



Appeal Decision

Site visit made on 25 September 2018

by **J Gilbert MA (Hons) MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 October 2018

Appeal Ref: APP/W3520/W/18/3198244

Land rear of The Leas, Quoits Meadow, The Street, Stonham Aspal IP14 6DE.

- 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 R Tydeman against the decision of Mid Suffolk District Council.
 - The application Ref DC/17/04419, dated 25 August 2017, was refused by notice dated 18 December 2017.
 - The development proposed is erection of 9 dwellings.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr R Tydeman against Mid Suffolk District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The application was made in outline with some matters of detail reserved for future determination. Although matters of appearance, landscaping, layout and scale are not formally submitted for determination, the submission is accompanied by the location plan at scale 1:2500 and the appellant's planning statement to which I have had regard.
4. The revised National Planning Policy Framework (the revised Framework) was published on 24 July 2018. I have taken the parties' comments on the revised Framework into account in reaching my decision.

Main Issues

5. The main issues in this appeal are the effect of the proposed development on:
 - the character and appearance of the area, including the setting of the nearby Grade II listed Orchard Farm; and
 - the living conditions of neighbouring occupiers at 3 Quoits Meadow and The Leas, with particular regard to noise and disturbance.

Reasons

Character and appearance

6. Quoits Meadow is a cul de sac of 6 detached two-storey houses. The houses are set back from the road behind grassed front gardens with trees. The access to the appeal site would run from Quoits Meadow across the existing front garden and through the rear garden of The Leas at 4 Quoits Meadow.
7. Located outside the settlement boundary of Stonham Aspal, the appeal site lies behind houses on Quoits Meadow's eastern side. The appeal site consists of a fenced paddock and stables, part of The Leas' gardens and house, and part of the paddock's access track. The access track runs past Grade II listed Orchard Farm and terminates at The Street. There is open countryside to the appeal site's north and east.
8. The proposed development would comprise up to 9 houses located off a vehicular access between 3 Quoits Meadow and The Leas. The proposed vehicular access would involve parts of The Leas' existing front and rear gardens. The proposed development would also necessitate removal of part of the existing house at The Leas adjacent to the proposed access.
9. The listed building at Orchard Farm is a late 16th century former farmhouse with major mid 19th century alterations. It is a two-storey timber-framed, red brick and plastered farmhouse with plain-tiled roofs. The listed building is set within a generous plot with a number of outbuildings and gardens to the front and side, with views northwards across the appeal site to open countryside that forms part of the listed building's setting. The listed building is screened from The Street by trees and shrubs, but views of the listed building open up on the approach to the listed building via the access track. While modern development has encroached on the listed building on its southern, eastern and western sides, intervisibility remains between the wider countryside, the appeal site itself and the listed building, as I observed on my site visit.
10. The listed building's significance is informed by its architectural and historic interest as a building dating back several centuries with the survival of key features. The setting of the listed building also contributes to its significance, and I have had special regard to preserving the setting as required by the statutory duty set out in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
11. The extent of a heritage asset's setting is not fixed and may change as the asset and its surroundings evolve. Despite the presence of a track separating the appeal site and the listed building, the appeal site has inherent value as an established area of undeveloped space behind Quoits Meadow and within the setting of the listed building at Orchard Farm.
12. The appeal site may be large enough to accommodate 9 houses of single or two storeys in height. Furthermore, the houses would be likely to be of sympathetic vernacular design and finish to the listed building at Orchard Farm. However, the proposed development would fundamentally change the appeal site's nature and its relationship with the listed building, as the proposed houses would diminish the listed building's setting and would reduce views of open land from the listed building's surroundings and reduce views through to the listed building from the appeal site itself. While matters of detail such as

