



Appeal Decision

Site visit made on 12 September 2023

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 January 2024

Appeal Ref: APP/X3540/W/23/3317919

Ivy Meadow, The Street, Bredfield IP13 6BA

- 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 Ollie and Craig Taylor and Holden against the decision of East Suffolk Council.
 - The application Ref DC/22/1763/FUL, dated 27 April 2022, was refused by notice dated 9 September 2022.
 - The development proposed is described as the erection of 5no. residential dwellings associated parking and vehicle access.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 5no. residential dwellings associated parking and vehicle access at Ivy Meadow, The Street, Bredfield IP13 6BA in accordance with the terms of the application, Ref DC/22/1763/FUL, dated 27 April 2022, subject to conditions in a schedule at the end of this decision.

Preliminary Matters

2. My attention has been drawn to a previous refusal and dismissed appeal at the site¹. From the evidence before me this related to an outline application for 10 dwellings, and as such the quantum and type of application differs substantially. In addition, since the issue of that decision the Suffolk Coastal Local Plan (LP) was adopted in 2020 and the Bredfield Neighbourhood Plan (NP) has also been 'made' in 2021, and now forms part of the development plan. The appeal site is allocated for residential development in the NP. From the evidence before me the schemes materially differ and are not directly comparable. In any event I have determined this appeal based on its own merits.
3. I understand that the site is located within the Suffolk Coast Recreational Avoidance and Mitigation Strategy (RAMS) Zone of Influence (Zone B – within 13km) of the Sandlings Special Protection Area (SPA), Deben Estuary SPA and Ramsar site and Alde-Ore Estuary SPA and Ramsar sitewhich are European Designated Sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). Although not forming part of the Council's reason for refusal, as competent authority I need to consider whether the proposal would be likely to have a significant effect on the integrity of the SPA's. It is necessary to consider this matter as a main issue.

¹ APP/33530/W/16/3165669

4. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

Main Issues

5. The main issues are:

- i) the effect of the proposed development upon character and appearance of the area;
- ii) the effect of the proposed development upon the setting of the Grade II listed building, Tudor Cottage; and
- iii) the effects on the integrity of the Suffolk Coast RAMS Zone of Influence of the Sandlings SPA; Deben Estuary SPA and Ramsar site and Alde-Ore Estuary SPA and Ramsar site.

Reasons

Character and appearance

6. The appeal site comprises an agricultural field with substantial landscaping to its boundary which fronts the highway. An electricity supply cable crosses the site with a transformer on poles within the boundary hedge. The appeal site is adjacent to the village hall and associated car park and is surrounded by fields to the eastern boundary. Also adjacent to the site is a field access track running alongside a tall hedgerow, separating the site from Tudor Cottage.
7. Bredfield varies in character with distinct parts. The Street is a long residential road comprising predominantly detached single and two-storey dwellings where the scale and architectural detailing of the dwellings in the vicinity of the site vary considerably. Towards the centre of the village dwellings are positioned closer together, and closer to the back edge of the highway and are more visually dominant. To the north the area is characterised by a looser form of development with dwellings set back from the highway with landscaping within the intervening space creating a verdant appearance.
8. The Council submits that the scheme has failed to be responsive to existing architectural details and form of properties within Bredfield. There is a considerable variation in the scale and design of properties. There is a mix of roof forms, including front and side facing gables and materials of construction, although brick was predominant. Owing to the mixed character of dwellings in the locality I do not concur that the dwellings, including their proposed contemporary palette of materials, would be significantly at odds with existing built development such that it would be harmful to the character and appearance of the locality.
9. The proposed dwellings would be loosely spaced across a relatively large open area. Whilst the curved alignment of the proposed dwellings is not reflective of the predominant linear pattern of development in the locality which fronts either side of the roads, there are dwellings within the locality set back from the highway in a similar manner, including Ivy Lodge farmhouse opposite. As a

result, although differing from the layout and pattern of much of the development in the area, it would not materially harm the character of the area. In addition, this design approach reflects that set out in the NP.

