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## Appeal Decision

Site visit made on 22 January 2025

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 April 2025

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**Appeal Ref: APP/F3545/W/24/3346876**

**Land Adjacent Cullum House, Church Road, Hawstead, Suffolk, IP29 5NT**

- 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 C Robinson against the decision of West Suffolk Council.
  - The application Ref is DC/24/0177/FUL.
  - The development proposed is single storey self build two bedroom cottage with improved vehicular access.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. I have used the site address from the appeal form and decision notice, as the appeal site access is on Church Road, rather than Bury Road.
3. A revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024. The main parties have been given a chance to comment and I have considered the latest version of the Framework in my determination.

### Main Issues

4. The main issues are whether the site is a suitable location for the proposed development having regard to:
  - its effect on the character and appearance of the area including whether it would preserve the settings of Cullum House and the Old Primary School and Outbuilding adjacent to the rear (the listed buildings)<sup>1</sup>; and,
  - the ability of future occupants to access services/employment by means other than private motor vehicles.

### Reasons

#### *Character and Appearance*

5. The site comprises largely undeveloped land next to the listed buildings, in the settlement of Hawstead. The site is in the countryside for the purposes of Policy DM27 of the Joint Development Management Policies Document (2015) (the DMPD). This policy supports new dwellings in the countryside, subject to their being within a closely knit 'cluster' of 10 or more existing dwellings adjacent to or

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<sup>1</sup> List Entry Number:1229477

fronting an existing highway, and where they infill a small undeveloped plot with one dwelling or a pair of semi-detached dwellings commensurate with the scale and character of existing dwellings, within an otherwise continuous built up frontage.

6. Hawstead includes closely knit clusters of existing dwellings, with a notable cluster along Whepstead Road to the south of the site, and another along Bury Road to the north of it (the Bury Road cluster). Between these two is the southernmost stretch of Bury Road (hereafter referred to as the Southern Road to distinguish it from the rest of Bury Road, including the Bury Road cluster). The Southern Road is mainly undeveloped and wooded, with sporadic residential and agricultural development in places. Due to these characteristics, the Southern Road separates the two clusters and is not part of either.
7. Whilst gaps between dwellings to the north of the site are irregular, there is nevertheless a clear cohesion between those homes; Each is accessed directly from Bury Road and, in the main, they front onto and are clearly visible from it. In contrast, whilst the listed buildings are close to Bury Road, they are screened and separated from it by a tall, dense hedgerow that presents a substantial barrier and hinders intervisibility. In addition, whilst dwellings to the north cannot be accessed or seen clearly from any public highway but Bury Road, the access and principal elevations of the listed buildings face onto Church Road, from which they can be seen clearly over a front boundary comprising a hedge, gates and rail.
8. The gap between the listed buildings and the nearest northwards property is not unusual in the local context and, as such, not sufficient in itself to segregate them from the nearest dwellings for the purposes of Policy DM27. Nevertheless, it draws further attention to the distinctions between them in terms of orientation, as described above. Overall, the listed buildings relate more directly to the sporadic development along the Southern Road than to the development north of them.
9. For these reasons, the listed buildings are outside of the Bury Road cluster rather than within it. As a result, the proposed development would be outside of, rather than within, a closely knit cluster of 10 or more existing dwellings adjacent to or fronting an existing highway. Even though the proposed development would result in a plot size and separation distances similar to those found nearby, it would not be within an otherwise continuous built-up frontage. As such, the proposal would conflict with the requirements of Policy DM27.
10. The appellant has drawn my attention to a previous appeal decision where a nearby site<sup>2</sup> was found to form part of a closely knit cluster (the previous appeal). The previous appeal site is accessed from Bury Road and, as was material in the previous Inspector's determination, has a continuous row of dwellings on either side of it. Those dwellings are accessed from, and front onto, Bury Road, placing the previous site within a cluster adjacent to or fronting a highway and a continuous built-up frontage. As set out above, the current appeal site has none of those characteristics. The previous appeal does not therefore alter my findings above.
11. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have

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<sup>2</sup> Appeal Decision APP/F3545/W/23/3316413

special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. 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.

12. The listed buildings are a former schoolhouse and schoolroom with adjacent outbuilding dating to the 1840s. Traditional materials have been used to create elaborate and decorative external details, including a carved plaque and coat of arms. The details give the buildings a grandness belying their modest size, and illustrating their historic social importance.
13. The site is part of the garden around the listed buildings. The heritage statement draws attention to the similarities between the site boundary and the position of a possible means of enclosure that may once have divided what is now the garden. However, any remnants of any such enclosure, including planting on or near it, do not evidently serve that purpose now. The garden is recognisably one continuous area, and the site is not easily identifiable as a distinct plot.
14. The site is within the setting of the listed buildings, and the site and garden have changed little since the 1840's. The latter point is readily appreciable; despite modest domestic additions including a simple carport and a gravel drive, these areas are characterised by the absence of development, and by mature trees, informal lawns, and dense bushes. The timelessness of the scene is striking, and clearly visible over the railings, gates, and hedgerows that enclose the boundary of the site on Church Road.
15. The significance of the heritage asset is in its architectural quality and its historic social function. The contribution of the setting to that significance is in the way the timeless, undeveloped, and verdant nature of the backdrop leaves the listed buildings unchallenged for visual prominence, directing attention to their architectural fineness and offering appropriate deference to their historic social importance.
16. Whilst the heritage statement describes the separation of the school building from nearby dwellings as giving it a feeling of isolation, the appellant contends otherwise in their statement of case; A photograph showing the distance between the listed buildings and Penny Cottage on Bury Road is provided. There are several dwellings within a minutes' walk of the listed buildings and, looking northward from the area near the junction of Church Road and Bury Road, it is possible to see the listed buildings and nearby dwellings to the north simultaneously.
17. At the same time, the position of neighbouring dwellings near the site and the extent of mature greenery around them are such that they can barely be seen when standing outside the site on Church Road, when approaching it from the Southern Road, or when looking directly at the listed buildings from the eastern edge of Bury Road, near Penny Cottage. From most public vantage points including, in the case of Church Road, that which offers the most comprehensive view of the listed buildings, they are largely seen against an undeveloped backdrop. This gives them a secluded feel, to which the undeveloped nature of the site contributes.

