



Appeal Decision

Site Visit made on 8 September 2021

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th October 2021

Appeal Ref: APP/W3520/W/21/3267909

Land at Lawn Farm, Warren Lane, Woolpit IP30 9RS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline and full planning permission.
 - The appeal is made by Mr David Sheldrake against the decision of Mid Suffolk District Council.
 - The application Ref DC/20/03548, dated 17 August 2020, was refused by notice dated 3 November 2020.
 - The development proposed is Full Application for conversion of existing building into a dwelling and Outline Application (some matters reserved, access and layout to be considered) for erection of 5 no new dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The National Planning Policy Framework was revised on 20 July 2021 (the Framework). The main parties have had the opportunity to comment upon the relevance of any revised content of the Framework and I have had regard to any responses received in my decision.
3. I have used the proposal's description as set out on the Council's Decision Notice as it better focusses on the development involved. Moreover, the development proposed is for a hybrid scheme for full and outline planning permission. Outline planning permission is sought with all matters reserved except access and layout. I have therefore determined the appeal on this basis.

Main Issues

4. The main issues are:
 - the effect of the proposal on the setting of the Grade II listed building, known as Lawn Farmhouse;
 - whether the site would be in a suitable location, with particular regard to its accessibility to services and facilities;
 - the effect of the proposal on the local economy; and
 - whether the requirement to provide acceptable living conditions for future occupiers of the proposed dwellings would prejudice employment generating development by reason of noise.

Reasons

Significance and setting

5. The appeal concerns an area of land immediately to the north of Lawn Farmhouse, a Grade II listed building of late 17th Century origins. The site is currently occupied by a yard and commercial buildings associated with a scaffolding supply business situated to the west side of Warren Lane.
6. The farmhouse is of two storeys, with attic rooms, and arranged on an L-plan. Its roof is clad with plain tiles and includes parapets to each end and a tall chimney stack central on the ridge. The walls beneath are red brick laid in Flemish bond, with detailing to the eaves, between floors and around openings. The two-storey service range to the rear is a later, 18th Century addition, the rear façade of which is clad in flint with brick quoins, banding and detailing around windows.
7. As far as it is relevant to the appeal before me, the significance of the listed building therefore lies in its architectural and historic significance as a well-preserved example of a 17th Century farmhouse with later additions, but it also draws significance from its setting. I am mindful of the Framework's definition of 'setting' as being the surroundings in which a heritage asset is experienced. In so far as is relevant to this appeal, the setting of the listed building consists of, but is not limited to, the space around it including its large front garden and its relationship with the substantial wooded area opposite. The development already undertaken at the business park adjacent has had a negative effect on the setting of the listed building and it will eventually permanently erode the relationship the farmhouse previously had with the open and undeveloped fields to its west.
8. The large metal clad building situated within the site has an agricultural appearance that does not appear out of place within its surroundings. Nevertheless, together with the scaffolding paraphernalia stored in the yard, it has a negative effect on the setting of the listed building. These are separated from the listed building by a modern wall which extends beyond the rear of the farmhouse, at which point there is an opening between the yard and buildings to the rear of the farmhouse.
9. To the south of the farmhouse are two further dwellings arranged in spacious grounds, with a relationship with Warren Road.

Effect of the proposal

10. Five dwellings are proposed which would replace the business yard and large metal clad building, but a further dwelling would be formed from the lower brick range of buildings, which would be altered and extended.
11. The application drawings do not show the overall scale and appearance of the proposed separate dwellings, but the indicative details suggest that the dwellings toward the site frontage would be single storey and could be designed to have a similar appearance to farm buildings. The proposed dwellings at the site frontage would therefore be likely to be lower than the existing metal-clad building. I also appreciate that, in itself, the removal of buildings and other paraphernalia within the site would improve the visibility of the listed building and the appearance of the site within its setting. This would

equate to a heritage benefit. I have also recognised that the business park will have a negative effect on the setting of the listed building.

12. Nevertheless, the layout of the proposed dwellings would be one of smaller plots arranged to either side and at the end of an access road, primarily with integral garages. These would stretch back into the site, so it would neither reflect the predominant frontage grain of the existing residential development found in this part of Warren Lane, or a traditional grouping of farm buildings. It would therefore stand out as a distinctly compact and suburban assemblage of dwellings. I note that the previous appeal schemes determined in 2018¹ and 2020² were also for additional dwellings beyond the frontage of the site and the Inspectors for those cases arrived at a similar conclusion. The harm that will be caused to the setting of Lawn Farmhouse by other developments would not therefore justify further harm that would emanate from the appeal scheme.