10. The parking for the proposed dwellings would be located to the side of the properties, thus reducing the visual prominence of vehicles within the streetscene. An area of hardstanding would be provided to the front of dwellings for the purpose of manoeuvring, and the provision of a footpath, both of which would be set behind a linear area of landscaping.
11. I therefore conclude that the proposed development would not have a harmful effect upon character and appearance of the area. The proposal would accord with Policy SCLP11.1 of the LP. Amongst others, this seeks to provide a good standard of design in all new development and that they respect and relate to the character and context of the area in which it is to be sited. I find no conflict with Policy SCLP10.4 of the LP which expects development to demonstrate their location, scale, form, design and materials will protect and enhance the special qualities and features of the area and a growing network of green infrastructure. Furthermore, it would also accord with the Framework which requires developments to be sympathetic to local character while not preventing or discouraging innovation or change.

Setting of Tudor Cottage

12. Neighbouring the appeal site lies the Grade II listed Tudor Cottage set in a large plot. I have a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Area) Act 1990 (the Act) to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which the listed building possesses.
13. Tudor Cottage is a 17th century cottage which derives its significance from its architectural and historic merit as an example of local Suffolk vernacular. It is of a three-cell, baffle entry plan typical of Suffolk farmhouses. Its special interest lies in its surviving internal architectural and historic interest including a winder staircase. From the evidence before me the cottage appears to have been significantly externally altered. The main elevation of the cottage faces the road, with its gable end facing the appeal site. The property is surrounded by a tall hedge to the boundary, which obscures much of the end elevation and rear garden.
14. I accept that many of the qualities of the listed building relates to its historic fabric, form and internal architectural features, and that the appeal site may not have been associated with Tudor Cottage. Nevertheless, the undeveloped nature of the land adjacent to it, influences the way the listed building is experienced. The undeveloped farmland allows for a degree of separation of Tudor Cottage from built development in the village, which makes a positive contribution to the setting and thereby the significance of the listed building.
15. A reasonably wide agricultural access would remain directly adjacent the boundary to Tudor Cottage, retaining an undeveloped parcel of land between the listed building and the appeal site. Plot 1 would be a single storey property which would be set back into the appeal site so that it would not align with Tudor Cottage along the site frontage. The proposed dwelling would be subservient in height to the listed building, of contrasting design and materials, including solar panels. In addition, the other dwellings would be similarly set

- back into the site and accordingly, the proposed development would not compete visually with the listed building.
16. The proposed development would remove the unsightly electricity pole and overhead wires which would visually enhance the site and be of benefit to the setting and appreciation of Tudor Cottage.
 17. The vehicular entrance to the site would be provided to the end of the site away from Tudor Cottage. Whilst areas of hardstanding would be provided for parking and manoeuvring this would be set behind a landscaped frontage. Whilst these features would result in some urbanisation, overall, it would limit any change to the way Tudor Cottage is experienced.
 18. Owing to its height, the existing landscaping to the frontage of the appeal site, currently obscures views of Tudor Cottage when viewed from the direction of the village. The roof and top of the gable-end of Tudor Cottage are visible above the existing boundary hedge. The existing hedge, to the front of the appeal site, would be removed and replaced with a new hedge set back from the back edge of the highway. This landscaped frontage would be reflective of other properties in the vicinity of the site, including Ivy Lodge Farm and farmhouse, and would soften the appearance of the development and open up views along The Street. Furthermore, the proposed dwellings, set back within the site, behind a landscaped frontage, would ensure the proposed development would not be visually dominant within the streetscene and would provide for an improved appreciation of Tudor Cottage from The Street.
 19. From long range views looking north towards the listed building, the sense of openness adjacent to Tudor Cottage would remain, with the end gable of Tudor Cottage being visible, and un-obscured by the proposed dwellings. The verdant character of this part of The Street would remain. Accordingly, by virtue of the proposed site layout, the retention of the agricultural access and the proposed wedge of landscaping, the proposed development would not bring Tudor Cottage into a continuous streetscene within the extended built form of Bredfield village. The contemporary design of the proposed dwellings would further assist this. When approaching the listed building from the south end of The Street, the proposal would have a small negative impact on its setting, however, I consider this would be limited as the view and sense of openness around Tudor Cottage would largely remain. Clearly, therefore, the harm to the significance of the heritage asset would be less than substantial. In this respect, I give considerable importance and weight to the desirability to preserve the heritage asset and its setting.
 20. Having regard to Paragraphs 205 and 208 of the Framework I have found that there would be less than substantial harm to the setting of Tudor Cottage. The Framework states that great weight should be given to the asset's conservation, irrespective of whether the harm to the significance is substantial or less than substantial. This harm must be weighed against any public benefits of the proposal.
 21. Five dwellings would make a modest contribution to the Council's housing land supply and add variety to house types, on a site allocated for development in the NP. I note the benefit of incorporating energy efficiency measures into the build, seeking to meet environmental targets. The move to renewable technologies is clearly a national priority and the measures incorporated within the proposed development would assist in reducing the use of fossil fuels

