



Appeal Decision

Site visit made on 16 November 2023

by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 February 2024

Appeal Ref: APP/D3505/W/22/3312504

The Brewers Arms, Bower House Tye, Polstead, Colchester CO6 5BZ

- 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 M Marginson against the decision of Babergh District Council.
 - The application Ref DC/22/01060, dated 24 February 2022, was refused by notice dated 17 June 2022.
 - The development proposed is: Hybrid application. Full Planning Permission for the erection of 1 no. commercial building (Class E 'farm shop'), 1 no. covered pergola for outdoor dining, extension to car park, erection of 5 no. holiday let cabins including construction of associated car park, and planting of woodland and meadowland. Outline Planning Permission (with access to be considered) for the erection of 7 no. single storey dwellings (including 2 no. affordable housing units) (with access).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As set out above, the application was submitted in hybrid form, seeking full planning permission for the proposed farm shop, covered pergola, extension to car park and the erection of 5 holiday let cabins with associated car park and planting. 7 bungalows, 2 of which would be affordable housing, are also proposed in outline, with all matters reserved save for access.
3. Given the hybrid nature of the scheme the plans submitted with the application combine a mixture of full details of the elements for which full planning permission is sought and indicative details showing how the proposed bungalows could be laid out, in a cul-de-sac around a hammer head at the end of the proposed access drive. Access would come from the existing access point onto the A1071, with alterations to surfacing, geometry and visibility splays, as shown on the submitted drawings.
4. Whilst the application form refers to 'the erection of 5 no. holiday let cabins' the plans show that the cabins would essentially be caravans, on wheels and a chassis. Technically, a caravan is not a building and the development involved on that part of the site would be the material change of use of land to use as a caravan site for the siting of 5 caravans. I have considered the proposal on that basis. The altered definition does not impact upon my assessment of the merits of the case so no prejudice will arise as a result.
5. The Babergh and Mid Suffolk District Council Joint Local Plan (the Local Plan) was adopted on 22 November 2023. The Council has referred to two policies

from the newly adopted plan, SP03 and LP13 which refer to the settlement hierarchy and tourist accommodation within the countryside. The appellant has had the opportunity to comment on the newly adopted plan but did not draw my attention to any specific policies. The decision notice refers to policies within the Babergh Core Strategy which have now been superseded. In view of the above, I shall base my decision on the relevant policies of the newly adopted local plan, as identified by the Council, having regard to the National Planning Policy Framework where no local policy has been identified on a specific issue.

6. The revised National Planning Policy Framework was published in December 2023. I have taken account of the revisions and referred to updated paragraph numbers. I am satisfied that none of the changes have an impact upon the decision in this case, as compared to the version of the Framework that was current at the time the Council made its decision.

Main Issues

7. The main issues in the determination of the appeal are:
 - i) The effect of the proposal on the character and appearance of the area, including the effect on the setting of nearby listed buildings;
 - ii) Whether the proposal is located in an appropriate location, having regard to the accessibility of shops, services and amenities and likely modes of travel;
 - iii) Whether any future residents of the proposed dwellings and holiday cabins would benefit from acceptable living conditions, having regard to the proximity to the public house and proposed farm shop;
 - iv) Whether sufficient information has been provided to demonstrate that a suitable surface water drainage strategy is achievable;
 - v) The effect of the proposal on European Designated sites for nature conservation and whether the submitted unilateral undertaking provides adequate mitigation for any harm that may arise, with regard to contributions towards the Suffolk Coast Recreational Avoidance and Mitigation Strategy (RAMS); and
 - vi) If any harm does arise in respect of the above matters, whether that harm is outweighed by any other material considerations to indicate that permission should be granted.

Reasons

Character and Appearance and the Setting of Nearby Listed Buildings

8. Bower House Tye is a small, rural, settlement set within a landscape of predominantly arable farmland, interspersed with pockets of woodland. It has a linear pattern of development with the Brewers Arms and a small number of cottages fronting onto Holt Road, which branches off the A1071, presumably being the original line of the highway before the main road was straightened. Amongst those dwellings is Holmwood Cottages, a grade II listed thatched property. A narrow track running from Holt Road contains a number of modern detached properties on the right-hand side, with Thatcher's House (formerly

The Bower Close), a Grade II listed building to the left, and a farm complex beyond.