- appearance, landscaping, layout, and scale would be addressed as part of reserved matters, I am unconvinced that these matters would satisfactorily address the setting of the listed building.
13. The vehicular access to the proposed development would be positioned north-west of the existing house at The Leas. It is clear that part of the house at The Leas would be removed. The Leas is visible from the vehicular access into Quoits Meadow. Nonetheless, given that the houses on Quoits Meadow are at different angles to the street, and have differing proportions and distribution of fenestration, I consider that the proposed demolition of part of the house would not in itself harm the character and appearance of the area.
 14. However, the proposed access between No 3 and The Leas would involve the removal of existing trees on the appeal site's road frontage, a reduction in landscaping adjacent to The Leas, and the introduction of a vehicular access along a heavily vegetated boundary between No 3 and The Leas. I consider that this element of the proposed development would have a detrimental effect on the character and appearance of Quoits Meadow.
 15. The harm to the significance of the listed building at Orchard Farm would be less than substantial, but still important given the effect of the proposed development on the setting of the listed building. Paragraph 196 of the revised Framework provides for a balancing exercise to be undertaken, between "less than substantial harm" to the designated heritage asset, on the one hand, and the public benefits of the proposal, on the other.
 16. The provision of up to 9 houses would provide additional housing and would allow for new families to move into the area or families to move within the area. The housing would be close to some services, and may help maintain the vitality of rural communities in accordance with paragraph 78 of the revised Framework. The construction phase would also have beneficial effects in terms of the economy. Furthermore, the occupiers of the new homes would be likely to use services and facilities in Stonham Aspal and neighbouring villages. I also acknowledge the possibility of walking or cycling to some services, and that bus services link the village with Ipswich, Eye and Diss. As such, the proposed development would not be entirely reliant on the private car, with associated benefits in terms of emissions. I attribute moderate weight to the economic, social, and environmental benefits the proposal would make to the local economy and housing stock. This would be insufficient to outweigh the harm identified to the significance of the listed building. I therefore conclude the proposal would fail to comply with national policy outlined in the Framework and referred to above.
 17. Concluding on this main issue, the proposed development would have an adverse effect on the character and appearance of the area and would fail to preserve the setting of the listed building at Orchard Farm. Accordingly, the proposed development would be contrary to policies GP1, H13, H15, and HB1 of the Mid Suffolk Local Plan 1998 (LP) and policy FC 1.1 of the Mid Suffolk District Core Strategy Focused Review 2012 (CS). LP policies GP1, H13 and H15 require, amongst other things, that proposals maintain or enhance the character and appearance of their surroundings, and respect the scale and density of surrounding development, while LP policy HB1 confirms that particular attention will be given to protecting the settings of listed buildings.

CS policy FC 1.1 requires, amongst other things, development to conserve and enhance local character.

18. The proposed development would not meet the aims of the Framework as it would fail to sustain the significance of the setting of a listed building, where the public benefits would not outweigh the harm. In addition, for the reasons set out above, the statutory duty within Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 would not be met.

Living conditions

19. Quoits Meadow is a cul de sac located north of The Street, the main road through Stonham Aspal. Both roads have a 30mph speed limit. At the time of my site visit, Quoits Meadow and The Street were quiet, with intermittent traffic movements along The Street and only one car movement within Quoits Meadow itself. Traffic movements will vary throughout the day and week, and it would not be unreasonable to expect an existing level of noise and disturbance arising from such vehicle movements. However, there is no evidence to suggest that the main body of the appeal site currently generates frequent or excessive levels of noise, instead forming a paddock adjacent to a built-up area where the frequency of access is likely to be limited.
20. No 3 is a detached two-storey house which has a number of windows and a glazed porch area at ground floor level to the side elevation directly facing the access to the appeal site. Although there are differences in measurements expressed by the appellant and the neighbouring occupier at No 3, it was clear from my site visit that No 3's side elevation is located within a few metres of the shared boundary with the appeal site's proposed access. The existing timber fence between No 3 and The Leas is approximately 2m in height, while the boundary between the rear gardens is heavily planted with trees and shrubs. Additionally, the rear windows to both No 3 and The Leas would be located perpendicular to the proposed access.
21. The revised Framework states at paragraphs 170 (e) and 180 that planning decisions should avoid unacceptable risk from, or being adversely affected by, unacceptable levels of noise, while the Planning Practice Guidance¹ confirms that noise needs to be considered when new developments may create additional noise. In line with the Noise Policy Statement for England's explanatory note, this would include identifying whether the overall effect of the noise exposure is, or would be, above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation.
22. While the Highway Authority considers the proposed vehicular access to Quoits Meadow to be acceptable subject to conditions, the proposed access would be located close to existing houses and their gardens at No 3 and The Leas. No information has been provided regarding the likely number of vehicle movements per dwelling per day, although the appellant consider that the level of traffic generated would not be significant in terms of current traffic levels through the village. Although the number of vehicle movements would not necessarily be particularly high, these movements would all pass the houses and gardens at No 3 and The Leas. The noise and disturbance generated throughout the day and night would be noticeable, including the noise of