associated with domestic energy consumption. There would be social and economic benefits associated with the proposal relating to construction employment and spend within the local economy once the dwellings are occupied. Across the site frontage the proposal would include a footway link to the village. This would provide an alternative to walking on the road between a few houses and the village, and therefore would provide a safer route for pedestrians.

22. Having regard to the above I am satisfied that collectively these public benefits are sufficient to outweigh the less than substantial harm to the setting, and thereby the significance, of the designated heritage asset.
23. The LP policies require me to consider the heritage impacts in line with the Framework. Whilst I find that the proposed development would result in less than substantial harm to the significance of the Grade II listed building, Tudor Cottage, having regard to the Framework I conclude that the public benefits arising from the development would outweigh the less than substantial harm. Consequently, I therefore find that the proposal would accord with Policies SCLP11.1, SCLP3.2 and SCLP 11.3 of the LP which are concerned with safeguarding heritage assets.

Special Protection Area

24. The appeal site falls within the Suffolk Coast RAMS Zone of Influence (Zone B) of the Sandlings SPA, Deben Estuary SPA and Ramsar site and the Alde-Ore Estuary SPA and Ramsar site. These coastal, heath and estuary sites are internationally recognised for their value as habitat for several rare and vulnerable plant, animal and bird species, including migratory wading birds. They have been identified by Natural England as being vulnerable to harm as a result of recreational disturbance, which may include trampling of vegetation and disturbance of wildlife including nesting birds, by people and domestic pets. There are specific risks to flocks of migratory wading birds, who may become unable to store enough energy for long migrations, if disturbed by recreational activity in the vicinity of their feeding grounds.
25. The proposed development is for five new dwellings, as such the number of additional recreational visitors would be limited. However, in combination with other developments, it is likely that the proposal would have significant effects on the designated sites. As such, it is necessary for me, as the competent authority, to conduct an appropriate assessment in relation to the effect of granting permission on the integrity of the Habitats Sites. I have sought further evidence on this matter and Natural England was consulted.
26. The affected sites are covered by the Recreational Disturbance Avoidance and Mitigation Strategy (RAMS), prepared collaboratively by relevant local planning authorities in conjunction with nature conservation organisations including Natural England. This sets out a strategy for the avoidance and mitigation of recreational disturbance through measures such as site management, visitor education and diversion of activity away from the most vulnerable locations. Arrangements are in place for financial contributions to be sought in relation to proposed residential development, with an appropriate mechanism to secure their expenditure on delivery of avoidance and mitigation measures as set out in the RAMS.

27. The Council has confirmed that the appellant has paid the required financial contribution and the required documentation to secure ring-fencing of the funds for expenditure on mitigation as set out in East Suffolk RAMS Supplementary Planning Document adopted May 2021. The financial contribution has been collected under Section 111 of the Local Government Act (1972) and held in its own 'pot' solely for the delivery of RAMS measures (based on those identified in the Technical Report); and is reported on via the Infrastructure Funding Statement. I am therefore satisfied that the financial contribution secured would appropriately mitigate the likely adverse effects on the integrity of the identified Habitats Sites. Taking account of this mitigation, to conclude the appropriate assessment the proposal would not adversely affect the integrity of Habitats Sites, either alone or in combination with other development.
28. I therefore conclude that the integrity of the Suffolk Coast RAMS Zone of Influence of the Sandlings SPA; Deben Estuary SPA and Ramsar site and Alde-Ore Estuary SPA and Ramsar site would not be harmed by the development. Accordingly, it would be compliant with Policy SCLP10.1 of the LP that seeks to support Article 6(3) of the Habitats Directive where proposals, including new dwellings, that would cause a direct or indirect adverse effect (alone or combined with other plans or projects) to the integrity of internationally and nationally designated areas. Nor do I find conflict with the relevant policies within the Framework that protect areas of particular importance relating to habitats sites. Consequently, there is no clear reason for refusing the development proposed in respect of such matters.

