
Appeal Decision

Site visit made on 29 January 2024

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 February 2024

Appeal Ref: APP/W3520/W/23/3322783

**Site neighbouring Willow Corner Cottage, Church Road, Wortham, Diss
IP22 1PS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mr Thomas Rash against the decision of Mid Suffolk District Council.
 - The application Ref DC/22/02774, dated 24 May 2022, was refused by notice dated 24 February 2023.
 - The development proposed is three new dwellings with associated garages and parking.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description in the above banner heading has been taken from the original application form. However, the decision notice includes new vehicular access and I have determined the appeal accordingly.
3. An update to the National Planning Policy Framework (the Framework) has been published dated 19 December 2023 but there are no material changes relevant to the substance of the appeal.
4. The Council's statement of case confirms that on the 19th September 2023, the Babergh and Mid Suffolk District Councils received the Inspectors' report on the examination of the Joint Local Plan. The Inspectors' have concluded that, subject to the recommended modifications, the Plan is sound. As per paragraph 48 of the Framework, the more advanced in preparation, the greater the weight that may be given to relevant policies in emerging plans and I have had due regard to this.

Main Issues

5. The main issues are:
 - Whether the site location is suitable for residential development, having regard to development plan policy governing proposals within the open countryside; and
 - The effect of the proposed development on the character and appearance of the surrounding area and landscape, including whether it would preserve the setting of the nearby designated heritage assets.

Reasons

Location

6. The appeal site is situated outside, but abutting the settlement boundary of Wortham and for the purposes of the Local Plan is located within the open countryside. Policy CS1 of the Core Strategy Development Plan Document, 2008 (CS) sets out the settlement hierarchy as to sequentially direct development explaining that the majority of new development will be directed to towns and key service centres, but also with some provision for meeting local housing needs in primary and secondary villages. The countryside is identified as the areas outside of these categories where development will be restricted to particular types of development to support the rural economy, meet affordable housing, community needs and provide renewable energy. Policy CS2 of the CS restricts development in the countryside to defined categories. The proposed development for residential development does not fall within any of the listed categories.
7. The Council has confirmed that despite being able to demonstrate that it has well in excess of 5-year housing land supply, given the age of the Mid Suffolk Local Plan, 1998 (LP) and the CS, and given that they pre-date the publication of the revised Framework, consideration must be given to their compliance with the Framework, and I have no reason to disagree with this. That said, I am mindful of paragraph 225 of the Framework which explains that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
8. Paragraph 83 of the Framework explains that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.
9. Paragraph 84 goes on to explain that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of certain circumstances apply in a broadly similar way to Policy CS2 of the CS albeit that paragraph 84 refers to isolated homes only opposed to all development. Whilst the site is not isolated for the purposes of paragraph 84 of the Framework due to the presence of other residential properties along Church Road, there are limited local facilities within Wortham, there is a Primary school, Village Hall and a post office/shop, and based on the evidence before me and my own observations on site, it is likely that future residents would be highly reliant on the services and facilities in Botesdale, Rickingham, Diss and Eye. Residents would likely access these mainly by car given the degree of separation distance combined with limited opportunities for alternative travel including poor access by foot and cycle particularly given the absence of footpaths along Church Road. Given the appeal site's relationship to services and facilities, it would likely result in a high dependency on private car despite any working from home opportunities that the development could bring.