9. The site is within the Ancient Rolling Farmland character area as defined by the district wide Landscape Character Assessment. A number of the defining characteristics of that area are readily discernible in the vicinity including the rolling arable landscapes, the field pattern and surrounding hedgerows, scattered pockets of established woodland and the dispersed settlement pattern. The linear pattern of development is fundamental to the character of the village which sits comfortably within the landscape on account of its limited scale and established vegetation. The vernacular style of numerous building, including the listed buildings referred to adds to the overall charm and enables the history and evolution of the settlement to be readily appreciated.
10. The Brewers Arms is prominently located and is the first property one notices as approaching the village from the south. It is an attractive roadside pub with timber clad walls at first floor level, render and a combination of blue slate and pantiles across the varied roofline. The existing beer garden, within which the proposed pergola would sit is surrounded by a hedgerow that would be retained. The pergola would be sympathetically designed and would not look out of place amongst the range of buildings and associated development to the front and side of the pub.
11. Similarly, the farm shop would be of modest proportions and sympathetic design, with weatherboarding and clay pantiles reflecting similar materials on the existing pub. It would also relate well in form to the existing buildings, being set close to the rear such that it would not disrupt the linear pattern of the settlement.
12. The same cannot be said of the proposed dwellings and caravans. In direct contrast to the linear pattern of development the bungalows would be set back from the roadside around a cul-de-sac at the end of the proposed turning head. Whilst the layout is indicative the end result would inevitably be something akin to that shown due to the nature of the proposed access and the shape and location of the plot. The layout and single storey form of the houses would be an inherently suburban design solution, significantly at odds with the established rural character and layout of the village. Moreover, the inward looking nature of the cul-de-sac is such that there would be little connection with the remainder of the village in a visual or physical sense and the bungalows would appear as an isolated, distinctly modern, anomaly in an otherwise rural setting.
13. The caravans/ cabins would extend from the residential element in an arc which would also fail to have any notable relationship with the established linear pattern of development. The two elements of accommodation, tourist and bungalows, would also appear distinct from one another which would result in a disjointed layout across the site as a whole.
14. In landscape terms the approach to the development appears primarily to be screen the development, with a combination of existing hedgerows, a pocket of woodland between the site and existing dwellings in the village and additional tree planting in an arc to the rear of the caravans and bungalows. The fact that so much screening is deemed necessary is a tacit acknowledgment that the layout is one that would cause harm to the established character of the village and its immediate setting without mitigation.

15. Views of the development would be localised and vantage points in the wider landscape are limited, even from rights of way around the village. However, in the local context on the approach to the village and at the entrance to the site, or for anyone visiting the site, the development would remain visible. The modern form of the cul-de-sac and bungalows would be apparent from the entrance.
16. In addition, the landscaping and screening itself would not reflect the character of the area surrounding the village which is made up of arable fields with hedgerows around the perimeter. The planting would not reflect the existing field pattern and that to the rear of the caravans and bungalows would be sporadic, resulting in a parkland style setting with the proposed path running through. That would exacerbate the suburban feel of the development as a whole.
17. The woodland grove to the north would be a denser block of planting. Whilst it wouldn't be of the same scale as blocks of woodland within the wider area that would not necessarily be harmful of itself. When standing in the area the block size of the woodland planting is not as apparent as it may appear on plan form and the fact that 'woodland grove' would be a smaller block of planting would not be immediately obvious.
18. However, the scheme as a whole, including the proposed planting, would undoubtedly affect the setting of the listed buildings at Holmwood Cottages and Thatcher's House. Thatcher's House is described in the listing as a 16th/17th century timber-framed and plastered building and Holmwood Cottages as an 18th century timber-framed and plastered building with a thatched roof. Both buildings are listed on account of their age and historic importance, with both representing examples of traditional building techniques. Holmwood Cottages are of more modest and humble proportions with a direct relationship with the roadside, as is characteristic of the settlement pattern. Thatcher's House projects a greater sense of status on account of its scale and design, its position back from the road and its substantial grounds.
19. Historic maps demonstrate that the field which forms the application site has remained undeveloped since at least 1885. The setting of a listed building is not limited to purely visual relationship but can extend to land that has a historic relationship. Whilst there is no evidence of any functional link between the site and either building, the arable field pattern running up to the rear boundaries of both properties provides the context for the distinctly rural settlement within which the buildings are set. The field boundaries and relatively open aspect also enables the linear pattern of the village to be discerned and the status of Thatcher's House as a property set within its own grounds to be appreciated. Both listed properties overlook the open landscape to the rear and have an intimate association with it. In my view, the appeal site in its present form undoubtedly makes a positive contribution to the way in which the listed buildings are appreciated for those reasons.
20. The proposed woodland block would create a sense of enclosure which would alter the presently open aspect at the edge of the village. Furthermore, the arable land would be replaced with an uncharacteristically modern, suburban, form of development. I appreciate that the built development and the caravans may not be directly visible from the listed buildings but one would be aware of the encroachment of built form on the approach to the village, in contrast to

