



Appeal Decision

Site visit made on 16 July 2025

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st July 2025

Appeal Ref: APP/W3520/W/25/3360020

PH, Station Road, Finningham, Stowmarket IP14 4TL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Lorna Doyle against the decision of Mid Suffolk District Council.
 - The application Ref is DC/24/03098.
 - The development proposed is the erection of 2no Detached Bungalows
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Decision

1. The appeal is dismissed.

Procedural Matters

2. This appeal relates to a refused outline planning application where all matters are reserved for future consideration. Therefore, insofar as those matters are shown on the submitted drawings, I have treated them as indicative and thus an illustration of how the appeal site could be developed.
3. In determining the appeal, I have had regard to my duty under Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 ("the LBCA") to pay special attention, and have regard to, the desirability of preserving the settings of listed buildings.

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 its proximity to services and facilities, and the spatial strategy in the development plan.
 - Whether the proposed development would preserve the setting of the Grade II listed building named on the listing description as The White Horse Public House (PH).

Reasons

Whether a suitable location for housing

5. Other than the PH, I have not been made aware of any services or facilities within the settlement of Finningham. Whilst a valuable local facility, the PH would not be expected to meet the day-to-day needs of future occupants of the proposed development.

6. The appellant has drawn my attention to a café, ironmongers, furniture shop, hairdressers and domestic appliance shop at Finbows Yard, some 800 metres to the south within the settlement of Cotton. However, the nature of those services would not be expected to meet the day-to-day needs of future occupants of the proposed development. Whilst I am advised that the village of Bacton hosts a wider range of facilities and services including a pre-school, primary school, convenience store, and GP surgery, they are much further away from the appeal site.
7. Such journeys to Finbows Yard or Bacton would be along a stretch of the B1113, which is subject to regular traffic flows and where footpaths or streetlights are largely absent, thus posing a particular hazard to the safety of walkers in the carriageway. Even for more able persons during good weather and daylight hours, the conditions on the local roads and the distances of return journeys to Finbows Yard or Bacton, would be likely to discourage future occupants of the proposed dwellings from walking or cycling to those destinations.
8. Bus stops are located close to the appeal site and easily accessible. However, even taking account of the fact that opportunities to maximise sustainable travel between urban and rural areas vary, the timetabled services to Bacton and other larger settlements are very infrequent, with few services during the week and none at weekends. As such, travel by bus would not be a convenient mode of transport to meet the travel needs of future occupants of the proposed dwellings. It would not provide a realistic alternative to the car.
9. Consequently, future occupants would live in a location that is remote from the day-to-day services and facilities they are likely to visit frequently. They would be expected to be heavily reliant upon the private car to reach them, with few opportunities for travel by sustainable modes. Daily car journeys from two dwellings would be relatively small. However, they would nonetheless cumulatively add up over the lifetime of the development, as would the negative effects of their greenhouse gas emissions.
10. In this context, and given my findings above, I can appreciate why Policy SP03 of the Babergh and Mid Suffolk Joint Local Plan – Part 1 November 2023 (“the JLPP1”), does not include Finningham within a defined settlement boundary. The JLPP1 sets a spatial strategy that seeks to locate new housing within defined settlement boundaries where the need to travel can be reduced through good access to facilities and services. Accordingly, the appeal site is located in the countryside where most development would be contrary to the spatial strategy, except where compliant with certain exceptions, including the policies listed in Table 5 of the JLPP1.
11. JLPP1 Policy LP01, provides such an exception by permitting windfall infill housing development outside settlement boundaries in existing clusters of 10 or more dwellings in the countryside subject to set criteria. The supporting text explains the Policy’s objectives as permitting small-scale infill development in rural communities, where appropriate, based upon local context and circumstances, and to enable sustainable development and enhance or maintain the vitality of rural communities.
12. The appeal site is part of the extensive grounds of the PH, which is a large building located close to the crossroads junction, where there are some relatively well

consolidated rows of residential properties. The PH building itself is closely related to more than 10 dwellings within the settlement of Finningham, and they form a cluster for the purposes of JLPP1 Policy LP01.

