



Appeal Decision

Site visit made on 14 December 2020

by E Brownless BA (Hons) Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: Wednesday, 21 April 2021

Appeal Ref: APP/D3505/W/20/3255157

Land South West of Vale Lane, Kersey Easting 599625 Northing 243396

- 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 R C Partridge Will Trust against the decision of Babergh District Council.
 - The application Ref: DC/20/01266, dated 25 March 2020, was refused by notice dated 8 June 2020.
 - The development proposed is described as 'the erection of up to 8no. dwellings with parking and access from a new shared driveway with a single access to Hall Road (resubmission of DC/19/01834)'.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal is submitted in outline with all matters reserved for future consideration. Plans have been submitted showing the proposed siting and layout of the dwellings together with the proposed means of access. I am advised that these are indicative only and accordingly I have considered the appeal on this basis.

Main Issues

3. The main issues are:-
 - i) the effect of the proposed development on the character and appearance of the area, including the landscape; and
 - ii) the effect on the significance of heritage assets, in particular, the setting of the Kersey Conservation Area.

Reasons

Character and appearance

4. The appeal site is a roughly rectangular shaped parcel of agricultural land that forms part of an expansive group of fields that abut the urban edge of the settlement of Kersey. Fields are defined by mature hedgerows punctuated with trees within a gently rolling landscape. To one side, the appeal site is bordered by residential development on Vale Lane. The site's front boundary is defined by hedgerow which fronts onto Hall Road, a narrow rural lane characterised by tall and mature hedgerow. A children's play area and playing field are positioned on the opposite side of Hall Road beyond mature vegetation together with the rear garden of The Old Vicarage.

5. The appeal site lies within an area designated as a Special Landscape Area within the Babergh Local Plan (2006)(LP) and it is identified as consisting of Ancient Rolling Farmland topography within the Suffolk Landscape Character Assessment. It is described as a rolling arable landscape dissected widely by river valleys and characterised by a field pattern of ancient random enclosure, scattered ancient woodland parcels and a network of winding lanes and paths. The Guidance Note for Ancient Rolling Farmlands highlights key forces to change to the landscape character type and it recognises that settlement expansion erodes the characteristic form and vernacular styles.
6. The appellant has submitted a landscape and visual impact appraisal (GLVIA) in support of the proposal. Whilst it confirms that the report is informed by *Guidelines for Landscape & Visual Impact Assessment*, it does not pertain to be a formal landscape visual impact assessment, rather, it sets out the primary landscape and visual factors relating to the development proposed. There is limited analysis of existing landscape features and its condition.
7. Even so, the GVIA acknowledges that the rolling land-form retains a historic rural character, despite loss of hedgerows due to field amalgamation which has given rise to an exposed feeling with extensive views over open arable land. It assesses the wider landscape as fields punctuated by blocks of woodland and subdivided by remnant hedgerows, together with linear groups of trees growing along watercourses within the small valleys. From my own observations, I would agree with this assessment. I consider the appeal site makes a positive contribution to the rural landscape and together with its wider surroundings it forms part of an attractive valley landscape with a gentle rolling topography.
8. The urban edge of Kersey and in particular, the dwellings along Vale Lane play a modest role, however by reason of their modest scale and height together with screening from vegetation along their rear boundaries, those dwellings do not dominate the site to any great extent nor undermine the site's tranquillity. The local landscape remains largely intact and unspoilt, and its elements are in good condition. I consider than the site has considerably more affinity with the surrounding countryside than with the adjacent dwellings.
9. Although the proposal would seek to retain the existing hedgerow along its front boundary and include additional planting along new boundaries, the erection of upto eight dwellings with parking areas and domestic paraphernalia on this currently open and undeveloped field together with the widening of Hall Road would result in a significant urbanisation of the appeal site and this part of the highway.
10. Large sections of hedgerow would be removed to facilitate vehicular and pedestrian access, in particular, to accommodate visibility splays and highway widening. Although replacement planting is proposed I am not persuaded that the additional planting, even once it has become well-established over time, would be fully effective in screening or mitigating the impact of the development, even if dwellings were to be constructed as single storey buildings. In winter months, when vegetation is less dense, the dwellings would inevitably become more obvious. Moreover, because of the appeal site's position towards the ridge of the valley, any landscaping, no matter how extensive or how well managed, would not be particularly effective in screening or mitigating the impact of the development in longer range views from the south.

