
Appeal Decision

Site visit made on 12 April 2021

by H Butcher BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 June 2021

Appeal Ref: APP/F3545/W/19/3240453

White Horse Inn, Newmarket Road, Risby IP28 6RD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Harris against West Suffolk Council.
 - The application Ref DC/19/0454/FUL, is dated 31 January 2019.
 - The development proposed is the erection of residential dwellings (Class C3) comprising; six 2-bed dwellings with associated landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the application was made St Edmundsbury Borough Council and Forest Heath District Council have been replaced by West Suffolk Council. The banner heading above therefore reflects this change.
3. Although the reason given for the appeal on the appeal form was a failure on the part of the Council to give notice of its decision within the appropriate period because of a dispute over provision of local list documentation, the appellant has since clarified that this is, instead, a case where the Council failed to give notice of its decision within the appropriate period on an application for permission or approval. My banner heading therefore also reflects this point of procedure.
4. Linked to this appeal was an appeal against a failure to determine an application for listed building consent for the proposals set out in the banner heading above¹. However, as set out in S.7 of the Planning (Listed Buildings and Conservation Areas) Act 1990 listed building consent is only required for any works for the demolition of a listed building, or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest. The proposal would not involve any such works and consequently, as confirmed by the Council, listed building consent is not required. The linked appeal has subsequently been withdrawn and my determination therefore only relates to this appeal.

¹ APP/F3545/Y/19/3240454

Main Issues

5. As previously stated, this is an appeal against non-determination. The Council have set out in their statement its objections which would have constituted the reasons for refusal, had it been in a position to determine the application. On this basis the main issues are:
 - The effect of the development on the setting of the White Horse Inn which is Grade II listed, and;
 - Whether the site is a suitable location for housing having regard to local planning policy.

Reasons

Setting of listed building

6. The White Horse Inn is a Grade II listed 19th Century coaching inn with earlier flanking wings dating from around the 17th and 18th Centuries. Its architectural form, which contributes to its significance, can be appreciated from the land immediately surrounding it. There is little before me as to the historic use of this land, which forms the appeal site, but in the absence of any evidence to the contrary, it is reasonable to assume it was historically amenity land used in connection with the inn given its close proximity and siting to the rear of this property.
7. The appeal site therefore falls within the setting of The White Horse Inn. That the appeal site forms land historically associated with the inn means it makes a contribution to the significance of the listed building. Its close proximity to the listed building also means it falls within the immediate environs within which the architectural significance of The White Horse Inn can be appreciated.
8. The proposal would enclose the rear of The White Horse Inn with new housing development and its associated infrastructure. A long access road would encircle the listed building and significant lengths of parking would stretch both across much of the rear and down one side of it. The block plan for the permission to convert the White Horse Inn to residential conversely shows much larger areas of planting and gardens and less access road and parking space.
9. The proposal would therefore have a detrimental impact on the setting of The White Horse Inn, detracting from the heritage asset and cluttering the environs in which its significance can be appreciated. The proposal would consequently result in conflict with the relevant provisions of Policy DM15 of the Joint Development Management Policies Document (February 2015) (DMPD) which specifically requires new development to respect the settings of listed buildings including inward and outward views.
10. The harm I have found would be 'less than substantial' for the purposes of para 196 of the National Planning Policy Framework (the Framework). As per para 196 any such harm should be weighed against the public benefits of the proposal.
11. Clearly the proposal would result in additional housing which would add to local housing supply and there would be economic benefits associated with this. These benefits are modest given the scale of development. I am told the site

was previously an area of overgrown scrub interspersed with derelict buildings, fences and mobile homes. At the time of my site visit this had been largely cleared. Furthermore, existing parking to the front of the listed building is to be removed and landscaped. Broadly speaking the development would be an improvement to the current condition of the site. However, this would only constitute a very modest benefit given the overall harm I have identified above. The development would provide a form of barrier between the listed building and the A14 to the south. However, more sympathetic methods of screening could be used such as acoustic fencing and planting. Consequently, I also give this benefit modest weight.

12. These benefits, even taken together, would only carry moderate weight at best and would not be sufficient to outweigh the harm to the setting of The White Horse Inn that I have identified, particularly given such harm is to be given considerable importance and weight.

Suitable location

13. The White Horse Inn and the land associated with it sits on Newmarket Road and falls outside of any defined settlement boundary, in the countryside, as defined by the development plan for the area.
14. Policy DM5 of the DMPD seeks to protect the countryside from unsustainable development. As set out in the Framework at para 78, to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. To that end this policy sets out the circumstances where new development will be permitted in the countryside. These include development in accordance with Policy DM27 which permits small scale residential development of a small undeveloped plot subject to two criteria.
15. The first of these is that the development is within a closely knit 'cluster' of 10 or more existing dwellings. Presently to the west of the White Horse Inn are five existing dwellings. Therefore, the development would not be within a closely knit 'cluster' of 10 or more existing dwellings. There are some other non-residential buildings in the vicinity of the appeal site but for the purposes of Policy DM27 it is dwellings that are to be counted in any deemed 'cluster'.
16. Turning to the second criteria Policy DM27 says that the scale of development should consist of infilling a small undeveloped plot by one dwelling or a pair of semi-detached dwellings commensurate with the scale and character of existing dwellings within an otherwise continuous built up frontage. The proposal before me is for six dwellings in two short terraces located to the rear of The White Horse Inn. This is not one dwelling or a pair of semi-detached dwellings as specified by the policy. The existing dwellings along this stretch of Newmarket Road are also predominantly detached and front onto the highway. Therefore, the proposal would also not be commensurate with the scale and character of existing dwellings.
17. I accept the development was designed to appear subservient to the inn in the style of converted stabling. However, there is no historic evidence before me of any such former use of this land or that buildings of a similar scale and arrangement to that proposed were previously in-situ.

18. The appeal site has permission for the change of use of the public house to four flats and two houses. However, these dwellings are not all currently in existence, as required by Policy DM27. I note the appeal decision at The Rose and Crown, Stanton² where an extant permission and non-residential buildings were taken into account in considering whether a 'cluster' existed. However, I do not have full details of that appeal before me to be able to draw any meaningful comparisons with this case, and each application and appeal must be determined on its own planning merits. In that appeal I do, however, note the proximity of the site to Stanton was a material consideration in the Inspector's deliberations. In this case, however, I find a clear conflict with Policies DM5 and DM27 and, as a result, that the appeal site is not a suitable location for housing.

Overall planning balance

19. The harm I have found to the setting of The White Horse Inn is not outweighed by public benefits. I have also found harm insofar as the proposals conflict with the development plan and consequently the appeal site cannot be considered to be a suitable location for additional housing. Therefore, having regard to the development plan as a whole and all material considerations advanced in this case, the appeal is dismissed.

Hayley Butcher

INSPECTOR

² APP/E3525/W/16/3147831