



Appeal Decision

Site visit made on 4 September 2024

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 September 2024

Appeal Ref: APP/W3520/W/24/3337910

Land off Norwich Road, Little Stonham, Stowmarket, Suffolk, IP14 5JT

- 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 Diocese of St Edmundsbury and Ipswich against the decision of Mid Suffolk District Council.
 - The application Ref is DC/23/03407.
 - The development proposed is described as 'Erection of six new dwellings and creation of new internal access road'.
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Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issues

2. The Secretary of State has recently made a Written Ministerial Statement in connection with proposed changes to the National Planning Policy Framework (the 'Framework'). As the proposed amendments are in draft and subject to change it has not been necessary to seek comments from the parties. Indeed, I have based my decision on the current extant version of the Framework.
3. Since making its decision, the Council has adopted the Babergh and Mid Suffolk Joint Local Plan – Part 1 (the 'LP'). This has superseded the Mid Suffolk Local Plan 1998, Core Strategy 2008 and Core Strategy Focussed Review 2012. It is incumbent upon me to base my assessment on the most up to date development plan and this is what I have done.
4. The main issues in this appeal are:
 - Whether the appeal site is an appropriate location for the proposed development with reference to the spatial strategy in the development plan;
 - The effect of the proposed development on highway safety and the character and appearance of the area, including trees;
 - The effect of the proposal on the significance of The Old Rectory, which is a Grade II listed building, and the Baptist Church.

Reasons

The appropriateness of the location with reference to the spatial strategy

5. To balance the objective of providing new housing with policies relating to sustainable transport and recognition of the intrinsic character and beauty of

the countryside¹, the Council has adopted a spatial strategy in Policy SP03 of the LP which supports development within settlement boundaries. Outside settlement boundaries, development will normally only be permitted if allocated or in accordance with another policy in the LP, a made Neighbourhood Plan or Paragraph 80 of the Framework². The corollary of this is that development outside settlements is not normally supported if it is not one of the types specifically referred to in the policy.

6. The appeal scheme would be located on land outside any defined settlement boundary. It is not allocated and there is no made Neighbourhood Plan from which it could gain support. The appeal site was identified as a draft allocation in an early version of the LP, but this was not taken forward into the adopted version. The proposal would not be any of the types of development listed at Paragraph 84 of the Framework, which is a closed list. As a result, the only pathway for adherence to Policy SP03 is through compliance with other policies in the LP. In this respect, the relevant policies are identified in Table 5 of the LP. The relevant policy in this instance is Policy LP01 which, subject to criteria, permits windfall infill housing outside settlement boundaries to support the vitality of small rural communities in the countryside.
7. It is important to apply Policy LP01 in the knowledge that it permits housing exceptionally as a departure from the broad objectives of the spatial strategy. Indeed, windfall infill development outside defined settlement boundaries will often be away from a collection of services and facilities. Moreover, it is not necessary to meet the housing requirement³ and excessive development in small clusters could have an undesirably urbanising effect on the character and appearance of the area, to the detriment of the intrinsic character and beauty of the countryside. Because of this, the supporting text to Policy LP01 is clear that only 'limited', 'small scale' infill windfall development on small undeveloped plots is to be supported outside defined settlement boundaries. Limited is defined in the Policy as usually one or two homes. This stipulation places an important and intentional restraint on the number of homes (and the size of plots) intended to come forward pursuant to Policy LP01. As a result, Policy LP01 should not be applied too benevolently. To do otherwise could subvert the spatial strategy.
8. It is evident that the part of Little Stonham arranged along the A140 is a cluster of development of at least 10 homes. Indeed, the Council defined it as a hamlet in an earlier version of the LP in recognition of this. The appeal site also represents a gap in an otherwise built-up frontage which, once developed, would not result in the coalescence of settlements. Nor would the scheme be a consolidation of sporadic ribbon development given that Little Stonham is an identifiable and named linear settlement. Thus, the proposal would adhere to aspects of Policy LP01.
9. However, the proposal is for six dwellings contrary to Criteria c) in Policy LP01. This would exceed by some way the one or two homes envisaged by the policy. There is nothing unusual about the proposal and its context that would suggest such an uplift is justified. Indeed, Little Stonham has very few everyday facilities. The nearest bus stop is in Earl Stonham, which is a lengthy walk or cycle away along an unattractive route on account of the very busy road.

