



Appeal Decision

Site Visit made on 14 June 2021

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 June 2021

Appeal Ref: APP/W3520/W/20/3253907

Land adjacent to Buxhall Lodge, Buxhall Road, Great Finborough, Suffolk IP14 3AQ

- 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 Simon Earl of Laurence Homes against the decision of Mid Suffolk District Council.
 - The application Ref DC/18/04491, dated 3 October 2018, was refused by notice dated 29 April 2020.
 - The development proposed is described as 'Erection of 28 dwellings'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the decision notice and appeal form as the wording reflects the amendments made to the proposal during the Council's assessment of the planning application.

Main Issues

3. The main issues in this appeal are:
 - Whether the appeal site is a suitable location for the proposed development, with reference to the spatial strategy for housing in the development plan;
 - The effect of the proposed development on the character and appearance of the area;
 - Whether the proposal would preserve the setting of the Grade II listed buildings known as Buxhall Lodge¹ and Thatched Cottage; and
 - Whether the proposal would make adequate provision for surface water drainage.

Reasons

Development plan policies

4. To support existing communities by guiding development to settlements with the greatest range of services and facilities, Policy CS1 of the Mid Suffolk Core Strategy (CS) sets out a settlement hierarchy which defines and categorises the villages and towns in the district. The policy directs development to

¹ Listed as Abbey Hall Farmhouse

defined settlements listed as towns, service centres and primary and secondary villages and explains that the rest of the district is designated as countryside where development will be restricted to particular types.

5. Great Finborough is identified as a primary village where there is to be some provision for meeting local housing needs. The supporting text to the policy sets out the strategy for primary villages and explains that development will be limited to sites within the settlement boundaries or adjacent allocations. This is to ensure only small-scale housing growth occurs. The appeal site is not located within a settlement boundary and is not allocated for development. A single development of twenty-eight homes outside the settlement boundary would not be the small-scale development envisaged for primary villages. The proposal is therefore at odds with Policy CS1 of the CS.
6. Being outside the settlement boundary of Great Finborough, the appeal site is in the countryside for the purposes of applying the policies of the development plan. Policy CS2 of the CS flows from Policy CS1 and is specifically concerned with developments in the countryside such as that proposed. It states that development in the countryside will be restricted to defined categories such as rural workers dwellings or conversions. The appeal scheme would not fall under any of the defined categories of development listed in Policy CS2 of the CS and is therefore at odds with this policy.
7. Policy H7 of the Mid Suffolk Local Plan 1998 (LP) exercises strict control over development in the countryside and states that new housing will normally form part of an existing defined settlement. The appeal scheme would not be located within an existing settlement boundary and would therefore not form part of an existing settlement. The proposal would therefore be at odds with Policy H7 of the LP.
8. The Council's emerging local plan, supported by a Sustainability Appraisal, seeks to alter the settlement boundary of Great Finborough by including the appeal site. It would be reasonable to conclude that the Council is seeking to make this alteration to invite development at the appeal site. It is therefore curious that the Council has refused the proposal for being outside the current settlement boundary.
9. Nevertheless, the emerging local plan has not been adopted and I understand that it is subject to examination. The Parish Council 'vigorously object' to the extension of the settlement boundary and this would need to be resolved by the Inspector(s) examining the emerging Local Plan. The Parish Council have also suggested that the village would receive a new classification of a 'hinterland village' due to its lack of facilities. It is unclear whether a development of the size proposed would be appropriate for a Hinterland Village under the new local plan. In this context, the proposal to extend the settlement boundary to include the appeal site is not a determinative point that in this instance outweighs the conflict with the currently adopted spatial strategy. In conclusion, the proposal would be at odds with, and harmfully undermine, the adopted spatial strategy for housing in the development plan.

The accessibility of services and facilities

10. Great Finborough was identified as a Primary Village because it has few services and facilities. The village benefits from a primary school, church, playing fields, play equipment and a village hall. There is also a large

independent school and a public house which the Parish Council suggests opens intermittently. There is nothing before me to suggest this is inaccurate. The appeal site is within walking and cycling distance of this limited array of services. It is especially close to the primary school, which is across the road.

