



Appeal Decision

Site visit made on 22 February 2022

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd March 2022

Appeal Ref: APP/W3520/W/21/3276058

Land adjacent to Mulletts Barn, Willisham Road, Barking IP6 8HY

- 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 Hartog Hutton Ltd against the decision of Mid Suffolk District Council.
 - The application Ref DC/20/04406, dated 3 October 2020, was refused by notice dated 30 November 2020.
 - The development proposed is Erection of No3 detached dwellings with garages.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application was submitted in outline with all matters reserved except for access. I have had regard to the site layout (Drawing Ref 01) but have treated each element of the drawing as indicative, apart from the details of the access, when considering the likely impact of the proposal on the matters set out in the main issues below.
3. 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.

Main Issues

4. The main issues are:
 - whether the appeal site is a suitable location for the proposal with particular reference to development plan policies concerned with housing in rural areas and the accessibility of services and facilities;
 - whether acceptable living conditions could be provided for future occupiers of the proposed dwellings, with regard to odour and pests;
 - the effect of the proposal on the character and appearance of the countryside, including the Special Landscape Area within which it is situated and the setting of the listed building, Mulletts Farmhouse; and
 - whether acceptable living conditions could be provided for future occupiers of the proposed dwellings, with regard to noise and disturbance.

Reasons

Location and accessibility

5. For the purposes of planning policy, the appeal site is situated within the countryside as defined by Policy CS1 of the Core Strategy¹ (CS). The policy seeks to guide development to settlements with more facilities and services, particularly the Towns and Key Service Centres. In the countryside, development is restricted to particular types 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.
6. Policy H7 of the Mid Suffolk Local Plan (Adopted September 1998) (LP) repeats the strict control over new housing in the countryside and directs development to existing settlements. The aim of this policy is to protect the countryside and the proposed development would not offend this aim (see the third main issue). However, the proposal is for housing in the countryside, so it would harmfully undermine the spatial strategy expressed in the development plan, particularly in respect of rural housing.
As outlined by the Inspector at Willisham², this would also be harmful to the consistency and relative certainty that should flow from the plan led system.
7. The appeal site could not be said to be isolated in the language of the Framework and the Braintree Judgement, but it would do little more than add to existing development in the countryside. While Needham Market offers a very good range of services and facilities, including a railway station, it is some distance away. The bus services said to be available at the junction with the B1078 offer daily services to nearby settlements but these are infrequent and the route immediately outside the site is fast flowing and lacks dedicated footways and street lighting. I am therefore unable to conclude that the bus travel would sufficiently discourage the use of private motorised transport.
8. Accordingly, the opportunities to walk to the services and facilities available in Willisham and Barking and the bus stops would not be convenient or realistic ones, particularly for occupants with young children or mobility issues and especially after dark or during inclement weather. I accept that occupants could cycle to Needham Market, through Barking, which is predominantly a 30mph route. Nevertheless, it is likely that future occupants of the proposed dwellings would be highly likely to need to travel regularly by private motorised transport to access rail services, education, employment, healthcare, leisure, and retail. Many of these journeys may be shorter, to nearby settlements, and a greater dependency on car use is inevitable in more rural locations, but the cumulative effect of allowing developments in locations such as the proposal would be likely to increase the amount of unsustainable journeys made and fail to move towards a low carbon economy.
9. I have been referred to several permissions for housing in the vicinity of the site, the nearest being three dwellings³ constructed to the north of Mulletts Farmhouse. Like the appeal at Moat Farm Barns⁴, northwest of the site,

¹ Mid Suffolk Local Development Framework Core Strategy Development Plan Document 2008.

² Appeal Reference: APP/W3520/W/19/3233330.

³ Planning Reference: DC/17/05533 - the original permission, which was latterly replaced.

⁴ Appeal Reference: APP/W3520/16/3144431.

permission was given at a time that the Council was not able to demonstrate five-years housing land supply (5YHLS) and it is partly within and much closer to the section of the road designated as 30mph. The Inspectors for Moat Farm Barns and a site at Willisham both arrived at opposing views regarding the accessibility of the sites. For the reasons outlined above, I have arrived at a similar conclusion to the Inspector for the latter.

10. For these reasons, I conclude that the appeal site would not be a suitable location for the proposed development, 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, and paragraphs 79 and 105 of the Framework.
11. I have not found in relation to Policies FC1 and FC1.1 of the Mid Suffolk Local Development Framework Core Strategy Focused Review 2012 (CSFR), as it does not contain any provisions relevant to this main issue and I find as to whether the proposal would represent sustainable development in the Planning Balance.

