



Appeal Decision

Site visit made on 9 January 2024

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 February 2024

Appeal Ref: APP/W3520/W/23/3316159

Land adjacent The Manse, Fressingfield IP21 5PZ

Easting (x) 626317 Northing (y) 277392

- 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 The Trustees of Fressingfield Baptist Chapel against the decision of Mid Suffolk District Council.
 - The application Ref DC/22/03276, dated 27 June 2022, was refused by notice dated 30 September 2022.
 - The development proposed is a new custom build dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellants name differs between the application form and the appeal form. However, consistent to both is the name '*The Trustees of Fressingfield Baptist Chapel*'. For the avoidance of doubt, I have used this in the banner heading above.
3. The Government published a revised National Planning Policy Framework (the Framework) in December 2023. This does not materially change the planning policy context in respect of the main issues, and I have determined the appeal accordingly.
4. I have been referred to policies in the emerging Babergh and Mid Suffolk Joint Local Plan (JLP). However, the JLP is at examination stage and not yet adopted. It therefore remains subject to further consultation and thus possible amendment. I therefore afford those policies limited weight in this case. I have determined the appeal on the basis of the Mid Suffolk Local Plan 1988 (MSLP), Mid Suffolk Core Strategy 2008 (MSCS) and the Fressingfield Neighbourhood Plan 2019 (FNP), which together form the adopted development plan.

Main Issues

5. The main issues are:
 - The effects of the development on the character and appearance of the area including the setting of the nearby Grade II listed Fressingfield Baptist Chapel and the Fressingfield Conservation Area; and
 - Whether the location of the development is appropriate having regard to the impacts and risks of surface water flooding, including the application of the sequential test.

Reasons

Character and Appearance

6. The appeal site is formed of an area of open grass land on Chapel Close between a large area of car parking and the burial ground associated with Fressingfield Baptist Chapel, a Grade II listed building. It lies immediately adjacent to the boundary of Fressingfield Conservation Area (FCA).
7. The appeal site is bounded along the road frontage by a low brick wall topped with metal railings matching the design of the wall and railings around the burial ground adjacent. Its open appearance adjacent to the burial ground to which it appears visually part of, adds positively and distinctively to the character and appearance of the area. It is separated from The Manse by a high leylandii hedge. A brick wall and shrubbery form the boundary with a car parking area to the south.
8. Dwellings in the vicinity of the appeal site consist of a mixture of traditional rendered, flint and brick-built cottages, and some more modern properties on Chapel Close and Cratfield Road. The proposed dwelling would be constructed using lime render on a red brick plinth with a pantile roof. It would be single storey with accommodation in the roof featuring a catslide style single storey projection to the rear and dormer windows to the front elevation. It would be traditional in appearance, and in that respect would not look out of place in its context.
9. However, the proposal would be viewed within the context of the nearby Grade II listed Baptist Chapel. The significance of the Baptist Chapel is derived from its architectural interest in its unusual hexagonal plan form, and its communal value as a former place of worship. The site lies outside but adjacent to the FCA, which is typified by traditional dwellings and other buildings which appear to be associated with the organic development of the village from agricultural origins.
10. The Chapel and its burial ground within the FCA are collectively very prominent features and focal points in the street scene. Although the Chapel has been altered and includes a relatively modern extension, it has, nevertheless, retained its distinctive character and appearance. The proposal would be prominent in views of it and the burial ground within the FCA from Chapel Close and form a prominent backdrop to views across the burial ground from Cratfield Road as the land rises gently upwards from the road. Although these views are not identified as important vistas in the FNP, in my judgement they are characteristic of the street scene and are experienced as a defining part of its attractiveness.
11. The site is not formally designated as open space, nor am I advised it is used as part of the burial ground or intended for future use as such. However, it appears connected in visual and physical terms with the wider Baptist Chapel site containing The Manse and the Baptist Chapel.
12. Furthermore, it also appears to form part of a wider area of undeveloped space including the car park to the south on this side of Chapel Close. The open nature of the appeal site makes an important contribution to the setting of the FCA. The appeal development would be highly prominent in its surroundings set forward of The Manse. The siting of the proposal at an oblique angle across

the corner of the site would not alleviate or entirely remove the impact that a new dwelling would have on both the character and appearance of the site and its surroundings, including the setting of both the listed Chapel and the FCA.

