



Appeal Decision

Site visit made on 6 June 2023

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 July 2023

Appeal Ref: APP/W3520/W/22/3309145

Land at Bush Farm, Stowmarket Road, Old Newton, Suffolk IP14 4EB

- 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 Pallant against the decision of Mid Suffolk District Council.
 - The application Ref DC/22/03354, dated 3 July 2022, was refused by notice dated 31 August 2022.
 - The development proposed is described as “erection of detached dwelling (revised scheme to DC/21/03499)”.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - a) whether the site is in a suitable location for housing development, with particular reference to a reliance on the private car; and
 - b) the effect of the proposed development on the setting of a Grade II listed building.

Reasons

Suitable Location

3. The appeal site comprises a parcel of land to the north of Bush Farm which, from the evidence before me, was previously used for employment/commercial purposes and comprises a large, detached building and an area of hardstanding with a shared access onto Stowmarket Road. The appeal site is located to the south of Old Newton, outside its settlement boundary, and therefore is designated as countryside according to Policy CS1 of the Core Strategy Development Plan Document, adopted 2008 ('CS').
4. Policies CS1 and CS2 of the CS restrict development in the countryside to defined categories, none of which are applicable to the proposed development. Saved Policy H7 of the Mid Suffolk Local Plan, adopted 1998 ('LP') requires housing outside settlement boundaries to be strictly controlled, to protect the countryside's character and appearance. Therefore, the proposal would conflict with CS Policies CS1 and CS2 and Saved LP Policy H7.
5. Paragraph 80 of the National Planning Policy Framework ('the Framework') supports the provision of isolated homes in the countryside where they comply with a closed list of exceptions. 'Isolated' is not defined in the Framework but

the Braintree judgement¹ set out that it simply connotes a dwelling that is physically separate or remote from a settlement. Even if I concluded that the appeal site would be 'isolated' in respect of paragraph 80 of the Framework, the proposed development would not comply with the closed list of exceptions.

6. Old Newton contains such facilities as a primary school, convenience shop, churches, a village hall, sports facilities, a restaurant/takeaway and employment opportunities. The route between the appeal site and Old Newton would involve travelling along the B1113 Stowmarket Road which carried a high volume of traffic at the time of my site visit and is subject to a 40mph speed limit immediately in front of the appeal site that reduces to 30mph a short distance to the north. No pavements or street lighting are present until reaching Old Newton, and along part of the route there is no grass verge.
7. Consequently, although Old Newton is not a significant distance from the appeal site, due to the condition of local infrastructure, it is unlikely that future occupants would access the village by walking. While cycling to the village could occur, this is unlikely to be used as a mode of transport for occupants with young children or mobility issues, especially after dark or during inclement weather. I have been directed to bus stops within Old Newton, however, I have not been provided with information regarding the frequency or regularity of the service or the places it serves. Therefore, I am not persuaded there is a reliable bus service that would serve the appeal site.
8. While there are some facilities and services within Old Newton, these are unlikely to serve the day-to-day needs of future occupiers of the proposed dwelling. Therefore, although the level of private car use associated with one dwelling would not be significant, future occupants would be heavily reliant on the private car to access such things as secondary schools, supermarkets and healthcare. Furthermore, Old Newton is spread a significant distance along Church Road and separated into two distinct areas by fields. The primary school and churches are located within the part of Old Newton that is furthest from the appeal site and therefore the distance between the two would be substantial, along stretches of unlit roads with no pavements.
9. As such, future occupiers are likely to rely on the private car to make journeys to meet their day-to-day needs.
10. I have been directed to an appeal decision² involving land to the north of the appeal site to support the appellant's case. The Inspector in that case considered the reliance of future occupiers on the private car to be neutral in the overall planning balance, however, they also concluded that residents of the proposed development would likely be reliant on the car for transport to a large extent. Also, limited details have been provided regarding the previous appeal proposal, but I note that it proposed the erection of up to five dwellings and the appellant offered to provide a footpath across the land to the north of the site. Therefore, it is not directly comparable to the proposed development. In any event, I must determine the appeal on its own merits.
11. In reference to the first main issue, the proposed site would not be in a suitable location for housing development, with particular reference to a reliance on the

¹ Braintree District Council v Secretary of State for Communities and Local Government & Ors [2018] EWCA Civ 610

² Appeal Ref: APP/W3520/W/18/3215072

private car. The proposal would therefore conflict with Policies CS1 and CS2 of the CS, Saved Policy H7 of the LP, and Policies FC1 And FC1.1 of the Mid Suffolk Core Strategy Focused Review 2012 which, amongst other things, seek to direct the majority of development to towns, key service centres, primary and secondary villages; restrict development in the countryside; and protect the existing character and appearance of the countryside.