¹ Paragraph Reference: 30-001-20140306 When is noise relevant to planning?

vehicles and the additional lighting provided by car headlights. I do not consider that it has been adequately demonstrated that this would not result in a significant observed adverse effect level on health and quality of life. This would therefore have a negative effect on the living conditions of occupiers of No 3 and The Leas. While the existing occupier at The Leas is the appellant, this would not render it acceptable as it is necessary to consider the effect on the living conditions of neighbouring occupiers, both existing and future as referred to in paragraph 127(f) of the revised Framework.

23. Notwithstanding their view on any adverse effect on the neighbouring properties at No 3 and The Leas and the likely lack of windows and doors to the amended flank elevation of The Leas, the appellant has suggested that new acoustic fences or walls would be erected to attenuate any noise from traffic using the proposed access. Given the level of information provided, it is not possible to establish whether the use of a condition for acoustic boundary treatments would satisfactorily address any adverse effect on the living conditions of neighbouring occupiers at No 3 and The Leas.
24. While I note the lack of objection from the Council's Environmental Health officers, this does not alter my findings in this instance. Furthermore, although the Council's decision was made against officer recommendation and the Planning Committee did not formally visit the site before making their decision, it is possible to see from the location plan that the proposed access would be sited close to both No 3 and The Leas.
25. Concluding on this main issue, I consider that the proposed development would have a detrimental effect on the living conditions of neighbouring occupiers of 3 Quoits Meadow and The Leas, with particular regard to noise and disturbance. Consequently, the proposed development would be contrary to LP policy H16 and the revised Framework. LP policy H16 requires development not to materially reduce the amenity of adjacent dwellings. Although I recognise that the Council has not referred to specific paragraphs of the revised Framework, the development would also conflict with paragraphs 127 (f), 170 (e), and 180 of the revised Framework as set out above. LP policies GP1 and H13 have been referred to in the Council's reason for refusal, but although they are both policies on design and layout, neither appear directly relevant in this instance in respect of noise and disturbance.

Other Matters

26. A number of letters of support were submitted as part of the planning application process. While I have addressed the provision of further housing and the benefits to the local economy above, I also note that the proposed development would not be likely to have an adverse effect on highway safety.
27. I note that neighbouring residents and the Parish Council have raised a range of concerns regarding the proposed development. Given my findings on the main issues, it has not been necessary for me to consider these concerns in any detail.
28. The appellant asked the District and County Councils for pre-application advice. I also note that the appellant has exercised his right to submit an outline application. Furthermore, I acknowledge the need for local authorities to approach decision-making in a positive and creative way in line with the

revised Framework. However, this does not alter my findings in respect of this appeal.

29. The appellant has discussed a recent outline planning permission 4847/16 at Green Farm, Crowfield Road. However, I have limited information on this proposal and therefore cannot confirm the similarity of its circumstances with the appeal before me.

Planning Balance

30. Although the Council acknowledged at the time their decision was issued that it was unable to demonstrate a 5 year supply of housing land (HLS), the Council's appeal statement refers to a 6.5 year HLS. The appellant has referred me to a recent appeal decision² where the Inspector considers that a 5 year supply of deliverable housing land has not been demonstrated. This would require the application of paragraph 11 (d) of the revised Framework.
31. However, footnote 6 to paragraph 11(d) of the revised Framework sets out specific policies in the revised Framework which indicate that development should be restricted, including designated heritage assets. Given that I have found above that the revised Framework's policies relating to heritage assets indicate that development should be restricted, the presumption in favour of sustainable development does not apply to this appeal.
32. To conclude on the planning balance, I consider that the proposed development would have an adverse effect on the character and appearance of the area and the setting of the listed building at Orchard Farm, and would cause harm to the living conditions of neighbouring occupiers at 3 Quoits Meadow and The Leas, with particular regard to noise and disturbance. These are significant factors weighing against the proposed development and would render the proposed development contrary to LP policies GP1, H13, H15, H16, and HB1, and CS policy FC 1.1.

Conclusion

33. For the reasons set out above, the appeal is dismissed.

J Gilbert

INSPECTOR

² APP/W3520/W/18/3194926, decision issued 28 September 2018.