



Appeal Decision

Site visit made on 17 January 2024

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 8 February 2024

Appeal Ref: APP/D3505/W/23/3325840

The Old Rectory, The Street, Chattisham, Suffolk IP8 3PY

- 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 and Mrs Mark and Emma Walters against the decision of Babergh District Council.
 - The application Ref DC/23/01159, dated 8 March 2023, was refused by notice dated 25 May 2023.
 - The development proposed is new private residential dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the proposal is within the setting of a listed building I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. Since the determination of this application, the Council, on 21 November 2023, adopted the Babergh and Mid Suffolk Joint Local Plan – Part 1 (2023) (the JLP). The Council has advised that the Local Plan supersedes the references to policies in the Babergh Local Plan Alteration No 2 (2006). It has also confirmed in its statement of evidence that it considers the most relevant policies in the JLP to be Policies SP01, SP03, SP09, SP10, LP16, LP17, LP19, LP23, LP24, LP25 and LP29. The appellants have had the opportunity to comment in regard to the changes to the development plan, and I have taken account of any comments in this regard in my determination of the appeal.
4. Also, after the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023 and updated it on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought 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 in this appeal are: -
 - the effect of the proposal on the character and appearance of the local area bearing in mind the special attention that should be paid to the desirability of preserving the setting of the nearby Grade II listed building, The Old Rectory and: -

- whether the site is a suitable location for a dwelling, having regard to local policy for the provision of housing.

Reasons

Heritage

6. The Old Rectory (the LB) was listed in 1988 (Ref: 1351622) and dates from the 16th century, although extended in the 18th and refurbished in the 1930s. The dwellinghouse retains a grouping of associated outbuildings and a sizeable garden, including the appeal site. The relationship between the site and the LB is not a purely visual one. The LB is a valuable example of a rural parish clergyman's dwelling. As such it provides not only aesthetic value, as a pleasing set of period rural buildings, but the scale of the building and its prominent position close to the street and near the church, which would have been a social focus for the village, also evidence the standing of the occupants in the community. Given the above, I find that the setting of the building, insofar as it relates to this appeal, to be primarily associated with its evidential value and that this directly contributes to its special interest.
7. It is disputed whether the land, described as an orchard, was associated with the LB. The prominence and status of the LB, the layout of the gardens and historic mapping makes it likely that the orchard was associated with the LB. There remain a number of fruit trees within the site, and these would be removed as a result of the proposal, albeit that they would be replaced by a greater number of 'Suffolk Heritage Variety' fruit trees. It is therefore likely that the orchard would have provided fruit for the occupiers of the LB, and possibly the settlement and locality.
8. Whilst adjacent land and any linkage that it had, or has, to the LB is not noted in the list description, listings are primarily for identification purposes and do not provide an exhaustive or complete description of the special interest.
9. The subdivision of the land would disassociate the orchard from the LB, both physically and functionally. The removal of the remaining fruit trees would further reduce the ability to appreciate its former role in supplying foodstuff for the dwelling and community. Whilst new fruit trees would be planted, referencing the former orchard use, these are temporary features that could be removed or die of natural causes at any time.
10. The proposed development would place a building of significant massing and scale within the grounds of the LB, widening an existing gap in the mature hedge fronting the site to provide access.
11. The hedge would provide a degree of screening of the proposed dwelling from the public realm, as would a large evergreen tree close to the street between the site and the LB. However, notwithstanding the physical separation of the two buildings, the scale of the dwelling and its proximity to the road would, together with the deciduous foliage incorporated within the hedge, nonetheless allow its presence to be seen and appreciated from the street. The widening of the existing gap in the hedge and associated works to improve the access would also provide views into the site of the development.
12. The scale of the dwelling would compete with that of the LB and, although set further back from the road, this would act to undermine the prominence of the LB as an important dwelling within the settlement.

