



Appeal Decision

Site visit made on 11 February 2025

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 March 2025

Appeal Ref: APP/X3540/W/24/3345328

Land At The New Stables, Daphne Road, Orford IP2 2NH

- 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 & Mrs D & K Murphy against the decision of East Suffolk Council.
 - The application Ref is DC/24/0277/FUL.
 - The development proposed is the erection of new dwelling, relocation of existing private stables within site.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Government published a revised National Planning Policy Framework ("the Framework") in December 2024. However, the policies relevant to the substance of this appeal are not materially different and therefore I have not deemed it necessary to seek the parties' views on the revised document.
3. I am advised that the appeal site lies within the zones of influence of several designated habitats sites of nature conservation importance that are subject to statutory protection under EU derived legislation in the Conservation of Habitats and Species Regulations 2017, as amended. I will return to this matter later in this decision.

Main Issues

4. The main issues in this appeal are:
 - Whether the proposed development would be in an appropriate location for new housing with particular regard to the spatial strategy in the development plan, and,
 - the effect of the proposed development on the significance of Orford Conservation Area ("the OCA") as a designated heritage asset, through development within its setting.

Reasons

Whether an appropriate location for housing

5. Policies SCLP3.2 and SCLP3.3 of the East Suffolk Council Suffolk Coastal Local Plan, Adopted September 2020 ("the LP"), designate Orford as a 'Large Village' where housing growth will be supported within settlement boundaries and through allocations.

6. The appeal site lies just outside of the settlement boundary of Orford and in the countryside. Housing development in the countryside will not be permitted by LP Policy SCLP3.3, except where specific policies in the LP indicate otherwise. LP Policy SCLP5.3 sets the exceptions under which housing on land outside settlement boundaries and in the countryside will be permitted. These exceptions include limited development within existing 'countryside clusters', as defined by LP Policy SCLP5.4, and development consistent with the Framework's policy on residential development in the countryside.
7. LP Policy SCLP5.4, and its supporting text, explain that countryside clusters can include those settlements in the countryside which do not have the range or amount of facilities to be classed as a Major Centre, Town, Large Village or Small Village. Orford is a Large Village and therefore dwellings within its settlement boundary cannot form part of a housing cluster in the countryside. This is consistent with the findings of Inspectors in a number of appeal decisions^{1,2,3} and paragraph 2.12 of the Council's Supplementary Planning Document⁴.
8. Whilst the appeal site is adjacent to the dwelling referred to in the evidence as 'Shellpits', which lies outside of the settlement boundary, the dwellings on the opposite side of Daphne Road are situated within the settlement boundary and therefore cannot be considered as part of a countryside cluster. It therefore follows that the appeal dwelling would not constitute development within a countryside cluster of five or more dwellings, and it would not comply with LP Policy SCLP5.4.
9. LP Policy SCLP5.3 criterion g) supports residential development where consistent with the Framework's policies on residential development. Under the heading 'Rural housing', Framework Paragraph 83 is a broadly expressed statement that housing in rural areas should be located where it would enhance or maintain the vitality of rural communities. The spatial strategy in the LP sets policies to accommodate the scale of the housing required, and to manage housing development in settlements and the countryside, whilst sustaining the vitality of communities, and enhancing the built and historic environment, amongst others. The spatial strategy in the LP is therefore consistent with the Framework's statement in Paragraph 83.
10. Accordingly, I find that LP Policy SCLP5.3 criterion g) should be interpreted as supporting housing in the countryside where the circumstances in Framework Paragraph 84 are applicable, which they are not in this appeal. Consequently, whilst occupants of the appeal dwelling could walk to several services and facilities in Orford, and make a small contribution to sustaining them, the appeal proposal would not comply with the criteria in LP Policy SCLP5.3 for housing development in the countryside.
11. Consequently, the appeal development would be contrary to the spatial strategy in LP Policies SCLP3.2, SCLP3.3, SCLP5.3 and SCLP5.4, and would undermine its plan-led approach to managing development. As such, the appeal development would not be in an appropriate location for new housing.

¹ APP/X3540/W/20/3252036

² APP/X3540/W/20/3249337

³ APP/X3540/W/21/3282178.

⁴ Housing in Clusters and Small Scale Residential Development in the Countryside, Supplementary Planning Document, 2022.

Effect on the OCA.

