common ground between the appellant and the Council lists the most important policies as HNP Policies HAU1 and HAU9, CSFR Policies FC1 and FC1.1, CS Policies CS1, CS2 and CS5, and LP Policies H7, HB1 and HB7. The two parties accepted HPL's submission that LP Policy T10 should also be regarded as a most important policy.
94. The above CSFR, CS and LP policies pre-date the current NPPF. While they are not automatically out of date due to their age, NPPF paragraph 213 says that

due weight should be given to them based on their consistency with the NPPF. I have had regard to previous Mid Suffolk appeal decisions⁶ which have addressed these policies and the issue of datedness to varying degrees. The HNP does not predate the current NPPF but it is still appropriate to assess its consistency with the NPPF.

95. Policies CS1, CS2, H7 and HAU1 address the location of housing within the district and the neighbourhood plan area. The protection of the countryside from market housing goes beyond the more balanced approach in NPPF paragraph 78. However, as set out above, NPPF paragraph 79 seeks to avoid isolated homes in the countryside unless specific circumstances apply. None of the sites in the aforementioned appeals were said to be in isolated locations, unlike this site where it would be. To my mind, there is no inconsistency between NPPF paragraph 79 and Policies CS1, CS2, H7 and HAU1 in seeking to avoid isolated homes. In addition, Policies CS1 and CS2 allow for affordable housing and rural exception sites consistent with NPPF paragraph 77.
96. On the other hand, none of the above 4 policies refer to the use of PDL for housing as advocated by Section 11 of the NPPF. The NPPF does not rule out such development in countryside locations. The categories in Policy CS2 are not a closed list and the development plan contains PDL targets. However, none of the policies indicate that the development of PDL for housing in countryside locations is possible. This means the policies are inconsistent with the NPPF on this issue.
97. As for the heritage-related policies, the aforementioned appeal decisions have differed on whether Policies CS5 and HB1 are consistent or not. It is clear that they do not follow the precise wording of the NPPF or refer to the need for a heritage balance. However, the NPPF places great weight on the conservation of heritage assets and their irreplaceable resource. Therefore, I consider that they are consistent with the NPPF. The same conclusion can be reached for Policy HAU9 given its wording. Conversely, Policy HB7 directs refusal of any adverse effects which goes beyond the NPPF.
98. Policy FC1 is based on the 2012 version of the NPPF and does not reflect paragraph 11 of the current NPPF. However, it remains broadly consistent with the presumption in favour of sustainable development. The approach of Policy FC1.1 to conserving and enhancing local character is broadly consistent with the NPPF. LP Policy T10 is consistent with Section 9 of the NPPF including the need to secure safe and suitable access.
99. Of the 11 most important policies, one (Policy HB7) is clearly inconsistent with the NPPF and so is out of date, although it has little relevance in this case. 4 policies (CS1, CS2, H7 and HAU1) are inconsistent with the NPPF in terms of the approach to PDL but are consistent when it comes to isolated homes in the countryside. On balance, I consider that they are not out of date in the context of this appeal. The remaining 6 policies are consistent and can be regarded as up to date. Therefore, I consider the most important policies, when taken as a whole, are not out of date.
100. Even if I were to conclude that these policies as a whole were out of date, I have found that the application of NPPF paragraphs 193, 194 and 196 in relation to designated heritage assets provides a clear reason for refusing the

⁶ 3194926 (Woolpit), 3209219 (Bacton), 3214324 (Poplar Hill), 3239632 (Stonham Aspal), 3215534 (Eye)

development. There is no need to go on and consider the tilted balance. Therefore, NPPF paragraph 11(d) does not direct me towards the grant of planning permission.

