



Appeal Decision

Site visit made on 25 June 2024

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 04 July 2024

Appeal Ref: APP/D3505/W/24/3337429

Land South of Bell House, The Row, Hartest

- 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 The Trustees of the J H Weller-Poley 1965 Settlement against the decision of Babergh District Council.
 - The application Ref is DC/23/04274.
 - The development proposed is erection of two dwellings (resubmission following refusal of planning application DC/22/02949).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Babergh and Mid Suffolk Joint Local Plan- Part 1 (LP1) was adopted in November 2023, after the Council's decision on the planning application subject to this appeal. The Council's appeal statement identifies that policies referred to on its decision notice have been superseded and identifies that Policies SP03, LP01, LP17, LP19 and LP29 of LP1 are now relevant to the appeal. The appellant has had the opportunity to comment on the new policies. Accordingly, I shall consider the LP1 Policies in my decision.
3. During the appeal, the Government published an updated version of the National Planning Policy Framework (the Framework). However, as the Framework's policy content insofar as it relates to the main issues has not been significantly changed, albeit that the numbering of paragraphs has changed, there is no requirement for me to seek further submissions on this latest version. I am satisfied no party would be prejudiced by determining the appeal accordingly. I will refer to the revised paragraph numbers in my decision.

Main Issues

4. The main issues are:
 - whether the appeal site is a suitable location for the proposal having regard to the character and appearance of the area and the setting of the adjacent Hartest Conservation Area; and
 - highway safety.

Reasons

5. I am advised that the appeal site is located outside of any defined settlement boundary. Policy SP03 of the LP1 was referred to as an emerging policy in the

Council's first reason for refusal. It states that outside of the settlement boundaries, development will normally only be permitted where the site is allocated for development, or it is in accordance with a made Neighbourhood Plan, or in accordance with one of the policies of the Plan listed in Table 5, or it complies with paragraph 80 of the NPPF (2021) (now paragraph 84) which refers to the limited circumstances in which isolated dwellings would be considered appropriate.

6. I have not been provided with any evidence that the appeal site is allocated or referred to in any made Neighbourhood Plan. The appeal site would not be isolated in respect of the Framework test due to its proximity to other built form and therefore paragraph 84 of the revised Framework would not be relevant in this case.
7. The appellant suggests that the use of the word *normally* in the text of Policy SP03 suggests that there will be instances where development that would not meet any of the criteria set out under Policy SP03 would be acceptable. There is no justification provided as to why the proposal would provide an exception to the policy requirement in this case and why the normal requirements would not prevail. The inclusion of Policy LP01 and others referred to in Table 5, do provide support for development outside of settlement boundaries, subject to certain criteria, so I do not find that the policies in LP1 prevent development in the countryside as a matter of principle. I find that the relevant policies before me are in general consistency with the provisions of the Framework in this regard.
8. Policy LP01 states that proposals for windfall infill development outside settlement boundaries where there is a cluster of at least 10 well related dwellings will be acceptable subject to certain criteria. Infill is defined at footnote 18 of the LP1 as the filling of a small undeveloped plot in an otherwise built-up highway frontage. Given there is no existing development to the west, the proposal would not constitute infill development and would not meet Policy LP01. In the final comments, the appellant has confirmed that they do not suggest that the proposal would comply with Policy LP01.

Character and appearance

9. The Council's decision notice refers to the appeal site being within the Stour Valley Special Landscape Area. I have been provided with limited information on this designation. Whilst superseded Policy CR04 referred to Special Landscape Areas, I have not been made aware of any policies in LP1 that do. The Council suggest that the Stour Valley Project Area map has identified this area for designation as an extension to the Area of Outstanding Natural Beauty (AONB) but refers to the extended area of the AONB bordering the south and west boundaries by the application site, rather than the appeal site being within it.
10. The Council state that an area of landscape sensitivity designation is being developed as part of the Neighbourhood Plan but that this is at an early stage. I have not been provided with any draft versions of the Neighbourhood Plan policy in this respect. Nevertheless, Policy LP17 of LP1 relates to landscape and states that development must integrate with the existing landscape character of the area and reinforce the local distinctiveness and identity of individual settlements.