11. However, to access most everyday services and facilities, occupants of the proposed development would have to travel further afield. Stowmarket is the nearest settlement with a range of services, but the intervening distance puts this beyond a comfortable walk and cycling may not be an option for many residents due to limited fitness and proficiency. The route along the B1115 also seemed quite busy with sections at the national speed limit. These factors may further deter cyclists. There are bus stops near to the appeal site, but the service is infrequent. The rail station in Stowmarket cannot be conveniently accessed by foot, bicycle or bus.
12. Given the foregoing, the appeal site is not well placed for most people to conveniently access the majority of everyday services and facilities other than by using private motorised transport. Trips by car could be short with Stowmarket being around 2.5 miles away. It is also the main town in the district and therefore most services and facilities could be accessed through short car journeys. The ability to access and maximise sustainable transport in rural areas is also more inherently limited than urban settings and this needs to be factored into any assessment, especially as Mid Suffolk is a rural district.
13. Nevertheless, the appeal scheme is for twenty-eight homes and therefore the number of short journeys would soon add up with the associated carbon emissions. Over the life of the development this impact would be significant. The National Planning Policy Framework (the 'Framework') seeks to locate significant development in sustainable locations. Moreover, siting dwellings in such a location would frustrate attempts to capture the health benefits gleaned from traveling regularly and conveniently by more sustainable means such as walking. Given the number of homes proposed, and their remoteness from services, the cumulative harm would be of a high order. This would result in conflict with one of the underlying aims of the CS, delivered through Policies CS1 and FC1.1 of the CS and focused review, to encourage sustainable transport.

The effect on the character and appearance of the area

14. The appeal site encompasses an attractive undeveloped meadow enclosed on all sides by mature hedging save for the southern boundary, which is open to an undulating arable field crossed by a public footpath further to the south. There is an agreeable view across the appeal site from the small triangular green to the immediate north. A mature tree provides a pleasant central focal point in the site. Thus, in its current state it contributes positively to the character of the settlement by being a verdant area that flows into the form of the village. It also provides a point of transition from village to countryside, especially along Buxhall Road. The hedges are particularly important in that regard.
15. The village has a broadly linear character with housing generally arranged along the B1115. Over time, estate development has eroded this linear character. That said, the linear pattern of development is still quite pronounced in the vicinity of the appeal site with two storey properties tending to be set behind large front gardens and orientated to face and frame the road.

16. The proposed development would seriously diminish the rural character of the appeal site and its extant contribution to the form of the village. However, the Council does not take direct issue with this. Instead, it is concerned by the design and layout of the proposal and its impact on local character in this regard. These are concerns I share for the following reasons.
17. Firstly, the development would fail to respond to the linear character of the settlement with properties proposed to face inwards rather than engage with High Road or Buxhall Road, which is otherwise typical. In particular, Plot 1 would have its rear and side elevations facing High Road and this jarring orientation would be replicated in Plots 21 and 22, and 26 in respect of Buxhall Road. Plots 23 and 24 would face the small triangular green but the staggered arrangement would be unusual and would not follow the alignment of the road. This would result in a very disjointed street scene with no apparent composition. The houses would be visible despite the retention of some of the boundary hedge due to their height and its deciduous nature. Moreover, the longevity of the boundary hedging could be put at risk by including it within modest gardens where vigorous management could occur.
18. The proposal would be a relatively large body of houses on the edge of the village and in this regard, it would appear quite strident. Its suburban estate character, evident in the proliferation of garages, boundary treatment, turning heads and relatively small plots, would do little to soften the sense of it being a departure from the linear form of the village. Estate housing is evident in the village, but this is generally set behind the High Road frontage whereas the appeal scheme would have an interface with it.
19. In addition, I share the view of the Council that the architecture would be overly varied and generally uninformed by the local area. The rather ad hoc arrangements of several different house types, some with an eclectic mix of forms, finishing materials and detailing, would result in a frenetic and contrived appearance that would further set the proposal apart from its context. Plots 18-20 are a particularly unfortunate example in this respect, but by no means the only one. The layout also includes clumsy aspects, with the garages at Plot 13 blocking what could be a vista from the entrance through to the open space.
20. The proposal would not be devoid of merit altogether as there would be some signs of place making. For example, Plots 13-16 would have a pleasant interface with the generous open space and Plots 10 and 18-20 would frame the open space at the entrance to the site, which would incorporate a pond that would provide a welcoming rural feel. The mature tree in the centre of the site would be incorporated into the scheme as would some of the mature hedges, although my concerns regarding incorporating these into small rear gardens has already been set out.
21. Furthermore, some of the properties would have simple well-balanced elevations (e.g. Plots 2-5) and others would incorporate detailing such as chimneys, porches and symmetrical windows, albeit inconsistently applied. Plots 10-20 would also be arranged in a discernible perimeter block that would reduce the prominence of car parking and provide active edges. This 'block' would also have a loose building line similar to that along parts of High Road and landscaping would soften its form. However, the northern section of the scheme in attempting to follow an 'organic' arrangement would simply appear disjointed.

