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# Appeal Decision

Site visit made on 25 July 2022

**by Jonathan Price BA(Hons) DipTP MRTPI DMS**

**an Inspector appointed by the Secretary of State**

**Decision date: 9 August 2022**

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**Appeal Ref: APP/X3540/W/21/3283024**

**Camelot, Mill Road, Wissett, Halesworth, Suffolk IP19 0RA**

- 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 Mr Nicholas Greenway against the decision of East Suffolk Council.
  - The application Ref DC/20/4968/OUT, dated 29 October 2020, was refused by notice dated 1 April 2021.
  - The development proposed is outline application (some matters reserved) for residential development of up to 4 No. dwellings with new access and associated parking following demolition of the existing dwelling Camelot.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The application was made in outline with all detailed matters reserved for later consideration apart from access. I have dealt with the appeal on the same basis, taking the revised courtyard layout of four dwellings provided as indicative of how the proposed development might proceed. The application was supported by planning, design and access, transport and heritage statements. I have considered these along with the evidence supporting the appeal.

## Main Issues

3. I consider the main issues in the appeal to be whether
  - future occupiers of the proposal would have reasonable access to regularly required services and facilities;
  - the proposal would be appropriate with regard to the loss of the existing dwelling and to its effect on the setting of grade II listed Grove Farmhouse;
  - any effects of the proposal on European designated nature conservation sites in the wider area would be mitigated.

## Reasons

*Access to regularly required services and facilities*

4. The proposal would replace the existing house with four dwellings within the property. The site is on a narrow country lane that runs in a loop adjacent to the main road connecting Halesworth with the smaller village of Wissett.

5. Mill Road has the capacity to accommodate the small amount of vehicular traffic generated by an additional three dwellings and safe access to and from the appeal site could be provided. However, the relatively long distances from this site to the good range of services in Halesworth, and the smaller amount in Wissett, would not be on a route served by public transport. Future occupiers would depend mainly on private car journeys to reach these. Although feasible, only the most committed of walkers or cyclists would meet regular needs without some reliance on private car or taxi use. Furthermore, Mill Road is narrow, without footways or lighting, discouraging non-car use outside daylight hours, when it would be less safe.
6. I concur with the Council that the site is poorly connected to local services and facilities. Although Public Rights of Way may provide some attractive rural walking routes, it would be less likely that these would be used to access services and facilities needed on a day-to-day basis. Opportunities to use sustainable travel modes would be limited in this location and travel to and from the site would be heavily dependent on private motor vehicle use. The proposal would not gain the support of Policy WLP8.21 of the Waveney Local Plan 2019 (WLP), as the dwellings would not be located close to services, facilities and public transport, nor provide safe pedestrian and cycle access to these.
7. In paragraph 105, the National Planning Policy Framework (the Framework) requires that the planning system should actively manage patterns of growth in support of sustainable transport objectives. It 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. I have taken into account that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, there is no compelling need in this case for allowing further housing in a location where access to services would be highly dependent upon a car.
8. Framework paragraph 124 seeks that decisions should support development that makes efficient use of land, taking into account the availability and capacity of infrastructure and services and the scope to promote sustainable travel modes that limit future car use. These policies support the Framework's central objective for achieving sustainable development, which includes minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy. Policy WLP8.21 remains consistent with the Framework in these regards and significant weight is attached to the harm arising from the conflict I find with this.

*The loss of the existing dwelling and its effect on the setting of Grove Farmhouse*

9. The Council has identified Camelot to be of some historic and architectural interest. This is through it being a typical late-C18 or early-C19 agricultural labourer's cottage, featuring dentil course detailing and parapet gables supported by corbel brackets. I am satisfied that Camelot meets the Council's criteria for being considered a non-designated heritage asset.
10. The proposal provides no firm evidence that Camelot is structurally beyond viable repair or could not be sustained as part of an alternative scheme. Its demolition would therefore conflict with Policy WLP8.38, which permits this only where there are comprehensive and detailed plans for redevelopment of the site and where the building is structurally unsound and beyond feasible and

viable repair (for reasons other than deliberate damage or neglect) or all measures to sustain the existing use or find an alternative use/user have been exhausted. Following Framework paragraph 203, the significance and loss of this building would weigh moderately against approval.

11. The next-door dwelling, Grove Farmhouse, is a Grade II listed late-C16/early-C17 timber framed building. I have a duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving its setting. It faces Mill Road with a collection of historic barns and outbuildings to the rear, arranged around two courtyards.
12. Grove Farmhouse is significant as an isolated farmstead and the converted complex of farm buildings to its rear and side form part of a historic assemblage evidently dating back to at least 1884. Although the farm buildings have since been converted to residential use, I agree with the Council that their agricultural character has been largely retained and they still contribute to the understanding of the historic farm.
13. In whatever way four dwellings were to be eventually designed and laid out on the appeal site, there would inevitably be a degree of harm by their proximity to Grove Farmhouse. Any scheme would diminish the historically isolated setting of this listed building and how this is appreciated, thereby reducing the contribution this makes to the significance of this listed building. This brings the proposal into conflict with Policy WLP8.37, through it failing to conserve or enhance the setting of the listed Grove Farmhouse.
14. The WLP defers to Framework policy over the historic environment. In this context, the proposal's impact on the significance of Grove Farmhouse would result in less than substantial harm. Irrespective of this, great weight must be given to the asset's conservation, with considerable importance and weight given to the desirability of preserving its historic setting.