¹ See Paragraphs 08.03 and 08.04 of the LP

² This was based on the 2021 version of the Framework. The relevant paragraph is now Paragraph 84

³ As explained in Paragraph 13.03 of the LP

10. Furthermore, and for reasons I go into, the proposal would significantly harm the character and appearance of the area, contrary to Criteria a) in Policy LP01. Accordingly, the proposal would be at odds with Policy LP01 taken as a whole.
11. In conclusion, the proposal would be at odds with Policy LP01 and by extension Policy SP03 of the LP. In this respect, the appeal site would not be a suitable location for the appeal scheme when applying the spatial strategy in the development plan, which is a carefully drafted and considered statement of policy informed and shaped by public participation. Instead, the proposal would undermine the objectives of the strategy. This would be harmful given the public interest in having a genuine plan led system that provides consistency and direction.

The effect of the proposed development on highway safety

12. The Local Highway Authority have reviewed the scheme and indicated that visibility splays at the proposed access with an 'x' distance of 2.4m and a 'Y' distance of 59m should be provided. It is unclear why a 59m distance is expected given the 30mph speed limit⁴. Nevertheless, neither the Council nor appellant has taken issue with this distance. Accordingly, visibility splays of 2.4m x 59m are shown on the proposed block plan. The Local Highway Authority have recommended the imposition of a condition to secure the provision of the visibility splays as detailed with their retention free of obstruction above the height of 0.6m.
13. The submitted drawings demonstrate that the splay in the southern direction would need to cut across a layby. An analysis set out in the Officer's report indicates that larger vehicles such as lorries would block the splay, potentially reducing its extent and effectiveness by a significant degree. This is reinforced by photographs provided by the Parish Council and what I observed on site when a lorry fortuitously parked in the layby. Thus, the use of the layby would prevent the splays being retained free of obstruction above 0.6m in height.
14. There is no mechanism before me that would prevent the use of the layby for parking. This is important because the A140 is a very busy road with high volumes of traffic. The provision of six homes in a location away from services and facilities means the access would be regularly used. When these factors are combined, the risk of collision is heightened. Traffic may not be going especially fast given the speed limit, but a collision would nevertheless be a serious matter that could result in injury, damage or the closure of the road. As a result, the proposal would not provide a safe and suitable access to the detriment of highway safety.
15. In arriving at this view, I note the Local Highway Authority did not object. However, their comments do not specifically address the Council's concern and there is no evidence before me that they put their mind to the effectiveness of the condition they were recommending. The Council's Officers correctly did this and I share their view that the splay would be regularly obstructed above 0.6m in height. The appellant has not provided any comments from a Highway Engineer to support their case.
16. It is not unusual for vehicles to park in visibility splays. There would also be periods when the layby is unused and thus the splays unobstructed. However,

⁴ Manual for Streets suggests 43m splays when the speed limit is 30mph

I have already explained that the A140 is very busy and therefore the risk of collision would be significant when the splay is blocked. Local representations suggest that lorries frequently park in the layby and alternative evidence is not before. Accordingly, the circumstances justify a precautionary approach.

17. In conclusion, the proposal would not provide adequate visibility at the site access and therefore an adverse impact on highway safety would occur. This would be contrary to Policies LP29 of the LP, which seeks to secure developments which provide safe and suitable access.