22. Overall, the limitations of the design and layout would significantly outweigh the positive aspects. This would result in a poorly designed scheme that would significantly harm the character and appearance of the area. The proposal would therefore be contrary to Policies CS5 and FC1.1 of the CS and its focused review, which seek to secure development that is of a high quality of design, conserves local character and is respectful of local distinctiveness.

Whether the proposal would preserve the setting of nearby listed buildings

23. Buxhall Lodge was listed in 1955 and is a timber framed former farmhouse the polite east facing frontage of which probably dates from the early 18th Century. Parts of the building may be earlier. The building has been subject to later remodelling but nevertheless retains architectural and aesthetic value and significance. This is best experienced from the grounds of Buxhall Lodge or from the appeal site (see Figure 9 of the appellant's Heritage Impact Assessment), where the grand façade is especially visible in winter months when the landscaping is not in leaf. These are not public views, but the value of a listed building does not lie solely in an appreciation from public land, as otherwise the inside of listed buildings would not be protected.
24. Historic maps indicate that the building was once on the outskirts of the village in a more isolated and overtly rural position. Buxhall Lodge is still experienced as a structure slightly removed from the village due to the undeveloped nature of the appeal site. This provides some historic continuity, which assists in experiencing the building as it once was - a farmhouse sat within an agricultural landscape. Figure 8 of the appellant's Heritage Impact Assessment (HIA) demonstrates that the openness of the appeal site provides the building with a rural outlook despite the presence of a hedge² and thus a sense of its older context demonstrated on historic maps. Moreover, the appeal site was part of a larger field which Buxhall Lodge would have had a view over. This may explain the building's orientation. As a result, the appeal site in its undeveloped state contributes positively to the setting and significance of Buxhall Lodge.
25. The appeal scheme would radically alter the setting of Buxhall Lodge by introducing a modern housing estate into its easterly outlook and setting. The estate would not have a sensitive presence for the reasons already given in my assessment of the previous main issue. The proposal would urbanise the setting of the listed building. This would meaningfully harm its setting by eroding the ability to experience the listed building with a semblance of its once remote rural context. The development would also bring the structure into the built form of the village.
26. The impact would be softened to an extent by positioning an open space adjacent to the boundary of the listed building. This is because it would allow some breathing space and the area could be landscaped to replicate the existing meadow. Orientating the proposed houses to face the listed building would also be better than an outlook towards rear elevations and rear boundary treatment. Landscaping along the eastern edge of the open space could also be used to soften the presence of the body of housing.
27. However, the housing would still be prominent from the listed building and views of the façade would no longer be from a meadow, but from a small

² Which may not always be there or be there in its current form

estate. The attenuation pond would also be an engineered feature directly in the foreground of the building. Furthermore, to safeguard their privacy and soften the impact of the appeal scheme, the occupants of Buxhall Lodge may be tempted to reinforce the intervening boundary hedge rather than open it up in the way suggested in the HIA. Thus, I do not consider the appeal scheme would better reveal the significance of the listed building.

28. I therefore conclude that the appeal scheme would fail to preserve the setting of Buxhall Lodge. The Council suggests the harm would be of a moderate level, but I consider this to be a little generous. The harm would certainly be considerably greater than the negligible level suggested in the HIA. In my view the harm to the value and significance of the listed building would be greater than moderate due to the number of the houses proposed and the form and layout they would take. The proposal would therefore be at odds with Policy HB1 of the LP, which seeks to protect the setting of listed buildings.
29. Thatched Cottage is located to the south east of the appeal site and is within an established street scene. Its significance is primarily derived from its architecture as it is an example of the local vernacular. I share the views articulated in the appellant's HIA that the appeal site is not important to how the building is experienced due to the intervening distance. Consequently, its development would have a neutral impact on the value of this listed building.

