



Appeal Decision

Site visit made on 21 March 2023

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 May 2023

Appeal Ref: APP/X3540/W/22/3301185

Land West of Bell Green, Holly Tree Farmhouse, Cratfield IP19 0DN

- 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 Richard Boddy against the decision of East Suffolk Council.
 - The application Ref DC/21/5535/OUT, dated 7 December 2021, was refused by notice dated 18 March 2022.
 - The development proposed is described as “development of no. 3 residential units”.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Richard Boddy against East Suffolk Council. However, the appellant subsequently withdrew his application.

Procedural Matters

3. Outline planning permission is sought, with all matters reserved except access. A drawing has been submitted that includes details of layout and landscaping, matters that are reserved for future consideration. I have therefore treated the drawing as illustrative in this regard and determined the appeal on this basis.
4. In June 2022, following the determination of the planning application, the Council adopted the Housing in Clusters and Small Scale Residential Development in the Countryside Supplementary Planning Document (SPD). The appellant has had the opportunity to comment upon this document and therefore has not been prejudiced by its inclusion. I have determined the appeal on this basis.
5. The Council submitted their appeal statement to the Planning Inspectorate on 17 October 2022, within the required deadline. Although submitted using a different webform, it was submitted to the correct appeal and therefore it was duly accepted. The appellant has not been prejudiced by this as they were given the chance to comment upon it.

Main Issues

6. The main issues are:
 - whether the site is in a suitable location for housing development, with particular reference to Policies SCLP3.1, SCLP3.3, SCLP5.3, SCLP5.4 and SCLP12.34 of the East Suffolk Council – Suffolk Coastal Local Plan, adopted 2020 (LP);

- whether the appeal site is in a suitable location for housing development having regard to the accessibility of services and facilities and whether there would be a reliance on the private car;
- the effect of the proposed development on the landscape character of the surrounding area;
- the effect of the proposed development on the setting of two Grade II listed buildings; and
- the effect of the proposed development on protected and priority species.

Reasons

Suitable Location with Reference to Local Plan Policies

7. The appeal site is located within the countryside. Policy SCLP5.3 of the LP limits housing development in the countryside to a closed list of exceptions, including part (b) limited development within existing clusters (in accordance with Policy SCLP5.4). None of the other exceptions would be applicable to the proposed development.
8. LP Policy SCLP5.4 states that proposals for new dwellings within 'clusters' in the countryside will be supported where:
 - (a) the proposal is for up to three dwellings within a cluster of five or more dwellings;Or
The proposal is for up to five dwellings within a cluster of at least 10 existing dwellings which is well related to a Major Centre, Town, Large Village or Small Village.
9. It is common ground between the main parties that Cratfield is not defined as a Major Centre, Town, Large Village or Small Village; that the 7 dwellings to the south of the appeal site from Meadowside House to Blackberry Cottage along one side of the road, and the three dwellings on the opposite side of the road (Brook Cottage, Bell Green House and Chapel Cottage) comprise a 'cluster' of 10 dwellings; and that the small group of four dwellings to the north of the appeal site fall outside the 'cluster'. On this basis, the appeal site is located adjacent to the defined 'cluster' and does not fall within it.
10. LP Policy SCLP5.4 is applicable to new dwellings within 'clusters' in the countryside (my emphasis). This is supported at paragraph 2.2 of the SPD that states "for development to be supported under Policy SCLP5.4, it must be in a 'cluster'". The appellant considers this to be an overly legalistic approach to policy interpretation. However, policy statements should be interpreted objectively in accordance with the language used, read always in its proper context¹. The policy's language is clear that for the development to comply with LP Policy SCLP5.4, the proposed dwellings must be located within the identified cluster. Therefore, the proposed development would conflict with part (a) of LP Policy SCLP5.4.