The effect on the character and appearance of the area, including trees

18. The appeal site encompasses an undeveloped parcel of land with a frontage along the A140. The thick hedge along the road frontage is a striking feature that contributes positively to the street scene of Little Stonham. A pleasant verdant character extends into the site. Indeed, historic maps indicate that the site probably incorporates sections of two small historic fields located between the Baptist Chapel and Glebe Cottage. The hedge separating these fields appears to have grown out into a much thicker feature. This agreeable character can be experienced from an adjoining public footpath and creates pleasant scenes with Glebe Cottage and the Baptists Chapel, both period buildings adjacent to the site. The former is set subtly behind the building line. Overall, the site contributes positively to local character and appearance.
19. More widely, the cluster of Little Stonham within which the appeal site is located has a linear grain with properties arranged in a single plot depth pattern. Most properties have a road frontage, and many are positioned behind front gardens. Between buildings there are regular glimpsed views out towards the open countryside beyond which provides a rural character to the cluster despite the very busy road. The informal and verdant appearance of the appeal site adds to the rural character of the Little Stonham.
20. The appeal scheme would result in a radical change to the character and appearance of the appeal site as much of the foliage would be removed and replaced with six large, sprawling houses with associated hard standing and close boarded fencing. The layout, especially the lack of meaningful front gardens, would engender an almost urban appearance that would appear strident and out of place in this context. Indeed, the layout and design disregards existing features such as species rich hedgerows (as defined in the Preliminary Ecological Assessment), the presence of (and views from) the public footpath and the orientation and scale of Glebe Cottage and the Baptist Church. The tight configuration and in-depth arrangement would create an enclave of houses that would jar with the wider pattern of development.
21. The detailed design would also result in several harmfully contrived aspects. In particular, Plot 3 would be side on to the road, span the width of the plot and be set discordantly behind parking and fencing. It would therefore appear cramped, an effect compounded by the proximity to the Baptist Church. Plot 4 would also have an awkward relationship with the Baptist Church on account of the orientation and position. Plot 6 would appear oddly placed to accommodate an easement and Plot 5 would be squeezed in between Plots 2 and 6. The square and parking area for the allotment holders would also appear as an odd, incoherent aspect of the scheme which would dominate views through the site. Overall, the scheme would not be well designed. It would harm the character and appearance of the area.

22. In respect of trees, the appeal scheme is not supported by an arboricultural assessment. This is unfortunate, as such an assessment, if undertaken in accordance with BS5837:2012, would help to grade the quality of the trees on site. This grading would account for the landscape qualities of a tree or group of trees. To compound matters the Council has not supported its concerns with comments from its Arboricultural Officer. Regardless of this, I have already explained that the historic hedge within the site has high landscape value. Within this feature are some trees of note. The loss of these trees would harmfully injure the amenity of the area by diluting the positive contribution this prominent appeal site makes to the rural character of Little Stonham.
23. In conclusion, the proposal would significantly harm the character and appearance of the area. It would therefore be at odds with Policies LP24 and LP03 of the LP, which seek to secure development that respond to, and is compatible and harmonious with, its location and retains important natural features such as hedgerows and trees.

The effect on the setting and significance of The Old Rectory

24. The Old Rectory was listed in 1955 and probably has origins as a late 15th Century open hall house. It is timber framed and plastered with later alterations mainly from the late 18th and early 19th Centuries. As the name would suggest, the building is a former rectory, and its scale is befitting of the high status conveyed in the past on the clergy. Accordingly, the building tells us much about, and is a repository of, historic construction methods, lifestyles, social structures and building traditions. It is also attractive and adds to local distinctiveness. The building therefore has archaeological/evidential, historic, and artistic/aesthetic value and significance.
25. It was common practice in bygone centuries for the rector to gain some of their income from glebe land. The appellant's Heritage Consultant suggests that at Stonham Parva the Glebe amounted to around 32-40 acres. It is likely that the Glebe was located, at least in part, to the west of the Old Rectory given the presence of Glebe Cottage, which is probably named after the Glebe. The Council has referred to historic maps but neither indicate the presence or extent of Glebe land. The maps nevertheless demonstrate that the appeal site is part of a long-standing field pattern that can still be discerned today.
26. The Council suggest that the appeal site is part of the Glebe and the appellant's heritage consultant has not provided substantive evidence to demonstrate otherwise. This is despite suggesting that such records could be in the appellant's archives. On balance, it is probable that the appeal site is a remnant of the Glebe and therefore has a historic relationship with the Old Rectory. This relationship can still be appreciated and understood, albeit with interpretation, and contributes positively to the setting of the Old Rectory, that being its experience and understanding as a high-status home linked to a Glebe and with a historic rural setting. The appeal scheme, being an unsympathetic and cramped urban intrusion, would seriously erode this setting. It would therefore fail to preserve the setting of the listed building.
27. That said, the relationship has already been eroded as the appeal site is in different ownership to The Old Rectory and is no longer used as a Glebe. New housing has also encroached into the historic setting of the listed building. As such, the harm would be low level. Thus, I conclude by finding that the proposal would result in a low level of harm to the setting of the listed building.