the arable land which makes a positive contribution to the setting of both buildings. Those unsympathetic alterations would have a negative effect on the setting of the listed buildings and hinder the ability to appreciate the buildings in their rural context. The fabric of the buildings would remain intact and the harm to their setting would represent less than substantial harm to the significance of the designated assets. In line with paragraph 208 of the Framework that harm must be weighed against any public benefits that may arise. I shall address that balance later in my decision after considering the other material considerations put forward in favour of the scheme.

21. It follows that I disagree with the findings of the appellant's Landscape and Visual Impact Assessment that the development would have an imperceptible magnitude of change and negligible effect on the adjacent settlement and listed buildings¹. When the high sensitivity of the receptor is taken into account, including the listed buildings, the change would be major in my view², as would the notable alteration in field pattern which is integral to the setting of the village.
22. Overall, the proposal would cause harm to the character and appearance of the area and to the setting of adjacent listed buildings. For those reasons the design and layout of the proposal would not recognise intrinsic character and beauty of the countryside, as required by paragraph 180 of the Framework. Neither would it be sympathetic to local character and history, the surrounding environment and landscape or be visually attractive as a result of good architecture or layout, as required by paragraph 135. The proposed landscaping would not overcome that harm. The tourist accommodation element would also fail to comply with policy LP13(1)(b) of the Local Plan which requires applications to be sympathetic to the character of the area.

Location and Accessibility

23. Policy SP03 of the Local Plan – 'Sustainable Location of New Development' – identifies settlement boundaries within which new development is expected to come forward. Under subsection 2, development will normally only be permitted outside of those boundaries where it is allocated for development, in accordance with a neighbourhood plan, in accordance with a specific policy listed in Table 5, or in accordance with paragraph 80 of the Framework (now paragraph 84).
24. The preamble to the policy notes that the settlement boundaries are long standing, based on previous plans, and that they will be reviewed as part of the Part 2 Plan. However, in the short to medium term, adherence to settlement boundaries identified in policy SP03 is expected to enable the Council to meet its development needs whilst recognising the intrinsic value and character of the countryside.
25. Given that the plan is newly adopted it is reasonable to assume that the examining Inspectors were satisfied with that strategy and that the policy conformed with the Framework. I see no reason to take a different view on the information before me.
26. The site is within the countryside and outside any defined settlement boundary. Moreover, it is some distance from Boxford, the nearest settlement with any

¹ Page 38 & 39 of the LVIA

² Utilising the matrix identified in Table 6 of the LVIA

facilities and further from Hadleigh which is the closest settlement with any higher order services and facilities such as the High School, supermarkets, banks and a wider range of shops and services.

27. It is possible to reach Boxford via the public right of way from Bower House Tye but the track is unmade for large parts, unlit and would not be a realistic proposition for regular use beyond recreational purposes. Given the lack of a pavement and the busy nature of the road, walking or cycling along the A1071 would not be a likely proposition. A bus stop is located opposite the site but the timetable appears to be limited and the reality is that most occupants would be reliant upon the private car for a large percentage of journeys.
28. That is not unusual in a rural area and I am mindful that the Framework recognises that travel choices are likely to be different between urban and rural communities. However, to my mind that reinforces the aims of the Local Plan strategy in locating new development within settlements, closer to shops and services where travel options will be greater and journeys shorter for those who do use the car.
29. I have been referred to a planning permission, granted on appeal, for the erection of 4 houses on Hadleigh Road, beyond the settlement boundary of Boxford³. The circumstances are not directly comparable and that site was previously developed land considerably closer to the village than the appeal site. The Inspector noted that journeys by car into the village would be relatively short but did identify harm and conflict with policy CS2 of the Core Strategy, as was then in force, in respect of the location of the site.
30. However, in the planning balance limited weight was attached to the then emerging local plan on account of the stage in preparation, reduced weight to the then applicable policy CS2 of the Core Strategy on account of its inconsistency with the Framework and weight was afforded to the reuse of a brownfield site amongst other things. That balance was very specific to the circumstances of the site and the local policy position was notably different. Accordingly, that decision does not alter my view on the unsuitable location of the appeal site for residential development.
31. The same reservations apply to the proposed farm shop. It would not be a farm shop in the sense of being located on a farm or selling produce grown on site but would effectively be a retail unit in an out-of-centre location. Whilst some trade would no doubt come from residents of the development and Bower House Tye, the majority would be from those living or on holiday elsewhere, the majority of whom would arrive by car. There is no suggestion that the shop would meet any of the exceptions listed in policy SP03.
32. Policy LP13 identifies that proposals for tourist accommodation outside settlement boundaries must, amongst other things, be accessible by a range of transport modes. In my view, the travel choices that those on holiday make will be noticeably different to those who live permanently on site and need to make regular trips for work, schools, shopping, medical appointments and the like. Away from the day-to-day rush of daily life, tourists may take advantage of local footpaths or public transport routes when there is less pressure on time to be in a particular place at a particular time. They may also be on holiday