¹ *Tesco Stores Ltd v Dundee City Council* [2012] UKSC 13

11. Part (c) of LP Policy SCLP5.4 requires a proposal to “not represent an extension of the built up area into the surrounding countryside beyond the existing extent of the built up area surrounding, or adjacent to, the site”, but only once the development has been determined to comply with part (a), which the appeal site would not. Paragraph 4.9 and Illustration 4 of the SPD clarifies part (c) of the policy and the language is clear that for the development to comply with LP Policy SCLP5.4, it must not extend beyond the built up area of the defined cluster.
12. Furthermore, as it is a requirement of the policy for a development to meet one of the criteria within part (a) and the proposal does not meet either, it is not necessary for me to determine whether the proposed development would comply with criterion (b), (c) or (d). Reference to the word ‘or’ in those parts of the policy does not lead me to a different conclusion. On this basis, the proposal would not be supported in the countryside. In coming to this view, I have taken into account that Cratfield is said to be a cluster and that the site is not isolated.
13. In reference to the first main issue, the appeal site would not be in a suitable location for housing development, with particular reference to LP Policies SCLP3.1, SCLP3.3, SCLP5.3, SCLP5.4 and SCLP12.34 which together, amongst other things, seek to create and enhance sustainable and inclusive communities through appropriate growth in rural areas that will help to support and sustain existing communities.

Accessibility of Services and Facilities

14. The appeal site is located close to the village of Cratfield. However, there is no pavement, the route is unlit and the village has very limited services and facilities, with just a church and a village hall noted during my site visit. The site is also not particularly well served by public transport. There are no public bus stops within close proximity to the appeal site and the local bus is by advance bookings only. Whilst some future occupiers may make use of the on-demand bus service occasionally, the majority are likely to depend on their own private cars, particularly in the evening and on Sundays when the bus service does not operate.
15. Cratfield is located a significant distance from other settlements that could provide the services and facilities needed to support day-to-day living. Whilst the surrounding area is relatively flat, the significant distance required to walk or cycle to other settlements, together with the winding and unlit condition of the surrounding roads and an absence of pavements, is such that future occupants of the proposed dwellings would be very unlikely to walk or cycle, particularly by occupants with young children or mobility issues, especially after dark or during inclement weather. As such, future occupiers are likely to make journeys to services and facilities in a private motor vehicle.
16. Limited information has been provided regarding a proposed cycle hire facility associated with the holiday lets at Holly Tree Farm. Even if this facility was available for use by future occupiers, it would not overcome the issues I have identified above.
17. I recognise that the environmental impact from vehicles would diminish as combustion engines are phased out and replaced by ultra-low emission and electric vehicles. However, even if a condition was imposed for electric charging

points, it is unlikely in the short to medium term that the majority of future occupants would use these vehicles. As a consequence, this cannot be relied upon as a means of mitigating the inaccessible location of the site.

18. Paragraph 105 of the National Planning Policy Framework ('the Framework') recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and that this should be taken into account in both plan-making and decision-making. However, in this case, the overall level of reliance on the private motor vehicle would be so high that I consider the appeal site's location to be unacceptable for new residential development.
19. In reference to the second main issue, the appeal site would not be in a suitable location for residential development having regard to the accessibility of services and facilities and whether there would be a reliance on the private car. It would therefore conflict with Policy SCLP7.1 of the LP that, amongst other things, supports development that is located close to, and provides safe pedestrian and cycle access to services and facilities. It would also conflict with the Framework in this regard.