Setting of Listed Building

12. The appeal site is located within the setting of Bush's Farmhouse, a Grade II listed building. 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 this listed building.
13. Bush's Farmhouse was constructed circa 1600, possibly with an earlier core. It has two-storeys, is timber framed and plastered and has a pitched roof covered with plain tiles set within a chequerboard pattern. To either side of the dwelling are large, prominent chimneys constructed of brick. To the rear of the dwelling is a cluster of outbuildings that were associated with the former farmstead. The dwelling is enveloped by its garden and is set back from the road with its front elevation facing the road. Its significance derives from its aesthetic value due to its age and architecture and its open setting surrounded by the adjacent former farmyard, outbuildings and surrounding fields.
14. There is no dispute between the main parties that the scale of the proposed dwelling and its siting within the eastern part of the appeal site would not harm the setting of the listed building. However, part of the garden and one of the existing outbuildings would be separated from the farmhouse to form part of the proposed dwelling's curtilage. This would lead to the fragmentation of the surviving farmstead and would adversely affect the setting of the listed building. Furthermore, the domestic appearance of the proposed dwelling would adversely affect the farmstead/rural setting of the listed building. While I accept that the dwelling's external materials could be conditioned for subsequent approval and could be remedied between the main parties, this would not overcome the other concerns identified.
15. The listed building and the adjacent former commercial/employment use share an existing access onto Stowmarket Road that is positioned to the northwest of the farmhouse. The Site Plan indicates that the existing access would be utilised by the proposed dwelling. No access, parking or turning area is shown for the existing dwelling therefore, it is unclear where these areas would be sited and whether the existing access would be used. Therefore, insufficient information has been provided regarding these matters which could have the potential to also harm the setting of the listed building.
16. For the reasons detailed above, the proposal would harm the significance of the listed building's setting. Given the scale and nature of the proposal, the harm would be 'less than substantial'. In accordance with paragraph 202 of the Framework, I must weigh the less than substantial harm that I have identified 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 asset.
17. The provision of one dwelling weighs in favour of the proposal and would make a contribution, albeit small, to the Government's objective of significantly

boosting the supply of new homes. However, I have not been provided with evidence that it would meet a specific local need. There would be some economic benefits during the construction phase through employment, however, these would be short-term. The proposal would provide some support to the vitality of rural communities. However, its effect would be reduced due to the proposal comprising one dwelling. I therefore attach moderate weight to these public benefits.

18. The demolition of the existing commercial/employment building would be necessary to facilitate the construction of the proposed dwelling as the buildings' footprints would overlap. Furthermore, the existing building is agricultural in appearance and of a scale not unusual with other modern agricultural buildings in the countryside. It is the type of building usually found within a farmstead and it is not unusual for modern agricultural buildings to be found within the setting of listed farmhouses. Therefore, I disagree that it is unsightly or has a harmful impact on the setting of the farmhouse. I therefore attach limited weight to the public benefit of removing the existing building.
19. Hard and soft landscaping and the provision of a net gain in biodiversity are necessary to comply with local and national planning policies. Therefore, these are neutral matters. While it is suggested that an existing bund and area of hardstanding would be removed and an existing non-native hedge would be replaced with new planting, no landscaping scheme has been submitted and therefore I have no mechanism to secure their removal/replacement. Furthermore, it is unclear how these changes would amount to public benefits arising from the proposal. The proposal would result in the cessation of the existing HGV use. However, limited information has been supplied in respect of this use and therefore I am unable to determine its effect on the setting of the listed building or how its cessation would amount to a public benefit. Therefore, I attach limited weight to these matters.
20. The harm I have found in respect of the effect of the proposal on the significance of the setting of the Grade II listed building would not be outweighed by the modest public benefits identified. Therefore, in reference to the second main issue, the proposed development would have an adverse effect on the setting of the listed building. It would conflict with Saved Policy HB1 of the LP and Policy CS5 of the CS which, amongst other things, seek to protect the setting of listed buildings, and seek to introduce policies to protect, conserve and where possible, enhance 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.

Other Matters

21. It is agreed between the main parties that the appeal site comprises previously developed land. From the information before me, I do not disagree. The appellant has directed me to paragraph 119 of the Framework that promotes the effective use of land in meeting the need for homes, paragraph 120 (c) and (d) of the Framework that states that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land; and promote and support the development of under-utilised land and buildings, especially if this would

help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively, and paragraphs 124 and 125 of the Framework that support the efficient use of land.

22. However, the appeal site is not located within a settlement; housing land supply is not constrained, nor is there a shortage of land to meet identified housing needs; I am not persuaded from the information before me, that an alternative proposal could not make effective use of the land; and no evidence has been submitted to suggest the proposed dwelling would meet an identified need. Furthermore, these policies would not outweigh the great weight I must attach to the conservation of the listed building.
23. Informal advice provided before an application is made is given without prejudice and cannot pre-determine the outcome of a subsequent application, which must take account of all relevant factors.

Planning Balance

24. The appellant suggests the Saved LP Policy H7 and CS Policies CS1, CS2 and CS5 are inconsistent with the Framework. Therefore, for the purposes of paragraph 11(d), the appellant considers these policies to be out-of-date. Paragraph 11(d) of the Framework states, "where the policies which are the most important for determining the application are out-of-date, granting planning permission 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 as a whole".
25. Even if I concluded that the policies most important for the determination of the proposed development were out-of-date, designated heritage assets are a 'protected area' by definition of Footnote 7 of paragraph 11(d)(i). As previously stated, the proposal would cause less than substantial harm to the significance of a Grade II listed building's setting and the harm would not be outweighed by the modest public benefits identified. Consequently, the application of policies in the Framework that seek to conserve and enhance the historic environment provide a clear reason for refusing the development proposed.
26. As I have found that the proposal would comply with paragraph 11(d)(i), it is not incumbent upon me to assess the proposal against paragraph 11(d)(ii) of the Framework. Consequently, the proposal would not benefit from the presumption in favour of sustainable development detailed within paragraph 11 of the Framework.

Conclusion

27. For the reasons given above, having regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

A Berry

INSPECTOR