18. The listed buildings are a notable local feature, marking as they do the only fork in the road in the northern part of Hawstead. From here one may enter Church Road, leading to the impressive All Saints Church. Aside from one detached dwelling and an access point to another, Church Road is undeveloped and largely wooded between the listed buildings and the church, which is itself set against an undeveloped bucolic backdrop. In the context of the local area, the secluded feel of the site contributes to the dispersed, rural character of development along Church Road, culminating in the church.
19. The appeal proposal is a single-storey detached dwelling arranged in an 'L' shape. The existing gravel drive would be extended into the site, leading to vehicular parking. The dwelling itself would be of broadly traditional design appropriate to the area, incorporating a slate roof, brick walls and boarding. It would be largely obscured from view from Bury Road due to existing greenery, and be set well back from Church Road, behind the listed outbuilding.
20. Even so, the dwelling would be directly visible from Church Road over the low boundary rails and hedge. Its presence would significantly erode the existing timeless, undeveloped, and verdant nature of the site. It would compete for visual attention with the listed buildings, harmfully disturbing the primacy of the latter, and be at odds with the sparsely developed nature of Church Road. These harms would be exacerbated by the dwelling being placed with its longest elevation broadly parallel with Church Road, so that the dwelling would dominate the vista, and by cars parking in front of the dwelling on an area which is currently open lawn, suburbanising the feel of the site.
21. The removal from the site of the existing carport would do very little to mitigate the harm as it is a much smaller structure than the dwelling. The listed outbuilding is oriented with its narrowest side towards Church Road, and the proposed dwelling would be visible to either side of it. As such, whilst the outbuilding would interrupt a comprehensive view of the southern elevation of the proposed dwelling, it would not meaningfully screen it or mitigate the harm.
22. Paragraph 212 of the Framework states that when considering the impact of the development on the significance of designated heritage assets, great weight should be given to their conservation. Furthermore, where harm is caused to the setting of a listed building the courts have established the decision taker must attach considerable importance and weight to that.
23. Paragraph 213 of the Framework goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. Given the scale of the development, I find the harm to be less than substantial. Under such circumstances paragraph 215 of the NPPF advises that this harm should be weighed against the public benefits of the proposal.
24. The development would provide a new, self-build dwelling on a small site which could be built quickly. The Framework sets the objective of significantly boosting the supply of homes. The proposal would make a very small contribution in that respect, and I consider it a minor benefit, therefore. The development would create some temporary economic benefits during construction, and some lasting economic benefits upon occupation. Given the scale of the proposal, I afford these further benefits minor weight in favour of the scheme.

25. On balance, given the harms identified above, the minor housing supply and economic benefits attributable to the development would not outweigh the great weight that should be given to the asset's conservation. The scheme thus conflicts with the historic environment conservation and enhancement policies contained within the Framework and fails to satisfy the requirements of the Act.
26. For the reasons given above, I find that the proposed development would be an unsuitable location for the proposed development due to the harmful effect it would have upon the character and appearance of the area, and its failure to preserve the settings of the listed buildings. As such, the proposal conflicts Policies DM2, DM15, DM22, and DM27 of the DMPD, and with Policy CS3 of the St. Edmundsbury Core Strategy (2010). These policies require, amongst other things, that development affecting the setting of a listed building not be detrimental to the building's character or any features contributing to its special interest, and to respect the setting of the listed building, including inward views. They also require recognition and protection of local context and characteristics, including visually important gaps that contribute to the character and distinctiveness of a rural scene.

#### *Access to Services/Employment*

27. There is no dispute between the main parties that the absence of nearby services and facilities, coupled with limited public transport and narrow, unlit country lanes locally, would leave occupiers of the proposed dwelling heavily reliant on the private car. On this point the appellant cites the previous appeal, which found such an arrangement compatible with Policy DM27 subject to the other requirements of that policy, and with the Framework, which recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
28. Whilst a revised version of the Framework has been issued since the previous appeal, the parts pertinent to the previous Inspector's determination have not materially changed. The Council has not addressed the previous appeal. Given this, I see no reason to reach a different conclusion to the previous Inspector regarding the appropriateness in principle of residential development in Hawstead. In that regard, the high likelihood that occupiers of the proposed dwelling would rely on the private car does not, within itself, result in the site being an unsuitable location.
29. I therefore conclude that the site is a suitable location for the proposed development having regard to the ability of future occupants to access services/employment by means other than private motor vehicles.

#### **Conclusion**

30. The proposal conflicts with the development plan when read as whole and material considerations do not indicate that the appeal should be determined other than in accordance with it. I therefore conclude that the appeal should be dismissed.

*A Knight*

INSPECTOR