

Committee Report

Item 7B

Reference: DC/19/05761

Case Officer: Sian Bunbury

Ward: Rattlesden

Ward Member/s: Cllr Penny Otton

RECOMMENDATION – REFUSE PLANNING PERMISSION

Description of Development

Planning application - Erection of off-grid sustainable dwellinghouse with associated parking, landscaping, sewage treatment plant and improved access to highway. Detached garage and annexe.

Location

Land south of Mill Road, Buxhall, Suffolk.

Expiry Date: 03/04/2020

Application Type: FUL - Full Planning Application

Development Type: Minor Dwellings

Applicant: Mr & Mrs Miller

Agent: Beech Architects

Parish: Buxhall

Site Area: 8898sq.m.

Details of Previous Committee / Resolutions and any member site visit: None

Has a Committee Call In request been received from a Council Member (Appendix 1): Yes

Has the application been subject to Pre-Application Advice: Yes

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason/s:

Member call-in.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF National Planning Policy Framework 2019

Core Strategy Focused Review 2012:

FC01 - Presumption In Favour of Sustainable Development
FC01_1 - Mid Suffolk Approach to Delivering Sustainable Development
FC02 - Provision and Distribution of Housing

Core Strategy 2008:

CS01 - Settlement Hierarchy
CS02 - Development in the Countryside & Countryside Villages
CS05 - Mid Suffolk's Environment

Mid Suffolk Local Plan 1998:

GP01 - Design and layout of development
HB1 – Protection of historic buildings
H7 – Restricting housing in countryside
H13 - Design and layout of housing development
H14 - A range of house types to meet different accommodation needs
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
T09 - Parking Standards
T10 - Highway Considerations in Development
CL08 - Protecting wildlife habitats

Supplementary Planning Documents:

Suffolk Adopted Parking Standards (2015)
Suffolk Design Guide

Neighbourhood Plan Status

This application site is not within a Neighbourhood Plan Area.

Consultations and Representations

During the course of the application Consultation and Representations from third parties have been received. These are summarised below.

A: Summary of Consultations

Parish Council (Appendix 3)

Buxhall Parish Council

Object. The site is currently undeveloped and sits within a historic part of the village with many listed buildings, reinforcing the rural nature in which they stand. Such a modern dwelling would detract from these buildings causing significant harm to the area and to these historic buildings. The character of this part of the village would be lost forever.

National Consultee (Appendix 4)

Historic England

No comments. Suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

Natural England

No comments.

County Council Responses (Appendix 5)

SCC Highways

No objection subject to conditions, relating to layout of access, visibility splays, storage and presentation of refuse bins.

SCC Fire and Rescue

Comment on Access and Fire Fighting Facilities and Water Supplies.

Internal Consultee Responses (Appendix 6)

Heritage

The current application appears to reflect the most recent application (DC/19/03352). It is not apparent that there have been any alterations to consider. Therefore, please refer to my earlier comments dated 22/08/2019 and 20/09/2019.

22/08/2019 comments:

This application is for the erection of one dwelling, detached garage/annexe, access and landscaping. It follows a recent refusal for broadly the same scheme, reference DC/18/05321. The issues of the Heritage Team concern therefore remains the same in regard to designated heritage assets, as outlined previously.

This current scheme consists of minor amendments including changes to the site layout (although the concept plan is inconsistent and differs from the proposed site plan), but is largely similar in scope. This submission includes a Heritage Statement and so the following comments relate to this supporting document but should be read in conjunction with the Heritage Team's earlier response to the previous application.

(NB. It may be worth noting that there appears to be problems with the formatting of the Heritage Statement document when viewing the electronic version, and so the maps illustrating the 'setting areas' are difficult to interpret, often being missed off the bottom of the page.)

Whilst this current scheme now addresses NPPF para. 189 by providing a Heritage Statement, the content of the statement is questionable. Much of the assessment of setting and contribution made to the significance of the various heritage assets appears to consider views as the extent. It dismisses the impact of the proposal by summarising 'the settings of the nearby listed building[s] will not be adversely affected. There will be no heritage impact on any other nearby heritage assets.' but it does not provide adequate explanation as to why this is the case.

