



Appeal Decision

Site visit made on 1 November 2023

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 10 January 2024

Appeal Ref: APP/W3520/W/22/3312030

Land North of Rectory Road, Bacton, Suffolk IP14 4LE

- 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 Richard Syrett of Vantage Homes East Anglia against the decision of Mid Suffolk District Council.
 - The application Ref DC/22/01545, dated 22 March 2022, was refused by notice dated 15 June 2022.
 - The development proposed is the erection of five dwellings, associated landscaping and new access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Babergh and Mid Suffolk Joint Local Plan – Part 1 (November 2023) (JLP) was adopted by the Mid Suffolk District Council on the 20 November 2023 and replaces the previous Mid Suffolk Local Plan (September 1998), Core Strategy Development Plan Document (September 2008) and Core Strategy Focused Review (December 2012). Both main parties have had the opportunity to comment on the implications of this for the appeal and I have taken the JLP into account in coming to my decision.
3. The Government published a revised version of the National Planning Policy Framework (the Framework) on 19 December 2023. Whilst this made certain revisions to aspects of national planning policy, the provisions in respect of the main issues of this case are largely unchanged. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework from the parties, and that no party would be disadvantaged by such a course of action.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area, having particular regard to whether the proposal would preserve the setting of the Grade II listed properties Lodge Farm, Coppings Corner, The Limes, Mill House and Menes Farmhouse; and
 - whether the appeal site would be a suitable location for the proposed development, having regard to local and national policy.

Reasons

Character and appearance

5. The appeal site comprises part of a large agricultural field, which forms part of the rural approach into the village of Bacton. The surrounding development is sporadic, made up of small groups of dwellings set back from the highway with verdant gardens or large individual properties within substantial plots, all of which are separated by fields that run up to the edge of the highway.
6. Whilst the village of Bacton is not sharply delineated from the countryside by a clearly discernible 'gateway', the appeal site contributes to the gradual transition between the denser village centre and the openness of the countryside beyond. Despite its proximity to the village and lack of specific designation, the appeal site visually relates to the open countryside and contributes significantly to the open rural character.
7. The proposed dwellings would be of a similar form and design to the properties immediately to the southwest, however the subdivision of the agricultural field and its development with five large dwellings and associated features, including large areas of hardstanding would create a locally significant amount of built development. Although the proposal would maintain the adjacent linear pattern of development, it would consolidate the built form on approach to the village and would significantly diminish the contribution that the site makes to the villages rural setting.
8. Due to its prominent position on approach to the village and the consolidation of the existing sporadic development, the proposal would result in an abrupt transition between the village and the countryside. While the introduction of soft landscaping would soften its affects, when viewed in combination with the existing development to the southeast, the proposal would visually intrude into the open countryside and would greatly reduce the sense of openness on approach to the village.
9. In addition, the appeal site also forms part of the setting of the nearby Grade II listed buildings, Lodge Farm, Coppings Corner, The Limes, Mill House and Menes Farmhouse. Insofar as is relevant to this appeal, all of the dwellings derive significance from their historic links to agriculture, their architectural character and detailing and their verdant rural outlook.
10. Mill House and Menes Farmhouse are located a significant distance away from the appeal site with different surrounding contexts. Whilst The Limes and Coppings Corner are significantly closer to the appeal site, they are largely obscured from view by intervening dwellings and mature landscaping. Consequently, due to the intervening distances, buildings, and landscaping, I am satisfied that there would be no harm to the setting of these four listed buildings.
11. Notwithstanding the above, Lodge Farm, a substantial, timber framed thatched farmhouse is located immediately opposite the appeal site. The farmhouse is set back from the highway within a large verdant plot comprising various mature trees, boundary hedging and a large pond. Whilst the existing planting and additional future landscaping would limit the effects of the proposal on the Farmhouse, due to the scale and positions of the proposed dwellings, the proposal would harm the open, rural outlook and hence the setting of Lodge

Farm, resulting in less than substantial harm. Whilst the harm would be limited, it is a matter to which I attribute great weight.