12. The OCA encompasses a large part of Orford village including the land on the opposite side of Daphne Road to the appeal site. The significance and special interest of the OCA is partly derived from the attractive townscape of the period style vernacular buildings within the settlement's core, and the narrow routes of rural character that radiate out from the core and towards the open countryside, where mostly period style buildings occupy spacious well planted plots in a loose-knit pattern. Together these characteristics reflect the historical development of Orford and its rural, countryside setting.
13. Daphne Road is a narrow rural route lined by grass verges and dense hedgerows that extends along the edge of the settlement. The Orford Conservation Area Appraisal ("the OCAA") describes the spacious undeveloped gardens of the loose-knit pattern of dwellings to the north of Daphne Road, and the open countryside on the opposite side of the road, as contributing to the gradual transition from settlement to countryside, and a landscape dominated setting to the village. These characteristics contribute positively to the significance and special interest of the OCA as a designated heritage asset and its setting.
14. The appeal site is a field on the south side of Daphne Road that is occupied by a few small, low height equine buildings of rural character and is located just outside of the OCA and in the countryside. The appeal site's spacious and green character reflects that of the open fields to the south and east of Daphne Road. It therefore contributes to the gradual transition between the village and the countryside, and forms part of the rural landscape setting of the OCA, consistent with the OCAA. Accordingly, the appeal site contributes positively to the setting of the OCA and its significance.
15. Whilst the proposed dwelling's 'barrel' type roof seeks to reduce its height and elevated massing, its scale would be considerably larger than the existing rural equine buildings. It would therefore represent a substantial increase in the height and massing of built form on the appeal site. Although set on land at a markedly lower level than Daphne Road and orientated so that its narrower side elevation fronts onto the road, the massing of the proposed dwelling's long elevations would be clearly visible above the boundary hedgerows in views from along Daphne Road, and nearby properties. I acknowledge that the boundary hedgerows could be allowed to grow, however there is no mechanism before me to safeguard them, nor prevent a future occupier from pruning or thinning them.
16. In these views, the scale of the proposed dwelling would be seen as an obvious visual intrusion that would consolidate built form onto the generally undeveloped and spacious land to the south and east of Daphne Road. The effect of this would be to erode the gradual transition from the settlement to the open countryside, and harm the landscape dominated countryside setting to the village. It therefore follows that the proposed dwelling would harm the significance and special interest of the OCA, as a whole through development within its setting. The Council's concerns regarding the appearance of the proposed dwelling's elevations, including the pattern of window apertures, does not alter my conclusions on this matter.
17. For these reasons, the proposed dwelling would harm the significance and special interest of the OCA as a whole through development within its setting. In

accordance with the Framework, the harm to the OCA amounts to 'less than substantial harm', and Framework Paragraph 215 requires me to weigh this harm against the public benefits of the development. In doing so, Framework Paragraph 212 states that great weight should be given to the conservation of the OCA as a designated heritage asset, and that any harm requires clear and convincing justification and is a matter of considerable importance.

18. The appeal proposal, which could be a self-build project, would make a small contribution to housing supply of a family sized home, including using an area previously developed land (PDL) where a stable building is currently located. Construction of the development would deliver economic benefits associated with employing workers and spending money on materials in the supply chain. Future occupiers would be expected to contribute to community activities and spend money in local services and businesses, which appear accessible by walking. The habitat enhancement measures in the appellants' preliminary ecology appraisal would benefit biodiversity.
19. However, these public benefits would be relatively small given the scale of the proposed development and they carry limited weight in its favour. Consequently, the weight that I attribute to the proposal's 'less than substantial' harm to the significance of the OCA, would not be outweighed by the public benefits of the proposal.
20. Taking all the above into account, I conclude that the proposed development would conflict with LP Policies SCLP11.1, SCLP11.3 and SCLP11.4 insofar as they require development to conserve and enhance the historic environment, and for development affecting the setting of a conservation area to be of appropriate scale, form, height and massing. Furthermore, the appeal proposal would conflict with the policies in the Framework that seek to protect the historic environment.

Other Matters

21. The proposed development could be a self-build project contributing to meeting the duty arising under the Self-Build and Custom Housebuilding Act 2015 ("the Act"). However, there is no substantive evidence before me as to the level of demand for self-build plots in the Council's area, or whether the duty to meet the demand is being met.
22. The evidence suggests that self-build plots are supported by LP Policy SCLP5.9 only where they comply with all other relevant LP policies and given my findings on the main issues above, the appeal proposal would not appear to comply with this policy. Nonetheless, the dwelling would make a small contribution to the supply of housing including by reusing a small area of PDL outside of the settlement boundary, and it could contribute to the Council's duty under the Act. However, the benefits of this, together with the appeal proposal's social, economic and environmental benefits described above, would be small and they carry limited weight in its favour.
23. The appellants refer to the Framework's presumption in favour of sustainable development as weighing in favour of the appeal proposal. Details of the Council's current housing land supply are not before me in evidence. Even if there was an acute housing shortfall, Footnote 7 to Framework Paragraph 11.d)i. would apply to the appeal development and in that scenario the conflict with the Framework's policies that seek to protect designated heritage assets would provide a strong

reason for refusing permission. As such, the appeal development does not benefit from the Framework's presumption in favour of sustainable development.

24. The appellants have paid a financial contribution towards the Council's Recreational disturbance Avoidance and Mitigation Strategy to mitigate the proposed development's potential significant adverse effect on those designated habitats sites. As such, the Council is no longer defending the third refusal reason. However, as I am dismissing the appeal for other reasons, no harm would arise to the protected habitats sites, and I need not consider this matter any further as it would not alter the outcome of the appeal. Being mitigation, this contribution would be a neutral factor that would not weigh in favour or against the proposal.

Conclusion

25. For the reasons given above, the appeal proposal would conflict with the Council's spatial strategy for managing housing growth and it would harm the significance of the OCA as a designated heritage asset, through development within its setting. These harms are important matters that bring the proposed development into conflict with LP Policies SCLP3.2, SCLP3.3, SCLP5.3, SCLP5.4, SCLP11.1, SCLP11.3 and SCLP11.4, and the development plan as a whole. The conflict with the development plan carries substantial weight against the appeal proposal. The material considerations, including the benefits of the proposal and the provisions of the Framework, do not indicate that the appeal should be decided other than in accordance with the development plan. The appeal is dismissed.

G Sylvester

INSPECTOR