



Appeal Decision

Site visit made on 4 August 2022

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2022

Appeal Ref: APP/W3520/W/21/3287050

Forge Barn, Mill Road, Wyverstone IP14 4SE

- 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 S Ruthen against the decision of Mid Suffolk District Council.
 - The application Ref DC/21/04656, dated 12 August 2021, was refused by notice dated 19 October 2021.
 - The development proposed is described as "outline planning application for the erection of a one and a half storey detached dwelling and garage (following demolition of existing nissen hut) together with new vehicular access from Mill Road."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal seeks outline planning permission with only 2 matters reserved, these being appearance and landscaping. As such there are detailed plans covering access, layout, and scale to be considered at this stage. I have determined the appeal on this basis, and while I have had regard to the submitted plans, I have treated aspects pertaining to appearance and landscaping of the development as indicative only.
3. The reason for refusal on the effect on heritage assets, has not specified which development plan policies are relevant. It is, however, set out in the officer report that Policy CS05 of the Mid Suffolk District Core Strategy Development Plan Document (September 2008) (CS 2008) forms part of this refusal. It is clear from the appellant's statement that he has considered this policy and has had the opportunity to respond. No party would be prejudiced if I assess this issue on this basis.

Main Issues

4. The main issues are:
 - Whether the site would be a suitable location for the proposed development with particular regard to its accessibility to services and facilities;
 - The effect of the proposal on the character and appearance of the area and;
 - The effect of the proposed development on the setting of nearby Grade II listed buildings, namely Sudbourne Farmhouse, Barn about 40 metres south east of Sudbourne Farmhouse (Shepherds Barn) and The Plough.

Reasons

Location

5. The appeal site is located within a very small group of buildings, many of which are in use as dwellings. It is not isolated for the purposes of Paragraph 80 of the National Planning Policy Framework (Framework).
6. The nearest village to the appeal site is Bacton. To access services and facilities here, when not using a motor vehicle, the occupants of the proposed dwelling would have to walk/cycle. Along Mill Road, the intended future occupants would have to share the narrow carriageway with vehicles, as the nearest separate footpath to Bacton is located approximately 800m from the appeal site on Wyverstone Road. There are no cycle lanes or street lighting between the appeal site and Bacton. In addition, some roads within the vicinity of the appeal site have a national speed limit, which means vehicles are likely to be travelling at fast speeds. Such routes would be unsuitable for walking and cycling safely along including pedestrians with children's pushchairs, wheelchair users or people with limited mobility.
7. Given the above future occupiers of the proposed development would have poor access to services and facilities and would be reliant on a private motor vehicle to access them on a regular basis. For those that did not have access to a private vehicle, the services and facilities in nearby towns and villages would not be accessible. As such, I conclude that the appeal site is not a suitable location for the proposed development and there would be a conflict with CS 2008 Policies CS1 and CS2. These policies, amongst other things, seek to direct development to suitable locations appropriate to the proposed use.
8. Mid Suffolk District Core Strategy Focused Review (December 2012) (MSFR 2012) policies FC1 and FC1.1 refer to the broader concepts of sustainable development. Nonetheless, there would be conflict with these policies in so far as the development would not be consistent with the provisions of the Framework, in particular paragraphs 8, 11, 110 and 112 of the Framework which, amongst other things, promote accessibility and sustainable transport modes for new development and give priority first to pedestrian and cycle movements.

Character and appearance

9. There is a strong rural character to the immediate area resulting from small groups of buildings with traditional appearances, including historic agricultural uses, arranged in close proximity. Surrounding development further out, from the appeal site, is dispersed alongside a patchwork of open land and mature trees and hedges along Mill Road giving the area a verdant and rural appearance and character.
10. The appeal site is largely restricted from view along Mill Road by mature planting and trees. Whilst the existing structure of the Nissen hut, is largely dilapidated, it is in keeping with the historical appearance of nearby buildings and the character of their immediate setting. There is also an area of hardstanding which extends from Forge Barn to the Nissen hut, again this is largely hidden from public view. The remainder of the appeal site is largely undeveloped and is bounded by a mix of mature trees and hedges whilst being more open to the rear and collectively, along with its association with Forge Barn, it makes a positive contribution to the rural character and appearance of the area.

11. The proposal would introduce a dwelling and garage into this countryside location with access taken from Mill Road. Although sited between Forge Barn and Mill Farm, the proposal would have a wider and more centralised position, within the site, than the existing Nissen hut.
12. I acknowledge that appearance and landscaping of the proposed dwelling are reserved and that landscape planting could be designed to provide some degree of screening with the appearance being more traditional and in keeping with surrounding buildings. However, the proposal would extend the built form by urbanising the current rural appearance of the site. The proposed dwelling, new access, garage, boundary treatments and garden paraphernalia that would likely be associated with the proposal (such as garden furniture, children's play equipment, and parked cars) would result in a domestic appearance that would severely diminish the rural qualities of the site and its surrounding. Although this would be constrained within the site boundaries, its visual effect would not complement the surrounding rural landscape and would erode the largely undeveloped qualities of the site.
13. Consequently, the proposed development would erode the rural character of the area and have a harmful effect its the character and appearance. This would be contrary to Policies FC01, FC01.1, CL02 of the MSFR 2012, and Policy CS05 of the CS 2008. These policies seek, amongst other things, to conserve and enhance local character. The proposal would also conflict with the provisions of paragraph 130 of the Framework, which seeks to ensure that development is sympathetic to local character.