Odour and pests

12. The appeal site occupies part of a larger field which adjoins a poultry farm of several individual units. On behalf of the appellants, the occupant of Mulletts Barn has referred to a prevailing south-westerly wind direction, improved animal welfare standards, and decreased stocking densities at the farm, but the appellants' Environmental Noise Assessment (ENA) confirms that restocking and cleaning of the poultry units takes place every 4-5 weeks. This therefore increases the potential for disturbance during this practice.
13. While the occupant of Mulletts Barn suggests he has not experienced problems with odour from the adjacent poultry farm while residing at the property, this is anecdotal evidence that does not provide an accurate picture of the worst-case scenario regarding any odour that could be experienced from the poultry farm. In particular, there is no dispersion model to demonstrate that odour would not affect the occupants of dwellings within the site, particularly during warmer weather. There is also no substantive evidence in respect of pests that may be associated with the poultry farm. The potential impact of odour and pests on the proposed development is therefore not demonstrated.
14. I appreciate that the Council did not raise any such concerns with regard to the three dwellings north of Mulletts Farmhouse, but these are situated further north and, unlike the field within which the appeal site is located, they are not adjacent to the poultry farm. That scheme is therefore not comparable with the appeal scheme in this respect.
15. Having regard to all of the above and the particular circumstances of this case, I must conclude that there is insufficient evidence before me that odour and pests from the poultry farm would not have a harmful effect on the living conditions of future occupiers of dwellings within the appeal site. Hence, the proposal would be contrary to the aims expressed in paragraphs 130 and 174 of the Framework regarding living conditions, particularly odour.
16. I have not found in relation to paragraph 92 of the Framework, as it does not refer to living conditions, particularly odour and pests.

Character and appearance, including setting of the listed building

17. The appeal site is situated between Barking and Willisham, within a designated Special Landscape Area. To the south is High Winds, a residential property set in substantial grounds. Opposite the site is a large expansive open agricultural field, which extends north and west. To the north is Mulletts Barn, which has been converted to a house, and a number of commercial buildings formerly associated with Mulletts Farmhouse.
18. Existing development in Barking is arranged to the eastern side of the road and extends in a continuous ribbon south, except where it extends west along the southern side of the B1078. The dwellings are generally close to the road and situated within landscaped plots that adjoin the countryside, so there is an instantaneous transition to large open and undeveloped fields to the east and west. This creates a clear and distinct pattern of development that contributes to the character and appearance of the settlements and surrounding landscape within the countryside.
19. Mulletts Farmhouse is a Grade II listed building, the listing description for which suggests it is timber-framed and probably built in the 16th Century or earlier, but appears to have been renovated. It is predominantly a two-storey building but incorporates a lean-to from its southern gable and a more recent rear range of varying heights. The significance of the farmhouse lies in its architectural and historic interest as a well-preserved 16th Century, or earlier, timber-framed farmhouse.
20. The listing description is for identification purposes only and does not form an exhaustive list of the features of the building or the totality of its significance, as the farmhouse also draws significance from its setting. Moreover, it is evident that the historic setting of the farmhouse has changed as a consequence of the introduction of built development to the eastern side of the road, particularly the three dwellings to its north. These have closed the gap between it and the others in Barking. The conversion of Mulletts Barn and the separate commercial use operating from its rear have also changed its setting. While the farmhouse is therefore embedded within the frontage development to the east of the road, it remains distinguished from it, as is set within a large garden enclosed by mature planting. Together with the open and undeveloped character of the agrarian landscape to the east and west of the farmhouse, the garden provides a rural context which forms an integral part of the historic setting of the listed building and its likely role in food production.
21. The proposal would extend linear residential development southwards along the road, but this would follow the existing grain of development in Willisham and Barking. Furthermore, due to the proximity and physical relationship of the proposal with the listed farmhouse, including the presence of intervening buildings at Mulletts Barn, it is unlikely that development within the site would be harmful to its setting. The farmhouse would remain prominent within its garden and its relationship with the land to the east and west would persist. The rural setting of the listed farmhouse would therefore be preserved and the proposal would not detract from it.
22. The proposal would be likely to have a similar relationship within the surrounding landscape to the dwellings built to the north of the farmhouse and would appear as a natural extension further south of the existing ribbon of dwellings. However, were the mature hedge at the site frontage to be retained,

the proposal would be more likely to assimilate within its surroundings than the dwellings north, which do not benefit from much planting at their frontage.

