



Appeal Decision

Site visit made on 16 November 2021

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st December 2021

Appeal Ref: APP/F3545/W/21/3271178

Rose & Crown, Bury Road, Stanton IP31 2BZ

- 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 David Harris (M & D Developments) against the decision of West Suffolk Council.
 - The application Ref DC/20/2156/FUL, dated 9 December 2020, was refused by notice dated 5 February 2021.
 - The development proposed is described as the "construction of new two bedroom single storey house".
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the submission of the appellant's appeal, the revised National Planning Policy Framework (the Framework) was published and came into force on 20 July 2021. In this instance, the issues most relevant to the appeal remains unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

Main Issues

3. The main issues in this appeal are the effect of the proposal on the:
 - setting of the Grade II listed former public house known as the Rose and Crown,
 - living conditions of future occupiers with particular regard to noise and disturbance from the adjacent highway, and
 - whether the development would secure appropriate contributions towards infrastructure provision.

Reasons

Setting of the Listed Building

4. The appeal site forms a parcel of land that largely comprises unmanaged grass and is within an area that is generally rural in character, containing a variety of style and size of property. Immediately north of the site is a dwelling known as the Rose and Crown, which is a former public house and a Grade II listed

- building. To the rear and about the former public house are newly erected dwellings and other converted buildings.
5. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to pay special attention to the desirability of preserving a building or its setting or any features of special architectural or historic interest which it possesses. The Framework also states at Annex 2 that the setting of a heritage asset is the surroundings in which it is experienced and its extent is not fixed and may change as the asset and its surroundings evolve. Therefore, in undertaking this duty, I have based my assessment on the evidence presented before me and the observations I made during my site visit.
 6. The appellant argues that the appeal site does not have a direct visual relationship with the asset as a result of intervening landscaping and the separation distance involved. However, this is not a determinative factor in whether the appeal site forms part of the asset's setting, as experience in terms of setting has a much broader definition than just views or landscape value.
 7. Views of the former public house are clearly visible from the appeal site and is a part thatched building that occupies a prominent position on Bury Road. Although the building has ceased operating as a public house it still retains the appearance of an historic coaching inn. I find its significance as a designated heritage asset to be derived from its architectural and historical value, as well as its prominent appearance on this busy vehicular route on the A143, Bury Road.
 8. The appellant disputes the allocation of the site as a communal garden to support the development of nine dwellings at the site. Nevertheless, the new dwellings that have been erected to the south of the listed building are set back within the site, with the former public house retaining a prominent position on Bury Road. Moreover, notwithstanding the presence of dwellings to the rear of the former public house, I am not persuaded that this has materially changed over time to the extent that the appeal site no longer retains an important spatial relationship with the asset.
 9. Furthermore, one can still appreciate the setting of the asset from within the appeal site and to that end, while I accept that development has occurred around it, the remaining land at the appeal site has historically been part of the openness that allows the asset to remain prominent within the street scene. Moreover, I find the lack of development between the appeal site and the heritage asset reflects its historical association with its rural surroundings and the introduction of a dwelling as proposed, would undoubtedly interrupt and harm the element of openness that the appeal site provides to the setting of the listed building.
 10. With regard to the appearance of the proposed dwelling, I note that materials such as pantiles and stained weatherboarding would be employed. However, the building proposes to have its principal elevation facing onto the side of an existing two storey dwelling, with its garden area positioned adjacent to Bury Road. Therefore, the orientation and scale of the building would appear contrived and out of character when viewed against the existing form of development that surrounds it to the north, west and south. Moreover, as a

result of the distance from the listed building, it would fail to demonstrate a physical or historic relationship to the listed buildings and its surroundings.