13. For these reasons I conclude that the proposal would fail to preserve the setting of both the Grade II listed building and harm would be caused to the setting of the FCA. I find that the harm caused to the designated heritage assets would be less than substantial. Paragraph 208 of the Framework requires such harm to be weighed against the public benefits of the proposal.
14. The proposed development would provide one additional dwelling. The contribution of one dwelling to the supply of housing would be negligible, especially where the undisputed evidence indicates that the Council can demonstrate a housing land supply in excess of 10 years. The development would provide economic benefits in the short term through the construction period in addition to longer term benefits from use of local amenities and services. The proposal is not submitted on the basis of the dwelling being 'affordable' in Framework definition terms.
15. The appellant and many of the representations make reference to proceeds from the development providing funding for the redevelopment of the Baptist Chapel elsewhere in the village and to provide activities and services from those premises. However, there is no mechanism before me (e.g. a completed planning obligation) to secure this and furthermore, I am not convinced that such a proposal would meet the tests for planning obligations in set out in paragraph 57 of the Framework, namely that it would be directly related to the development. Therefore, I am unable to afford this possible benefit any significant weight in favour of allowing the proposal. On balance, I find that the harm identified above to the setting of the listed building and the FCA would not be outweighed by identified public benefits.
16. Saved MSLP Policy H3 indicates that proposals for housing developments in settlements may be supported where they take the form of "infilling of small development sites unless it is desirable to retain a site in undeveloped form as an important amenity or open space in the village scene". The appellant argues that the site is not formal amenity space. Nevertheless, the site fulfils an important function in contributing to the visual amenity of the street scene as set out above. Furthermore, I have found that harm to the setting of the listed Baptist Chapel and the FCA, would arise which would not be outweighed by benefits arising from the proposal, and this adds further weight to my conclusions regarding the harmful effect of the proposed development.
17. I acknowledge that the appellant could enclose the site with close boarded fencing up to a metre in height and that would reduce the openness of the site to some extent. There is little evidence to indicate that would be likely to happen, and in any event, views across the site would still remain and its open and undeveloped nature and the contribution it makes to the prevailing sense of spaciousness would nevertheless endure. I therefore place little weight on this factor in favour of allowing the development before me.
18. For the above reasons, I conclude that the proposal would not preserve the setting of the Grade II listed Baptist Chapel and harm would be caused to the setting of the FCA. Therefore, it would not accord with MSLP Saved Policies GP1, H3, H13, HB1, and HB8 which, amongst other things seek to ensure that development is of a high standard which maintains and enhances the character

and appearance of their surroundings including the setting of listed buildings and conservation areas. The proposal would also conflict with chapter 16 the Framework in this respect.

Surface Water Flooding

19. The appeal site lies in Flood Zone 1, at low risk from river flooding. However, there is evidence of flooding from surface water in the local area in particular along Cratfield Road¹, which provides vehicular access to the site.
20. Planning Policy Guidance² is clear that minor development, such as that before me, can affect flood risk within or beyond the property, particularly in areas susceptible to flooding. For development proposals in areas known to be at risk from flooding, national planning policy as set out in the Framework requires the application of the sequential test.
21. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The proposal would introduce a more vulnerable use into an area where the evidence is that the access would be subject to surface water flooding. Footnote 59 of the Framework advocates that in such circumstances a Flood Risk Assessment (FRA) is required. Thus, in line with the precautionary approach advocated in the National Planning Policy Guidance (PPG), a FRA and sequential test should be undertaken in accordance with the requirements of the Framework.
22. Whilst I acknowledge that pedestrian access to the site may still be possible to the south of the site, it has not been demonstrated that the appeal site would be accessible by vehicle other than from Cratfield Road. Given the risk of surface water flooding, there is a risk that emergency services may not be able to reach the occupiers of the proposed dwelling in times of flood. This may put residents or emergency workers at risk if they tried to drive through flood water. It has also not been demonstrated that the surface water runoff from increased hard standing on the appeal site would not exacerbate surface water flooding in the area.
23. Given the above, I cannot conclude that the development would be free from the effects of flooding. In the absence of a sequential assessment, I cannot conclude that there are not better sites available on the area that can accommodate a dwellinghouse and with a reduced level of flood risk. Moreover, in the absence of a FRA, I cannot be certain that the development would not either, increase flooding elsewhere.
24. I note the appellants frustration that this matter did not form part of the reasons for refusal on the previous planning application. However, the PPG chapter on Flood Risk and Coastal Change was updated in August 2022 to clarify the sequential approach to flood risk. The matter was raised at the planning application stage, and I have therefore determined the appeal on its own merit based on the basis of the evidence before me.
25. For the above reasons, I conclude that the proposal would fail to be located in an appropriate location from a flood risk point of view. The proposal fails to

¹ Images on page 67 and Map 6.4a) on page 70 of Fressingfield Neighbourhood Plan.

² Paragraph:080 Reference ID: 7-080-20220825

demonstrate that the development is safe and does not increase flooding elsewhere. As a result, there would be conflict with the requirements of MSCS Policy CS4 which seeks to adopt a precautionary principle to development to ensure it does not increase flooding elsewhere through addressing its causes and impacts. There would also be conflict with the Suffolk Flood Risk Management Strategy which seek to ensure that development is safe for people for the lifetime of the development. Furthermore, there would be conflict with the approach set out in paragraph 173 and footnote 59 of the Framework.

Other Considerations

26. It has been suggested that the proposal may be suitable as a self-build unit. To ensure that a development would be self-built, it would usually be appropriate for this matter to be secured by way of a legal agreement in the form of a planning obligation which would enable the self-build requirement to be binding upon successors in title if ownership of the appeal site were to change in the future. In the absence of an appropriate mechanism to secure the provision of a self-build dwelling, there would be no adequate restriction preventing the scheme from evolving into a different type of development, such as open market housing. I therefore attribute limited weight in favour of this benefit of the development. Even if it had been possible to secure such a benefit, neither this nor the other benefits considered as part of the character and appearance main issue would carry enough weight as material planning considerations to alter or outweigh the harm identified in terms of my conclusions on the main issues.

Conclusion

27. For the reasons set out above, the proposed development would conflict with the development plan when read as a whole. There are no material considerations of sufficient weight to indicate the decision should be taken otherwise. The appeal is therefore dismissed.

K L Robbie

INSPECTOR