



Appeal Decision

Site visit made on 1 June 2021

by Nick Palmer BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08th June 2021

Appeal Ref: APP/W3520/W/20/3264427

Chestnut Tree Farm, Framlingham Road, Laxfield, Woodbridge IP13 8HD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr M Grinsted against the decision of Mid Suffolk District Council.
 - The application Ref DC/20/02514, dated 24 June 2020, was refused by notice dated 27 August 2020.
 - The development proposed is erection of a new two-storey dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are:
 - i) the effect of the proposal on the character and appearance of the area, including its effect on the setting of the adjacent listed building; and
 - ii) the accessibility of the proposed dwelling to services and facilities by sustainable means.

Reasons

Planning Policies

3. The site lies outside the settlement boundary for the village of Laxfield, as defined in the development plan. Policy H7 of the Local Plan (LP)¹ imposes strict control over new housing outside settlement boundaries.
4. Laxfield is identified as a Primary Village in the settlement hierarchy which is set out in Policy CS1 of the Core Strategy (CS)². The policy restricts development outside settlement boundaries. Policy CS2 restricts the development that may take place in the countryside to defined categories. The blanket restriction on development in the countryside imposed by those policies is inconsistent with the National Planning Policy Framework (the Framework), which allows for rural housing in a wider range of circumstances. Although the proposal conflicts with Policies H7, CS1 and CS2, those conflicts carry little weight.

¹ Mid Suffolk Local Plan (1998)

² Mid Suffolk Core Strategy (2008)

Character and Appearance

5. The site is adjacent to Chestnut Tree Farmhouse which is grade II listed. It dates from the mid-16th century, with an early 17th century rear wing and later alterations. This occupies a large garden which is separated from the site by a drive which gives access to the rear of the farmhouse. There was historically a moat where the rear drive is now which would have separated the farmstead from the surrounding land.
6. The submitted Heritage Assessment states that the site does not fall within the curtilage of the farmhouse and that any relationship or functional use between the farmhouse and the site has long gone. The application documents and plans show the site to be owned by the appellant together with the farmhouse. Although the drive delineates the boundary of the site and there is some fencing and hedging along part of the drive, for the most part the site is not physically separate from the garden, but rather has the appearance of being part of the grounds of the farmhouse. The site includes a workshop and vegetable garden which appear to be part of the garden to the farmhouse. Irrespective of whether or not the site forms part of the curtilage of the farmhouse, however, the parties both consider that the proposal would affect the setting of the listed building.
7. The original rural setting of the farmhouse has been eroded by new dwellings to its east and north. Outline planning permission has been granted for a new housing development to the south of Framlingham Road. To the west, however, the aspect remains open. The proposal would alter this by introducing a dwelling of up to two storeys to the west of the farmhouse. This would intrude into the rural setting of the farmhouse and would separate it from the wider rural setting. Although there are intervening trees, the two buildings would be visible from each other, however the proposed dwelling would be approximately 60m away from the farmhouse. Taking these factors into account, I concur with the parties' views that the proposal would result in a low level of less than substantial harm to the setting of the listed building.
8. The provision of a single dwelling would make a limited contribution to housing supply, but the Council's Housing Land Supply Position Statement demonstrates a 5.66 year supply and there is therefore no shortfall. It would support the local economy through the expenditure of its occupiers and employment provided by its construction. These benefits would however be of limited scale and duration.
9. While measures to encourage biodiversity would be incorporated, the proposal would negatively affect biodiversity and would require mitigation. For these reasons the measures would not amount to a benefit.
10. I give limited weight to the benefits of the proposal. This is not enough to outweigh the considerable weight that I give to the identified harm to the heritage asset. The proposal would not accord with Policy HB1 of the LP which states that particular attention will be given to protecting the settings of listed buildings, or with Policy CS5 of the CS which requires protection and conservation of the historic environment.
11. In addition to its effect on the setting of the listed building, the proposal would extend the built up area of the village into the countryside. The chosen materials and the design of the dwelling would help to blend it into its

surroundings to some extent, but it would be seen in close proximity from the adjacent public footpath and would be quite prominent in this respect. Notwithstanding its design, the proposal would be visually intrusive in its rural setting. It would not accord with Policy GP1 of the LP which requires proposals to maintain or enhance the character and appearance of their surroundings, or with Policy H15 of the LP which requires new housing to be consistent with the character of its setting. Neither would it accord with Policy FC1.1 of the Core Strategy Focused Review³ which requires proposals to conserve and enhance local character.

12. For these reasons I conclude on the first issue that the proposal would unacceptably harm the character and appearance of the area.

Accessibility to services and facilities

13. The village has a good range of services and facilities, reflected in its designation in Policy CS1 of the CS as a Primary Village. These include a church, primary school, shop, two public houses, a village hall and recreation ground. There are bus services available to towns. The site is stated by the Council to be approximately 150m from the nearest footpath on Framlingham Road which is adjacent to the primary school. The village facilities are within walking distance of the site, but this would necessitate walking along a stretch of road without footpaths or street lighting. The road is subject to a 30 mph speed limit.
14. The Framework states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and that this should be taken into account in decision-making. Although the lack of pedestrian facilities may discourage walking to some extent, walking to local services and facilities would be possible as would use of public transport. For these reasons the proposal would have a reasonable level of accessibility to local services and facilities by sustainable means. This matter is neutral in the planning balance.

Planning Balance

15. The proposal does not accord with the development plan as a whole. Because Policies CS1, CS2 and H7 are inconsistent with the Framework, they are out-of-date. These are policies that are most important for determining the application. Paragraph 11(d) of the Framework thus applies. This states that, in these circumstances, permission should be granted unless the application of policies in the Framework that protect assets of particular importance provides a clear reason for refusing the proposal. I have found that the identified harm to the setting of the heritage asset is not outweighed by the public benefit. On this basis the Framework provides a clear reason to dismiss the appeal.

Conclusion

16. For the reasons given, I conclude that the appeal should be dismissed.

Nick Palmer

INSPECTOR

³ Mid Suffolk Core Strategy Focused Review (2012)