For reasons I go into, this harm is not outweighed by public benefits. As such, the proposal would be at odds with Policy LP19 of the LP, which seeks to secure development that preserves the setting of listed buildings.

The effect on the significance of the Baptist Church

28. The Baptist Church is not identified on any local list and the Council has not assessed its heritage value against any published criteria as far as I can ascertain from the submissions. Nor have I been directed to any published criteria that may be relevant to my assessment. The Planning Practice Guidance (PPG)⁵ advocates the use of published criteria to aid clarity. Nevertheless, there is no requirement that such a process should be followed when assessing whether a building, monument, site, place, area or landscape can be considered a non-designated heritage asset (NDHA). Indeed, the PPG explains that NDHAs may be identified as part of the decision-making process⁶.
29. Regardless of this, the Council and the appellant's heritage consultant agree that the Baptists Church has local heritage merit and interest on account of it being an example of early 19th Century chapel architecture with links to non-conformity. The untypical construction in timber and plaster adds an extra layer of interest. The building's simple plan form and well-balanced elevations are still evident, although the original timber windows have been replaced with plastic versions. The building therefore has some moderate architectural and historic value and interest. Consequently, it could be considered a non-designated heritage asset because the degree of significance is sufficient to merit consideration in the appeal decision.
30. The Baptist Chapel is set back from the road and is therefore a little divorced from surrounding development, a perception which is aided by the openness of the appeal site. This allows the architectural value of the building to be appreciated as well as a semblance of the original rural setting. I share the view outlined by the Council's Conservation Officer and the appellant's heritage consultant that the proximity of Plot 3 would have a limited deleterious visual impact on the setting of the chapel by reducing its sense of isolation in the street scene. Intervening landscaping may assist to reduce this impact but given the proximity of Plots 3 and 4 to the boundary, this is unlikely to be extensive and thus provide adequate mitigation. I therefore conclude that the proposal would have a limited adverse effect on the setting of the chapel, and this is a matter which should be taken into account in my overall balance.

Other Considerations

The public benefits of the scheme

31. The proposal would be a small scheme that could deliver five new homes quickly. This would contribute to the housing land supply in the district and support small and medium sized builders. That said, the Council has confirmed that the housing land supply stands at somewhere in the region of 10 years, which is very healthy. In these circumstances, the modest contribution to the housing land supply is a public benefit of modest weight.
32. The delivery of new homes in this non isolated location would provide a modest boost to the vitality of the cluster and the local economy of the area. Future

⁵ Paragraph: 040 Reference ID: 18a-040-20190723

⁶ Ibid

occupants may also support local services, although they would likely need to drive to do so. No evidence has been provided that the area needs the specific type of homes proposed and the Council has raised concerns that no smaller properties are proposed as part of a balanced mix. The small boost to the economy and vitality of the area would be a matter of limited weight.

33. A suggested net gain to biodiversity (if achievable) would also be a matter of moderate weight in favour of the proposal as would the unquantified suggestion that the proposal would achieve carbon savings above that required by Part L of the Building Regulations. The scheme would provide parking for allotment holders, but there is little before me to suggest there is currently inadequate parking or that any such lack of parking is having an adverse impact on the amenity or highway safety of the area.