Within the Statement are various historic maps and maps which have been annotated with an area considered by the author to be the extent of the setting of listed buildings in the vicinity. Whilst it is acknowledged that Historic England guidance on the setting of heritage assets explains that setting can be

mapped for the sake of informing an individual application, the results demonstrated in this case have not been justified and are dubious. For example, figure 22 (p. 27) of the statement shows the 'area of setting' for the Old Rectory as omitting the south side of the church but with no explanation as to how this conclusion was reached. Is it not feasible that the extent of the Old Rectory's setting is greater than this and includes the church and its grounds as a whole due to the inherent narrative and functional link between the two buildings? P.4 of the Statement suggests that the proposal site is outside of the area in which one experiences the Old Rectory and 'it is the field to the south of the site and view to the south and east... that contributes to the rural setting'. This seems to be a flawed argument which chooses to omit the proposal site from its setting for convenience and perhaps due to the presence of 'screening'. It does not, however, acknowledge the rural nature of the proposal site as part of the wider context of the village in which the Old Rectory stands.

Other examples are figures 14 and 15 (p.25) which shows the 'area of setting' for Lawn Cottage and Old Lawn Cottage. This appears to suggest the setting of these two assets abruptly ends arbitrarily halfway through the proposal site and field. This also appears to roughly align with the proposed hedge to the east of the proposed new dwelling. These figures seem to imply that setting is based on views alone, although the Statement states that they have been informed by how the asset is 'experienced'. Historic England guidance on setting confirms the definition of setting as being 'the surroundings in which a heritage asset is experienced'. It goes on to explain that 'although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration... and by our understanding of the historic relationship between places'. The maps provided in the Statement of each asset and its 'area of setting' perhaps conveniently falls outside of the area to the west of the proposed hedge line where the new dwelling would be positioned. It does, however, appear to acknowledge that the setting of various buildings does extend into the proposal site, past existing trees and hedgerows – albeit only in some instances – and so provides conflicting information with little reasoning. P.30 concludes that 'with the exception of the eastern half of the field within which the site sits, the site lies outside the settings of the surrounding listed buildings' but with no justification. This raises doubt in regard to how convincing the assessment of setting and potential impact is, and therefore the validity of the Statement.

Furthermore, the map regression provided by historic OS maps demonstrates that the proposal site has been an undeveloped area of land since at least 1884 with no fundamental changes – which is acknowledged in the table summary (p.29) of the Statement. The extent of buildings on the land to the south of the proposal site has incrementally expanded, spreading away from the modest roadside buildings evident on the 1884 map into the rural landscape to the north. As stated in the Heritage Team's response to the previous application, the proposal site is an area of surviving undeveloped land which is indicative of its agricultural location. It positively contributes to the setting of assets in the vicinity and reinforces the rural context in which they stand, forming a fundamental part of their significance. The narrative relationship between the proposal site and many of the listed buildings in the vicinity would be eroded by the proposed development.

The Heritage Team's initial view is therefore maintained and the concerns have not been addressed. The proposal to develop the site would extend the modern development to the south, into undeveloped land. It would impinge upon this land which is currently flanked by historic and listed buildings. Views through and across the land, also reached via footpaths, would be commuted, reducing the experience and appreciation of both the Church and the intervisibility of many of the listed buildings flanking the site. Its character as an undeveloped field is fundamental to its contribution to the setting of many of the listed buildings, and as such the principle of the proposal is not supported. In terms of the NPPF, the scheme is considered to cause a medium level of less than substantial harm to the designated heritage assets. This is a high bar. In regard to the P(LBCA)A 1990, the scheme would not preserve the settings of either listed building. There is a statutory duty at s.66 to have 'special regard to the desirability of preserving the listed building or its setting'. The courts have recently interpreted this as making preservation of listed buildings 'presumptively

'desirable' and requiring preservation to be afforded 'great or considerable weight' as a 'high priority'. Any harm to any listed building is to be treated in this way. In the Barnwell Manor High Court case, The Honourable Mrs Justice Lang stated that 'in my opinion the addition of the word 'desirability' in Section 66(1) [of the P(LBCA)A 1990] signals that 'preservation' of setting is to be treated as a desired or sought after objective...'

20/09/19 comments:

It is acknowledged that some additional reasoning has been provided in the supporting documents, however, the Council's Heritage Team view has not been altered by these conclusions. The extent of various assets' settings in these documents are often referred to in terms of views, boundaries and the approach roads. The settings do not include the proposal site within the undeveloped field opposite, but claims are made that the assets are not 'experienced' in this part, although the field forms part of the rural environment in which they stand. The Heritage Team's opinion regarding the effect of this proposal and the setting clearly differ from the agent's.

