



Appeal Decision

Site visit made on 5 July 2022

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th July 2022

Appeal Ref: APP/W3520/W/21/3282345

Land West of Windsor Cottage, The Street, Hunston, Bury St Edmunds, IP31 3EL

- 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 & Mrs Trevor and Georgina Walshe against the decision of Mid Suffolk District Council.
 - The application Ref DC/21/01476, dated 12 March 2021, was refused by notice dated 26 May 2021.
 - The development proposed is Proposed Detached Dwelling and Garage/Workshop Together With Formation of New Vehicular Access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Both parties refer to the emerging Joint Local Plan and policies contained within it¹, including 'Policy LP01' which is said to designate Hunston as a hamlet. However, both parties recognise that the plan is at an early stage of the plan-making process. In addition, the Council has confirmed that the examination process has been halted, and the proposal is now to divide the Joint Local Plan into two documents and rewrite a number of policies including LP01. Given this uncertainty, the early stage of the plan and that I have not been provided with copies of any representations made (and confirmation of whether they have been resolved), the Joint Local Plan Policies, including LP01, can only be afforded very limited weight². Furthermore, it is not possible to be certain that the development complies with Policy LP01, given that a draft settlement boundary has not been provided.
3. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (the Framework). The appeal process has afforded the main parties sufficient opportunity to comment on it and I have had regard to it in considering this appeal.
4. The evidence before me indicates that there was a previous appeal which considered development on the appeal site. However, I have not been provided with the decision, nor the specific details of that appeal. As such, I am unable to have regard to it in this decision.

¹ Albeit I have not been provided with a copy of the title page or confirmation of the precise stage of the plan.

² Whilst an Inspector considering APP/W3520/W/19/3233330 concluded that the emerging plan provided a direction of travel, the current circumstances are clearly different, given the halting of the plan-making process.

Main Issues

5. The main issues are:

- Whether the site is a suitable location for the proposed development, with particular regard to access to services and facilities.
- Whether the proposed development would preserve or enhance the character and appearance of Hunston Conservation Area and preserve the setting of the nearby listed buildings.

Reasons

Location

6. The appeal site is located in Hunston, which is not included within any of the settlements outlined in the settlement hierarchy under Policy CS1 of the Core Strategy³ (2008). As such, the appeal site is located within the countryside. Policy CS1 states in part that only certain types of development will be permitted in the countryside. Core Strategy Policy CS2 states that development in the countryside will be restricted to defined categories of development, none of which apply in this instance. Furthermore, Policy H7 states that outside of the settlement boundaries there will be strict control of proposals for new housing.
7. The Core Strategy text (see paragraphs 2.4 to 2.37) makes it clear that the settlement strategy in the District is aimed at ensuring that development is focussed in locations which have good access to services and facilities, with locations elsewhere in the countryside (such as the appeal site) only acceptable in certain instances.
8. There is no substantive evidence to indicate that there are any services and facilities in Hunston. The nearest settlement with services and facilities is Badwell Ash, which is located approximately 1.2km to the north-east of the appeal site. Other villages with services and facilities in the surrounding area include Norton and Ixworth, which are both further afield.
9. There is no footway along the highway for much of the route between the appeal site and the neighbouring villages. In addition, the highway along The Street is particularly narrow and this factor combined with the significant distance to neighbouring villages means that it is highly unlikely that future occupiers would choose to regularly walk along these routes. As such, the future occupiers of the proposed dwelling would be reliant on the use of the private motor vehicle to access services and facilities on a day-to-day basis.
10. Indeed, the Appellants' evidence recognises that there would be a reliance on the use of the private car. Albeit they refer to a number of material considerations which I address in the 'Planning Balance'.
11. Future occupiers of the proposed development would have poor access to services and facilities and would be reliant on the private motor vehicle to access them on a regular basis. As such, the appeal site is not a suitable location for the proposed development and there would be a conflict with Core Strategy Policies CS1 and CS2 as well as Saved Local Plan Policy H7.

³ Mid Suffolk District Core Strategy Development Plan Document (September 2008)

12. Core strategy policies FC1 and FC1.1 refer to the broad concept of sustainable development and they are not particularly relevant to this main issue. Nonetheless, there would be conflict with these policies in so far as the development would not be consistent with the provisions of the Framework, as discussed under 'Planning Balance'.

