



Appeal Decision

Site visit made on 28 May 2024

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 11 June 2024

Appeal Ref: APP/D3505/W/23/3325802

Church Farm Meadow, Church Farm, Lindsey, Suffolk, IP7 6PS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs S Double against the decision of Babergh District Council.
 - The application Ref is DC/22/05271.
 - The development proposed is erection of 1No. new dwellinghouse (in lieu of the dwelling approved under DC/21/02911) and demolition of existing barn.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description in the above banner heading has been taken from the original application form. However, the application details and the decision notice include a new cart lodge and vehicular access and I have determined the appeal accordingly.
3. Since the planning application was determined, the Council adopted the Babergh and Mid Suffolk Joint Local Plan Part 1 (JLP) in November 2023. The Council's appeal statement indicates that the policies from the Babergh Core Strategy (2014) cited in the Council's decision have been superseded and no longer form part of the development plan. The Council identifies the JLP Policies which they consider are relevant to this appeal and the appellant has had the opportunity to comment on them. I have taken the JLP into account in coming to my decision.
4. A revised version of the National Planning Policy Framework (the Framework) has also been published since the Council issued its decision. In this instance, the relevant changes only relate to paragraph numbering and do not fundamentally affect the substance of the matters under appeal.
5. The documentation submitted with the appeal identifies that the site is near to several listed buildings. I have a statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. I have therefore included this matter in the first main issue.

Main Issues

6. The main issues are:

- The effect of the proposed development on the character and appearance of the surrounding area including the setting of nearby designated heritage assets; and
- Whether the proposed development would be in an acceptable location for a dwelling, having regard to the development strategy for the area and access to facilities and services.

Reasons

Character and appearance

7. The appeal site is a parcel of grazing land to the south west of Lindsey and forms part of the rural approach to this small, linear settlement of dispersed buildings. It forms part of a larger field which is enclosed on all sides by hedgerows and is predominantly surrounded by open countryside on three sides, with the appeal site lying furthest from the settlement. The field as a whole is physically and visually separated from the settlement by Church Road and some mature hedgerows and trees. Based on my visit and the details before me, the field relates most closely to the surrounding countryside, with attractive, open views across it integrating with the surrounding agricultural landscape. It contributes significantly to the area's verdant and rural character.
8. Within the larger field, closer to the settlement, is the existing site access, a barn located towards the centre of the field and a pond surrounded by a small copse of trees. It appears that the barn currently has planning permission for conversion to a dwelling¹.
9. The appeal proposal would involve the construction of a two storey dwelling with a detached three-bay cart lodge and store, and the construction of a new vehicular access and driveway to Rose Green Road. The dwelling would be faced in a mix of render and brick with the cart lodge faced in horizontal weatherboard. The proposed buildings would be set well back into the body of the site, close to the existing pond. As part of the development, the existing barn on the adjoining land in the appellant's ownership would be demolished. This barn is a simple rectangular structure clad in horizontal weatherboarding with a brick plinth and appears to partly comprise an older building.
10. The proposed buildings would be relatively significant in footprint and scale, set deep into the field and, alongside the access drive and hardstanding, would represent a marked change in the character of the site. Despite the materials and design, and potential for additional landscaping, the development would still be clearly visible, and have an urbanising effect which would intrude into the green, tranquil open space, removing the pastoral land use, and disrupting the long-range views across the site. In addition, the formation of the access would open up views of the site allowing the development to be more clearly seen. The development would be a noticeable and discordant feature when viewed from the road and surrounding countryside. Furthermore, the associated access drive and likely domestic paraphernalia associated with everyday living, as well as lighting during the hours of darkness, would cumulatively exacerbate that impact.

¹ DC/21/02911

11. Therefore, the appeal proposal would be a prominent and incongruous development in a countryside setting which would be visibly detached from the nearby settlement. This would be to the detriment of the rural context of the area and its landscape character and quality.
12. Turning to heritage, the Council indicates that the proposed development would affect the setting and significance of several nearby heritage assets and has provided list descriptions for the Church of St Peter and buildings listed as 'Cob' and 'Monks' nearby. Having looked at these buildings on site and reviewed their list descriptions, I am satisfied that, for the purposes of this appeal, only the settings of The Church of St Peter and 'Monks' would be likely to be affected by the proposed development due to their closeness to the appeal site.
13. The Church of St Peter, Church Road, (Ref.1284818) (the Church) is a Grade 1 listed building. The list description mentions that it is an early 14th century flint and stone building with a later weatherboard bellcote and describes its architectural details. In relation to this appeal, the building's special interest derives from its age, form, architectural details, and its function. Although it is a relatively low-lying church which is part screened by mature trees to its roadside boundary, its bellcote affords it a greater presence in the surrounding context and these views contribute to its significance. 'Monks' (Ref.1037108) is a Grade II listed building which stands near to the junction with Church Road. It is described in the list description as a 17th -18th century timber framed and plastered building with a thatched roof, formerly a row of cottages and now one dwelling. In relation to this appeal, its special interest is derived from the age, form, function and vernacular detailing of the building. The building's rural setting and proximity to the road junction and other historic buildings contributes to its significance.
14. In relation to the appeal site, I saw on my visit that there is some intervisibility with the Church and 'Monks' as the appeal site and the wider field are part of the environment in which these buildings are appreciated and experienced. However, due to the separation distances involved and some intervening vegetation, the proposed dwelling and cart lodge would be sufficiently far away to cause any demonstrable harm to their setting and significance. The barn in the adjoining field would, however, be closer to both listed buildings.
15. The appellants suggest that the existing barn is in a prominent position and obscures views of the Church. It is further suggested that its authorised conversion and the domestication of this plot would accentuate this obstruction and that therefore its demolition would improve views of the Church and wider landscape character. However, although the barn may be prominent within the field, it is not clearly explained to me why it is harmful to the view of the Church or to the wider character of the area. Just because it features in certain views does not necessarily make it a detracting feature. Although the appellants suggest in their planning statement that Historic England has previously made comments on the approved scheme of conversion, the extracts provided to me do not appear to be an objection to it. In fact, Historic England refers to the field as 'Church Barn Meadow' and this suggests that the barn may historically be associated with the Church, especially as I have found that part of it appears of some age.
16. Also, I do not have the full details of the approved scheme before me and there is no adequate evidence that the approved conversion and residential use of

