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# Appeal Decision

Site Visit made on 16 August 2021

**by Paul Thompson DipTRP MAUD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 10<sup>th</sup> September 2021**

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**Appeal Ref: APP/X3540/W/21/3267603**

**Longwood, Church Field, Walberswick IP18 6TG**

- 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 Peter Watson (Dominium Properties Ltd) against the decision of East Suffolk Council.
  - The application Ref DC/20/3414/FUL, dated 1 September 2020, was refused by notice dated 4 November 2020.
  - The development proposed is described as 'Demolition of an existing bungalow and garage and the erection of two new dwellings with a car port and garage at Longwood, Church Field, Walberswick, Southwold, IP18 6TG'.
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## Decision

1. The appeal is dismissed.

## Procedural Matter

2. The appeal site is located outside of the Walberswick Conservation Area. Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act) does not therefore apply to this appeal. However, the site is situated within the Suffolk Coast and Heaths Area of Outstanding Natural Beauty. Section 85 of the Countryside and Rights of Way Act 2000 (as amended) requires all relevant authorities to have regard to the purpose of conserving and enhancing the natural beauty of these areas when performing their functions. I have therefore had regard to this statutory duty in the appeal.

## Main Issue

3. The main issue is the effect of the proposed development on the setting of the Grade I listed building, known as St Andrews Church, and the Walberswick Conservation Area, and the landscape and natural beauty of the Suffolk Coast and Heaths Area of Outstanding Natural Beauty.

## Reasons

### *Significance and setting*

4. The appeal site concerns a single storey property situated in reasonably large grounds to the western end of Church Field. The site is bound by tall planting to the east and west but delineated by a lower hedge to the south, beyond which is the churchyard of the Grade I listed St Andrews Church and the Walberswick Conservation Area (WCA).
5. The church, which probably dates from the 15<sup>th</sup> Century, was originally much larger, but is now predominantly in ruins, with only the tower, porch and four

westernmost bays of the south aisle in use. The significance of the church is derived from its architectural and historic interest, especially in its medieval construction and even more so in terms of its tower. Moreover, the use of irregular sized flint in the four stages of the tower ensures that its architecture is typically ambitious and decorative. Limestone is also used extensively in dressings of buttresses, quoins, copings, banding, parapets, and door and window frames. The top of the tower is also marked by embattled parapets with corner pinnacles and openings to all faces.

6. I am mindful of the Framework's definition of 'setting' as being the surroundings in which a heritage asset is experienced. The map regression of Walberswick shows that, over time, development has surrounded the church, so its setting has changed. Nonetheless, the churchyard includes numerous fine monuments, and remains extensive and largely open to Church Lane and The Street, apart from an attractive low cobbled wall.
7. The presence of planting to the north and east filters views of surrounding development and forms a verdant backdrop to the listed building. While buildings remain visible beyond the churchyard, they are largely unassuming in scale and set back from the churchyard within spacious gardens. This creates an open and spacious quality that is particularly evident around Longwood and the properties to the northeast. The absence of taller built form in the backdrop of the church and its ruins therefore ensures it dominates views from its yard and neighbouring streets. In particular, the modest form, scale and dark and recessive cladding of Longwood ensure it sits comfortably beyond the churchyard, so it is not a distraction. Therefore, the spacious arrangement of buildings within the backdrop to the churchyard forms an integral part of the historic setting of the listed building, which contributes to its understanding and significance.
8. The WCA is extensive and covers much of the village, including its historic core. As far as it is relevant to the appeal scheme before me, its significance lies in the quality and range of built developments, their relationship to one another and the undeveloped and open green spaces and verdant planting of boundaries. However, developments have continually added to its built form.
9. The main route into Walberswick passes St Andrews Church. It forms an important and prominent historic focal point at the western end of the WCA and is set within one of the largest of the limited green spaces present in the village. Both aspects therefore make important contributions to the character and appearance of the WCA and its significance.
10. While the appeal site and other properties in Church Field are excluded from the boundary of the WCA, they adjoin it and form part of its setting. However, for the reasons outlined above, they are largely inconspicuous forms of development that do not detract from the setting of the WCA. Conversely, the gardens of the properties adjacent add to the spacious backdrop of the churchyard and the character and appearance of the area, particularly Longwood which adjoins most of the northern boundary of the churchyard.