Other Matters

29. Policy SCLP3.2 of the LP states that new development within defined settlement boundaries will be acceptable in principle. Policy SCLP5.2 of the LP refers to housing development in small villages and states that residential development will be permitted within defined settlement boundaries where it is a small group of dwellings of a scale appropriate to the size, location and character of the village or infill development in accordance with Policy SCLP5.7. Whilst the Framework and LP do not define 'infill development', since the previous appeal decision², the NP has allocated the site for development and included it within the extended settlement boundary of Bredfield. Based on the plans before me I am satisfied that the principle of development would accord with the LP policies and that the proposal would not undermine the overall strategy for housing. I therefore do not find conflict with policies SCLP3.2, SCLP3.3, SCLP5.2 and SCLP5.7 of the LP referenced in the Council's Decision Notice, which relate to the distribution of housing.
30. My attention has been drawn to Policy SCLP7.2 of the LP which relates to parking proposals and standards. I am satisfied that the proposed dwellings would be provided with an appropriate level of parking to meet the needs of occupiers of the development and accordingly, I find no conflict with this policy.
31. My attention has been drawn to the possibility that the appeal site may include the remains of a WWII American Liberator Bomber crash site. However, there is no substantive evidence to this effect, including the consultation response of the Council's Heritage Advisor. I note that the Council's Heritage Advisor is

² APP/33530/W/16/3165669

satisfied that a condition for a Written Scheme of Investigation (WSI) and a programme of archaeological work would be appropriate. I have no reason to disagree with this approach.

32. I am satisfied that the proposed development would provide for an appropriate access and parking provision. Furthermore, the proposed development would not result in a severe detrimental impact to the transport network. The appeal site lies within the village settlement and would not give rise to significant light spillage and pollution. Given the distance between the proposed dwellings and existing residential properties there would be no harm to the living conditions of existing occupiers in terms of loss of privacy, outlook or loss of light. Any noise and disturbance during construction would be temporary. Given the site's previous use the submitted environmental report indicates that there would only be a low risk of contaminants. The proposal would result in the loss of the existing roadside hedgerow. However, the proposal would include replacement hedgerow planting of a greater length than is currently present and therefore there would be benefits to biodiversity in the long-term. These matters were considered by the Council at the application stage and did not form part of the reasons for refusal. For the reasons outlined above there is no compelling evidence before me that would lead me to come to a different conclusion to the Council on these matters.

Conditions

33. The Framework states that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development, enforceable, precise, and reasonable in all other respects.
34. I have considered the conditions put forward by the Council against the Framework and Planning Practice Guide (PPG). I have included those which meet the six tests set out in the Framework and reworded, where necessary, for clarity. The appellant has provided their written agreement to the pre-commencement conditions.
35. In addition to the statutory commencement condition, a condition is necessary to ensure that the development complies with the submitted plans in the interests of clarity. I will impose a condition requiring compliance with the submitted materials schedule in the interests of preserving the character and appearance of the area.
36. Given the potential for archaeological interest I will impose a pre-commencement condition for a Written Scheme of Investigation (WSI) to be undertaken.
37. On the basis that the land is assessed to be of low risk of contamination from previous uses I do not consider it to be necessary or reasonable to require a contamination assessment prior to works commencing. Nevertheless, I consider it reasonable to attach a condition regarding any unforeseen contamination discovered during development in the interests of minimising risk to human health and the environment.
38. In the interests of highway safety conditions would secure an appropriate access, parking arrangements and bin storage areas. A condition for cycle parking is included to promote sustainable travel in accordance with Policy BDP10 of the NP and Policy SCLP7.2 of the LP. A condition for the provision of

electric vehicle charging points is imposed to promote sustainable travel and improve air quality.