11. Consequently, the development would fail to preserve the setting of the listed building. However, given the scale of the development proposed, the harm would be less than substantial. In such circumstances, the Framework requires at paragraph 202 that the harm to the significance of the asset should be weighed against the public benefits of the proposal. In this instance, the appellant argues that the development would increase housing stock and tidy up a site that has been the subject of illegal fly-tipping.
12. Although the harm is less than substantial it should not be treated as a less than substantial objection to the proposal. The development would secure a single dwelling which would boost the supply of housing and there would also be social and economic benefits arising from the proposal. However, given the limited scale of the development proposed, I am not persuaded overall that these matters represent any more than a limited benefit which would be insufficient to outweigh the otherwise identified harm, nor the great weight that the Framework requires at paragraph 199 to be given to the conservation of heritage assets.
13. Thus, the development would fail to preserve the setting of the listed building. It would be in conflict with Policy DM15 of the West Suffolk Joint Development Management Policies Document 2015 (DMPD) and paragraphs 199 and 206 of the Framework which seek, amongst other things, to ensure that developments respect the existing listed building and its setting.

Living Conditions

14. The proposal would be provided with a private garden area that would be positioned between the dwelling and Bury Road. Consequently, the Council argue that traffic using Bury Road would affect the living conditions of future occupiers of the dwelling through noise and disturbance.
15. I witnessed the level of traffic when viewing the appeal site and observed the stream of vehicles passing the site and the noise it generated. Although I accept that the former public house had part of its garden in the same position as proposed, it would have been occupied by patrons that were visiting the premises. This cannot be likened to the occupiers of the proposed dwelling that would have to use this space permanently as a garden. Moreover, although I also accept that on occasions dwellings are erected close to main or busy roads, mitigation or evidence is provided to demonstrate that the noise would not harm the living conditions of future occupiers. Although landscaping exists at the site boundary to Bury Road, I have not been provided with any evidence that this would be an adequate barrier to noise generated by passing traffic.
16. Thus, the development would result in harm to the living conditions of future occupiers through noise and disturbance from traffic using Bury Road. It would be in conflict with Policy DM2 of the DMPD and paragraph 130 of the Framework which seek, amongst other things, to ensure that the site is not adversely affected by noise unless appropriate mitigation can be implemented.

Infrastructure Contributions

17. The appellant has provided a completed unilateral undertaking to secure financial contributions towards education, libraries and waste in accordance

with Policy CS14 of the St Edmundsbury Core Strategy 2010. Given the policy requirements and the infrastructure needs arising from the development, I am satisfied that all of the above obligations are necessary, directly related to the development, and fairly and reasonably related in scale and kind to the development. Thus, they would accord with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).

18. However, as the contributions for infrastructure provision secured through the undertaking would only be necessary to make the development acceptable in planning terms, this aspect is a neutral factor in the case rather than a benefit.

Other Matters

19. The appellant has provided a drawing from planning application DC/15/1100/FUL which granted permission for the conversion of the public house and two-outbuildings into dwellings. The appellant argues that this permission includes one building described as a “detached barn” and has provided a drawing¹ from the permission to this effect. However, the permission granted at the site sought the conversion of an existing building and not the erection of a new dwelling. Moreover, there is nothing before me to confirm that the permission granted consent for a new dwelling on the same site as that proposed. Thus, I only afford this argument limited weight in support of the development.
20. The appellant also refers to Policy DM29 of the DMPD. However, as the development does not represent affordable housing, I am not persuaded that Policy DM29 lends support to the development. Furthermore, although I acknowledge the existence of the dwelling at Roseway to the north and forward of the Rose and Crown, this dwelling is historical and is not for consideration as part of the proposal before me. Furthermore, whilst Oaklands further north has a garden area to the front of the property, it also appears to extend to the side and rear of the building. In any event, I have considered this appeal on its own merits and the existence of development elsewhere is not an appropriate reason to find in favour of a proposal that is otherwise harmful.

Conclusion

21. Thus, I conclude that there are no material considerations of such weight that would indicate that a decision be taken other than in accordance with the development plan. Therefore, the appeal is dismissed.

Graham Wyatt

INSPECTOR

¹ Drawing P6 Job 375