Heritage

14. Under section 66 (1) and section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I am obliged to have special regard to the desirability of preserving nearby listed buildings, their setting and any features of special architectural or historic interest.
15. Sudbourne Farmhouse and Shepherds Barn, both Grade II listed lie in close proximity to the appeal site. Their significance derives from not only their traditional rural appearance and historic use but also their rural setting. Neither of these buildings is physically linked to the appeal site albeit the appeal schemes access would be seen with the existing site access to Shepherds Barn. Whilst benefiting from well-sized plots these buildings are nevertheless located within a historic farmstead arrangement with other nearby buildings at the junction of Mill Road and College Road which includes The Plough and Forge Barn and the appeal site. The Plough is a Grade II Listed 17th century building, formerly a public house sited to the west and separated from the appeal site by Forge Barn. It primarily derives its significance from its simple form, materials, and close relationship with Forge Barn and nearby buildings, including the appeal site.
16. I accept that the existing Nissen hut is large and that the proposed dwelling may be smaller, but the key difference is that it is of an agricultural appearance with an existing historic relationship with nearby buildings and the surrounding area. The proposal would have an urbanising effect upon the rural setting of these designated heritage assets, through the introduction of domestic paraphernalia, manicured gardens and likely areas of hardstanding. Furthermore, even if the dwelling was designed to reflect this agricultural appearance, it would sever the site's existing relationship with surrounding

buildings and erode the sparsely developed rural setting of Sudbourne Farmhouse, Shepherds Barn and The Plough, thereby harming and not preserving their setting. In these respects, the proposed development would fail to satisfy the requirements of sections 16(2) and 66(1) of the Act 1990.

17. For the above reasons the proposed development would result in less than substantial harm (within the meaning of Framework Paragraph 202) to the setting and thereby the significance of Sudbourne Farmhouse, Shepherds Barn and The Plough as designated heritage assets.
18. 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 deliver social and economic benefits associated with the increase in housing stock. 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 benefits through support for construction jobs.
19. 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 harm that would be caused.
20. I conclude therefore that the proposal would result in harmful development within the setting of Sudbourne Farmhouse, Shepherds Barn and The Plough which would be harmful to their significance as designated heritage assets, in conflict with the Framework and the aims of CS 2008 Policy CS5 which seeks to maintain and enhance heritage assets and protect local distinctiveness.

Other Matters

21. The appellant has provided extracts from a previously approved scheme nearby¹. Whilst I do not have full details of this scheme there are noticeable differences. The previous scheme was considered in the context that the Council could not demonstrate a 5-year housing supply. These are materially different circumstances to those which are relevant in relation to this current appeal and as such, these matters have no bearing on my conclusions. Additionally, I have undertaken my own assessment of the appeal scheme's location and found it to be unsuitable for the reasons set out.
22. Reference is made by the appellant to a 52-dwelling scheme located near Bacton approximately 1 mile from the appeal site. I have not been provided with any specific details, however given the nature of this development it does not appear to be comparable with the scheme before me and carries little weight in favour of the proposal.
23. The appellant has provided an appeal decision (reference number APP/W3520/W/19/3242019). Whilst noting the Inspector's conclusions in that appeal, this relates to a different site and therefore a different assessment of the site-specific effects on designated heritage assets and the character and

¹ Ref: DC/19/00440

appearance of the surrounding area. In this regard, it is materially different to the appeal proposal.

24. The Council has indicated that the current Housing Land Supply Position exceeds 5 years. The appellant's statement asserts past undersupply but has not provided any substantive evidence to indicate a shortfall now exists. Accordingly, this matter does not weigh on favour of the proposal.
25. The proposed scheme allowing for the removal of the existing Nissen hut and the long-term maintenance of the site, which is predominantly an open field in the countryside would be a neutral factor and does not weigh in favour of the proposal.
26. I accept that there is some local support for the proposed development, but this does not outweigh the harm which I have identified.
27. I have had regard to the appellant's concerns on who was consulted on the application and visited the site on behalf of the Council. However, such matters do not alter my assessment of the appeal.

Planning Balance

28. CS 2008 Policies CS1 and CS2 and MSLP 1998 Policy H7 are inconsistent with the Framework, as they take a more restrictive approach to development including residential development in the countryside. CS 2008 Policy CS5 seeks to protect, conserve and where possible enhance the built historic environment. Whilst worded differently to the Framework which states that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets, it is consistent.
29. Framework Paragraph 11 d) indicates that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date that permission should be granted unless (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or (ii) 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. Importantly, footnote 7 of Paragraph 11 identifies policies relating to the protection of designated heritage assets as a policy of the Framework that protects assets of particular importance, a factor applicable in this appeal. Given this conflict the presumption in favour of sustainable development, given by Framework Paragraph 11, does not apply in this case.
30. The starting point for any planning decision is Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise. Development which would conflict with and undermine the strategy of an approved development plan and the Framework when read as a whole would, in planning terms, be harmful.
31. For the reasons given above the appeal scheme would result in unsustainable travel patterns and a reliance on the use of the private car, would be harmful to the character and appearance of the area and the setting of the Grade II listed Sudbourne Farmhouse, Shepherds Barn and The Plough. Whilst the scheme would provide public benefits, including social and economic ones, the

other material considerations in this case do not justify taking a decision other than in accordance with adopted development plan policy and the Framework taken as a whole.

32. Even if I were to conclude there is a shortfall in the five- year housing land supply I have found that the proposed development would result in less than substantial harm to the setting of Sudbourne Farmhouse, Shepherds Barn and The Plough (all Grade II Listed). 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) of the Framework.

Conclusion

33. The appeal is therefore dismissed.

A Hickey

INSPECTOR