In two recent appeals which were dismissed in the Babergh and Mid Suffolk Districts, the Inspector considered how setting is not limited to inter-visibility or the curtilage but can extend to the surrounding countryside. The second appeal was for a site just over the road to the north west of this proposal site in Buxhall. Below are quotes from the two recent examples, pertinent to this scheme: (Appeal references APP/W3520/W/19/3226049 and APP/W3520/W/19/3226943)

Great Blakenham '...advice given by Historic England states that while many day-to-day cases will be concerned with proposals in the vicinity of an asset, development further afield may also affect significance, particularly where it is large-scale, prominent or intrusive... and such limited inter-visibility does not justify the harm that would be caused.'

'...whilst I recognise that the surroundings of a heritage asset will change over time, I am not of the view that previous negative changes to the setting of the listed building should not be used to justify further harm to its significance...'

'I acknowledge that views of the proposed dwellings would be restricted from outside and within the site by existing mature trees, hedges and shrubs, and that these would be reinforced by additional planting. However, I do not consider the screening of a development by landscaping to be a sound basis upon which to justify an otherwise harmful scheme as this could be repeated too easily...'

Buxhall '...the very function and rationale of the heritage asset is inherently linked to proximate countryside. From the various historical plans... it is clear that there has been open countryside immediately to the west of the farmstead at Cottage Farm as part of a long standing situation of a very scattered pattern of development on this part of Mill Road. Part of the heritage significance... is a countryside context.'

'...the tall boundary wall... the access road and hedgerows abutting the... appeal site. Whilst I accept that in some immediate views, these features limit inter-visibility between the listed building and the appeal proposal, setting is not entirely a visual matter and certainly not confined to what may or may not be the original curtilage of the building.'

'The NPPF defines setting of a heritage asset as the surroundings in which a heritage asset is experienced. The extent of setting is not fixed such that it can include wider concepts of openness and landscape character... the rural, verdant nature of the appeal site, in such close proximity, makes a positive contribution to the setting of the heritage asset in terms of appreciating and understanding its significance... in the countryside.'

'...the rich rural milieu would be tangibly eroded...''

'...a nearby proposal for an energy efficient dwelling... The energy performance of housing stock needs to improve more generally as part of transitioning to a net zero carbon future such that I ascribe little weight to this benefit which to some extent would be offset by the degree of car dependency at the appeal location... the level of benefit identified would not be sufficient to outweigh the harm to heritage assets, which the NPPF identifies are an irreplaceable resource.'

Furthermore, comments made on the previous scheme (DC/18/05321) – which is very similar to the current scheme – need not be replicated here. They can, however, be referenced for this application as they are still pertinent and do explain why the Heritage Team considers that the proposal site in its current undeveloped form does stand within the setting of various listed buildings and makes a positive contribution to their significance. Please refer to these comments dated 22nd February 2019, for clarity.

The additional supporting statement confirms our previous assumption that the illustrated 'area of setting' for Lawn Cottage and Old Lawn Cottage is arbitrary and demonstrates why the mapping of settings is both unhelpful and contentious in some cases. Whilst the Team acknowledges that mapping settings is possible for an individual application, as per Historic England's guidance, a recent settings course at Oxford University's Department for Continuing Education suggested it was not best practice to do so, for these very reasons. If these settings maps are arbitrary, what is to suggest the other areas defined in the Heritage Statement are not also arbitrary? In this instance, there is a fundamental disagreement about both the extent of setting and the contribution the proposal site makes to the significance of the assets.

The amended Heritage Statement also now states that the modern buildings associated with Tomlinson Groundcare to the south of the proposal site are 'a harmful element within the setting' of the Old Rectory. In addition, the former poultry sheds which are now part of the horticultural and garden machinery dealership are also considered to 'form a harmful element within the setting of the church' p. 30. As such, the proposed development of a currently undeveloped area of land which the Heritage Team considers to positively contribute to the rural setting of various assets, has the potential to repeat this harmful effect of the modern buildings to the south, and cumulatively diminish the assets' significance. Note the Inspector's opinion in regard to not repeating the effect of harmful schemes.