### *The Proposal*

11. The proposal is to demolish the existing dwelling and its associated outbuildings and replace it with two detached dwellings and garages. Dwelling One would be situated to the north of the site, whereas Dwelling Two would be

closer to the south and east boundaries. The existing dwelling is single-storey and finished in dark coloured horizontal timber cladding to its walls, beneath a conventional pitched cedar shingle roof. Both dwellings would be constructed off-site, incorporate two storeys, and have dark roof tiles. The façades of Dwelling One would be rendered and those of Dwelling Two part-rendered and clad in larch.

*Effect of the proposal on the setting of the listed building and conservation area*

12. The design, form, and scale of dwellings within Church Field varies greatly and the proposed dwellings would be built to a high standard and, in the case of Dwelling Two, in materials that have some similarities with Longwood. Their arrangement would also relate to the pattern of development in Church Field. Nevertheless, the photomontages in the appellants' Landscape and Visual Impact Assessment clearly demonstrate that the height and scale of the proposed dwellings would be inherently greater than Longwood. Dwelling One would be staggered to the north of Dwelling Two and, together, they would appear as an almost continuous form of development. The additional height and scale of which would therefore be visually intrusive and prominent within the sensitive backdrop of the church and its ruins. The undeveloped garden area between Longwood and the churchyard would also be considerably reduced by the extent of the dwellings.
13. The proposed scheme of landscaping would make a positive contribution to the setting of the heritage assets, both in terms of its contribution to the backdrop of the churchyard and the screening of adjacent development. While this could be secured by planning condition, I am mindful that planting is subject to seasonal changes and is ephemeral. It would therefore be unlikely to have matured enough in its initial years of development to achieve the intended screening required to soften the visual effect of the physical presence of the proposal in its sensitive location. Furthermore, it would take a significant amount of time for it to reflect the existing verdant character of planting to the east and west. I have therefore afforded limited weight to the argument that the proposed planting could be subject to a Tree Preservation Order.
14. The proposal would therefore be harmful to the character and appearance of the WCA and the setting of the listed building. Despite this, given the location of the appeal site and its relationship with neighbouring development, the appeal scheme would not have a harmful effect on the wider landscape of the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB).
15. I appreciate that there is evidence that the original intention was for the plot occupied by Longwood to be split into two, roughly as shown in the appeal. Nevertheless, I have not been provided with the details of an extant planning permission for the development of houses within those plots and Longwood currently straddles both plots. I have therefore given limited weight to this argument and considered the proposal on its individual merits.
16. The extensions granted permission by the Council to Little Chapter<sup>1</sup> and Crowthers<sup>2</sup> will considerably alter and add to the scale of those properties in Church Field, including a large gabled extension to the south of the former. Given that both schemes relate to extensions to properties and these are

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<sup>1</sup> Planning Reference: DC/20/0858/FUL.

<sup>2</sup> Planning Reference: DC/18/4577/FUL.

situated beyond others, that do not have a close relationship with the churchyard, they are not comparable with the appeal scheme before me. In any event, the existence of those developments would not provide justification for a further development that I consider would be harmful to setting of the listed building and WCA.

*Public Benefits and conclusions on the main issue*

17. The statutory duty in Section 66(1) of the Act is a matter of considerable importance and weight. Paragraph 197 of the Framework states that the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation should be taken into account in determining applications. Paragraph 199 of the Framework outlines that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 200 of the Framework advises that significance can be harmed or lost through the alteration or destruction of those assets and that this should have a clear and convincing justification. Furthermore, paragraph 206 states that proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
18. The proposal would be harmful to the settings of the Grade I listed church and WCA. This would have a negative effect on the significance of these designated heritage assets. In my view the harm that I have identified would equate to less than substantial harm to the significance of these assets. In such circumstances, paragraph 202 of the Framework identifies that this harm should be weighed against the public benefits of proposals.
19. I have outlined above that tree and other planting of the southern boundary of the site would be a heritage benefit. While this could arguably be achieved without the development, it would still amount to a benefit of moderate weight.
20. The appeal scheme would help the Council to meet its housing targets and support the national requirement to boost the supply of housing. Being a small scheme, with a net provision of one dwelling, it could be built-out relatively quickly, but the contribution to the supply and mix of housing would be minor in its extent so would be afforded limited weight.
21. Additional self or custom build properties may help the Council to meet its obligations imposed by the Self-Build and Custom Housebuilding Act 2015<sup>3</sup> (the Act) for housing in the District. The primary design input of self or custom build properties should be from an initial occupier. The appeal scheme includes the full details of the design of the proposed dwellings, one of which would be occupied by the appellant. This would therefore qualify as being self-build. Nevertheless, I have not been provided with a legal mechanism, such as a planning obligation, to ensure compliance with the provisions of the Act and provide certainty of a self-build project, as promoted by the appellant. No suggestion has also been made as to how this could otherwise be secured. Even if the proposal was provided as a self-build house for the appellant, the contribution to the overall demand for such housing would only be modest, as a single unit is proposed. This benefit would therefore be afforded limited weight.