Public benefits

13. The statutory duty in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (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 also advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation.
14. The proposal would be harmful to the setting of a Grade II listed building, namely Lawn Farmhouse, which would have a harmful effect on its significance as a designated heritage asset. In my view the harm that I have identified would equate to less than substantial harm to its significance. In such circumstances, paragraph 202 of the Framework identifies that this harm should be weighed against the public benefits of proposals.
15. The proposal would help the Council to meet its housing targets, particularly the aim expressed in Policy CS7 of the CS to build half of the District's dwellings on brownfield/previously developed land. I therefore afford this benefit considerable weight.
16. I have outlined above that the removal of the metal clad building and removal of scaffolding stored on the site would equate to a heritage benefit, but these would be replaced by the proposal so the weight that I can give to this benefit is limited.
17. Although the proposal would support local services and infrastructure in Woolpit and Elmswell, it would predominantly do so through the use of private vehicles, so I afford this benefit limited weight. I discuss this matter in further detail in the next main issue.
18. Taking the above together, the public benefits that I have outlined would not justify allowing development that would be harmful to the setting of Lawn Farmhouse. In accordance with paragraphs 199 and 202 of the Framework, considered together, I therefore conclude that the public benefits do not

¹ Appeal Ref: APP/W3520/W/18/3194354.

² Appeal Ref: APP/W3520/W/19/3236169.

outweigh the great weight to be given to the less than substantial harm that I have identified.

Conclusions on the first main issue

19. In light of the above, I conclude that the proposed development would have a harmful effect on the setting of Lawn Farmhouse, a Grade II listed building. Hence, the appeal proposal would fail to satisfy the requirements of the Act, paragraphs 197 and 199 of the Framework and conflicts with the heritage aims of Policy HB1 of the Mid Suffolk Local Plan (adopted September 1998) (LP).

Suitability of location and accessibility

20. For the purposes of planning policy, the appeal site is situated within the countryside as defined by Policy CS1 of the Mid Suffolk Local Development Framework Core Strategy Development Plan Document 2008 (CS). This policy suggests that development is directed to Towns and Key Service Centres. In the countryside, development is restricted to particular types of development to support the rural economy, meet affordable housing, community needs and provide renewable energy. Policy CS2 of the CS also restricts development to defined categories in accordance with other CS policies. The appeal scheme is not for any of the types of development listed under these policies. Policy H7 of the LP repeats the strict control over new housing in the countryside and directs development to existing settlements.
21. While the appeal site could not be said to be isolated in the language of the Framework and the Braintree Judgement, it would do little more than add to existing development in the countryside. Woolpit and Elmswell offer a very good range of services and facilities, including a railway station at the latter, but the site is some distance away from these settlements and the routes to them are fast flowing and lack dedicated footways and street lighting. Accordingly, the opportunities to walk or cycle to the services and facilities available nearby would not be convenient or realistic ones, particularly for occupants with young children or mobility issues and especially after dark or during inclement weather.
22. Future occupants of the proposed dwellings would therefore be highly likely to be required to travel regularly by private motorised transport to access rail services, education, employment, healthcare, leisure, and retail. I accept that many of these journeys may be shorter, to nearby settlements, and a greater dependency on car use is inevitable in more rural locations. There would also be likely to be a greater extent of journeys made by employees of businesses at the adjacent business park, but future residents of the site would need to travel for all services and facilities. The Council has granted permission for two sites³ at Kiln Lane, Elmswell, to the northwest of the appeal site, both of which have similar access characteristics.
23. Nevertheless, these factors would not address the accessibility of the appeal site and, in any event, the cumulative effect of allowing developments in locations such as the proposal would be likely to increase the amount of unsustainable journeys made. Given the absence of any information in relation to the location and frequency of any bus services, I am also unable to conclude

³ Planning References: DC/18/05363, for two dwellings; and DC/18/03087, for one dwelling.

that the bus travel would sufficiently discourage further use of private motorised transport.

24. For the above reasons, I conclude that the appeal site would not be in suitable location, having regard to the Council's spatial strategy and its accessibility to services and facilities. Hence, the proposal would conflict with Policies CS1 and CS2 of the CS, Policy H7 of the LP, Policy FC1.1 of the Mid Suffolk Local Development Framework Core Strategy Focused Review 2012 (CSFR) and paragraphs 79 and 105 of the Framework.
25. I have not found in relation to Policy FC.1 of the CSFR, as it does not contain any provisions relevant to this main issue.