³ Reference APP/D3505/W/19/3240526

simply to enjoy the rural environment which presumably is a key part of the area's charm.

33. Thus, the nature of footpath links and infrequency of bus routes do not raise entirely the same concerns in relation to tourist accommodation as for permanent residents. In the context of the rural area and the nature of tourist accommodation, alternatives to the car are available and provide more realistic travel choices for leisure-based use.
34. However, for the reasons given, the development overall is not well-placed to facilitate a range of travel choices, as supported by policy 108(c) of the Framework and is contrary to the settlement hierarchy and development strategy of policy SP03 which seeks to locate new development in sustainable locations within established settlements.

Living Conditions

35. A noise assessment by a suitably qualified consultant has been provided with the appeal. The Council has not questioned the accuracy of the measured data produced or the methodology in terms of the potential mitigation that could be achieved in the building fabric of the dwellings. The assessment does show that suitable attenuation, with appropriate external fabric and windows, would provide satisfactory internal environment for future residents, taking account of potential noise sources, including live music at the pub which is permitted under the licence.
36. However, the Council maintains concerns regarding the external environment within gardens of the dwellings and in terms of the effect on holiday makers staying in the caravans. The noise assessment suggests that the external noise environment will meet the relevant BS8233:2014 and World Health Organisation guidance levels but the data in terms of expected levels is not set out clearly within the report, as it is for external facades.
37. Notwithstanding that, the noise survey factored in potential noise from live music being played within the external area, as is allowed under the current licence. Whilst that is allowed, I understand that it is not something that generally takes place and the appellant would be willing to accept conditions to prevent the playing of amplified music in the beer garden and to restrict the use to within certain hours. Additional conditions could be imposed to ensure that noise from plant or equipment attached to the farm shop were designed appropriately. Also, given that the residential element is submitted in outline only, suitable acoustic fencing to garden boundaries could be designed as part of any reserved matters scheme to mitigate any effects in the gardens, as recommended in the noise assessment.
38. The noise assessment did not examine the potential impact on tourist accommodation. The caravans would be further from the noise source than the proposed bungalows and those staying would only be there for a limited period. The accommodation would also be in the same ownership as the pub and that may well help in the management of any issues that arise. Moreover, it is not uncommon for caravans in tourist parks to be located close to sources of entertainment and those booking will be aware of the circumstances. In view of those circumstances the potential effects are not the same as would be the case for permanent residents.

39. Accordingly, subject to the imposition of suitable conditions and with careful consideration to design at the reserved matters stage, a good standard of living conditions could be provided future residents in accordance with the requirements of paragraph 135(f) of the Framework. It follows that there is no reason to conclude that the residential use would be inherently incompatible with the operation of the pub, having regard to the agent of change principle.

Whether a Suitable Drainage Strategy Has Been Identified

40. The appellant maintains that sufficient information has been submitted to demonstrate that soakaways can provide a satisfactory method of dealing with surface water drainage from the site⁴. Four trial pits were dug at locations within the footprint of the parcel of land where the dwellings would be located and one close to the proposed caravans. However, contrary to the appellant's assertion within the statement of appeal, the published results of infiltration testing appear to show that surface water did not drain adequately from any of the trial pits. Table 2 of the Infiltration Report identifies that testing at one pit was terminated at the request of the owner/ client and infiltration at the other four pits did not reach 75% within 24 hours.
41. Accordingly, the results do not demonstrate that soakaways would be a suitable solution to drain surface water from the appeal site. Paragraph 173 of the Framework requires that new development does not increase the risk of flooding elsewhere and that sustainable systems should be used unless there is evidence they would be inappropriate. The evidence demonstrates that soakaways would not be practical and in the absence of any other information it is not clear how surface water would be drained. Accordingly, I cannot be certain that the site would be properly drained or that the development would not lead to off-site impacts.

