



Appeal Decision

Site visit made on 27 September 2022

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2022

Appeal Ref: APP/W3520/W/21/3283837

Little Owl Lodge, Ashfield Road, Norton IP31 3NN

- 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 Mrs Rebecca Jennings against the decision of Mid Suffolk District Council.
 - The application Ref DC/21/00522, dated 26 January 2021, was refused by notice dated 23 July 2021.
 - The development proposed is a single 3-bed dwelling with parking and access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development would be in a suitable location for new housing with regard to the local development strategy and accessibility to services and facilities, and
 - the effect of the proposed development on the setting and significance of the neighbouring grade II listed buildings.

Reasons

Location

3. The appeal site is situated to the rear of a collection of sporadically located buildings along Ashfield Road in the countryside village of Norton Little Green, outside of any designated settlement boundaries. It is currently an undeveloped area of grassland adjacent to the existing dwelling, Little Owl Lodge and another large outbuilding. The land forms part of the residential garden, however it still has an open and rural appearance albeit largely screened from public view by existing buildings and surrounding trees and hedgerows.
4. The reasons for the refusal cite conflict with Policies CS1 and CS2 of the Mid Suffolk Core Strategy 2008 (the CS) and Policy H7 of the Mid Suffolk Local Plan 1998 (the LP), which address settlement boundaries and development in countryside villages. Policy CS1 states that areas outside the listed settlements will be designated countryside and countryside villages and development will be restricted to particular types of development to support the rural economy, meet affordable housing, community needs and provide renewable energy. Policy CS2 list the types of development which could be considered acceptable

in such locations and Policy H7 states that there will be strict control over proposals for new housing outside settlement boundaries.

5. As highlighted in a previous appeal decision¹, these policies take a more protective rather than the positive approach to appropriate development being taken within the National Planning Policy Framework (the Framework). The Council also acknowledges this within the officer reports for two planning applications² for nine new dwellings and two new dwellings respectively, stating that many of the development plan policies most important for determining residential applications are considered to be out of date on the basis of not being entirely consistent with the policies of the Framework. Nevertheless, the protection and enhancement of the natural environment remains an important part of the environmental dimension of sustainable development set out in the Framework.
6. It has been highlighted that a settlement boundary for Norton Little Green is included in the emerging Local Plan and whilst the proposed dwelling would be located outside this settlement boundary, the access would be located within it. Whilst a material consideration, as this emerging plan has not yet been adopted, I have given it limited weight. Furthermore, whilst the appellant may consider that Policy LP01 of the emerging plan is flexible for windfall development, no evidence has been provided to suggest that new dwellings outside but adjacent to the edge of settlement boundaries, such as the proposed development, would be considered acceptable.
7. This is not an isolated site, as it is located adjacent to a number of other dwellings within Norton Little Green. Therefore, paragraph 80 of the Framework is not applicable. However, paragraph 79 of the Framework highlights that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. This should include consideration of providing support for local services even in a village nearby. There are no local services or facilities for the future occupiers of the proposed dwelling within Norton Little Green or in close proximity to the appeal site.
8. The villages of Norton and Elmswell do have a number of facilities, such as shops and primary schools. Although the appellant states there is a daily school bus, the public bus service from Norton Little Green is limited and would not provide a reliable service to the future occupiers of the dwelling to the services and facilities they require on a day to day basis. Furthermore the train station and other facilities in Elmswell are a considerable distance from the appeal site and are not easily accessible on foot for the majority of people, due to the distance and the lack of public footways to provide a safe throughway. Norton is also a substantial distance from the appeal site, with the only walking route along Ashfield Road, which does not benefit from a public footway or regular street lighting. Therefore, this would also be an unlikely route for pedestrians to use, particularly after dark. As such, the occupiers of the proposed dwelling would be reliant on the use of a car to access nearby amenities in neighbouring towns and villages.

¹ APP/W3520/W/18/3194926 (Land on East Side of Green Road, Woolpit, Suffolk IP30 9RF)

² DC/19/02829 (Beyton Nurseries, Tostock Road, Beyton, Bury St Edmunds, Suffolk IP30 9AG) and DC/19/01876 (Hedgerows, Grove Lane, Elmswell, Bury St Edmunds Suffolk IP30 9HN)

9. Whilst paragraph 105 of the Framework indicates that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, this does not negate the requirement to offer a genuine choice of transport modes and ensure that safe and suitable access to the site can be achieved for all users. Furthermore, due to the scale of the development as a single dwelling, the benefit to services within villages nearby would be limited. Therefore, the proposed development would be given limited weight in relation to paragraph 79 of the Framework.
10. In conclusion, although the appeal site is not isolated, it would be remote from the necessary services and facilities which would be required by the future occupiers. The occupiers would therefore be reliant on the use of a car to serve their day to day needs, resulting in significant environmental harm. Consequently, the proposed dwelling would not be located within a socially or environmentally sustainable location and would not be an appropriate location for new housing.
11. Therefore, the proposed development would conflict with Policies CS1 and CS2 of the CS, Policy H7 of the LP and policies FC1 and FC1.1 of the Core Strategy Focused Review 2018 (the CSFR). These policies support sustainable development and seek to direct the majority of new development to existing settlements. It would also be contrary to the relevant sections of the Framework which promote sustainable development in rural areas.