The Heritage Team therefore maintains its view that the proposal would cause a medium level of less than substantial harm to the designated heritage assets. The application does not therefore meet the requirements of s.66 of the P(LBCA)A 1990, nor the principles of the NPPF, or the policies within the Local Plan. It is for these reasons that the Heritage Team objects to the proposal.

Strategic Housing

As this is for one dwelling the contribution required will be in the form of a commuted sum. We would seek a sum equal to 35% of one dwelling based on a 2 bed house for district wide need: £26,577. 50

Environmental Health – Land Contamination

No objection.

The LPA should be contacted in the event of unexpected ground conditions being encountered during construction and that minimum precautions are undertaken until such time as the LPA responds to the notification. The developer should be made aware that the responsibility for the safe development of the site lies with them.

B: Representations

At the time of writing this report at least 13 letters/emails/online comments have been received. It is the officer opinion that this represents six objections and seven supporting submissions. A verbal update shall be provided as necessary.

Views are summarised below:-

Objections:

- There has now been three applications for this dwelling and there is still no significant or material changes to the first and second application.
- Have become accustomed to 'The Lawn' as nearby resident for 35 years. It has been grazing pasture for dairy cattle and sheep, and with views over.
- The undeveloped land is integral and significant to the whole composition of the heritage assets, views and rural importance in this historic core.
- This modern development would negatively impact rather than enhance its immediate, distinctive historic setting.
- Local books mention the land, dating back to Henry V111.
- The high hedges have only been so for 2-3 years, and already have a significant impact on a valuable visual amenity.
- The plans show that more trees and hedges will be a feature of the development. Residential development will clash aesthetically with the listed buildings around.
- Two black buildings with a surrounding red brick wall will not sit comfortably in close proximity to several grade 2 listed properties.
- The proposed residence is not in proportion to the listed building setting, nor sensitive to their defining characteristics, nor would it make a positive contribution to this setting.
- The focal point is the Grade 1 listed church and adjacent Coppering Hall. Para 194 of NPPF indicates harm should require clear and convincing justification and the development should be 'wholly exceptional.'
- If granted this may open the door for further unwelcome development.
- Ref para 79 of the NPPF the applicant's business is horticultural machinery not farming.
- Other than the inclusion of supporting statements there are no material changes to the original application which was refused. The same objections and reasons for refusal apply to this application.
- Supporting statement refers to Suffolk's 5 year plan, some out of date policies and other legal rulings to justify the development, as well as approval at Oaklands. The circumstances are not the same.
- Applications for two new houses immediately to the west of Cottage Farm Barn were refused and dismissed at appeal in 2019.
- Accessible location? - 2 days a week bus to Stowmarket is often full and not able to collect passengers from Buxhall. The service is only guaranteed until March 2020.
- The access is in the middle of the bends where accidents have occurred. Alternative sites could have taken access off Brettenham Road, alleviating traffic concerns.
- Walking along the roads and countryside paths is unrealistic - unlit, no pavement, blind bend. The family owns alternative sites and a property which could meet the local family need.
- The commissioned heritage statement and books on local history clearly illustrates the wholly unique listed setting of this undeveloped area.
- The 'historic core of the village' should be protected and preserved in line with national and local planning policies. One of the aims and objectives of the Core Strategy is for 'A better heritage for future generation - Improve and protect the natural environment; sustainable use of natural resources; develop environmental awareness; and safeguard the cultural and historical heritage of the District.'

Supporting:

- The proposal gives clear and convincing justification for the development and the public benefits outweigh the potential impact on neighbouring properties.
- The applicants have shown great care and attention in the planning and design and made considerable changes in order to make the lowest impact.
- Applicants have sought professional advice in Heritage and Landscaping.
- Substantial adjustment of the house location and landscape strategy.
- Tree planting will soften the visual impact and support wildlife.
- The family support the local community, are not developers and aim to build a sustainable, sympathetic barn style house.
- Young people should be supported and welcomed back to villages.
- One if not two residents would walk to work in the family business so the impact of additional traffic would be minimal.
- Contribution to economic and social sustainability of the village, and lack of 5 year land supply. Development would be a 21st century design with a nostalgic nod to traditional Suffolk buildings and add to the evolution and mosaic of design periods.
- Should support environmentally conscious, sympathetic designs.
- Access can view a good stretch of road in either direction.
- Will complement the black barn opposite the site entrance.
- When the meadow was for sale it was considered unsuitable for grazing, being too small and with fencing needing to be replaced.
- Fails to see the different impact on listed buildings compared to the new building opposite Leffy Hall, or the conversion of barns opposite there.
- Will generate local jobs during construction.
- Will help to sustain and improve vitality and local services.