13. The appeal site is part of an irregular shaped parcel of largely open land that extends for some distance south of the PH building, and alongside Station Road from the crossroads junction. The land is fronted to the road by a dense hedgerow and it separates the dwellings on Russet Close from Station Road. As such, those dwellings do not read on the ground as forming a built-up highway frontage on the west side of Station Road. The PH building is the only one fronting this side of Station Road.
14. Given the relative absence of built development fronting the western side of Station Road, it is my judgement that whichever way the proposed dwellings are laid out on the appeal site they would not infill a small plot in an otherwise built-up highway frontage. Therefore, the appeal proposal would not comply with the requirement of JLPP1 Policy LP01 to be located within a cluster of 10 or more dwellings. I reach this conclusion regardless of the proposal's compliance or not with the policy's criteria in a), b) and c).
15. Consequently, the appeal proposal would not comply with the exception to the Council's spatial strategy in JLPP1 Policy LP01, that provides for windfall infill housing development outside settlement boundaries, including where occupants would be remote from the day-to-day services and facilities. The appeal development would also not meet any of the other exceptions in JLPP1 Policy SP03 that provide for development in the countryside.
16. Occupants of the proposed dwellings would be broadly no further away from services and facilities than occupants of dwellings that would meet the exception in JLPP1 Policy LP01. However, the Policy is clear that the level of development in those communities outside defined settlement boundaries should be limited as an exception to the spatial strategy in JLPP1 Policy SP03.
17. I therefore conclude on this main issue that the proposed development would be particularly remote from the day-to-day services and facilities that future occupants would be likely to visit frequently, leading to heavy dependency upon the private car for travel and its negative effects. The proposal would not meet the exceptions for such development in the countryside under JLPP1 Policies LP01 and SP03. As such, it would not be in an appropriate location for new housing and would harmfully undermine the development plan's spatial strategy for housing.

The setting of the Grade II listed PH

18. On the evidence before me, including the listing description, the special interest and significance of the PH is derived partly from its architectural and historic interest as a prominent roadside PH that dates back to the fifteenth century. It is built to an attractive vernacular design and set within spacious verdant grounds that reinforce its prominence and its historic function to passing travellers. Those spacious grounds and setting of the building make a positive contribution to its special interest and significance as a designated heritage asset.
19. The largest contribution of the building's setting to its significance is experienced from the crossroads junction, particularly in views looking south from Walsham Road. In those views the building's architecture and prominence as a historic

roadside PH are clearly appreciated within a vista that includes its spacious grounds. Consequently, the appeal site's open and verdant garden contributes positively to the listed building's setting, and the appreciation of its special interest and significance.

20. The proposed dwellings could be low rise bungalows with a relatively modest height and massing. However, as they would occupy land elevated well above that of the PH, the level of their roofs would likely be broadly similar to that of the PH, increasing their visual impact. Whichever way they are laid out, the proposed dwellings would reduce the spacious setting of the listed building, even though space between them and the PH, including the car park, would be retained.
21. In views looking south from the crossroads junction, and in particular from Walsham Road, the proposed dwellings would intrude into views of the listed PH and diminish its spacious verdant setting. Despite the existence of modern building forms within the surrounding area, the erection of two dwellings on the appeal land would be a visually intrusive form of development within the setting of the listed PH. I am not satisfied on the evidence before me that the permanent erosion of the spacious grounds of the PH would be overcome by the softening effect of new planting, or that use of the appeal site as an overflow car park or for festival events and camping would have comparable effects on the setting of the listed PH.
22. In these respects, the appeal development would harmfully intrude into the setting of the listed PH and have an adverse effect on how its architectural and historic interest are appreciated within its surroundings. It would therefore cause harm to the setting and significance of the listed PH as a designated heritage asset. Consequently, the appeal proposal would fail to preserve the setting of the listed building. I am not satisfied on the evidence before me that use of the appeal site as an overflow car park or for festival events and camping would have comparable effects on the setting of the listed PH.
23. Historic mapping indicates that buildings occupied part of the spacious land to the south of the listed PH, not far from where the proposed dwellings would be located. An undated painting of the listed PH within idyllic rural surroundings shows a barn-like building in a similar position with timber clad walls and a tall roof. They are no longer present, and the listing description makes no reference to curtilage buildings.
24. Given their siting and appearance, it seems likely that those past buildings were functionally associated with the listed PH, which would not be the case for the appeal scheme. The proposed dwellings would not be a replacement for those buildings even accounting for the flexibility inherent to an outline application. As such those past structures do not justify the harmful effect that the appeal scheme would have on the setting of the listed PH.
25. I am not aware of the planning circumstances that led to the existing dwellings, which stand relatively close to the listed building, being granted planning permission between 1989 and 2004, or whether they replaced any existing structures. I have considered the appeal scheme on its own merits and found harm. The existence of those dwellings does not alter my conclusion on this main issue. Consequently, on the evidence before me I can find no inconsistency with those earlier decisions, and they hold limited relevance and weight to my considerations in this appeal.