Effect on Designated Nature Conservation Assets

42. The consultation responses from Natural England and the Council's Ecological Consultant identify that the site is within the Zone of Influence of the Stour and Orwell Estuaries SPA/ Ramsar site, which provides important habitat for marine birdlife. Within that zone Natural England highlight that the combined effect of new residential development is 'likely to have significant effect on the sensitive interest features' of the designated sites on account of increased recreational pressure.
43. Under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitat Regulations) the competent authority, which is the Inspector in the determination of appeals, is required to carry out an appropriate assessment of the implications of a proposal on the conservation objectives of a potentially effected site before determining to grant permission or consent.
44. The appellant does not dispute that the development would cause harm, in combination with other planned development, without mitigation and I have no reason to doubt that significant effects would be likely.
45. Natural England and relevant local authorities have developed the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) which aims to provide strategic measures to ensure that additional recreational pressure

⁴ Report of Infiltration Testing prepared by Geo Environmental, dated 01 August 2022

does not impinge on the conservation objectives of the designated sites. Subject to a financial contribution towards that strategy NE and the Council do not oppose the development.

46. The appellant has provided a unilateral undertaking which requires a RAMS Contribution to be paid upon commencement. However, as pointed out by the Council, the definition of the RAMS Contribution within the UU is loosely worded and refers to "a contribution of £121.89 (being £121.89 x number of dwellings to be built pursuant to the Planning Permission namely one dwelling)".
47. In other words, the contribution is defined so as to apply to one dwelling when in fact it should refer to seven dwellings. I have no authority to unilaterally rephrase the document and can only take it as it is written. In its present form the UU does not secure the necessary mitigation in line with the RAMS strategy and on that basis, I cannot rule out that the proposal would have significant affects on the integrity of the designated assets, contrary to the aims of the Habitat Regulations and the aims of section 15 of the Framework with regard to the conservation of biodiversity and the natural environment.

Other Material Considerations

48. The application attracted significant local support in terms of the contribution it would make to supporting the ongoing viability of the Brewers Arms which appears to be a well-used local pub and valuable community resource and in terms of the provision of facilities to serve the local area more generally. The issues facing the hospitality sector are well documented, including the effects of the Covid pandemic. However, beyond that general position, little information is before me in terms of the financial position of the business and nothing to indicate that it would be unviable without the proposed scheme. Neither is there any analysis as to whether the leisure elements could come forward without the additional housing. That limits the weight I attach to any form of enabling argument in terms of the financial security of the pub.
49. In addition, the scheme as proposed does not only appear designed to benefit the pub; the bungalows would be developed by the landowner who would transfer the land for the leisure element to the owner of the pub for the nominal sum of £1 and make a financial contribution of £100,000 towards the development of the leisure element. It is not clear how that figure was arrived at and no costings have been provided to give an indication of the sums required to deliver any of the elements of the leisure scheme.
50. The UU only requires the appellant to use 'reasonable endeavours' to commence the holiday let scheme, car park and farm shop prior to the housing element of the scheme being completed. Commencement in planning terms could be the digging of a trench or putting in a new access and the UU provides no requirement that any of the leisure elements would be completed or brought into operation. Whilst I have no reason to doubt that the scheme was planned with good intentions the obligations on the landowner and applicant are loosely worded in that respect. Given the absence of any requirement to actually deliver any of the leisure elements the weight I attach to any ongoing benefit in terms of supporting the pub is limited. I note the letter from a potential operator of the farm shop but their level of involvement in delivering the facility is not clear from the information provided.

