

Appeal Decision

Site visit made on 24 April 2017

by **Graham Chamberlain BA (Hons) MSc MRTPI**

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

Decision date: 4th May 2017

Appeal Ref: APP/J3530/W/16/3165669

Land south of Tudor Cottage, The Street, Bredfield, 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 Mr Ollie & Craig Taylor & Holden against the decision of Suffolk Coastal District Council.
 - The application Ref DC/16/2748/OUT, dated 1 July 2016, was refused by notice dated 16 September 2016.
 - The development proposed is the erection of 10 dwellings with associated parking. Formation of vehicular access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with all matters of detail reserved for future consideration. Nevertheless, drawings have been submitted detailing a possible layout and means of access as well as the scale and appearance of the ten dwellings proposed. The appellants have suggested that they are indicative and therefore I have considered them as such.
3. Since the Council issued its decision it has adopted the Site Allocations and Area Specific Policies Development Plan Document 2017 (DPD). The appellants had an opportunity to address this through their submissions.

Main Issues

4. The main issues in this appeal are:
 - Whether the Council are able to demonstrate a five year housing land supply;
 - Whether the appeal site would be a suitable location for housing having regard to local housing policies and the effect on the character and appearance of the countryside;
 - The effect of the appeal scheme on the setting of Tudor Cottage, a Grade II listed building; and
 - Whether any harm to the significance of a designated heritage asset is outweighed by any public benefits of the proposal.
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Reasons

Whether the Council are able to demonstrate a five year housing land supply

5. Policy SP2 of the CSDMP¹ makes provision for at least 7,900 new homes in the district in the period 2010 to 2027 and this should be the starting point for calculating the district's current housing land supply. However, the 7,900 figure was not based on an up to date objectively assessed housing need (OAN), which at the time of the Local Plan examination was understood to be 11,000 homes. Nevertheless, the examining Inspector made a pragmatic decision to find the CSDMP sound subject to there being an early review of it, which has commenced but is incomplete. Nevertheless, although 7,900 is the adopted figure it is not the OAN for the district and the revised OAN has not been identified. Therefore, a five year housing land supply calculated using the CSDMP figure² would be unreliable.
6. In this respect, my findings are consistent with a recent appeal decision³, where the Inspector considered the Council's five year housing land supply and concluded it could only currently demonstrate a housing supply that is in the region of 3 years. This was based on an OAN that is likely to be a minimum of 11,000 homes, the application of a 20% buffer due to under delivery (1224 homes per annum) and a supply over the next five years of 3757 homes. This decision was issued on the 12 April 2017 and is thus very recent and followed a rigorous testing of the evidence through an Inquiry. Additionally, I afforded the Council an opportunity to comment upon the appeal decision but no further submissions were forthcoming. As such, I am context to attach significant weight to the findings of the previous Inspector.
7. I therefore conclude that the Council are currently unable to demonstrate a five year housing land supply with its housing land supply likely to be in the region of 3 years⁴. As a consequence, Paragraph 49 of the National Planning Policy Framework (the "Framework") states that relevant policies for the supply of housing should not be considered up to date. Policies DM3, DM4 and SP29 of the CSDMP place restrictions on types of housing that can be permitted in the countryside. I therefore conclude that they are policies affecting the supply of housing that are not up to date and in such circumstances Paragraph 14 of the Framework is engaged, a point I will return to.

Whether the appeal site would be a suitable location for housing having regard to local settlement policy and the effect on the countryside

8. The appeal site encompasses a parcel of land located outside the defined physical limits of Bredfield and is therefore located in the countryside. The appeal site does not meet the definition of infilling and thus it does not glean support from Policy DM4 of the CSDMP. Likewise, the proposal would not be the form of development outlined in (a) – (e) of Policy DM3 of the CSDMP and as the proposal would not be isolated the special circumstances for isolated

¹ Suffolk Coastal District Local Plan Core Strategy and Development Management Policies 2013

² Such as that supplied by the Council dated 3 October 2016

³ APP/J3530/W/16/3165730

⁴ I note that this is a different conclusion to the Inspector considering appeal APP/J3530/W/16/3160953, but I have reached my findings based on the evidence before me and I have not been party to the evidence before the other Inspector. As such, there is no inconsistency.

housing in Paragraph 55 of the Framework are not relevant. The proposal is thus contrary to Policies DM3 and DM4 of the CSDMP.