Heritage

13. The appeal site is located within the Hunston Conservation Area (CA). In addition, there are two listed buildings in close proximity to the appeal site. Tudor House is a Grade II listed building located to the west of the appeal site. Treetops is a Grade II listed building located on the opposite side of The Street.
14. Under section 66 (1) and section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I am obliged to have special regard to the desirability of preserving the listed buildings, their setting and any features of special architectural or historic interest. Under section 72 (1) of the same Act, I am obliged to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA.
15. The CA primarily derives its significance from the large number of well-preserved listed buildings and the rural and verdant setting within which they are located. Many of the buildings are residential properties and some are former farmhouses. The function of many of these buildings is therefore partly synonymous with the rural character of the CA. There are various examples of more recent and more contemporary dwellings within the surrounding area, but these are often not clearly legible in the street scene. The adjacent Listed Buildings similarly derive their significance from their well-preserved historical architecture and their rural setting. Treetops has a distinctive thatched roof and doormers, whilst Tudor House is a timber framed building with distinctive panelled elevations.
16. The appeal site is partially visible over the existing access and through the trees which largely screen the site. Nonetheless, these glimpsed views allow an appreciation of the undeveloped and rural character of the appeal site. In this regard, the appeal site currently makes a positive contribution to the significance of the CA given then importance of the rural setting of Hunston. For the same reasons the site also makes a positive contribution to the setting of the nearby listed buildings (Treetops and Tudor House) and their spacious rural character.
17. The proposed development includes a relatively large dwelling with a detached garage. This is of a fairly contemporary design which does little to reflect the more traditional appearance of the nearby listed buildings within the CA. The dwelling with the detached garage, driveway and inevitable residential paraphernalia, would result in a harmful reduction in the rural character of the CA. For the same reasons the proposed development would result in less than substantial harm to the Listed Buildings. This harm would be less than substantial within the meaning of Framework Paragraph 202.
18. The Council refers to the Church of St Michael which is a Grade II* Listed Building located approximately 450 metres to the south of the appeal site. The allegation of harm in this regard pertains to the elimination of the possibility of open views towards the church, across the open fields to the south. However, there are no such views at present given the presence of two banks of

relatively mature trees. I see no reason why there would be any realistic prospect of these trees being removed. I therefore find no harm to the setting of the Church of St Michael.

19. Framework Paragraph 202 requires that less than substantial harm is weighed against the public benefits of a proposal including, where appropriate, securing the heritage asset's optimum viable use. The proposed development would include social and economic benefits associated with the increase in housing stock as a result of one new self-build dwelling. Notwithstanding my conclusions in relation to the first main issue, there would be a small increase in support for local services and facilities further afield. There would also be some temporary economic and social benefits through support for construction jobs. The dwelling would also be energy-efficient which involves some environmental benefits.
20. However, given the relatively small scale of the development, these public benefits can only be attributed moderate weight. Conversely, the less than substantial harm to the heritage assets should be afforded great weight, in line with the provisions of Framework Paragraph 199. The modest public benefits of the proposed development would not outweigh the less than substantial harms.
21. The proposed development would therefore conflict with Core Strategy Policy CS5 and Saved Local Plan Policy HB8 which seek to conserve heritage assets and protect the character and appearance of conservation areas respectively. The Council has not provided copies of the other Saved Local Plan policies referred to in the reason for refusal and as such, I have not identified any conflict with them.

Other Matters

22. The Highway Authority and interested parties have raised issues concerning the impact of the development on highway safety. However, given that I am dismissing this appeal on other grounds it is not necessary for me to consider this matter further.

Planning Balance

23. Core Strategy Policies CS1 and CS2, are inconsistent with the Framework, as they take a more restrictive approach to development in the countryside than advocated in the Framework. Saved Local Plan⁴ (1998) Policy H7 is also inconsistent with the Framework, as it takes an even more stringent approach to residential development in the countryside. As such, the most important policies in considering this appeal are out-of-date and Framework Paragraph 11d applies.
24. The Council has indicated that the current Housing Land Supply Position exceeds 5 years. The Appellants, whilst highlighting an alleged past undersupply, have not provided any substantive evidence to indicate a shortfall. As such, whilst Paragraph 11d is engaged, this is not as a result of any shortfall.
25. Framework Paragraph 11d(i) states that permission should be granted, unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development

⁴ Mid Suffolk Local Plan (September 1998)

proposed. Footnote 7 clarifies that such policies include those relating to designated heritage assets. I have found that the proposed development would result in less than substantial harm to the CA and nearby listed buildings. I have also undertaken the test at Framework Paragraph 202 and concluded that the limited public benefits of the proposed development would not outweigh this harm. This therefore provides a clear reason for refusing the development within the context of Paragraph 11d(i). As such, Framework Paragraph 11d(ii) is not engaged.

26. The appellants refer to Framework Paragraph 80 and a related judgement⁵. However, the appeal site is not isolated within these terms, given its close proximity to other dwellings. The appellants also refer to Framework Paragraph 105 which acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, whilst I recognised that rural areas often have lower access to services and facilities, I do not consider that Paragraph 105 provides a justification for new development in locations which have very poor access to services and facilities, such as in this case.
27. Indeed, Framework Paragraph 105 also states that significant development should be focused on locations which are, or can be made, sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Furthermore, Framework Paragraph 92 states in part that decisions should ensure healthy and inclusive places, including through providing access to local shops. The proposed development would conflict with the Framework in these regards.
28. I have already outlined the public benefits of the proposal in relation to the heritage balance. These are of limited weight and when combined with the limited private benefits associated with the provision of one dwelling, they would not be sufficient to outweigh the overall harm which would be caused by the development.
29. I accept that there is some local support for the proposed development but this does not outweigh the harm which I have identified.
30. Finally, the extent to which the proposed development complies with emerging Local Plan Policy LP01 is unclear. In any case, for the reasons already outlined it can be afforded very limited weight and it does not alter my conclusions in relation to the harm which would be caused by the development.

Conclusion

31. The proposed development would conflict with the development plan taken as a whole. There are no other material considerations of sufficient weight, including the approach set out at Framework Paragraph 11, which indicate a decision other than in accordance with the development plan. The appeal is therefore dismissed.

Luke Simpson

INSPECTOR

⁵ Braintree District Council v Secretary of State for Communities and Local Government, Greyread Limited & Granville Development Limited [2017]