Whether the proposal would make adequate provision for surface water drainage

30. The proposal is supported by a Flood Risk Assessment that incorporates a drainage strategy, which explores the use of SuDS³. The flood risk assessment confirms that the appeal site is at a low risk of flooding from all sources, including surface water. Given the clay sub soil, the drainage strategy invokes a cautious approach and assumes the preferred drainage method of infiltration would not be suitable. It does, however, indicate that this could be tested before a final drainage scheme is approved pursuant to a planning condition.
31. The preliminary drainage strategy is therefore to hold surface water on site in lined permeable paving and an attenuation pond and release it at the existing green field rate to a water course approximately 400m to the west of the site. The appellant has apparently negotiated access to this water course. The volume of the storage areas and the green field run off rate have both been calculated with reference to industry data.
32. Thus, the drainage strategy follows the SuDS hierarchy outlined by the Lead Local Flood Authority (LLFA). This is because infiltration has not been ruled out and if it is found not to be suitable, then storage on site for gradual release is seems possible. This approach adheres to guidance in the Planning Practice Guide⁴ and the Suffolk Flood Risk Management Strategy. Neither the Council nor the LLFA have explained in any detail why the submitted drainage strategy would not work. Nor have they persuasively explained why it would be inappropriate in this instance to secure a full drainage strategy, that could sequentially test infiltration in the first instance, through the imposition of a planning condition in the event the appeal was successful.
33. In conclusion, the appellant has provided sufficient information to demonstrate an adequate and viable drainage system/strategy that would adhere to

³ Sustainable Drainage System

⁴ Paragraph: 080 Reference ID: 7-080-20150323

sustainable drainage principles could be secured. As such, a conflict with Policy CS4 of the CS, which seeks to secure the implementation of SuDS into all new developments where technically feasible, would not occur. There is nothing of substance before me to suggest the Council's draft policies in its emerging Local Plan would, as a material consideration, justify a different conclusion.

Other Matters

34. The harm that would occur to the setting of Buxhall Lodge would not be severe and therefore it would be 'less than substantial' within the meaning of the Framework. Paragraph 196 of the Framework requires such harm to be weighed against the public benefits of the proposal.
35. The appeal scheme would deliver twenty-eight homes, and this would boost housing supply. However, there is no dispute that the Council are currently able to demonstrate a five-year housing land supply. It is therefore already significantly boosting the supply of housing. The proposal would also deliver a mix of housing, including nine affordable homes through the necessary planning obligation. This would moderately address housing needs.
36. The construction of the houses would result in economic benefits including at the construction phase. The latter would be time limited. Future occupants would spend in the locality and support the vitality of the community. For example, the local pub appears to be struggling and the bus service has been curtailed. An increase in the population of the village may help to address this. However, there is little evidence before me to suggest twenty-eight additional households would make a meaningful difference in this respect.
37. The proposal would deliver a public open space, but it would be tucked away, dominated by an attenuation pond and devoid of equipment. As such, its unlikely to be a destination. It would nevertheless have some moderate value as an informal amenity space.
38. The public benefits of the scheme would collectively be notable. Weighed against this would be a greater than moderate level of less than substantial harm. Considerable importance and weight must be given to the special regard I must pay to preserving the listed building's setting⁵. This tilts the balance in favour of preserving the listed building's setting. In this context, the benefits do not outweigh the harm. As such, the harm to the significance of the listed building would not have clear and convincing justification. This would be contrary to Paragraph 194 of the Framework.
39. Both the Council and appellant agree that policies CS1 and CS2 of the CS and Policy H7 of the LP are out of date as they are inconsistent with the Framework. The view has been taken by the Council and appellant that the policies most important for determining the application are out of date when considered as a collective basket, although it is unclear whether Policies HB1 and CS5 are included in their basket.
40. If I were to share this view, then Paragraph 11d) of the Framework would be relevant. This states that in such circumstances permission should be granted unless the application of policies in the Framework that protect assets of particular importance provide clear reasons for refusing the development proposed. In this case, the policies relating to the conservation of designated

⁵ See Section 66(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990

heritage assets outlined above provide clear reasons for refusing the proposal. It is therefore unnecessary in this instance to apply the 'tilted balance' in Paragraph 11d)ii of the Framework or Policy FC1 of the CS.

41. As the benefits of the proposal would not outweigh the harm to the setting of the listed building, it therefore follows that those benefits would not outweigh the totality of harm I have identified either. This would be the case regardless of what weight I gave that harm in the context of Paragraph 213 of the Framework.
42. Officers at the Council supported the proposal at a pre application stage and recommended approval. I have carefully considered their reasons for doing so. However, I have come to my own conclusions for the reasons given. Additional concerns not covered above have been raised by interested parties including highway safety and the effect on the landscape, but I have not addressed these here because the appeal has failed.

Conclusion

43. The proposal would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal has failed.

Graham Chamberlain
INSPECTOR