11. Whilst the scheme is presently in outline form with details regarding layout and siting to be considered at a future date, it appears likely that the scheme would present as a ribbon pattern of development along Hall Road. Albeit ribbon patterns of development are present within the locality, the arrangement of the scheme in an east-west alignment would be significantly at odds with the prevailing north to south arrangement of the village.
12. The proposed scheme would project no further along Hall Road than the extent of the recreation ground. However, the appeal scheme's significant urbanising impact would be the antithesis of the open and rural character of the recreation ground, the narrow country lane and the wider rural area. It would not 'round off' the village and as a result of its pattern of alignment jarring with the prevailing pattern of development, it would have a sense of feeling detached from the village.
13. The appeal site would be readily visible to highway users along Vale Lane, visitors to the recreation area and neighbouring dwellings from where the proposed dwellings would be perceived as prominent features and would be viewed as prominent features and a harmful encroachment and unwelcome intrusion into the wider countryside.
14. In wider views, although at a distance and within a context of a larger panorama, there are nonetheless clear views of the appeal site. In views from the south the site is conspicuous and covers a sizeable expanse of land towards the valley ridge that contributes to the wider landscape of gently rolling land and the setting of Kersey. The development would be seen as significantly expanding the urban edge of the settlement and in terms of visual intrusion, built development over this significant swathe of rural land would significantly harm this attractive landscape.
15. It is suggested that the appeal site should be regarded as an area adjacent to, and forming part of the built development of Kersey. However, the site is not well contained, and there are extensive views of it from the wider landscape, including from the other side of the valley. Notwithstanding a backdrop of trees and vegetation, the proposed dwellings would be seen as a significant projection and encroachment into the open countryside thus destroying its open and rural character.
16. Accordingly, I find that there would be a significant adverse effect upon the character and appearance of the rural landscape and the village. Thus, the proposal would conflict with Policies CN01, CS11 and CS15 of the Babergh Core Strategy (2014)(CS) and LP Policy CR04. Among other things, these policies require well-designed development that is appropriate in size, scale, layout and character to its setting and to the village.

Conservation Area

17. The tip of the corner of the appeal site abuts the boundary of the Kersey Conservation Area (CA). The CA includes the entire settlement of Kersey except for the 20th century residential development along Vale Lane. In terms of its plan form and layout, Kersey is a predominantly linear village built upon a strong north to south axis. It possesses a distinct and contained character. The open and rural fields that surround the village are an important component of its character and its rural setting.