Effect on local economy

26. The proposal would result in the loss of the existing business presence within the site. I accept that Policy E6 of the LP does not preclude the redevelopment of existing industrial and commercial sites. However, based on my findings in respect of the setting of the listed building, the proposal would not provide significant benefits for the surrounding environment, as required by the policy. There is also no substantive evidence before me to suggest that the existing scaffolding business causes harm to the living conditions of occupiers of nearby dwellings or traffic safety, so there would also not appear to be significant benefits in respect of either of these matters.
27. As with the 2020 appeal, although the appellant's scaffolding business could ultimately relocate to other premises, there is nothing before me to ensure that this would be the case and, in any event, this would appear to be outside of the District. The proposed redevelopment would therefore be likely to result in job losses within the District and prevent other businesses from occupying the site.
28. I appreciate that the business park adjacent will create opportunities for businesses and result in job creation, but I observed that the existing business premises established there are significantly larger in scale. It is also unclear how comparable the other consented developments at the business park would be with the appeal site. Similarly, while there are other vacant commercial premises in the District, a significant proportion of these relate to retail and office premises and others generally do not appear to be comparable with the nature and extent of the appeal site. In addition, permitted development rights allow for employment uses to be changed to residential, without the need for planning permission, but I have not been referred to a relevant scheme for the site. For these reasons, I have given limited weight to these factors in my consideration of this main issue.
29. In light of the above, I conclude that the proposal would have a harmful effect on the local economy through the loss of an existing employment site. Hence, it would fail to accord with the aims in this regard as expressed in Policy E6 of the LP.

Living conditions and implications for employment generation

30. The appeal site is to the south and west of a roughly I-shaped parcel of land, within the adjacent business park. There is planning permission for industrial

use⁴ of that land and it would be closer to the proposed dwellings than an earlier site, which also has permission but for employment use⁵.

31. I accept that the potential for noise to the occupiers of Lawn Farm and other existing residential properties further south, from either of these developments did not prevent permission from being granted by the Council. Nonetheless, the application drawings show the proposed dwellings to be situated in closer proximity of the proposed industrial and employment uses adjacent. The effect of noise emanating from these uses is therefore likely to be more harmful to the occupiers of the proposed dwellings than to existing residences.
32. Were the appeal scheme to be implemented, there would be a significant risk that the occupiers of the adjacent developments would be obliged to alter their operations to ensure that an acceptable noise environment would be available to the residents of the proposed dwellings. There is no substantive evidence before me to determine that it would be possible to mitigate this impact through the use of planning conditions. The proposal would therefore be likely to prejudice the employment generation associated with the approved uses within those parts of the adjacent business park.
33. In light of the above, I conclude that the requirement to provide acceptable living conditions for future occupiers of the proposed dwellings would be likely to prejudice employment generating development by reason of noise. Hence, the proposal would be contrary to the respective aims of Policy E4 of the LP.

Planning Balance

34. The development plan for the area comprises the LP, CS and the CSFR. While these all predate the current Framework, it is clear that existing policies should not be considered out-of-date simply because they were adopted or made prior to its publication. Due weight should be given to policies according to their consistency with the Framework.
35. The Inspector for the appeal at Woolpit⁶ referred to the applicability of Policies CS1, CS2 and FC1 of the CS and found the policies to be out-of-date. For the reasons outlined in that decision, I have little reason to disagree with this view. I also find Policy H7 of the LP to be out of date for similar reasons. Policy E6 of the LP is also partly inconsistent with the Framework which advocates a more flexible approach to the redevelopment of previously developed land. I am therefore only able to afford conflict with these policies moderate weight.
36. In terms of Policies E4 and HB1 of the LP, these are respectively closely aligned with the aims of the Framework to integrate new development with existing businesses and to conserve heritage assets. Policy FC1.1 of the CSFR is also consistent with the aims for achieving well-designed places as set out in the Framework. Accordingly, these policies are up-to-date and I have afforded the conflict with them full weight.
37. Given that some of the policies most important for determining the appeal are out-of-date, the so-called tilted balance approach to decision-making would normally be engaged. However, in this case given my findings in relation to heritage, the conventional untilted planning balance applies.

⁴ Planning Reference: DC/19/03851.

⁵ Planning Reference: DC/18/01279.

⁶ Appeal Ref: APP/W3520/W/18/3194926.

38. 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 asset. In terms of harm, the proposed development would not comply with development plan policy in respect of the harm to the setting of the Grade II listed building, the location of the site, including its accessibility to services and facilities; the local economy; and the living conditions for future occupiers of the proposed dwellings and the requirement to provide acceptable living conditions for future occupiers of the proposed dwellings would be likely to prejudice employment generating development by reason of noise. 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

39. 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