Landscape Character

20. The appeal site is located within the 'Linstead and Framlingham Plateau' landscape character area of the 'Plateau Claylands' landscape character type as identified by the Suffolk Coastal Landscape Character Assessment (2018) and within the landscape character area of 'Plateau Claylands' as identified within the Suffolk County Council Landscape Character Assessment. According to these documents, it is a farming landscape on a rolling plateau due to the river valleys, where woodland is scarce, and it has a moderately open feel. Pastures often cluster around villages, hamlets or individual farms. Settlements are relatively sparse, with ancient small villages and hamlets usually with a linear feel, arranged along a road or at a crossroads, or arranged around a green.
21. From my site visit, I noted that the land gently rose from Bell Green towards Holly Tree Farm to the west and was undulating to the east due to the river valley. There are some medium to long distant views of the edge of the village and the undeveloped nature of the adjacent appeal site from the surrounding roads and the Public Right of Way. There is a marked difference in character along Bell Green between the built-up part of the village commencing at Blackberry Cottage and the more open and sporadic development surrounded by open fields, including the appeal site, on the approach to the village. The undeveloped appeal site contributes to the rural character of the area and the rural setting and approach towards Cratfield.
22. I acknowledge that the appeal site is adjacent to the cluster of 10 dwellings to the south and on the opposite side of the road and that it could form a continuation of the linear pattern of development. However, the construction of three dwellings in this location would erode the landscape setting of the village, harm the rural approach towards the village, and result in a harmful visual intrusion into the surrounding landscape.
23. The indicative site layout suggests that the proposal would extend the built form of the village a significant distance along Bell Green into the adjacent countryside, connect to a small group of dwellings that are currently isolated from the village and comprise ribbon development, which the Suffolk County Council Landscape Character Assessment states can have a considerable

impact on the wider landscape. The indicative site layout also demonstrates that the dwellings' plot frontages could be substantial and therefore out of character with the prevailing pattern of development in the surrounding area. However, these matters would be reserved for subsequent approval.

24. The appellant considers that the proposed development could be screened by new landscaping (a matter that is reserved for subsequent approval). However, such planting would take a significant time to mature to a size and density to achieve this objective and in any event, screening should not be used to hide an otherwise unacceptable form of development.
25. I have considered the appellant's Landscape Appraisal. However, for the reasons detailed above, I disagree with its findings.
26. In reference to the third main issue, the proposed development would have an unacceptable effect on the landscape character of the surrounding area. It would therefore conflict with Policy SCLP10.4 of the LP which, amongst other things, expects development proposals to protect and enhance the special qualities and features of an area and the visual relationship and environment around settlements and their landscape settings. The proposal would also conflict with the Framework which requires developments to be sympathetic to local character, including the surrounding landscape setting.

Setting of Listed Buildings

27. The appeal site is located within the setting of two Grade II listed buildings; Holly Tree Farmhouse and White House Cottages (now known as Blackberry Cottage). Therefore, I have a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special regard to the desirability of preserving the setting of these listed buildings.
28. Paragraph 194 of the Framework requires an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The appellant's submission includes limited information in respect of these heritage assets, however, the information before me is sufficient to assess the proposal.
29. Nonetheless, according to the listing description Holly Tree Farmhouse comprises a timber-framed and plastered farmhouse with a thatched roof constructed circa 16-17th century. It is located to the northwest of Cratfield, in an isolated position surrounded by fields. It is likely that the landholding associated with the farmhouse was previously much greater. White House Cottages comprises, according to the listing description, a timber-framed and plastered, two-storey dwelling (now two cottages), constructed circa 17th century. It is the first dwelling on the edge of the village, when traveling south along Bell Green. The setting of the listed building comprises rural, open fields to the north, west and east, and the built-up village of Cratfield to the south. The significance of both listed buildings is their historic and aesthetic values and their surrounding rural, open setting.
30. The proposal would subdivide a field to the east of Holly Tree Farmhouse. The information before me does not indicate whether the subdivision would follow a historic field boundary. The appeal site surrounds the long driveway that provides access to Holly Tree Farmhouse with the illustrative drawing demonstrating that the proposed plots would be positioned along either side.

Consequently, the siting of the proposed dwellings would erode the significance of the farmhouse's open and undeveloped setting and erode the uninterrupted gateway/approach to the building. This could not be negated by new landscaping.