13. My attention has been drawn to a dwelling opposite the LB, granted permission in 2005. I have little information regarding the planning history of that development. However, it is unlikely that the plot within which the new building stands would have had any similar linkage to the LB, in the way that I have identified above. Its presence does not justify any additional harm to the LB. I have, in any case, determined this appeal on its own merits.
14. I therefore find that the proposed development would harm the setting of the LB by virtue of its diminution of the perceived status of the building within the settlement and loss of the linkage of the orchard, which provides a historic narrative and context to the function and status of the building within the community. Given the above, I find that the proposal would fail to preserve the special interest of the listed building.
15. Paragraph 205 of the Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have a clear and convincing justification. Given that the scheme would not cause direct physical harm to the features of interest of any heritage asset, rather, the harm relates solely to how the proposal would be experienced within its setting, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
16. The proposed development would provide an additional dwelling, constructed to high standards of energy efficiency and sustainability to supplement the local housing supply. The government has stated that it aims to significantly increase the number of homes being built and the Framework, at paragraph 70, advises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. Similarly, the government has stated its aims to improve sustainability and reduce carbon emissions. However, the benefits to be gained from a single additional property would be limited.
17. The proposal would, during the construction phase, result in additional employment in the construction and supply chain industry, and would, by increasing the local population in the area, provide long-term support to rural shops and businesses in nearby villages and towns. There may be additional benefits to the community through the increased support of social groups. Paragraph 83 identifies that in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and that where there are groups of smaller settlements, development in one village may support services in a village nearby. However, given the small scale of development, such benefits would be limited.
18. There would be further limited benefits accruing from biodiversity net gain within the site from the inclusion, within the planting, of heritage variety fruit trees, although, as noted above, these benefits may be transitory.
19. Whilst the appellants have stated a willingness to refurbish an existing telephone call box outside the site and construct toilet facilities for the nearby church, these lie outside the site and no means of securing these benefits has

been provided. Further, the refurbishment of the telephone call box is not directly linked to the application and would not pass the tests set out for planning obligations for compliance with the Community Infrastructure Levy. Whilst there may be some justification for the provision of toilets associated with the parish church, as this would support the social life of the community to which the occupiers of the LB had historically contributed, this is, at best, a tenuous link. I therefore give these very limited weight in my determination of this appeal.

20. The appellants state that the development will allow them to move into a smaller property whilst remaining a part of the community. This, however, is a private benefit.
21. Given the above and in the absence of any defined significant public benefit, I conclude that, on balance, the proposal would fail to preserve the setting of the Grade II listed building. This would fail to satisfy the requirements of the Act, paragraph 206 of the Framework and conflict with policy LP19 of the JLP that seeks, among other things, to ensure that development proposals contribute to local distinctiveness, respecting the built form and scale of the heritage asset; that all designated heritage assets are preserved, enhanced or conserved in accordance with statutory tests and their significance, including consideration of any contribution made to that significance by their setting; and that when considering applications where a level of harm is identified to heritage assets (including historic landscapes) the extent of harm and significance of the asset will be considered in accordance with the relevant national policies, requiring that harm to designated heritage assets (regardless of the level of harm) will require clear and convincing justification in line with the tests in the Framework. As a result the proposal would not be in accordance with the development plan.

Suitable location

22. There is no dispute between the parties that the site lies outside of any development boundaries identified within the development plan and therefore, for planning purposes, lies in the countryside.
23. Policy SP03 of the JLP sets out the Council's spatial strategy and seeks to direct development to locations within settlement boundaries where it will have access to services and transport links, but, in keeping with the approach taken in the Framework, does not preclude development outside of these, allowing exceptions where certain criteria are satisfied to support sustainable development. These exceptions include, amongst other things, development that is in accordance with one of the policies in the JLP.
24. The appellants have suggested that the proposal would satisfy Policy LP01 of the JLP. This makes provision for windfall infill development outside settlement boundaries where it will enhance or maintain the vitality of the rural community. The policy sets out certain criteria that must be demonstrated to ensure the sustainability of such development.
25. Whilst the proposed development would satisfy some of these criteria, it will be seen that I have found that the proposal would be detrimental to a heritage asset and would thereby fail to satisfy all of the policy's requirements.

26. I therefore conclude that the site is not a suitable location for a dwelling. This is because it would have a detrimental impact on a heritage asset, and would therefore be contrary to the provisions of policies SP03 and LP01 of the JLP which, together, seek to focus development in sustainable locations.

Other Matter

27. The proposal has received letters of support from local residents. Whilst the views of the public are important, I have determined this appeal on its own merits, having regard to current legislation and planning policy, both local and national.

Conclusion

28. The proposal would be contrary to the development plan. There are no material considerations, including the Framework, that indicate that a decision should be made other than in accordance with the development plan and I therefore conclude that the appeal should be dismissed.

I A Dyer

INSPECTOR