39. A condition for compliance with the submitted arboricultural assessment and tree protection measures is necessary to ensure existing landscape features are retained. In the interests of the visual appearance of the development and for ecological benefits a condition is included regarding hard and soft landscaping.
40. The Council has suggested a condition for the removal of rights to extend or alter the properties under the Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO). The PPG states that planning conditions should not be used to restrict national permitted development rights granted by the GDPO unless there is clear justification to do so. The Council has not provided any substantive evidence as to why these need to be removed. In this circumstance I do not consider conditions further limiting these rights to be necessary for the development permitted.

Planning Balance and Conclusion

41. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that a determination is made in accordance with the development plan unless material considerations indicate otherwise. The appeal site is an allocated site within the NP and the principle of the proposed residential use is consistent with the NP and LP; this is a significant material planning consideration in the determination of the appeal. I have concluded that the proposed development would not have a harmful effect upon the character and appearance of the area. However, I have found that the proposed development would result in less than substantial harm to the significance of Tudor Cottage. I have given considerable importance and weight to the desirability to preserve the heritage asset and its setting and weighed the less than substantial harm against the public benefits of the proposal. In this regard I have found that the less than substantial harm would be outweighed by the cumulative public benefits arising from the proposed development. The proposed development would therefore accord with the development plan when read as a whole, and the Framework.
42. For the reasons given above, and having regard to all other matters, I conclude that the appeal should be allowed.

R Gee

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: P1001, P1002 Rev A, P1003 Rev A, P1004 Rev A, P1005 Rev A, P1006 Rev A, P1007 Rev A, P1008 Rev A and 258_000 Rev P02.
3. The materials and finishes shall be as indicated within the submitted application and thereafter retained as such.

4. No demolition/development shall commence until a programme of archaeological work has been secured in accordance with a Written Scheme of Investigation (WSI), which has been submitted to and approved by the Local Planning Authority in writing.

The approved programme shall then be implemented in accordance with the approved details and timetable prior to any other works taking place on site.

5. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures. Before the development is first occupied a verification report for all the remediation works shall be submitted to and approved in writing by the Local Planning Authority.
6. No other part of the development hereby permitted shall be commenced until the new access has been laid out and completed in full accordance with drawing no. DM01 with an entrance width of 4.5 metres. Thereafter it shall be retained in its approved form.
7. The gradient of the vehicular access shall not be steeper than 1 in 20 for the first five metres, measured from the nearside edge of the highway.
8. The development hereby approved shall not be occupied until the first 5 metres of the access into the development, measured from the edge of the carriageway, has been surfaced in a solid bound material.
9. The development hereby approved shall not be occupied until visibility splays of 2m x 43m have been provided, as shown on Drawing No. P1002. The splays shall thereafter be maintained free of obstruction exceeding a height of 0.6m above the adjacent ground level.
10. The development hereby approved shall not be occupied until the areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins have been provided as shown on Drawing No. P1002. The facilities shall be retained thereafter for no other purpose.
11. The development hereby approved shall not be occupied until the parking and turning facilities have been provided in accordance with Drawing No. P1002 and shall be maintained without impediment to its designated use throughout the life of the development.
12. Cycle parking shall be provided in accordance with Drawing No. P1002 and shall be maintained without impediment to its designated use throughout the life of the development.
13. An electric vehicle charging point shall be installed in accordance with a scheme to be approved by the Local Planning Authority. The vehicle charging point shall be provided in accordance with the approved details prior to first

occupation of the dwelling and shall be retained so that it is operational for the lifetime of the development.

14. All existing retained trees, hedges and plants shall be protected for the duration of works on site, in accordance with the submitted Arboricultural Impact Assessment 'BE-1466-01'.
15. The approved landscaping scheme shall be implemented no later than the first planting season following completion of development. Any trees, hedges or plants (existing, retained or proposed) that, within a period of five years after planting (or replanting if previously failed), are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved.

*****End of Schedule*****