



Appeal Decision

Hearing held on 23 August 2016

Site visit made on 23 and 24 August 2016

by Tim Wood BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 September 2016

Appeal Ref: APP/W3520/W/15/3133714

Land to the rear of West View Gardens, Gislingham, Suffolk

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by New Hall Properties (Eastern) Ltd against the decision of Mid-Suffolk District Council.
 - The application Ref 0294/15, dated 26 January 2015, was refused by notice dated 26 August 2015.
 - The development proposed is described as "40 dwellings with a new vehicular access off Thornham Road".
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Decision

1. The appeal is allowed and planning permission is granted for 40 dwellings with a new vehicular access off Thornham Road at Land to the rear of West View Gardens, Gislingham, Suffolk in accordance with the terms of the application, Ref 0294/15, dated 26 January 2015, subject to the conditions set out in the Schedule attached to this decision.

Preliminary Matters

2. The appeal relates to an outline proposal with all matters reserved for subsequent consideration; for the avoidance of doubt, means of access is not determined at this stage, notwithstanding the appellant's description of the development used above.

Main Issues

3. The Council refused the application on the grounds that no mechanism for the provision of social infrastructure, including affordable housing, was included within the proposal. Since the appeal was made, the Council and the appellant have continued to work on the scheme and agreement has been reached on the level of provisions and contributions that the scheme could support. The appellant has submitted Unilateral Undertakings which are satisfactory to the County and District Councils. According, the District Council no longer opposes the proposal.
4. Nevertheless, other interested parties have made representations about the proposal and these were presented and discussed at the Hearing.

Reasons

5. It is agreed by the Council that they are unable to demonstrate a 5 years supply of deliverable housing sites. The latest figures referred to indicate 3.3 years supply. The appeal site is outside the settlement boundary of Gislingham and so would raise conflict with Policy CS2 of the Mid Suffolk Core Strategy (CS). However, the Council have recognised the reduced weight that may be attached to this policy (and others) and have concluded that the appeal site forms a logical extension to the village.
6. The site is formed by an arable field and is bounded on 3 of its sides by existing housing within the village. I agree with the Council that its position and the strong hedge and tree boundary on its eastern side mean that the site is well contained and would have little effect on the wider landscape.

Effects on Heritage Assets

7. There are 2 listed buildings within a short distance of the site, to its north the grade I listed St Mary's Church and the grade II listed Church Farmhouse. The Historic England publication *'The Setting of Historic Assets'* – Good Practice advice in Planning: 3 (GPA3) offers advice in identifying the setting of an asset and on its contribution to significance. It advises that setting does not have a fixed boundary and that the setting of an asset may reflect the character of the wider landscape in which it is situated, whether fortuitously or by design. It adds that the importance of setting lies in what it contributes to the significance of the heritage asset.
8. In relation to the Church, the appeal site does not share a common boundary with it but is separated by other residential gardens. There is a footpath running from the site to the Church yard and I am advised that in the winter months the Church is visible from the appeal site. The Church yard exhibits a very strong degree of containment both on its public boundary with the road and also with the residential properties on other sides. The residential boundaries are densely planted and well defined. From the appeal site the tall trees on the Church yard and on other land screened the Church from views at the time of my site visit, although I accept that the degree of screening would reduce in the winter months.
9. Given the strong sense of separation between the Church and the appeal site, I consider that the appeal site itself does not contribute to the significance of the Church. As a consequence, I do not consider that the proposal would have any effect on the significance of the Church and so would preserve its setting.
10. Church Farmhouse has a generously sized rear garden which terminates at the boundary with the appeal site. The boundary is formed by dense and tall evergreen planting which is augmented by a number of trees. At the time of my site visit only limited glimpses of parts of the Farmhouse were possible from the appeal site. The Council has indicated that they assume that the Farmhouse once had an association with the appeal site as part of its agricultural land. This functional association no longer exists as the Farmhouse appears to be a residential dwelling. In visual terms, the development of buildings to the east of the Farmhouse partially impinges on any relationship between the Farmhouse and the appeal site, bringing more recent development much closer to the field. The dense planting mentioned above increases this perception of separation. However, I consider that, in a very small way, some

sense of openness within the appeal site contributes to the setting of the listed building and its significance.

11. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In accordance with the *Barnwell Manor* case, I have given considerable importance and weight to this in determining the appeal.
12. The Council have considered that the proposal would result in less than substantial harm to the setting of the Farmhouse. In my consideration I have taken account of the outline form of the application which does not fix layout, scale or appearance. In my view, the effects of the proposal on the setting of the Farmhouse would be affected by these matters. I have noted that the proposed density of the scheme is low and the illustrative scheme submitted by the appellants shows generous areas of open space within the appeal site and includes some open land adjacent to the boundary with the Farmhouse. Whilst noting that the scheme is only illustrative in this respect, it does demonstrate that a scheme may be feasible which would provide some degree of openness such that the setting of the Farmhouse may be preserved.