18. The appeal site makes a positive contribution to the setting and significance of the CA because it forms part of the rural hinterland surrounding the village. This relationship can be seen from various points outside of the CA where the appeal site and CA are visible together. In particular, the site is prominent in views along the highway on approach from the west and in views from the south. In longer range views, the observer would be viewing Kersey and its associated CA as a rural settlement within the wider countryside, along with the more recent residential development on Vale Lane.
19. As described above, I have concluded that the proposed development into open countryside would have a seriously harmful effect on the rural landscape. The scheme would enlarge the expanse of more recent development on the southern edge of the village. The scheme would encroach into the countryside and reduce its open countryside setting.
20. In terms of nearby statutorily listed buildings, the Council have identified the Grade I listed Church of St Mary. The appeal site forms part of the wider setting of the listed building and its undeveloped rural character reinforces the building's sense of isolation within the countryside. To that extent, the appeal site contributes to its significance.
21. I accept there would be a measure of change to the wider setting of the listed building, however, due to the distances involved and intervening built form and vegetation this minimises the impact on the listed building such that there would be a neutral effect on the heritage asset.
22. Overall, due to the appeal site's prominence, it would have an erosive and harmful effect on the character and appearance of the CA. Therefore, it follows that the proposal would erode the established character of the CA and so would fail to preserve or enhance its character or appearance. It would conflict with CS Policies CS11 and CS15 and LP Policy CN08 insofar as these policies require the preservation or enhancement of the character of the conservation area or its setting.
23. The harm identified would amount to "less than substantial harm" and accordingly, paragraph 196 of the National Planning Policy Framework (the Framework) provides for a balancing exercise to be undertaken between "less than substantial harm" to the designated heritage asset and the public benefits of the proposal.
24. In support of the scheme, the appellant has submitted a housing needs assessment report. The Council's Officer Report comments that it is not a comprehensive assessment of local housing need but accepts that it is sufficiently robust to show that there is some requirement for additional dwellings within Kersey. In this respect, the proposal would accord with the aims of CS Policy CS18 which states that the mix, type and size of the housing development will be expected to reflect established needs in the Babergh district. The proposal would generate up to eight additional dwellings to support housing need within Kersey. It would add to the mix and choice of housing, is capable of being built out quickly.
25. Services and facilities within Kersey include a primary school, public house, recreational and community facilities. In addition, I am advised of the existence of a nearby bus stop and the appeal site's proximity to Hadleigh which provides an extensive range of services and facilities. In these circumstances, future

occupants of the proposed dwellings would have some access to day to day services within the village and nearby settlements. Consequently, future occupants would provide economic support for local services and facilities. Although a temporary benefit, economic benefits would arise during the construction phase.

26. However, given the scale of the proposed scheme, I find that the totality of the associated public benefits arising from up to eight additional dwellings would be limited and would not outweigh the harm I have identified above and to which I attach great weight. Consequently, the proposal would also fail to comply with national policy outlined in section 16 of the Framework which seeks to conserve and enhance the historic environment.

Other Matters

27. The proposed combined use of appropriate materials and colourings would not sufficiently reduce the impact of the proposed dwellings to overcome the harm I have found above.
28. The inclusion of renewable technologies, environmentally friendly materials and sustainable construction techniques would be a benefit weighing in favour of the proposal. However, there is limited information before me concerning the detail of those measures and therefore I attribute this matter limited weight. The provision of additional planting to improve biodiversity would be a limited benefit of the proposal.

Planning Balance

29. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. The Framework states that a proposal should be considered in the context of the presumption in favour of sustainable development. This is defined by the economic, social and environmental dimensions and the interrelated roles they perform. The Council accept that the blanket approach advocated by CS Policy CS2 to restricting development outside of the settlement boundary is in conflict with the balanced approach advocated by the Framework. As such, this is sufficient to engage Paragraph 11 of the Framework.
30. Paragraph 11 of the Framework requires permission to be granted where the development plan policies which are most important for the determination of the appeal are out of date, unless the application of Framework policies that protect areas or assets of particular importance, including designated heritage assets, provide a clear reason for refusal (footnote 6).
31. I have concluded that the proposal would result in 'less than substantial harm' to a designated heritage asset which would not be outweighed by the public benefits of the scheme. This harm carries considerable weight and amounts to the requisite clear reason to dismiss this appeal, in terms of Framework Paragraph 11d(i). In my judgement, the adverse impact by way of the less than substantial harm to the significance of a designated heritage asset in this case would alone justify dismissal of the appeal.
32. Furthermore, it is also appropriate to take into account other harm I have identified. The scheme would cause significant harm to the character and appearance of the area and the rural landscape. This is a matter to which I attribute significant weight. To my mind, there are no material considerations

of sufficient weight to outweigh the harm identified and the conflict with the development plan.

Conclusion

33. For the reasons given above, the appeal is dismissed.

E Brownless

INSPECTOR