26. In this instance the harm to the significance of the listed PH as a designated heritage asset would be towards the lower end of the 'less than substantial' category in the National Planning Policy Framework ("the Framework"). This is a matter of considerable importance and weight in my decision, and it does not amount to a less than substantial objection to the proposal. Framework Paragraph 212 requires that great weight should be given to the conservation of designated heritage assets. Framework Paragraph 215 requires the harm to be weighed against the public benefits of the proposal.
27. The appeal development would bring some modest economic benefits during construction and occupation, and it would contribute positively to housing supply. The sizes of the proposed dwellings would appear likely to be more affordable for younger people, older people seeking to downsize and families, contributing positively to achieving mixed and balanced communities, albeit there is no mechanism to ensure occupation by those groups.
28. A self-build exemption relating to biodiversity net gain under the provisions of the Environment Act 2021, has been claimed. However, the appellant has not described the proposed dwellings as self-build under the Self-Build and Custom Housebuilding Act 2015 (SBCHA) on the application form and a planning obligation to secure them as such is not before me. Without this, the potential benefit of 2 self-build dwellings attracts only limited weight in its favour, even if the Council's duty under the SBCHA was not being met.
29. I see no basis to doubt that the off-site planting indicated on the drawings could be secured to the benefit of a gain in biodiversity. Devices to control water usage, generate renewable energy and use it efficiently could be incorporated in the development. This would bring some environmental benefits.
30. Given the scale of the proposed development, these public benefits would be modest and insufficient to outweigh the great weight that I attach to the harm to the listed PH. They would not amount to clear and convincing justification for the harm that would be caused to the listed PH as a designated heritage asset.
31. For these reasons, I conclude on this main issue that the proposed development would conflict with Section 66(1) of the LBCA, and would fail to comply with JLPP1 Policy LP19 which seeks to, amongst others, ensure that development preserves, enhances and conserves heritage assets in accordance with statutory tests and their significance, including consideration of any contribution made to that significance by their setting.

Other Matters

32. I am advised that the appeal site is within the setting of the Finningham Conservation Area ("CA"). The Council considered that developing the appeal site for 2 dwellings may preserve or enhance the setting of the CA. On the evidence before me I find no evidential basis to disagree with that assessment insofar as the preservation of the CA is concerned. However, there is limited evidence before me to demonstrate that the proposal would enhance the CA, and therefore I do not consider the proposal to be a benefit in this regard.
33. The appellant's evidence demonstrates there would be no unacceptable risks to health and safety from ground contamination. Protected species and ecology would not be harmed consistent with JLPP1 Policies SP09 and LP16. The appeal

site could be developed for 2 dwellings without harm to the living conditions of nearby residents or highway safety. However, an absence of harm in those respects would not weigh in favour or against the appeal.

34. The Council's current housing supply is meeting the Government's objective of significantly boosting the supply of homes. Nonetheless, there is no ceiling on housing supply. The proposed dwellings would make a modest beneficial contribution to housing supply, and potentially to meeting the Council's duty under the SBCHA. However, given my findings on the main issues above, the appeal proposal would not comply with the support for self-build/custom build housing in JLPP1 Policy LP08, which is contingent on compliance with all other relevant policies in the plan.
35. Future occupants of the appeal development would make a small but positive contribution to the rural economy and sustaining services and facilities. The proposed homes would not be isolated. However, Framework Paragraphs 83 and 84 do not direct decision makers to approve all homes that are not isolated and in locations where future occupants could support services in nearby villages. As a material consideration, the Framework must be read as a whole and in the context of the development proposed. Amongst other objectives it provides support for enhancing or maintaining the vitality of rural communities and sets out that patterns of housing growth should be managed to prioritise sustainable modes of transport, giving priority to walking and cycling. Development should be located where it would help to reduce greenhouse gas emissions.
36. The development plan's spatial strategy seeks to strike a balance between meeting housing needs and managing growth to reduce the need to travel, whilst supporting some rural housing and maintaining sustainable rural communities. That balance involves the provision of some limited housing in the countryside where future occupants would be remote from services and heavily reliant on the car. In that context, opportunities for windfall infill housing outside settlement boundaries, as an exception to the strategy of directing new housing to locations where the need to travel can be reduced through good access to facilities and services, appear to be restricted and narrowly drawn by JLPP1 Policy LP01.
37. Consequently, the development plan's spatial strategy is, to my mind, consistent with the Framework's objectives referred to above. Accordingly, the appeal proposal's conflict with JLPP1 Policies SP03 and LP01, and the spatial strategy carries significant weight against it. It would conflict with the Framework's objectives for managing patterns of growth to prioritise sustainable modes of transport and locating development where it would help reduce greenhouse gas emissions.

Conclusion

38. For the reasons given above, the appeal proposal would not constitute windfall infill housing development in a countryside cluster. Therefore, it does not benefit from the exception to the Council's spatial strategy for housing growth, which can permit such development, including in locations where future occupants would be heavily dependent upon car travel to access day-to-day services and facilities, and its negative environmental effects. Developing the appeal site for two dwellings would also harm the significance of the Grade II listed PH as a designated heritage asset through development within its setting.

39. These harms bring the proposed development into conflict with JLPP1 Policies SP03, LP01 and LP19, 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 modest 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