11. The appeal site forms part of a large agricultural field that forms the rural edge of the settlement of Hartest. The field sits higher than the road and hedgerows are located along the southern, southeastern and northeastern boundaries. The western boundary is open to the wider field. Whilst adjacent to the settlement, the appeal site is distinctly rural in character and relates congruously with the open countryside. The rural character and appearance of the appeal site has value in both landscape and aesthetic terms, particularly in relation to the setting of the village and the adjacent conservation area.
12. The submitted Landscape and Visual Impact Assessment September 2023 (LVIA) states that the appeal site is located in an area identified in the Suffolk Landscape Character Assessment (2008 and updates) as rolling valley farmland and confirms that locally this character type is in good condition. It identifies that the local landscape provides an attractive setting to the village and is considered to be of moderate value. I concur with these findings.
13. The proposal would be single storey and limited to two dwellings. The design is intended to reflect a traditional agricultural building that has been converted, constructed of sympathetic materials, which are a feature of rural areas. However, the provision of two dwellings would alter the open and spacious landscape character established to the north and west of the road as you enter the settlement, through the introduction of built form, a new vehicular access, a footpath alongside the road, a parking area to the north of the site, landscaping and domestic paraphernalia.
14. The proposal to create a wide verge area alongside the road, with the realignment of the boundary hedgerow further back into the site and following a straight line would emphasise the visual intrusion into the open countryside, beyond the established built form of the settlement edge.
15. Despite the single storey scale and set back position from the road, given the raised ground level of the appeal site compared with the road and the neighbouring dwelling to the north, the proposed development would result in a dominant feature that would be assertive in views from the road, the public footpath opposite and from the rear garden spaces of nearby properties.
16. Although the proposed dwellings would be seen in the context of the adjacent existing development, this in itself would not sufficiently mitigate the visual harm from expanding built form further outwards from the settlement onto adjoining prominently positioned undeveloped land. The realigned hedgerow along the frontage along with a new native hedgerow along the southern boundary and tree planting would provide some screening however the proposal would still be discernible.
17. I acknowledge that views set out in the LVIA towards the development would either be extremely limited or not possible from viewpoints V1, V4, V5 and V9 due to intervening landform and vegetation and that due to increasing distance from the appeal site, views from V2 and V3 would also be more limited. However, views of the proposed development would be possible from viewpoints V6, V7 and V8. Whilst I appreciate that the impact of significance shows that the effects would reduce through the different phases of the development, my concerns about the effect of the development on the setting of the settlement as you approach the village along the road remain.

18. In my view, the proposal would permanently erode the positive contribution that the appeal site makes to the transitional space that forms the rural edge of the settlement and would as a result be harmful to it.

Setting of Hartest Conservation area

19. The appeal site lies outside of but adjacent to the Hartest Conservation Area (CA). The appellant refers to a Conservation Area Appraisal (CAA) prepared in relation to the CA and identifies that the appeal site is not identified within this document as being within one of the important vistas of the CA.
20. I do not have a copy of the CAA before me. Nevertheless, I find that the significance of the CA relates to the historical development of the settlement around the village green, the design, form, materials and layout of traditional buildings and the relationship between the built form of the settlement and the surrounding open countryside. Whilst the appeal site is outside of the CA boundary, it would be visible on the approach and exit at the southern point of the settlement where the CA boundary is located. It therefore forms part of the surroundings in which the CA is experienced.
21. Policy LP19 of LP1 refers to the historic environment and states that all designated and non-designated heritage assets must be preserved, enhanced or conserved in accordance with statutory tests and their significance, including consideration of any contribution made to that significance by their setting.
22. Paragraph 205 of the Framework 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. Paragraph 206 goes on to state that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
23. To the north of the appeal site, within the CA boundary, is Bell House, which is identified as a non-designated heritage asset. Its significance relates to its age, traditional construction and appearance. The submitted Heritage Statement demonstrates that whilst the settlement has evolved to the north, the close relationship between Bell House and the southern area of the CA with the open countryside to the south and west has been a consistent feature for a significant period of time.
24. The connection between the settlement and the surrounding countryside remains clearly evident as the village is surrounded by open fields and countryside. The appeal site forms part of one such large agricultural field that sits adjacent to the edge of the settlement and the CA boundary. The open agricultural setting to the village is a defining feature when entering and leaving the village along the road, adjacent to the appeal site. Given this historical relationship and the current open and spacious rural character of the appeal site, I find that it contributes positively to the setting of the CA.
25. The provision of built form and associated works including the vehicular access and path would significantly erode the rural character and appearance of the appeal site and would undermine the existing relationship between the built form of the CA and its countryside context, which contributes positively to the character and appearance of the area.

26. Whilst the proposal would be low density, follow a linear pattern of development and be of a rural design approach, representing the appearance of an agricultural building along the elevation facing the road, these factors would not outweigh the loss of the established rural character of the appeal site which is integral to the rural setting of the CA.
27. The appellant asserts that the development would reflect the historic connection between Brickhouse Farm and cottages on the opposite side of the road, a farmstead which the appeal site and wider field historically formed part of. However, I have no evidence before me that agricultural buildings or a farmyard were historically located on this side of the road and the creation of new built form to reinforce this relationship would not outweigh the harm to the setting of the CA.
28. Under the terms of the Framework, I find that the harm to the setting of the CA would be less than substantial in this case. Paragraph 208 of the Framework states 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.
29. The proposal would provide two additional dwellings and therefore would make a small contribution to the housing supply. The proposal would generate jobs and investment in the local economy during the construction phase, and after given future occupiers would support local services and facilities. However, given the scale of the development, the benefits would be limited, and would not be sufficient to outweigh the less than substantial harm to the setting of the CA.