9. It may ultimately prove necessary to provide a site in the countryside to meet some or all of the housing allocation for Bredfield, which is specified in the DPD of at least 10 homes. However, substantive evidence has not been provided that demonstrates that there is not enough sites within the village limits that would provide sufficient space to accommodate some or all of the allocation. In this respect, the DPD specifies that the neighbourhood planning process would be the vehicle for identifying the sites and this is likely to involve a comprehensive review of available sites in and around the village limits. It is understood that this process has commenced and is ongoing.
10. As such, on the available evidence I am not satisfied it is necessary at this time to develop the appeal site to meet the housing allocation for the village and therefore the proposal is at odds with Policy SP29 of the Local Plan, as it would be housing in the countryside that does not need to be there. The proposal is thus contrary to the planned strategy for housing outlined in the CSDMP and the DPD. Furthermore, the proposal would urbanise farmland which is currently open and provides an attractive view from the edge of the village out over the adjoining countryside and towards distant woodland.
11. I therefore conclude that the proposal would not be a suitable site for housing when having regard to local housing policies taken together alongside its adverse effect on the character and appearance of the countryside. However, the local housing Policies DM3, DM4 and SP29 are out of date by virtue of the Council's inadequate five year housing land supply. As these policies generally restrict housing in the countryside they cannot be afforded full weight. Instead, I have given them moderate weight because the Council are working on addressing the shortfall and this has resulted in an upward trend in supply⁵. As such, I afford the conflict with the housing policies of the development plan, identified above, moderate weight as a matter against the proposal. Additionally, I afford the harm to the countryside arising from the proposal moderate weight as the Framework requires recognition to be given to the intrinsic character and beauty of the countryside.

The effect on the setting of Tudor Cottage, a Grade II listed building

12. Tudor Cottage is an example of the local Suffolk vernacular. It is therefore intrinsically born out of the rural landscape in which it sits, making the rural context in which it is viewed and experienced important to its setting. This includes the appeal site which directly adjoins its southern boundary and currently comprises open and undeveloped farmland. This open aspect allows Tudor Cottage to be appreciated with a degree of isolation in views along The Street and therefore somewhat detached from the village. This is evident in views looking into and out of the village along the Street. The village also appears distant in views from Tudor Cottage.
13. An assessment of the building's setting has been submitted by the appellants in the form of a Heritage Impact Assessment and this also refers to Tudor Cottage

⁵ The DPD and Felixstowe Area Action Plan have identified land for 8,670 homes, which is in excess of the CS figure but below the likely OAN.

sitting 'in isolation'. As such, the perception of remoteness from the village is important to the building's sense of connection to the wider countryside.

14. The appeal scheme has been submitted in outline although a detailed layout plan has been submitted. This is supported by a Design and Access Statement in which the appellants explain that the village is characterised by frontage linear development and that this is a pattern of development which would need to be replicated in the appeal scheme for it to integrate into the form of the village. From what I observed during my site visit I share this view. As such, it is likely that if approved, the proposal would result in housing spanning the width of the appeal site in a similar way to that envisaged on Drawing 001.
15. In effect, the proposal would fill the gap between the village hall and Tudor Cottage. This would have the effect of bringing Tudor Cottage into a built street scene with an inadequate gap with the village. This would significantly erode its existing agricultural setting. In particular, development in the proximity of Plots 1-5 would notably diminish the sense of space around Tudor Cottage, its separation from the built form of the village and its connection to the wider landscape. Moreover, it is also likely that the proposal would obscure views of the southern gable of Tudor Cottage from the village hall car park and in views along the street looking north.
16. The appellants have referred to a site in Hacheston where a similar relationship between new houses and a listed building was approved by the Council. However, the full details of the proposal are not before me and therefore I am unable to conclude whether my findings would be inconsistent with the Council's decision. In any event, as every site is different I have considered the appeal scheme on its own merits and have found it to be harmful for the reasons outlined. As such, I conclude that the proposal would significantly harm the setting of Tudor Cottage and this would be contrary to Policies SP15 and DM21 of the CSDMP, which seek to protect heritage. Tudor Cottage would remain unaltered and thus the significant harm would be less than substantial within the meaning of the Framework. This is the ultimate conclusion reached in the appellant's Heritage Impact Assessment.

