
Appeal Decision

Site visit made on 8 February 2022

by Philip Mileham BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 March 2022

Appeal Ref: APP/W3520/W/21/3279217

Land south of Westhorpe Road, Finningham, Suffolk, IP14 4TW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Burgess Homes Ltd against the decision of Mid Suffolk District Council.
 - The application Ref DC/21/00366, dated 6 January 2021, was refused by notice dated 3 June 2021.
 - The development proposed is the erection of up to 8 dwellings with garages.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is made in outline with all matters reserved for future consideration and I have considered the appeal on this basis.

Main Issues

3. The main issues are:
 - Whether the site is in a suitable location for residential development; and
 - The effect of the proposed development on the setting of a nearby listed building.

Reasons

Planning Policy

4. The appellant has indicated that policies CS1 and CS2 of the Mid Suffolk Core Strategy (2008) (the MSCS) are out of date. These policies were considered, as part of an appeal¹ in 2018, and found to be out of date. The MSCS was adopted prior to the publication of the 2012 version of the National Planning Policy Framework (NPPF), but even so, the MSCS remains part of the Development Plan. Policy FC1.1 of the Core Strategy Focussed Review (2012) (the CSFR) is a broad policy setting out how the Council will approach delivering sustainable development including seeking that proposals conserve and enhance the local character of different parts of the District. As such, whilst policy FC1.1 is not out of date, its broad nature means it is not otherwise significant.
5. Policy CS1 of the MSCS sets out the settlement hierarchy for the District which indicates that Finningham is considered to be within the countryside in terms of

¹ Ref: APP/W3520/W/18/3194926

its policy position. Policy CS2 seeks to restrict development within the countryside policy area to a defined number of categories, and as the proposed development would be for market housing, it would not accord with any of the categories as set out in policy CS2. However, due to the policy being a closed list of categories, it is inconsistent with the National Planning Policy Framework (NPPF) which does not place such restriction on development in the countryside.

6. Policy H7 of the adopted Mid Suffolk Local Plan (1998) (MSLP) remains saved as part of the development plan. Policy H7 seeks to restrict housing development that would be unrelated to the needs of the countryside. As such, policy H7 adopts a more restrictive approach to development in the countryside than the NPPF and is therefore inconsistent with it in this respect.
7. Policy FC1.1 of the Mid Suffolk Core Strategy Focussed Review (2012) (CSFR) seeks to ensure development proposals demonstrate the principles of sustainable development. Paragraph 11 of the NPPF maintains a presumption in favour of sustainable development, albeit Policy FC1.1 seeks to reinterpret this in a local context and sets out that development should demonstrate the principles of sustainable development in Mid Suffolk.
8. The Council has indicated that it can demonstrate over 9 years supply of deliverable housing sites, based on their latest annual monitoring report. However, due to the inconsistency of the policies that are most important for determining the application being inconsistent with the NPPF, their weight is significantly reduced.

Suitable location

9. The appeal site is an area of agricultural land located off Westhorpe Road. Adjacent to the site is a recent residential development now known as 'Highbank Meadow', and opposite the site are a number of detached dwellings. There is no dispute between the parties that the site is located outside of the development boundary for the village, and as such, is in an area where residential development for market housing would be restricted.
10. The village of Finningham has limited services and facilities and whilst the appellant has drawn my attention to a Public House and farm shop, there is no evidence before me of any other services and facilities in the village. As such, future occupants of the proposed dwellings would be required to access day-to-day services such as education and healthcare in other settlements. There is a footpath on the opposite side of Westhorpe Road to the appeal site which links into the main part of the village. This would provide some opportunity to access the Public House, farm shop and bus stop on foot.
11. The appellant has drawn my attention to local bus timings which indicate services to other settlements, including the town of Stowmarket which has a range of services and facilities. However, the services indicated are not entirely regular, and as a result, future occupants would still be reliant on the use of private vehicles to access services and facilities in other settlements. The proposed development allows for up to 8 dwellings, and as such, I consider that over time, the cumulative number of private vehicle trips to access services and facilities elsewhere from this scale of development would be moderate.

12. The appellant has drawn my attention to the adjacent development which was granted Planning Permission in 2019. However, this appears to have been approved at a time when the Council could not demonstrate a 5 year supply of housing land. Furthermore, the location of this site would have different effects on the setting of nearby heritage assets. As a result, the circumstances surrounding its granting of permission were different to those presented in this appeal, and as such, do not alter my findings on this issue.
13. In light of the above, I conclude that the proposed development would not be in a suitable location for new housing. The proposal would be contrary to policy H7 of the MSLP, policies CS1 and CS2 of the MSCS, and policy FC1.1 of the CSFR which jointly seek to, amongst other things, control development in the countryside, direct development to settlements in the hierarchy with a greater range of services and facilities, define the types of development that would be appropriate in the countryside and support the presumption in favour of sustainable development.