23. In light of the above, I conclude that the proposal would not have a harmful effect on the character and appearance of the countryside, including the Special Landscape Area within which it is situated or the setting of Mulletts Farmhouse. Hence, the appeal proposal would satisfy the statutory duty outlined in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and would accord with the design and heritage aims outlined in paragraphs 174 and 199 of the Framework and Policy CL2 of the LP, Policy CS5 of the CS and Policy FC1.1 of the CSFR.

Noise and disturbance

24. The proposed dwellings would be around 100m to the northeast of the poultry farm and the Council alleges that noise from plant and machinery from the farm could be harmful and disturb occupants of the proposed dwellings. The appellants' ENA has not been considered by the Council and it has offered no supporting evidence to the contrary. The ENA provides a fully representative picture of existing background noise and the potential for identified sources of noise at the poultry farm to affect future occupants of the proposed dwellings. It therefore provides sufficient clarity and robustness to enable me to conclude that the living conditions of future occupiers of the proposed development would not be unacceptably harmed by noise and disturbance from the identified sources. Accordingly, the proposal would accord with the aims in respect of living conditions, particularly noise, as expressed in paragraphs 130 and 174 of the Framework.
25. As with the second main issue, I have not found in relation to paragraph 92 of the Framework, as it does not refer to living conditions, particularly noise.

Other Matters

26. The appellant has referred to the conduct of the Council in the determination of the application, including the information required for its determination and the approach to and consistency of its decision-making. However, as part of this appeal I have considered the individual merits of the appeal scheme afresh in relation to the relevant policies and evidence before me.

Planning Balance

27. The development plan for the area comprises the LP, CS and the CSFR. While these all predate the current Framework, they should not be considered out-of-date simply because they were adopted prior to its publication. Due weight should be given to them according to their consistency with the Framework.
28. The Inspectors for the appeals at Willisham and Woolpit⁵ collectively assessed of the consistency of Policies CS1 and CS2 of the CS, Policy FC1 of the CSFR, and Policy H7 of the LP, and found them all to be out-of-date. I have little reason to disagree with the reasons outlined in those decisions. Policy FC1.1 of the CSFR is consistent with the aims for achieving well-designed places as set out in the Framework, so it is an up-to-date policy. Nevertheless, given the importance of Policies CS1, CS2, and H7 to the principle of development of houses in the countryside, they are the most important policies taken as a

⁵ Appeal Ref: APP/W3520/W/18/3194926.

whole, and are to be regarded as out of date for the purposes of this decision. The so-called tilted balance approach to decision-making is therefore engaged and permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

29. Despite the Council being able to demonstrate 5YHLS, the proposal would help it continue to meet its housing targets and provide three new family homes, but these would only amount to social benefits of limited weight. The future occupants of the proposal would be likely to support some of the services situated locally but would meet the majority of their day-to-day needs by travelling further afield using private motorised transport, so I am only able to afford these social and economic benefits moderate weight.
30. The proposal could provide enhancement of local biodiversity, including through the establishment of a native species hedgerow to the eastern boundary of the site. However, landscaping is a 'reserved matter' so these details are currently indicative and could only be afforded limited weight as environmental benefits.
31. In terms of harm, I am mindful of the weight given to the conflict with policies in the Willisham appeal, but the scheme before me is for three times as many dwellings so I afford considerable weight to the conflict with the policies of the Framework in respect of the accessibility of the site to services and facilities and potential harm from odour and pests. The proposal would also not comply with development plan policy in respect of the location and accessibility of the site but, due to my findings above, I am only able to afford limited weight to the conflict of the proposal with the relevant policies of the development plan.
32. The proposal would not conflict with the development plan in respect of its effect on the character and appearance of the countryside, including the setting of the listed building. There would also be no conflict in respect of flood risk and land contamination, but these all amount to neutral factors that would neither weigh in favour nor against the appeal scheme.
33. The adverse impacts of granting permission identified in respect of the accessibility of the site to services and facilities and potential for disturbance to future occupiers from odour and pests would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This does not indicate that the proposal should be determined other than in accordance with the development plan.
34. The proposal would therefore not amount to sustainable development under the terms of the Framework and Policies FC1 and FC1.1 of the CSFR.

Conclusion

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

Paul Thompson

INSPECTOR