10. The Framework in paragraph 109, states amongst other things, that the planning system should actively manage patterns of growth in support of objectives set out in paragraph 108, including that opportunities to promote walking, cycling and public transport use are identified and pursued. Paragraph 109 explains that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. It goes on to state that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.
11. It is therefore clear that both local and national policy take a responsible approach to spatial distribution, requiring the scale and location of new development to take into account local circumstances and infrastructure capacity with the need to enhance and maintain villages and rural communities, and avoid new isolated homes. The management of new development to more rather than less sustainable locations is an important development plan purpose which is reflected in both local and national policy. I therefore find that Policies CS1 and CS2 of the CS are generally consistent with the Framework and are therefore given significant weight in this appeal in accordance with paragraph 225 of the Framework.
12. My attention has been drawn to the development located to the east of the appeal site on the opposite side of the road where it is claimed that the Council considered this location to be sustainable. However, in determining this appeal on its own merits, I have found that future occupants would not have reasonable access to day-to-day needs and employment without the likely high dependency on the private car. Moreover, the policy context in which previous development was determined could have indeed been different and although I have limited detail on this, I do note the representations made which refers to development to the east being assessed against paragraph 11 of the Framework which is a different assessment to the appeal before me.
13. As set out above, on the 19th September 2023, the Babergh and Mid Suffolk District Councils received the Inspectors' report on the examination of the Joint Local Plan. The Inspectors' have concluded that, subject to the recommended modifications, the Plan is sound. As per paragraph 48 of the Framework, the more advanced in preparation, the greater the weight that may be given to the relevant policies in emerging plans which I have had due regard to. The Council explain that in applying the policies considered the most relevant to the appeal, it is not considered that the Council would have otherwise reached significantly different conclusions in the planning assessment. Based on the evidence before me and given that Policies CS1 and CS2 are given significant weight in the determination of this appeal based on their consistency with the Framework, I have no reason to disagree with this assessment nor is there any compelling case before me to suggest otherwise.
14. For the reasons set out above, I conclude that the appeal site would not be a suitable location for the proposed residential development having regard to development plan policy governing proposals within the open countryside. It would therefore be contrary to Policies CS1 and CS2 of the CS. For the same reasons, the proposed development would also be contrary to the aspirations of the Framework relating to delivering a sufficient supply of homes.

Character and appearance

15. The proposed development would result in the introduction of built development into the open countryside. Whilst the site abuts the settlement boundary of Wortham, it is clear that Willow Corner Cottage marks the northernmost extent of built form on the western side of the road with a large amount of undeveloped land beyond. Despite development taking place on the opposite side of the road to the east, the overall rural appearance, openness, and spaciousness is still felt particularly on approaching the village from the north and consequently, the break between built form on the western side is an important aspect to the setting of Wortham. Whilst the site is in close proximity to the village, it was clear from my site visit that the site has a visual and physical connection to the open countryside and is viewed in this context opposed to being viewed as part of the village itself. Development extending further northwards despite its modest size would unacceptably encroach into the open countryside leading to a significant adverse urbanising effect which would be harmful to the landscape character of the locality whilst also undermining the sites overall contribution to the setting of Wortham.
16. The appeal site is located directly north of the Grade II listed property known as Willow Corner Cottage. Further north on the opposite side of the road is Grade II listed Ellesmere House and there are a number of other historic buildings located further south including the Green which is a non-designated heritage asset.
17. As such, I have a duty under Section S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. I have also had regard to paragraph 205 of the Framework which states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
18. I observed onsite that there is a historic linear built form with pleasing greenery on approaching the site from Church Road to the south and for the greater part, the properties located on the western side of the road are set slightly back from the road but still highly visible within the street scene. Their overall type/style and historic origins result in these properties having a level of prominence in the area and are visually pleasing which contributes to the local character of the area creating a distinctive pattern of development.
19. Willow Corner Cottage is a further prominent building whereby its gable elevation fronts the main road with its lengthy rear elevation extending westwards and is clearly visible on approaching the site from the north. It marks the northernmost extent of built form with a large amount of undeveloped land beyond which allows the historic property to be fully appreciated within its rural/agricultural setting which contributes to its significance. I appreciate that the proposed development would be set further back from Willow Corner Cottage and would provide an open space to the front whilst also preserving views to the fields beyond. However, this results in development located further west than the historic line of development into agricultural land completely altering the appearance and form of the area as well as eroding the agricultural setting and character of Willow Corner Cottage by introducing new development within close proximity to this building. Even

taking into account the setback location and any opportunity of screening, the development would still erode the open agricultural setting and would draw the eye away from the listed building which would threaten its overall significance. Claims made regarding the plain elevation and lack of features as well as alterations overtime would not alter my findings on this as the property is still clearly visible on approaching the site from the north and has historic and architectural value.