Conclusion on first main issue

30. I find that the proposal would not be a suitable location for the proposal as it would result in harm to the character and appearance of the area and the setting of the adjacent CA. It would be contrary to Policies SP03, LP01, LP17 and LP19 of LP1, as set out above. I find that there would not be sufficient public benefits to outweigh the less than substantial harm to the setting of the CA. The proposal would also be contrary to the relevant paragraphs of the Framework.

Highway safety

31. The proposal would result in the future occupiers of the two additional dwellings having to cross The Row and walk along the southern section of the road for a relatively limited distance before reaching the existing separate footway within the settlement. The provision of a formal crossing point would encourage pedestrians to walk towards the traffic into the village ensuring that they would be aware of vehicles approaching.
32. The crossing point and area of road used for pedestrian access into the settlement would be located within a built up area where the road is restricted to 30 miles per hour and drivers of vehicles would be approaching the crossing point relatively slowly, given it would be located on the bend. A drawing is submitted which provides a visibility splay for the pedestrian crossing point and I note that the Transport Planning Technician did not raise objection to the scheme based on visibility. The presence of a formal crossing point would make

drivers aware of the possibility that pedestrians might be waiting to cross the road.

33. Although not a formal footway, I note that a white line runs along the edge of the road delineating a space where someone could walk as well as narrow raised areas of hardstanding along the route in some places where pedestrians could stand clear of approaching vehicles. I acknowledge that this is not a standard width, nor does it provide the same pedestrian experience as a separate footway, although it does represent the accessibility situation for the existing occupiers who live along this part of The Row. I have been referred to the fact that there have been no recorded collisions involving injury in this location for a five year period.
34. Alternatively, next to the crossing point on the opposite side of the road is access to a network of Public Rights of Way (PRoW) which would provide an off-road route which emerges further north within the settlement. Whilst the PRoW network would not be accessible to all, given the nature of the paths in some areas, it would provide a pleasant and relatively short walk for some.
35. I therefore find, that given the existing characteristics of the area in terms of pedestrian routes, the limited distance to the existing separate footway, the speed restrictions in place, the provision of a crossing point with appropriate visibility and the limited scale of the development proposed, the proposal would not be likely to result in an unacceptable harmful impact on highway safety. The proposal would therefore comply with Policy LP29 of LP1, which seeks, amongst other things, that developments are required to demonstrate safe and suitable access for all and prioritise sustainable and active transport. For the same reasons the proposal would comply with paragraph 115 of the Framework.

Other Matters

36. The Council has identified the presence of several Grade II listed buildings including Barham Cottage, Brookside, Gladwin and Thatched Cottage, The Old Stores and Tebbit, Whitecroft and Windfall Cottage and adjoining Cottage located on The Row and in the surrounding area of the appeal site. The significance of these listed buildings lies in their historic and architectural merit with them dating from the 17th or 18th centuries and being of traditional timber frame and plaster construction.
37. All of the listed buildings are located on the opposite side of the road to the appeal site and are situated further north. The physical separation, existing intervening development and the presence of the road significantly limits any intervisibility between the appeal site and the setting of the listed buildings. As a result, I am satisfied that the proposal would preserve the setting and any features of special architectural or historic interest which the listed buildings possess.
38. The appellant asserts that the proposal would provide two additional dwellings in walking distance of local amenities and bus stops which provide a regular and frequent service to nearby towns. It is stated that there would be economic benefits during the construction phase and that future occupants would support the existing services and facilities within the settlement as well as contributing to the local community. Even if I were to agree, these considerations would not outweigh the harm I have set out above.

39. I note the appellant has raised concerns that Policy LP01 supports the delivery of new homes in locations which do not have good access to services and facilities, given it is applicable to small clusters of dwellings, rather than settlements with services and facilities. It is not within my scope, under this appeal, to consider the aims or wording of the policies set out in the development plan.
40. I acknowledge that the appeal scheme follows a previous planning application that was refused by the Council for three dwellings. Be that as it may, I must deal with the appeal based on its individual merits.

Conclusion

41. The proposal conflicts with the development plan as a whole, and there are no material considerations that indicate that I should take a decision other than in accordance with it. The appeal is therefore dismissed.

G Dring

INSPECTOR