Other Matters

13. Policy CS8 of the CS sets out provisions for the distribution of new housing within the District. Amongst other things, it indicates that the Primary Villages (of which Gislingham is one) may accommodate an additional 300 new homes in the period 2010 to 2025. Some residents at the Hearing indicated that, along with other developments already approved or undertaken, this would mean that Gislingham would be subjected to a disproportionate increase in dwellings. It is notable that Policy CS8 states that the figures are a "broad distribution" and so no precision is intended. Furthermore, as the Council are unable to demonstrate a suitable supply of housing sites and as Policy CS8 can be viewed as a policy for the supply of housing, I attach only limited weight to it.
14. In relation to the broader fear that the village would be enlarged by a disproportionate amount, I do not consider that 40 dwellings would be disproportionate. Other concerns in relation to school places would be satisfied in my view by the CIL contributions that would arise from the development. Furthermore, beyond that broad allegation regarding size, no other specific harm was alleged as likely to arise from the proposal in this respect.
15. In relation to the 3 dimensions of sustainable development, I consider that there are some economic benefits that would arise from the construction jobs supported by the proposal and the contribution of new residents to the local economy. Whilst these matters may be seen by some as minor, they are nevertheless benefits. The provision of new homes, including an element of affordable housing, in a District that cannot meet its requirement is a considerable social benefit. Some residents state that there is no local need for the development in Gislingham but I consider that a wider view should be taken and it is the District as a whole that is in need of new dwellings. The

County Council has indicated that the contributions arising from the CIL requirements would satisfy them in relation to school places.

16. In relation to environmental matters, I have set out the effects on the listed buildings above. Further concerns were raised about additional car trips and consequent emissions. I accept that the appeal site is not as well located as others may be in relation to proximity to shops and services and so new residents may rely more on car trips, as no doubt existing residents do too. However, the National Planning Policy Framework (the Framework) does recognise that opportunities in relation to sustainable transport will differ within urban and rural areas. In this context, I consider that the likely reliance on a car by new residents is a matter that is only of marginal significance in this case and there is no evidence before me to suggest that any associated emissions would be anything other than marginal.

The Balance

17. In relation to the effects on heritage assets, I have recognised that the appeal site contributes to the significance of the Farmhouse, in a small way. In my view it is entirely feasible that a scheme of 40 dwellings could be built on the site which includes the provision of open space close to the boundary with the farmhouse such that its setting and significance would not be unacceptably affected. Even if, as the Council have suggested, that a form of development was arrived at that were to give rise to 'less than substantial harm', taking account of the degree of harm (and even attributing 'considerable importance and weight'), I consider that any such harm would be insufficient to outweigh the benefits of the scheme.

Planning Obligations

18. The appellant has submitted completed obligations in the form of Unilateral Undertakings which relate to provisions for affordable housing, bus stop improvement and a public rights of way contribution. On the basis of the evidence before me I am satisfied that the provision for affordable housing is necessary so that the proposal complies with Policy H4 of the Mid Suffolk Local Plan, subject to the viability of the scheme. I am also satisfied that the provisions relating to the bus stop and public rights of way are necessary as a result of the proposal and are proportionate to it. These provisions also accord with the other requirements of the CIL Regulations and I shall take them into account in the determination of this appeal.

Conditions

19. I have taken account of the advice in the national Planning Practice Guidance (PPG) in relation to the need for and use of conditions. The Council and the County Council have suggested a number of conditions, some of which relate to issues that would be covered by a reserved matters application. It was agreed at the Hearing that these may not be appropriate at this outline stage and relate to landscaping, materials, the layout of the site and the means of access.
20. I have included the standard conditions relating to the submission of reserved matters and the commencement of development. I shall include a condition which requires adherence with the approved plans so that, in this case, the site is properly identified. So that the proposal does not have an unacceptable effect on the locality it is necessary to require the levels of the proposed

dwellingings to be agreed and implemented in accordance with those details. Conditions requiring archaeological works are justified as there appears to be some likelihood of remains on the site.

21. So that the construction process does not unacceptably affect the locality I shall include a condition requiring adherence to an agreed Construction Method Statement. In order to prevent flooding a condition relating to surface water drainage is justified. I agree that a condition which would control any external lighting on the site is justified due to the potential effects on the locality.

Conclusion

22. For the reasons set out above, the appeal is allowed.

S T Wood

INSPECTOR

Richborough Estates

APPEARANCES

FOR THE APPELLANT:

D Fairman
N Fairman

FOR THE LOCAL PLANNING AUTHORITY:

J Pateman-Gee

INTERESTED PERSONS:

M Grant
A Grant
A Kitson
L Smith
D Kearsley
M Davis
P Adams

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SCHEDULE OF CONDITIONS

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) Details of any floodlighting and external lighting shall be submitted to and approved in writing by the local planning authority before the buildings are occupied. Development shall be carried out in accordance with the approved details and so retained thereafter.
- 5) No development shall take place within the site until a programme of archaeological work has been implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.
- 6) No building shall be first occupied until the site investigation and post investigation analysis has been completed, submitted to the local planning authority, in accordance with the programme set out in the written scheme of investigation (as required and approved by condition 5) and the provision made for analysis, publication and dissemination of the results and archive deposition.
- 7) The development hereby permitted shall be carried out in accordance with the following approved plans: 7965/LOC 01 and 7965/LOC 02.
- 8) No development shall take place until a scheme for the disposal of surface water has been submitted to and agreed in writing by the Local Planning Authority. The development shall be undertaken in accordance with these approved details.
- 9) No development shall take place until details of the proposed finished floor levels of the dwellings have been submitted to and approved in writing by the local planning authority. The dwellings shall be constructed in accordance with the approved details.
- 10) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors, including access
 - ii) loading and unloading of plant and materials
 - iii) storage of plant and materials used in constructing the development

- iv) details of the siting of any compounds, temporary structures or facilities for workers within the site
- v) hours of constructions works and the times within which deliveries/collections can be made at the site
- vi) the phasing of the construction period
- vii) the erection and maintenance of security hoarding, where appropriate and the protection of footpaths around the site
- viii) wheel washing facilities
- ix) measures to control the emission of dust and dirt during construction
- x) a scheme for recycling/disposing of waste resulting from demolition and construction works

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