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<sup>3</sup> As amended by the Housing and Planning Act 2016.

22. The proposed dwellings would have energy efficiency performance, which surpasses the requirements of the Building Regulations. While this would primarily be a private benefit to the occupants of the dwellings, it would also be a limited environmental benefit through minimising the consumption of energy.
23. There would be short-term benefits to the local and wider economy from the direct and indirect employment associated with construction of the proposal, but much of this would be undertaken off-site. The site would also be situated within an appropriate location for housing, having regard to its proximity to local services and facilities, which would be likely to be supported by future occupants. These would all constitute benefits in social and economic terms but would be limited in scale and kind due to the magnitude of the proposed development.
24. I also recognise that the proposal could be said to make more efficient use of the site. However, the Framework is clear that making efficient use of land should include taking into account the desirability of maintaining an area's prevailing character and setting, and the importance of securing well-designed, attractive and healthy places.
25. The absence of harm in respect of other considerations which comply with the policies of the development plan including, amongst others, biodiversity and ecology of the site, highway safety, and living conditions, would neither weigh for nor against the appeal scheme.
26. Taking the above together, the public benefits I have outlined would not justify allowing development that would be harmful to the settings of the Grade I listed church and WCA. Therefore, in accordance with paragraphs 199 and 202 of the Framework, considered together, I conclude that the public benefits do not outweigh the great weight to be given to the less than substantial harm that I have identified.
27. Although the proposed development would not have an unacceptable effect on the AONB, I conclude that it would have an unacceptably harmful effect on the setting of the listed building, St Andrews Church, and the WCA. Hence, the appeal proposal would fail to satisfy the requirements of the Act, paragraphs 197, 199, 200 and 206 of the Framework and conflicts with the design and heritage aims of Policies SCLP10.4, SCLP11.3, SCLP11.4 and SCLP11.5 of the Council's Local Plan<sup>4</sup>.
28. I have not found in relation to SCLP11.2 of the Council's Local Plan, as this refers to living conditions and the Council did not identify any concerns in this respect.

## **Other Matters**

29. The appeal site is situated within the recreational disturbance Zone of Influence for the Habitats Sites (European Sites) in the District. The Council has confirmed that the Habitats Regulations Assessment of its Local Plan has identified that new residential growth in the District will result in increased recreational disturbance on Habitats Sites.
30. I am conscious of the requirement to undertake an 'Appropriate Assessment' of the effects of the development on the sites identified in the Suffolk Coast

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<sup>4</sup> Suffolk Coastal Local Plan, adopted 23 September 2020.

Recreational Disturbance Avoidance and Mitigation Strategy. However, Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 indicates that the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposed development. Given that I have found harm in relation to the main issue, it is not necessary for me to consider this matter in any further detail.

31. The appellant has referred to the conduct of the Council in the determination of the planning application, particularly the consistency of its decision-making, but this is not a matter for me to consider as part of this appeal and I have considered the individual merits of the appeal scheme in relation to the relevant policies and evidence before me.

### **Planning Balance**

32. I have already identified the benefits of the appeal scheme as part of the assessment of public benefits in undertaking the necessary balancing exercise in relation to the heritage assets. In terms of harm, the proposed development would not comply with development plan policy in respect of the setting of the Grade I listed building and the Walberswick Conservation Area.
33. This leads me to an overall conclusion that the appeal scheme would not accord with the development plan, when considered as a whole, and I find that the adverse impacts of the proposal are matters of significant weight against the grant of planning permission that comfortably outweigh the claimed benefits.

### **Conclusion**

34. The proposed development would be contrary to the development plan and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Accordingly, for the reasons given, I conclude that the appeal should not succeed.

*Paul Thompson*

INSPECTOR