12. As required by paragraph 208 of the Framework, where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal. As I set out below, the public benefits of the scheme include the addition of five dwellings within a relatively accessible location, employment opportunities and ongoing support for local services and facilities. Overall, I find that the great weight I attach to the identified harm with respect to the designated heritage assets would not be outweighed by the limited benefits of the proposal and the proposal would conflict with the Framework.
13. Therefore, I conclude that the proposal would harm the character and appearance of the area and would fail to preserve the setting of Lodge Farm. It would conflict with JLP Policy LP19 which requires development to contribute to local distinctiveness and the significance of heritage assets to be sustained. The proposal would also conflict with paragraph 135 of the Framework which requires development to be sympathetic to local character and history, including the surrounding built environment and landscape setting.

Location

14. JLP Policy SP03 outlines how growth will be managed within the district, primarily focusing development within established settlement boundaries. Development outside of the established settlement boundaries is supported under several circumstances including where it is in accordance with other policies of the plan. Although the dwellings would not be isolated, the appeal site is located outside of the defined settlement boundary of Bacton. Whilst the appellant asserts that the settlement boundary is out of date, as described above, the appeal site relates most closely to the surrounding open countryside.
15. JLP Policy LP01 supports windfall infill housing development outside settlement boundaries where there are at least 10 well related dwellings, subject to certain criteria, including not being detrimental to the character and appearance of the area, not consolidating sporadic development and usually being limited to only one or two dwellings. Infill is defined as the filling of a small undeveloped plot in an otherwise built-up highway frontage.
16. The surrounding development is scattered with less than 10 well related dwellings. There is a short row of dwellings, to the southwest of the site, while the properties to the northeast are set back significantly and are largely obscured from view. While it is possible for infill development to comprise more than two dwellings, in this case, the overall width of the appeal site cannot be considered small, and the adjacent development does not form a continuous built-up highway frontage. Consequently, the proposal would not constitute an infill development as defined by JLP Policy LP01.
17. Whilst the proposed dwellings would be of a similar form to the adjacent dwellings in the southwest, the proposal would consolidate the existing sporadic development. Moreover, as highlighted above the proposal would harm the character and appearance of the area and would fail to preserve the setting of the adjacent Grade II listed property, Lodge Farm.

18. Therefore, I conclude that the appeal site would not be a suitable location for the proposed development. It would conflict with Policies SP03 and LP01 of the JLP which seek to control development within the district by identifying where growth and development should be focussed and ensuring development relates well to the surrounding built and natural environments.

Other Matters

19. I note the appellants comments regarding strategic policies within the JLP and the age of the settlement boundaries. Nevertheless, it constitutes the formally adopted development plan for the area. Although the JLP recognises the need to review the settlement boundaries, that it not an exercise for this s78 appeal. For the purposes of this appeal, I consider that the JLP provides a coherent set of policies which can be used to determine the appeal in accordance with s38(6) of the 2004 Act (as amended). The spatial strategy primarily directs housing within settlements, while also providing opportunities for development outside of settlement boundaries. This approach accords with the Framework. As such, I am satisfied that the policies most relevant to the appeal before me are not out of date and that paragraph 11d of the Framework is not engaged.
20. The proposal would provide five additional dwellings in a relatively accessible location, close to the services and facilities located in Bacton. Although the proposal would contribute towards the local housing supply, the evidence indicates that the Council can provide for the required amount of housing in the area. Short term employment would be provided during the construction and in the long term the future occupiers would benefit the local economy and community by helping to sustain the vitality and viability of the existing settlement. That said the social and economic benefits of five additional dwellings would be limited and there is no indication the local services and facilities are in danger of closing. Overall, these matters do not outweigh the harm I have identified above. The introduction of biodiversity enhancements is commendable; however, this is a neutral factor which neither weighs in favour of, or against the proposal and in any event, would be expected of any well-designed development.

Conclusion

21. Overall, for the reasons given above, I conclude that the proposal would conflict with the development plan as a whole, and there are no material considerations, including the provisions in the Framework and the benefits of the proposal, which indicate that the development should be determined other than in accordance with it. Therefore, the appeal is dismissed and planning permission is refused.

K Allen

INSPECTOR