(Note: All individual representations are counted and considered. Repeated and/or additional communication from a single individual will be counted as one representation.)

PLANNING HISTORY

REF: DC/18/05321	Full Planning Application - Erection of 1 dwelling with associated parking, landscaping, sewage treatment & creation of vehicular access. Erection of detached garage and annexe.	DECISION: REF 06.03.2019
REF: DC/19/03352	Planning Application - Erection of 1 off-grid sustainable dwellinghouse with parking, landscaping, sewage treatment and improved vehicular access. Erection of detached garage and annexe.	DECISION: REF 01.10.2019 Currently on appeal, decision pending.

PART THREE – ASSESSMENT OF APPLICATION

1. 0 The Site and Surroundings

- 1.1. The site is located south of Mill Road, Buxhall and forms roughly the western half of a larger field currently in agricultural use for pasture. A well-vegetated pond dominates the front of the site at the Mill Road frontage. A second pond is located nearby, outside of the site, adjacent to the southern boundary.
- 1.2. Open fields surround the site on its western, eastern and southern sides. Hedgerows form the site's northern (Mill Road frontage) western and southern boundaries. The eastern boundary of the site is open to the remainder of the meadow with fencing and a hedgerow at the far eastern boundary of the land ownership, with a public footpath beyond. New tree planting has taken place on the eastern part of the meadow. The southern boundary has many mature trees and the remnants of a hedgerow. South of the site is an open field and beyond that are the buildings associated with the applicant's business.
- 1.3. There are numerous listed buildings in the vicinity, located on the opposite side of Mill Road to the north, together with buildings to the east and southwest. All these buildings are Grade II listed except for the Grade II* Maypole Farmhouse and Grade I listed Church of St Mary. The village of Buxhall, although peppered with valued historic properties, does not have a designated Conservation Area.
- 1.4. There are two public footpaths near to the site. A footpath adjoins the site's western boundary, connecting Mill Road with Brettenham Road. To the east, adjoining the boundary of the whole field is a public footpath leading from Mill Road to the Church of St Mary.

2.0 The Proposal

- 2.1 The application seeks full planning permission for the erection of a substantial two-storey, five-bedroom dwelling. The development includes a detached (essentially five bay) garage with a one-bedroom self-contained annex at first floor level. The garage is set forward of the dwelling, located between the dwelling and Mill Road.
- 2.2 The 8.9 metre- high dwelling is sited centrally on the plot, positioned on a predominantly east-west axis with a walled courtyard garden located south of the dwelling. External materials include red brick walls and charred larch cladding to walls and roofs. Photovoltaic panels are proposed to the garage's southern roof-slope. All openings are powder-coated aluminium. A ground source heat pump is proposed within the site.
- 2.3 The site would be landscaped with wildflower meadows, tree planting, native hedging and the northern pond would be restored and extended. The driveway would be gravelled. No vegetation is proposed to be removed.
- 2.4 Vehicle access would be via the existing access arrangement at the site's north-western corner.
- 2.5 The proposal is essentially the same as that previously refused on 1 October 2019 (DC/19/03352), save for a minor change to building scale. The revised building height is half a metre less than the previously refused proposal.
- 2.6 The previous refusal has been appealed and is awaiting determination. DC/19/03352 was refused for the following reason :

The proposal to develop the site would extend development to the south, into undeveloped land. It would impinge upon this land which is currently flanked by historic and listed buildings which positively contribute to the setting of many nearby listed

buildings and the rural context in which they stand.

Views through and across the land, also experienced via public footpaths, would be commuted, reducing the experience and appreciation of both the Church and the intervisibility of many of the listed buildings flanking the site. The site's character as an undeveloped field is fundamental to its contribution to the setting of many of the listed buildings, and as such the principle of the proposal is not supported.

In terms of the NPPF, the scheme is considered to cause a medium level of less than substantial harm to the designated heritage assets and this level of harm is not considered to be outweighed by the limited public benefit of a single dwelling. The harm is not supported by any clear or convincing justification. The scheme would not preserve the settings of the nearby listed buildings.