*Effects on European designated nature conservation sites in the wider area*

15. The proposal falls within a Zone of Influence identified by the Suffolk Recreational Avoidance and Mitigation Strategy (RAMS). The RAMS addresses the delivery of mitigation to offset recreational disturbance effects of increased development growth on the European designated nature conservation sites along the Suffolk coast, which are protected under the Habitats Regulations<sup>1</sup>.
16. Because of the way the Habitats Regulations is framed it is necessary to reach a conclusion over the likely significant effect for each proposal however small, in combination with other plans or projects. The RAMS establishes a contribution towards mitigation based on the scale of the proposal. This supports mitigation measures for the combined effects of development growth on these protected European sites. This mitigation would provide me the basis as a competent authority to carry out a Habitats Regulations Assessment. This would be to determine whether it could be concluded that the proposal would have no adverse effects on the integrity of these European sites. As the mitigation contribution required under the RAMS has not been provided, I am unable to reach such a conclusion. Therefore, the scheme fails to satisfy the Habitats Regulations and Policy WLP8.34. Although the appellant is willing to

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<sup>1</sup> Conservation of Habitats and Species Regulations 2017 (as amended)

provide the necessary RAMS contributions, given my overall conclusions over this proposal, I have not sought this.

### **Scheme Benefits**

17. The net increase of three dwellings would support the Government's objective to boost housing supply, which is a small public benefit to which I attach a commensurate amount of weight. The Council's register shows there are 15 expressions of interest for a self-build housing plot in Wissett, with no permissions currently available to meet this demand. The appellant points to the Council having approved 15 dwellings in Old Station Road, Halesworth, contrary to policy but reflective of a need to meet such a demand, where there are presently 28 expressions of interest for self-build homes in that town. Assuming a mechanism ensured the four dwellings proposed became available as self-build units, this would then help meet a particular need and be supported by Policy WLP8.3 and Framework paragraph 62. In such circumstances, this would comprise a further public benefit of moderate weight.
18. The construction of the four dwellings would provide short-term economic benefits to the locality, with longer term support to local shops and services following occupation. I attach a small amount of weight to these modest economic benefits.
19. Many of the other benefits cited by the appellant are either more personal or comprise arguments made in support of the proposal that reflect either an absence of harm or comprise mitigation over any potential adverse effects.

### **Planning Balance and Conclusion**

20. Policy WLP1.1 establishes the scale and location of development growth. It steers this mainly to within settlement boundaries in amounts broadly reflective of scale and the level of services. Policy WLP7.1 provides for approximately 10% of District housing growth within rural areas. This is based on a rural settlement hierarchy where 70% of this will be in larger villages, 20% in smaller villages (like Wissett) and 10% elsewhere in other rural settlements in the countryside. As it is outside of any settlement boundary or allocation, the appeal site is deemed to be countryside under Policy WLP1.2, where residential development is generally not permitted unless specific policies indicate otherwise.
21. Policy WLP8.7 is relevant, as it addresses small scale residential development in the countryside. There is a small gap between Camelot and the group of dwellings at Grove Farmhouse. To the other side there is a much wider area of open farmland between Camelot and the next small group of houses on that side of the road. Beyond these there is an even wider area of open countryside before the main built-up village of Wissett is reached.
22. In terms of the criteria of Policy WLP8.7, the site does not constitute a clearly identifiable gap within a built-up area of a settlement within the countryside, particularly as there are not existing residential properties on two sides. In whatever way the four dwellings were to be arranged, the proposal would extend further into the undeveloped countryside than the existing extent of the built-up area surrounding the site.
23. Small scale residential development of up to and including five dwellings may also be permitted where there is the clear support of the community. However,

this has not been adequately demonstrated nor is the site adjacent or within the built-up area of the settlement within the countryside. The proposal would amount to a consolidation of a sporadic amount of remote housing outside of any identifiable settlement and fails to gain any convincing support from Policy WLP8.7. As such, the proposal would not be supported in the countryside and be in conflict with the spatial strategy for the location of housing established by policies WLP1.1, WLP1.2 and WLP7.1.

24. With the failure to comply with the policies I have identified, the proposal would be in conflict with the development plan when read as a whole and the appeal must be determined in accordance with this, unless material considerations indicate otherwise.
25. Applying Framework paragraph 203, the less than substantial harm caused to the significance of a designated heritage asset should be weighed against the public benefits of the proposal. As I have identified, such combined public benefits would be moderate only, insufficient to outweigh the considerable importance and weight that needs to be given to the desirability of preserving the setting of Grove Farmhouse.
26. The appellant refers to the so-called tilted balance within Framework paragraph 11 (d). Even if the development plan policies most important for determining the appeal were out-of-date, which is not considered to be the case, this would not be engaged because Framework policies protecting European nature conservation sites and designated heritage assets provide a clear reason for dismissing the appeal.

### **Conclusion**

27. Based on the reasons given above, material considerations would not indicate my decision be otherwise than in accordance with the development plan, with which the proposal would be in conflict. Therefore, I conclude that the appeal be dismissed.

*Jonathan Price*

INSPECTOR