20. I observed onsite the relationship between the appeal site and Ellesmere House located further north as well as other heritage assets further south. Ellesmere House is however located a sufficient distance from the appeal site as well as being located on the opposite side of the road. I accept that this property has a sense of separation and detachment from the core of Wortham to the south and whilst development would further enclose this gap, it would still be sufficiently distanced from Ellesmere House where a level of detachment would still remain. Further, views from either site would also be limited given the alignment of the road and overall positioning of Ellesmere House which is set further back from the road. The other historic buildings and the Green located further south are also located a sufficient distance away from the appeal site and separated by other properties. On this basis, the overall setting of Ellesmere House and other historic buildings and the Green is of lesser concern to me. This would not however outweigh the other harm I have identified.
21. I note the Councils' concern that the design of the proposed houses are considered to be uncharacteristic to the architectural forms of the local area and are repetitive and overly urbanising in this location. Whilst I agree that development on this land would unacceptably urbanise the area for the reasons already discussed, the overall design is not so dissimilar to those located on the opposite side of the road and the roof articulation of plots 1 and 2 as well as the gable elevation on the south elevation of plot 3 would not be so contrasting and contrived in shape, form, and appearance as to raise significant concerns in this regard. I am also aware of the design cues taken from the nearby development where such features including materials as well as open porches on all dwellings would not appear particularly discordant when viewed in context of the more modern development to the east. This element is therefore also of lesser concern to me but would again not outweigh the other harm I have identified.
22. For the reasons given above, I conclude that the proposed development would unacceptably harm the character and appearance of the surrounding area and landscape and would also fail to preserve the setting of the nearby designated heritage asset, Willow Corner Cottage. This would result in less than substantial harm to the significance of this designated heritage asset.
23. Paragraph 208 of the Framework explains that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. There would be some minor economic benefit through employment during the construction period and some minor economic and social contribution to the local community from new dwellings including the wildflower planting area proposed. There would also be some public benefits associated with sustainable drainage system, biodiversity net gain, energy efficiency etc although these would be of a small scale and would not be sufficient to outweigh the harm

identified. The modest contribution of three new dwellings would only make a small difference to the overall supply of housing and the Council are able to demonstrate well in excess of a 5-year housing land supply. Reference has been made to affordable homes although I have limited detail on this to be able to consider it further. Consequently, these benefits collectively attract modest weight and I therefore find that there are limited wider public benefits that would be sufficient to offset the identified harm to the setting of the nearby designated heritage asset to which I have attached great weight given the requirements of the Framework.

24. The proposed development would therefore be contrary to Policy CS5 of the CS and Policy HB1 of the LP which together, amongst other matters, explain that all development will maintain and enhance the environment, including the historic environment, and retain the local distinctiveness of the area with particular attention given to protecting the setting of listed buildings. For the same reasons, the proposed development would be contrary to chapters 15 and 16 of the Framework relating to conserving and enhancing the natural environment and conserving and enhancing the historic environment.

Other Matters

25. I am aware that the site is not designated as a Conservation Area and that the Council has not raised any significant concerns in relation to highway safety and residential amenity matters. I am also aware that the land is not used due to difficulty associated with manoeuvring farm machinery in this space and that pre-application advice has been undertaken with the Council. However, such matters would not alter my findings on the above main issues.

Planning Balance and Conclusion

26. Overall, the appeal site would not be a suitable location for the proposed residential development having regard to development plan policy governing proposals within the open countryside. It would also unacceptably harm the character and appearance of the surrounding area and landscape and would also fail to preserve the setting of the nearby designated heritage asset, Willow Corner Cottage to which I attribute great weight and there are limited wider public benefits that would be sufficient to offset the identified harm.
27. Bringing everything together, the proposed development would conflict with the development plan and there are no material considerations, including the advice of the Framework, which would outweigh this conflict. The appeal should therefore be dismissed.

N Teasdale

INSPECTOR