Listed Buildings

12. The proposed dwelling would be located in close proximity to two buildings which are grade II listed, Haydons and Manor Lodge. Although the Council's reason for refusal only refer to Haydons, the Conservation Officer also raises concerns with regard to Manor Lodge within the Council's submission. The Council's Conservation Officer has stated that Haydons is an early seventeenth century farmhouse including curtilage listed outbuildings and Manor Lodge is a late sixteenth or early seventeenth century house. I consider that the open character of the land around these buildings currently provides a positive contribution to the setting of the listed buildings, whose significance are derived from their historic value.
13. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker, in considering whether to grant planning permission for the development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any feature of special architectural or historic interest.
14. Although still relatively open in nature, the current setting of these listed buildings has been somewhat eroded by the development around them, particularly by the dwellings along Ashfield Road which adjoin the curtilage of both these listed buildings. Haydons also has several existing buildings between itself and the appeal site, including the dwelling at Little Owl Lodge. The proposed development would add a new building to this setting, but due to the existing built form surrounding them and the distance between the listed buildings and the proposed development, it would not erode the existing character around these two listed buildings.
15. The proposed dwelling would have a modest, agricultural appearance which would be in keeping with the nature of the surrounding area. However, it would

still appear as a new building compared to others in the vicinity. Whilst generally in keeping with its surroundings, it would still be distinguishable and would not give a false sense of the history of Haydons Farm. Therefore, the appeal proposal would have a neutral impact on the setting and significance of the heritage asset.

16. Consequently, I conclude that the proposed development would not have a harmful impact on the setting or significance of the grade II listed buildings, Haydons or Manor Lodge. Therefore, it would not conflict with Policy HB1 of the LP or Policy CS5 of the CS which seek to ensure that particular attention will be given to protecting the settings of the built historic environment including listed buildings. It would also comply with the general historic objectives of the Framework and, because it would not cause harm, would preserve the setting of the listed buildings in accordance with the statutory duty.

Other Matters

17. Four sites in Norton Little Green, where new dwellings were proposed, have been brought to my attention³. The appellant claims that the decision made on the proposed development is inconsistent with these four decisions, which they state found the location sustainable in principle.
18. The Council have highlighted that these other developments were determined between 2016 and 2020, when the Council could not demonstrate a five year housing land supply. Therefore, due to the stipulations within footnote 8, the test within paragraph 11(d) of the Framework was applied to determine these applications. As the Council is now able to demonstrate a five year housing land supply, the circumstances are different. Indeed, for the two decisions made on appeal, the inspectors concluded that the locations were not sustainable because of the difficulties of accessing services and facilities other than by car.
19. As these surrounding developments were determined on their individual planning merits, in light of a lack of housing land supply at the time, they are materially different to the appeal proposal before me and do not set a precedent for allowing development outside of the settlement boundary.
20. I note the personal circumstances of the appellant and the reason for the proposed development. However, as this is a personal benefit only it can only be afforded limited weight which does not justify the harm found.

Planning Balance

21. Although the Council can now demonstrate a five year supply of deliverable housing sites, the policies which are most important for determining the application are partly out of date. This has been evidenced within other planning decisions made by the Council and at appeal, as discussed previously. On this basis, I consider that the test in paragraph 11(d) of the Framework should be applied.
22. In the context of the development, I have found that the proposed development would be contrary to policies CS1 and CS2 of the CS, policies FC1 and FC1.1 of the CSFR and policy H7 of the LP. It would result in significant environmental harm from the likelihood of a dependency on the use of a car for

³ DC/18/05172, DC/18/02508, 16/3161759 and 20/3244447

access to services and facilities, due to its location outside of a settlement. I note that it has previously been found that these policies are out of date when compared to the Framework and development in rural areas is not precluded. However, the Framework indicates that great weight should be given to the benefits of using suitable sites within settlements for homes. Therefore, the Framework supports the general aims of the Local Plan in terms of the location of housing. The Framework also expects development to prioritise pedestrian and cycle movements. Therefore, whilst these policies are not fully consistent with the aims of the Framework, I attach moderate weight to the conflict with them.

23. The development is deliverable and would provide one additional dwelling contributing to the overall housing land supply in the area, along with the social, economic and environmental benefits which arise from this. However, given the scale of the scheme, any such benefits would be small.
24. Therefore, whilst I only give moderate weight to the conflict with the development plan policies, given the significant environmental harm that I have identified due to the likelihood of a dependency on the use of a car for access to services, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the limited benefits of one dwelling when considered against the policies of the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply and does not weigh in favour of the proposal.

Conclusion

25. For the reasons given above and having had regard to all other matters raised, I conclude that the proposal would conflict with the development plan when taken as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, the appeal should be dismissed.

E Grierson

INSPECTOR