The heritage balance

34. For the reasons already set out, the appeal scheme would harm the significance and setting of a listed building. The harm would not be severe and would therefore be less than substantial within the meaning of the Framework. Policy LP19 of the LP requires such harm to be weighed against the public benefits of the proposal.
35. In calibrating this balance, the Framework states that designated heritage assets are an irreplaceable resource that should be conserved for existing and future generations and that great weight should be given to an asset's conservation. Conservation in this context means sustaining, and thus not harming, an asset's significance. This is synonymous with the considerable importance and weight that must be given to the statutory duty to pay special regard to the desirability of preserving a listed building's setting⁷. This is not an instruction to dismiss a proposal that would harm a listed building's setting, but it nevertheless provides a strong presumption in favour of preservation.
36. The proposal would result in only a low level of harm. This matter nevertheless carries great weight. Against this, the public benefits of the proposal are only cumulatively of moderate positive weight. Overall, the benefits are not of sufficient force to outweigh the less than substantial harm that would occur.

Other matters

37. Consistency is an important aspect of planning and in this respect a development to the southeast of the appeal site, for what appears to be four detached homes, is currently reaching completion. The circumstances behind the approval of the scheme are not before me. It may have been approved prior to the adoption of the LP, which is a significant change in circumstances. The houses are large, squeezed in and discordantly set back behind prominent garages and close boarded fencing in what appears to be a poor configuration. The scheme nevertheless exhibits a linear character. This would be unlike the appeal scheme. Overall, the presence of this development does not justify the proposal, which I have considered on its own merits.
38. The appellant appears to submit that Paragraph 11d) of the Framework is engaged because the most important policies for determining the application are out of date. However, the Council can demonstrate a five-year housing land supply and the policies I have hitherto referred to, as a collective basket,

⁷ See Sections 66(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990

are not out of date. Indeed, they are consistent with the Framework and the LP has only recently been adopted. This includes a strategy which, in the short to medium term at least, is intended to meet the housing requirement through allocations, existing approvals and some windfalls within settlement boundaries. Nevertheless, even if Paragraph 11d) of the Framework were engaged, the Policies in the Framework aimed at protecting designated heritage assets provide a clear reason for refusal.

39. The Council's Conservation Officer raised concerns about the proposal's effect on the setting of Glebe Cottage, which they consider to be a non-designated heritage asset. This concern has not flowed into the Council's reasons for refusal. It is unclear why. Nevertheless, as the appeal has failed for other reasons it has not been necessary to address this point.
40. The Preliminary Ecological Appraisal does not demonstrate through calculations that a biodiversity net gain would be achieved and many of the mitigation measures require intervention off site. It is unclear how the management of these would be secured. The indicators are that there would be no net gain within the appeal site and probably a net loss of biodiversity. Had the scheme been otherwise acceptable, I would have sought further evidence on this point including whether the scheme would adhere to the aim in Paragraph 180d) of the Framework to provide net gains to biodiversity. However, as the scheme has failed on the main issues this has not been necessary. The same applies to the other concerns of interested parties.
41. The appellant has referred me to an appeal decision⁸ where an Inspector permitted nine homes in the countryside. In that instance, the Inspector found a conflict with Policy SP03 but still allowed the appeal. The evidence presented is not before me. Nevertheless, it would appear that the Inspector found no harm in terms of access to services and facilities or to the countryside. As a result, the conflict with Policy SP03 was outweighed by the scheme's benefits. The Inspector also gave weight to historic permissions on the site, which is not the case in the appeal before me. I have also identified other harms. Overall, there is no inconsistency between my decision and the other Inspector's given the different circumstances, including the location and impacts.

Conclusion

42. The appeal scheme would be at odds with the spatial strategy in the development plan, prejudicial to highway safety and harmful to the character and appearance of the area and the significance of heritage assets. The appellant alleges that in all other respects the proposal is acceptable. Even if that were to be the case, the proposal would be at odds with the development plan taken as a whole as the absence of harm in some respects would not outweigh harm in others. Accordingly, I find that the proposed development would be contrary to the development plan taken as a whole and there are no other considerations which outweigh this finding. As such, the appeal fails.

Graham Chamberlain
INSPECTOR

⁸ APP/D3505/W/23/3327147