51. I also have serious reservations as to whether the obligation meets the tests laid out at paragraph 57 of the Framework. In the absence of any real control over how the £100,000 would be spent it is not clear that the contribution would serve a planning purpose. In the absence of any information on the cost of works to deliver the leisure/ retail element or any evidence that the scale of works planned is necessary to secure the viability of the pub, nor can I be certain that the contribution in the UU is reasonable in scale and kind to the development permitted. On its face it appears to be more of a financial agreement between landowners as opposed to being designed to serve a planning purpose.
52. As such, I cannot take the obligation in that respect into account as a reason for granting planning permission and I attach no weight to any purported benefits in terms of the financial benefit to the pub arising from the UU.
53. The development would bring benefits arising through the provision of bungalows, a type of housing which is in demand in the local area according to evidence presented from local estate agents. However, the weight I attach to that is modest, given the small scale of development and the fact that the Council can demonstrate a five-year supply of housing land to meet defined need in the local area which means there is no imperative to provide homes in locations remote from services such as the appeal site. Similarly, whilst the provision of two affordable units would benefit those in need of housing, the weight I attach is moderated by the unsuitable location and small scale of the scheme.
54. Notwithstanding that I give no weight to the UU in terms of any enabling arrangement, if developed the farm shop and tourist accommodation would provide additional employment, estimated to be up to 14 jobs. That would undoubtedly bring benefits to the rural economy in line with the aims of paragraphs 88 and 89 of the Framework. Visitors and customers would no doubt also add trade for the Brewers Arms and support the existing business and the combined economic benefits are matters that attract weight in favour of the scheme.
55. The shop would serve the small community at Bower House Tye but the small level of custom from that community alone would not provide for a sustainable business and it is likely that most trade would be drawn from elsewhere. That could be detrimental to existing shops within local villages in more sustainable locations that are better placed to serve a larger population. Consequently, whilst there would be economic benefits in purely financial terms the benefit of additional retail provision is not something that attracts significant weight, of itself, in my view.
56. The additional Council Tax revenue would benefit the Council but some of that would no doubt be offset by the additional cost of delivering services to properties in a rural location, in a dispersed settlement away from larger towns or villages. Consequently, that is not a matter to which I attach much weight.
57. Reference has been made to the benefit of providing a permissive footpath from the site, linking to the existing public footpath network. However, no means of securing that access are set out in the UU and, in any event, it would not overcome my concerns regarding the unsuitable location of the proposed housing.

58. The creation of the wildflower meadow and woodland grove would undoubtedly have potential benefits for biodiversity and wildlife when compared to the present arable field and that is a matter that also attracts some weight in favour of the scheme.

Conclusion/ Planning Balance

59. The proposal would cause less than substantial harm to the setting and significance of the two listed properties within the adjacent settlement. However, having regard to the national importance and the statutory duty which requires me to pay special regard to preserving the setting of the listed buildings, that is a matter of considerable importance and weight. The proposal would also cause harm to the character and appearance of the surrounding area.
60. It is in an unsuitable location for development having regard to likely travel patterns and the accessibility of local services and clearly contrary to the relevant policies of the development plan in that regard. Moreover, it has not been demonstrated that surface water would be properly drained or that the impact on designated sites for nature conservation would be mitigated.
61. The benefits to the local economy would be positive but moderate in scale and I can attach limited weight to any benefit to the Brewers Arms in the absence of any significant evidence as to the financial position of the business, added to the fact that the mechanism put forward in the UU wouldn't necessarily secure the delivery of the non-residential elements of the scheme. Moreover, whilst there may be economic benefits in a general sense, I am not convinced that providing a new retail use in an out of centre location, comparatively remote from those who would use the facility is necessarily a public benefit in a planning context.
62. Some benefit would arise through the delivery of single storey dwellings, given local demand for such accommodation, and through the provision of affordable housing but those benefits would also be modest in the context of the overall housing supply position. For the reasons given above, the other benefits put forward attract limited to modest weight.
63. Overall, it is clear that any public benefits do not outweigh the harm identified to the setting and significance of the listed buildings. Moreover, the proposal is clearly contrary to the relevant policies of the very recently adopted development plan with regard to the location of new development and would cause harm in other respects. The other material considerations put forward do not justify a decision other than in accordance with the policies of the development plan when the balance of harm and benefit is considered in the round.
64. In reaching my conclusion I am mindful that the absence of mitigation in respect of the Suffolk Coast RAMS is essentially down to a drafting error within the UU. Had I been mindful to grant permission that is something that could have been resolved before reaching my decision. However, even setting that issue aside, the other harm and conflict with the development plan clearly outweighs the moderate benefits put forward.
65. Accordingly, having regard to all matters raised, I shall dismiss the appeal and refuse to grant planning permission for the proposal.

Chris Preston

INSPECTOR