Whether the less than substantial harm to the significance of a designated heritage asset is outweighed by the public benefits of the proposal

17. The Council are currently unable to demonstrate a five year housing land supply as required to by the Framework. In such circumstances Paragraph 14 of the Framework is engaged. This states that where relevant policies are out of date permission should be granted unless any adverse impacts would significantly and demonstrably outweigh any benefits when assessed against the Framework as a whole *or* specific policies in the Framework indicate development should be restricted.
18. Paragraphs 17 and 132 of the Framework seek to conserve heritage assets and state that any harm to a heritage asset should require clear and convincing justification. Paragraph 134 of the Framework states that where a proposal would lead to less than substantial harm to a designated heritage asset, the harm should be weighed against any public benefits of the proposal. This

places a restriction on development⁶. Therefore, the test to apply to the appeal scheme is the balance in Paragraph 134 of the Framework and not whether any adverse impacts of the proposal would significantly and demonstrably outweigh any benefits.

19. The proposal would provide a number of public benefits. It would provide ten houses that would meet the housing allocation for the village, provide a New Homes Bonus and contribute in a modest way to addressing the Council's significant shortfall in housing land supply. However, substantive evidence has not been submitted that demonstrates the appeal site is the only option available for delivering the village's housing allocation or that the allocation needs to be on a single site. Moreover, the local community are in the process of preparing a neighbourhood plan which will consider this issue further as the plan progresses past its early stages. In this respect, reference has been made to infilling, conversions and alternative sites as a means of addressing the housing allocation for the village. Therefore, it has not been demonstrated that it is necessary to harm the setting of Tudor Cottage to achieve these public benefits. As such, I afford them only moderate weight in this instance.
20. The appeal scheme drawings demonstrate that it would be possible to provide a public open space as part of the proposal but it is unclear whether there is a shortage of public open space in the village. Moreover, the access and management arrangements for it have not been clarified. As such, the proposed open space also accrues moderate weight as a public benefit.
21. The proposal would support construction jobs. It would also be close to local facilities and this could assist the vitality of the rural community through the spending power of the future occupants of the appeal scheme. However, the benefits to the construction industry would be time limited and it is unclear whether local facilities are struggling and would thus benefit significantly from increased patronage. Thus, these benefits are of moderate weight. The proposal has the potential to provide a housing mix with some smaller homes but there is no mechanism before me to secure this and as the proposal has been submitted in outline the final scheme could include a different housing mix. Consequently, this is not a matter of notable weight. Taken together, the public benefits of the proposal are matters of moderate weight in favour of it.
22. The proposal would result in the relocation of an 11kv overhead wire. However, this wire would be replaced with 10 dwellings and the associated paraphernalia and thus the overall impact on the countryside would not be lessened. As such, this is a matter of neutral weight. Similarly, the proposal has the potential to be well designed by retaining the road side hedge and responding to the local vernacular, but a good design is to be expected and is thus a neutral matter. Especially as the site is attractive in its current state so the design would not be remedying any significant visual defect. The CIL contribution is to off-set the impacts of the proposal on local infrastructure so this is also a neutral consideration. These neutral matters do not amount to public benefits.
23. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the setting of Tudor Cottage. The Framework requires great weight to be given to

⁶ Footnote 9 to Paragraph 14 of the Framework lists policies relating to designated heritage assets as policies restricting development. In this context the Framework requires the policies restricting development to be followed rather than the tilted balance elsewhere in Paragraph 14.

the conservation of designated heritage assets. Accordingly, when attaching special regard and great weight to the desirability of preserving the setting of Tudor Cottage, the significant harm to the setting of the listed building, which in this case would be less than substantial harm to a designated heritage asset, would not be outweighed by the moderate public benefits of the proposal. I therefore conclude that there would be a conflict with Paragraph 132 of the Framework as the harm arising from the proposal would not have a clear and convincing justification.

Conclusion

24. The proposal would result in significant harm to the setting of Tudor Cottage which would be contrary to Policies SP15 and DM21 of the Local Plan. When applying Paragraph 134 of the Framework the proposal would result in less than substantial harm to the setting of Tudor Cottage which is not outweighed by public benefits. This is contrary to Paragraph 132 of the Framework. A specific policy of the Framework therefore indicates development should be restricted even though the Council cannot currently demonstrate a five year housing land supply.
25. Additionally, as housing in the countryside the proposal would be at odds with Council's housing strategy outlined in Policies SP29, DM3 and DM4 of the LP. This is an adverse impact of moderate weight against the proposal. The proposal would also harm the character and appearance of the countryside and this is also a matter of moderate weight against the appeal scheme. These adverse impacts add to the overall body of harm. Consequently, the proposal is not sustainable development for which the Framework carries a presumption in favour.
26. The appeal scheme would be contrary to the development plan and material considerations do not indicate planning permission should be forthcoming in spite of this. Accordingly, for the reasons given above, and having regard to all other matters raised, I conclude the appeal should be dismissed.

Graham Chamberlain
INSPECTOR