



Appeal Decision

Site visit made on 20 November 2023

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th January 2024

Appeal Ref: APP/D3505/W/23/3322519

The Lilacs, Nedging Road, Nedging With Naughton, Suffolk IP7 7HW

- 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 A Salisbury against the decision of Babergh District Council.
 - The application Ref DC/22/04634, dated 16 September 2022, was refused by notice dated 25 November 2022.
 - The development proposed is the severance of the garden and the erection of 1No dwelling and double garage.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr A Salisbury against Babergh District Council. This application is the subject of a separate decision.

Preliminary Matters

3. The Council changed the description of development from that stated on the application form and the appellant agreed to this. The description in the banner heading reflects this agreed change.
4. Since the Council determined the planning application, it has adopted the Babergh and Mid Suffolk Joint Local Plan Part 1 2023 (JLP). The policies in the JLP supersede policies from the Babergh Local Plan 2006 and the Babergh Core Strategy & Policies 2014 which were included in the Council's reasons for refusal of the planning application. In its appeal statement, the Council indicates that the location of the proposed development would conflict with JLP Policy SP03, a matter which was not included in the original reasons for refusal. I sought the parties' comments on the implications of the JLP for the proposal and have determined the appeal based on the adopted policies in the JLP referred to by the Council.
5. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties were not invited to make further comments.
6. There are references to a previous outline planning permission for a dwelling on the site (planning application ref DC/20/02405) and a subsequent approval of reserved matters (planning application ref DC/23/01708). However, I have only limited details of these, and the proposal does not directly relate to them. Accordingly, although I consider the relevance of the existing approvals as part

of my overall decision, my consideration of the merits of the proposal is based on the proposed plans submitted with the appeal.

Main Issues

7. The main issues are:

- whether or not the site would be a suitable location for housing, having regard to the accessibility of services and facilities and the provisions of the development plan;
- the effect of the proposal on the character and appearance of the area; and
- the effect of the proposed development on the setting of The Thatches and Vine Cottage grade II listed buildings, and the adjacent non-designated heritage asset.

Reasons

Suitability of the location

8. The site lies in the countryside, outside the settlement boundaries defined on the Policies Map. Policy SP03 of the JLP sets out the approach towards the location of new development in the district.
9. Policy SP03(1) states that new housing development will come forward through extant planning permissions amongst other things. Regardless of whether there is an extant planning permission which would accord with the policy, the current proposal is for a new dwelling unrelated to the previous permissions. Therefore, it would fail to accord with this provision in Policy SP03(1).
10. Outside settlement boundaries, Policy SP03(2) outlines that development will normally only be permitted where the site is allocated for development or it is in accordance with a made Neighbourhood Plan, one of the policies listed in Table 5 or the policy in the Framework relating to isolated homes in the countryside. There is no case made that the proposal would meet any of these policy provisions. Consequently, the proposal would conflict with Policy SP03.
11. I note that planning permissions have previously been granted, including on the appeal site, and appeals allowed for the development of sites outside the settlement boundaries. However, there has been a change to the policy approach, and I need to assess the appeal proposal against policies in the JLP.
12. Nedging Tye, a settlement less than 1 mile from the site, has limited facilities, and Bildeston, around 2 miles away, provides access to some services. Nedging Road is an unlit country lane with no footway and, although it has a 30mph speed limit outside the site, the national speed limit of 60mph applies for much of its length towards Bildeston. Although the site is within commuting distance of the town of Hadleigh, due to the nature of Nedging Road and the limited services close by, local facilities would not be easily accessible on foot or by bike and the future occupiers of the proposed dwelling would be reliant on private vehicles to access them.
13. Consequently, I conclude that the site would not be a suitable location for housing, having regard to the accessibility of services and facilities and the provisions of the development plan. This would be contrary to Policy SP03 of

the JLP. It would also conflict with the Framework in relation to its requirements for the location of rural housing.

Character and appearance

14. The appeal site comprises flat, open land between existing dwellings at The Lilacs and Ivy House. It is part of a wider cluster of development with a mix of styles and designs though the land opposite is also open. Located close to Nedging Road, the Lilacs is a traditional small render and slate building with a rear extension. Set back from the road, Ivy House has a steeply pitched pantiled roof with rendered walls and a projecting front gable.
15. The use of zinc roofs for the proposed dwelling and garage would fail to reflect the more traditional pantile and slate roofs on the adjacent buildings. Further, although natural timber walls are found in other structures in parts of Nedging Road, they are not prevalent in the properties close to the appeal site, and the proposed use of these would be incongruous with the rendered wall finishes of the adjacent Ivy House and The Lilacs. Therefore, although the proposed structures would have a contemporary, rural appearance, the introduction of buildings with contrasting materials to the neighbouring properties would result in a discordant addition to the street scene.
16. The appellant would be content with a slate roof finish and horizontal timber cladding and suggests that the finishing materials could be subject to a condition. However, I have already found that the use of timber walls would be an incongruous feature.
17. Therefore, I conclude that the proposal would harm the character and appearance of the area. This would conflict with Policy LP24 of the JLP which requires proposals to respond to and safeguard the existing character by being appropriate in terms of design and materials, amongst other things. It would also be contrary to the Framework which requires development to be sympathetic to local character.