this land would cause any visual impact which could be perceived as harmful to views of the Church or the surrounding landscape character. It would therefore appear to me that this extant permission, which makes use of an existing building and site access, would be preferable to the appeal proposal which would involve a new development within a large, open field, further from the settlement and which would appear to be of a far greater scale and form.

17. Overall, therefore, although I have found no harm to the setting of designated heritage assets, I conclude that the proposal would harm the character and appearance of the surrounding area. It would conflict with Policy LP17 and LP24 of the JLP which seek to ensure development conserves and enhances landscape character and reinforces the local distinctiveness and identity of individual settlements.

Location

18. The Council's approach to the sustainable location of new development is set out under JLP Policy SP03. The evidence before me indicates that the site is in the open countryside for planning purposes and the policy provides a range of defined circumstances where development may be acceptable in this location. These include where the site is allocated for development, accords with a made Neighbourhood Plan, accords with one of the policies listed in Table 5, or accords with Paragraph 80 (now Paragraph 84) of the Framework.
19. There is no information before me to indicate that the appeal proposal would comply with any of these circumstances, including the criteria in relation to Paragraph 84 of the Framework. In relation to this latter matter, even though the site may not be isolated from nearby dwellings, it would appear to me to be remote from services and facilities, and occupants would be likely to be reliant on private transportation. However, in any event, Paragraph 84 does not provide specific support for development which is not isolated, rather it sets out the circumstances where isolated homes would be acceptable. Therefore, based on the submitted evidence, the proposal has not been demonstrated to comply with any of the exceptions for the development of new dwellings in the open countryside outlined under JLP Policy SP03.
20. The site would lie in the open countryside outside the defined settlement boundary, where the planning policies of the recently adopted development plan generally require restraint. Therefore, I conclude that the proposal would not provide a suitable location for a dwelling having regard to the development strategy for the area and access to facilities and services. As such, the proposal would conflict with JLP SP03 and the Framework.

Other Considerations

21. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The appellants are seeking to deliver a new dwelling in lieu of the existing permission to convert the barn on the adjoining land in their ownership. In this regard, I have carefully considered the statement describing the appellants' strong connection with the area and their wish to build a family home which would be an efficient, modern dwelling. It is also mentioned that the existing permission would result in a building which is too small for their growing family and is sited on damp ground.

22. The appellants suggest that as planning permission exists for a dwelling on the wider site, conditions could be imposed to prevent this permission from being implemented if the appeal proposal is allowed. They also cite a planning permission in 2019 to convert a building under Class Q within the District which, they suggest, resulted in an alternative permission for a much larger dwelling on a different site because it had a less harmful impact on the setting of a listed building. However, I do not have adequate details of this case before me, or the other permissions cited nearby, so I am not certain of any similarities or differences with the appeal proposal. Also, with the appeal proposal before me, I have been presented with no compelling evidence to demonstrate that the demolition of the barn would enhance the setting of the listed Church. In this regard these cases do not appear comparable.
23. Therefore, even if it was accepted that the barn with permission to be converted to a dwelling could be demolished as part of this appeal proposal, if I were to allow the appeal, I have no adequate evidence before me that it would be desirable to do so. Indeed, the size, scale and more remote nature of the appeal proposal and its wider landscape impacts in my view would appear considerably greater than the extant scheme of conversion. Further, there is no adequate evidence to suggest that this permitted scheme would cause any landscape harm.
24. It may be the case that the appellants could undertake works on the land under permitted development provisions which may have more harmful visual impacts than the appeal proposal. However, there is no evidence before me that this would be a likely scenario especially given the permitted scheme on part of the site for a dwelling or any suggestion why this would be the case. Therefore, having considered all the other considerations, none in isolation or in combination suggest to me that a decision should be made other than in accordance with the development plan.

Conclusion

25. The proposal conflicts with the development plan as a whole. For the reasons given above the appeal should be dismissed.

G Bayliss

INSPECTOR