Setting of listed building

14. The proposed development would be located directly opposite Hill House, a timber framed cottage which is a Grade II listed building. The significance of the building is defined by the features of the building including its timber framed construction and its more isolated setting. Hill House was historically a more remotely located cottage, albeit more recent development along Westhorpe Road has resulted in an evolution of its wider setting.
15. Hill House is sited close to Westhorpe Road and there is limited setback from the pavement to the frontage of the building, and as such, it sits prominently on the front of its plot. The character of this part of Westhorpe Road is a mixed pattern of development with the dwellings opposite the appeal site having generous plots with range of different setback distances from the road. Over time, the setting of Hill House has evolved as more recent developments have infilled along Westhorpe Road, and as such, Hill House no longer has an isolated setting it would once have had. However, due to the position of Hill House at the apex of the bend in Westhorpe Road, I consider the appeal site serves to provide an open setting for the frontage of the building. The appeal site therefore makes a positive contribution to the remaining setting of Hill House by allowing it to still be read as a peripheral cottage on the outskirts of the village. The readability of Hill House would therefore be harmed as a result of the proposed development eroding the openness of the setting.
16. The topography of the appeal site is higher than the land level of Hill House. In order to minimise the potential for two storey development to the frontage of the appeal site to dominate Hill House, the appellant's site plan shows that development on the site frontage would be restricted to single-storey development across part of the site frontage. Whilst restricting the frontage of the appeal site to single-storey development would limit the potential for over-dominance, I consider that development directly on the frontage of the appeal site, even single storey which could include not only dwellings but garages, would erode the remaining sense of space, isolation and openness of the setting of Hill House harming its significance. Furthermore, restricting development on the site frontage may result in the remaining part of the site being developed in a manner that could result in a harmful urbanising effect on the site, further harming the setting of Hill House.

17. The appeal proposal does not include any detailed building designs or layout and these matters would be addressed through the consideration of subsequent Reserved Matters. Whilst landscaping is a matter that is capable of being addressed via planning conditions, the openness of the appeal site contributes to the setting of Hill House which could still be harmed through landscaping along the frontage altering the open character of the setting. As such, I consider the proposed development would result in harm to the setting of Hill House.
18. In light of the above, I consider the proposed development would result in a harmful effect on the significance of a heritage asset and would therefore fail to preserve the setting of the Listed Building. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving the building or its setting, to which I attached considerable importance and weight.
19. I conclude that the proposed development would fail to accord with Policy CS5 of the MSCS and saved Policy HB1 of the MSLP which seek to maintain and enhance the historic environment and protect the character, appearance and setting of listed buildings.
20. In the context of paragraph 202 of the NPPF, the aforementioned harm to the setting of Hill House would be less than substantial. The proposed development would provide 8 dwellings which make a positive contribution to the economy through labour supply and in the supply of materials albeit this would be temporary during the construction period. The proposed dwellings would also make a positive contribution to meeting housing need in the area, and some social benefits would arise from future residents supporting community activities as well as utilising the farm shop and Public House. Environmental benefits would also be provided through securing on-site biodiversity enhancement although this would be offset through the development of a currently undeveloped site. Notwithstanding this, the benefits arising from the proposed development of 8 dwellings would be modest.

Other Matters

21. Concerns have been raised from third parties regarding the effect of the proposed development on flooding and highway safety. However, as I am dismissing the appeal for other reasons, it is not necessary for me to address these matters further in my decision.

Planning balance and conclusion

22. As set out above, there are a number of relevant development plan policies that are most important to the determination of this appeal are considered to be out of date, and as such, the tilted balance set out in paragraph 11d) is engaged. I have identified conflict with the development plan in respect of whether the site is in a suitable location for residential development and the effect on the setting of a designated heritage asset. Notwithstanding this, the most important policies for the determination of the appeal in respect of the location of development namely Policy H7 of the MSLP, policies CS1 and CS2 of the MSCS are afforded reduced weight due to their inconsistency with the NPPF.

23. Although the proposed development would have some economic, social and environmental benefits, there would be moderate harm arising from the cumulative additional vehicle movements generated by the proposal accessing services and facilities elsewhere.
24. In relation to the harm to the significance of a heritage asset, whilst the proposal would have public benefits, these would be modest and would not be sufficient to outweigh the less than substantial harm to a designated heritage asset to which I afford considerable weight.
25. Taking these matters into account, including the reduced weight I have afforded to policies relating to the location of the proposed development, I consider the adverse impacts would significantly and demonstrably outweigh the benefits of granting planning permission when assessed against the policies in the NPPF when taken as a whole.
26. For the reasons given above I conclude that the appeal should be dismissed.

Philip Mileham

INSPECTOR