Effect on heritage assets

18. The Planning Practice Guidance states that only a minority of buildings have enough heritage significance to merit identification as non-designated heritage assets and that decisions to identify them should be based on sound evidence. Whilst it outlines that it can be helpful if local planning authorities keep a local list of non-designated heritage assets, it also allows local planning authorities to identify them as part of the decision-making process on planning applications.
19. The appeal documents indicate that the adjacent dwelling, The Lilacs, is the non-designated heritage asset to which the second reason for refusal relates. The Council does not keep a record of non-designated heritage assets nor have a local list of these, and there is little information on how or why this has been identified as a non-designated heritage asset. However, I observed that its significance derives in part from it being a small traditional white render and pitched slate roof building with a brick chimney, positioned in line with the road. I find the setting of the building, insofar as it relates to this appeal, to be primarily associated with the surrounding openness and that this directly contributes to its special interest.

20. The scale of the proposed dwelling would be commensurate with Ivy House which is not identified as a heritage asset. However, its front elevation would be significantly longer and higher than The Lilacs, incorporating upper-level windows, and it would be sited close to the road. This would be seen in the same view as The Lilacs and would therefore affect its setting. Although smaller than the proposed house, the garage would be located nearer to The Lilacs and Nedging Road. Due to their size and position relative to the adjacent property, the proposed buildings would impinge on views of The Lilacs when travelling westbound along the road. Further, the proposed zinc roof and vertical timber walls would be incompatible with the roof and wall finishes of the neighbouring structure. Therefore, by reason of their location, scale and design, the proposed buildings would not preserve the setting of The Lilacs as a non-designated heritage asset.
21. When taking a balanced judgement having regard to the significance of the non-designated heritage asset, I find the scale of harm unacceptable. Therefore, I conclude that the proposed development would conflict with the Framework in this respect.
22. The Thatches and Vine Cottage are grade II listed buildings, designated heritage assets, located further along Nedging Road. The Thatches is significant in part due to it being a timber framed and plastered building with 18th century external features and a thatched roof. Vine Cottage is significant in part as it is a small 16th-17th century timber framed and plastered building with a thatched roof.
23. The proposed house and garage would be separated from the two listed buildings by existing properties and garages and an additional dwelling granted planning permission. Given the distance of the proposal from The Thatches and Vine Cottage and its location relative to surrounding buildings, the development would not harm the setting nor the significance of these listed buildings.
24. There is reference to the impacts on heritage assets not being an issue in relation to a previous decision to grant planning permission on the appeal site and to previous permissions resulting in The Lilacs being sandwiched between approved developments. However, I have limited information on these other proposals and the Council's rationale for approving them, so comparisons between them and the current proposal cannot be made.
25. Therefore, I conclude that the proposed development would preserve the significance of the listed Vine Cottage and The Thatches but would fail to preserve the special interest, in terms of setting, of the significance of the adjacent non-designated heritage asset, The Lilacs. This would be contrary to Policy LP24 of the JLP where it requires proposals to safeguard historic assets and built features of merit. It would also conflict with the Framework which requires the significance of a non-designated heritage asset to be taken into account in determining applications.

Other Matters

26. The proposal would make more effective use of the land and contribute a family sized dwelling towards the supply of housing. Although the appellant asserts that the Council relies on development outside settlement boundaries to meet its housing needs, the Council states that its housing land supply

position is well above the five years required by the Framework. Therefore, I afford little weight to the provision of an additional dwelling.

27. There would be some economic and social benefits during the construction phase through the employment of workers and sourcing of building materials and once occupied when future residents would support services and facilities. However, given the relatively small scale of the proposal, these benefits would be limited.
28. The Planning Statement sets out information on several other matters, including the low risk of flooding, absence of contamination, the proposal not prejudicing the bringing forward of other development, the living conditions of neighbours, and the lack of harm to the landscape, biodiversity, archaeological areas, infrastructure, highways, and parking. The Council did not raise concerns on these matters and there is no compelling evidence before me that would lead me to reach a different conclusion to the Council on them. Nevertheless, compliance with the development plan in relation to these issues is a neutral factor.

Planning Balance

29. I have found that the site would not be a suitable location for housing and would result in harm to the character and appearance of the area and fail to preserve the significance of the adjacent non-designated heritage asset, which I accord considerable weight. The delivery of an additional dwelling and the economic and social benefits each attract limited weight and the remaining matters only neutral weight, which accordingly do not outweigh the harm I have found.

Conclusion

30. Overall, for the reasons given above, the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework, that would outweigh that conflict. Therefore, the appeal is dismissed.

A Wright

INSPECTOR