31. The proposal would extend the built development of the village northwards along Bell Green and would link the village to a small group of dwellings located further along Bell Green. The significance of White House Cottages' setting as the first building to be viewed when entering the village from the north would be eroded by the siting of the proposed development. The listed building's setting would also be adversely affected from the loss of the open fields immediately to the north.
32. The proposed development would therefore cause less than substantial harm to the setting of two Grade II listed buildings. In accordance with paragraph 202 of the Framework, I must weigh the harm against the public benefits of the proposal. In doing so, paragraph 199 of the Framework explains that great weight should be given to the conservation of the designated heritage assets.
33. The provision of three dwellings weighs in favour of the proposal and would make a contribution, albeit limited, to the Government's objective of significantly boosting the supply of new homes and help to meet identified local housing needs. It would also provide some limited support to help to sustain thriving rural communities, along with employment during the construction phase. I therefore attach moderate weight to these benefits.
34. The harm I have found in respect of the effect of the proposal on the significance of the setting of the Grade II listed buildings would not be outweighed by the modest public benefits identified. Therefore, in reference to the fourth main issue, the proposed development would have an adverse effect on the setting of two listed buildings. It would conflict with Policy SCLP11.3 of the LP which, amongst other things, seeks to conserve and enhance the historic environment and ensure that where possible development makes a positive contribution to the historic environment. Furthermore, the proposal would not comply with the requirements of the Framework in terms of conserving heritage assets in a manner appropriate with their significance.
35. Although the reason for refusal does not allege conflict with Policy SCLP11.4 of the LP, the Council's officer report does. I also find conflict with Policy SCLP11.4 for the reasons detailed above and given that the policy requires proposals affecting the setting of a listed building to not harm the character of the building or any features that contribute towards its special interest.

Protected and Priority Species

36. A Preliminary Ecological Appraisal Report (PEA) for the appeal site concluded that a pond located within the site and another pond located adjacent to the Holly Tree Farmhouse both supported potential breeding habitat for Great Crested Newts (GCNs). The proposal therefore would have the potential to harm a European Protected Species.
37. Since the Council determined the planning application, Natural England has issued a Great Crested Newt District Level Licensing Impact Assessment & Conservation Payment Certificate ('the Certificate') for the proposed development, a copy of which was submitted with the appellant's final

comments. In signing the Certificate, Natural England has considered the matters it believed to be necessary to satisfy Regulation 55(9)(b) of the Conservation of Habitats and Species Regulations 2017, as amended; that the payment of the Conservation Payment will suffice to allow the impacts on GCNs to be adequately compensated; and therefore, from the evidence before me, the proposal would not be detrimental to the maintenance of the population of GCNs at a favourable conservation status in their natural range.

38. In reference to the fifth main issue, the proposed development would not have a detrimental effect on protected or priority species and would comply with Policy SCLP10.1 of the LP which, amongst other things, seeks to protect such species and their habitats. It would also comply with chapter 15 of the Framework and ODPM Circular 06/2005². Furthermore, the statutory duty under Section 40 of the Natural Environment and Rural Communities Act 2006 that requires every public authority, in exercising its functions, to have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity, would be met.

Other Matters

39. The Council's Conservation Officer's response states they were unable to provide any comments as a Heritage Statement had not been submitted. Their response does not imply that they had no objection to the proposal.

Planning Balance

40. As detailed above, I have found that there are some public benefits of the proposal for which I have attached moderate weight. Furthermore, the proposal could provide a net gain in biodiversity depending on the details submitted as part of the reserved matter of 'landscaping'. However, this is a requirement of Policy SCLP10.1 of the LP and therefore is a neutral matter. The benefits of the proposal would therefore not outweigh the harm I have found in respect of the first, second, third and fourth main issues.

Conclusion

41. For the reasons outlined above, having had regard to the development plan as a whole and all other matters raised, the appeal should be dismissed.

A Berry

INSPECTOR

² ODPM Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and Their Impact Within The Planning System