101. The benefits of the development have been set out above in the heritage balance and carry no more than moderate weight overall. In contrast, the development would not be in an appropriate location having regard to the development plan as well as national policy which seeks to avoid isolated housing in the countryside. The development would not provide acceptable access to services and facilities. It would have a negative effect on highway safety and on existing businesses and events. It would result in less than substantial but significant harm to the significance of listed buildings through change within their setting. It is unusual that the reasons for refusal have increased since the first application, but the adverse impacts arising from all of the above main issues are considerable and clearly outweigh the benefits.
102. There is a real prospect that a form of industrial or other commercial use could resume at the site as a result of this appeal failing. This would cause harm in terms of traffic movements and the retention of existing unsightly buildings. However, without a clear fallback scheme, it is not possible to say that any re-use would be more harmful than the development, particularly if adverse effects like transport can be alleviated via the planning process. Therefore, the fallback position does not justify this development.
103. Concluding on the planning balance, the development would be contrary to CSFR Policies FC1, FC1.1 and FC3, CS Policies CS1, CS2 and CS5, LP Policies H7, HB1 and T10, and HNP Policies HAU1 and HAU9. It would also conflict with a number of NPPF paragraphs. Having considered the benefits of the development and the fallback position, there are no material considerations that indicate that planning permission should be granted on this occasion.

Conclusion

104. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR

APPEARANCES

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INTERESTED PARTIES WHO SPOKE AT THE INQUIRY

Peter Dow	Clerk, Elmswell Parish Council
Gerald Brown	Haughley Parish Council
Alf Hannan	Chairman, Haughley Parish Council
Thirza Shaw	Councillor, Haughley Parish Council
Keith Welham	Councillor, Mid Suffolk District Council
Rachel Eburne	Councillor, Mid Suffolk District Council
Diarmaid MacCulloch	Emeritus Professor of the History of the Church University of Oxford
Chris Harcourt	Chair, Wetherden Parish Council
Richard Stacy	Chair, 1 st Wetherden and Haughley Scout Group
Luke Barber	Suffolk County Council

INQUIRY DOCUMENTS

- ID1 Appellant's opening statement
- ID2 Council's opening statement
- ID3 HPL's opening statement
- ID4 Statement by Alf Hannan
- ID5 Statement by Keith Welham
- ID6 Statement by Diarmaid MacCulloch
- ID7 Statement by Gerald Brown including the definitive footpath map as at 05.07.19 for Haughley
- ID8 Statement by Chris Harcourt
- ID9 Statement by Rachel Eburne
- ID10 Land Use Parameter Plan P18-0128_11-01 Rev B
- ID11 Landscape Strategy Drawing KL-373-001 Rev B
- ID12 Draft Section 106 agreement dated 26.01.21
- ID13 Appeal decisions APP/Q3115/W/20/3249052 and 3249055 (Wallingford)
- ID14 Extract from IHT guidelines *Providing for Journeys on Foot* (page 49)

- ID15 Email instructions to Roy Lewis from Mid Suffolk District Council
- ID16 Draft conditions schedule V7
- ID17 Comments from HPL on draft conditions
- ID18 Trip generation clarification from HPL
- ID19 Representation from Frederick R Cooke (local resident)
- ID20 Representation from Mr and Mrs Steggles (local residents)
- ID21 Draft Section 106 agreement dated 29.01.21
- ID22 Representation from Mervyn Evans (local resident)
- ID23 Representation from Roger Tombs (local resident)
- ID24 Representation from Helen and Simon Plummer (local residents)
- ID25 Updates to Appendix CMR-C of Craig Rawlinson's proof of evidence
- ID26 Briefing note prepared by Rupert Lyons in response to ID25
- ID27 Draft conditions schedule V7 with reasons for each condition
- ID28 List description for Sprites Primary Academy, Stonechat Road, Ipswich
- ID29 Court of Appeal judgment *Gladman v Secretary of State for Housing* [2021] EWCA Civ 104
- ID30 Section 2.7 (Transport) of Mid Suffolk Local Plan 1998
- ID31 Letter from Suffolk County Council dated 17.02.21 regarding a highway contribution
- ID32 Completed and executed Section 106 agreement dated 22.02.21
- ID33 Agreed summary of legal authorities
- ID34 HPL's closing statement
- ID35 Council's closing submissions
- ID36 Appellant's closing submissions

DOCUMENT RECEIVED AFTER CLOSE OF INQUIRY

1. Court of Appeal judgment *City and Country Bramshill Ltd v SSCLG* [2021] EWCA Civ 320