The proposal is contrary to the requirements of the National Planning Policy Framework 2018, Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990, Policy HB1 of the Mid Suffolk Local Plan 1998 and Policy CS5 of the Core Strategy 2008.

3.0 Policy Context

- 3.1 The starting point for any planning decision is the development plan, as identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004. Determination of any application must be made in accordance with the plan unless material considerations indicate otherwise. One such material consideration is the NPPF. The NPPF can override development plan policy if it is not consistent with the provisions of the NPPF.
- 3.2 Paragraph 11 of the NPPF explains that there is a presumption in favour of sustainable development. This comprises economic, social and environmental objectives. It goes on to indicate that where the development plan is absent, silent or policies which are most important for determining the application are out-of-date, planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole; or unless specific policies in the NPPF indicate that development should be restricted.
- 3.3 In view of advice in paragraph 11(d) of the NPPF, it is necessary to consider how consistent the most important policies in the development plan are with the NPPF, to assess what weight should be attached to them. Paragraph 213 explains that due weight should be given to relevant policies according to their degree of consistency with the NPPF, the closer the policies in the plan to those in the NPPF, the greater the weight that may be given.
- 3.4 The development plan for the area comprises a combination of the Core Strategy 2008, the Core Strategy Focused Review 2012, and 'saved' policies of the Local Plan 1998. The Joint Local Plan is emerging, currently in Regulation 18 phase with the consultation period recently completed. In accordance with the requirements of Paragraph 48 of the NPPF, very limited weight is attached to the emerging Joint Local Plan in consideration of the merits of the proposal, given the preparatory stage of the document. Notwithstanding, regard is to be had to the policy and it is to be noted that the village of Buxhall is progressing through the emerging Joint Local Plan as a Hamlet, where only small-scale infill growth would be considered appropriate.
- 3.5 For the purposes of the application at hand, the following documents are considered to form the adopted Development Plan:
 - Mid Suffolk Core Strategy Focused Review (2012)

- Mid Suffolk Core Strategy (2008)
 - Mid Suffolk Local Plan (1998)
- 3.6 The application is made in full. Local policies concerned with detailed design and residential amenity, including saved Policy GP1 and H16 respectively, are deemed ‘most important’, noting their consistency with national policy.
- 3.7 Saved Policy HB1 is a heritage policy that generally reiterates the statutory duty in relation to heritage assets. It is not considered up-to-date as it does not allow for the weighing of public benefits against heritage harm, a key tenet of the NPPF. For the same reason CS Policy FC01_1 is deemed not up-to-date.
- 3.8 Policy CS1 and CS2 of the Core Strategy, and saved Policy H7 of the Local Plan are policies most important for determining the application, however, are not fully in accordance with the NPPF. Policy CS1 identifies a settlement hierarchy as to sequentially direct development, forming part of a strategy to provide for a sustainable level of growth. The Policy identifies categories of settlement within the district, with Towns representing the most preferable location for development, followed by the Key Service Centres, Primary then Secondary Villages. Policy CS2 restricts development in the countryside to defined categories. Local Plan Policy H7 seeks to restrict housing development in the countryside in the interests of protecting its existing character and appearance.
- 3.9 The exceptional circumstances test at Policy CS2 applies to all land outside the settlement boundary, as does saved Policy H7. This blanket approach is inconsistent with the NPPF, which favours a more balanced approach to decision-making. The NPPF does contain a not dissimilar exceptional circumstances test, set out at paragraph 79, however it is only engaged where development is isolated. The definition of isolation in the context of this policy has been shown within court judgements to relate to *physical* isolation only. The subject land is not physically isolated and it must follow that paragraph 79 does not engage.
- 3.10 Having regard to the advanced age of the Mid Suffolk settlement boundaries of the settlement hierarchy set out at Policy CS1, and the absence of a balanced approach as favoured by the NPPF, the policies most important for determining the application are deemed out-of-date, a position well established by the Inspectorate in recent Mid-Suffolk appeals. This conclusion is reached irrespective of Council’s five year housing supply position. As a result, the weight to be attached to these policies has to be commensurately reduced and the default position at paragraph 11d of the NPPF is engaged, that is, granting permission unless (i) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development or (ii) the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 3.11 Turning first to (i) above, footnote 6 at NPPF paragraph 11d states that the policies referred to at 11d are those in the NPPF relating to: habitats sites and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets; and areas at risk of flooding or coastal change. Of these areas/assets, only designated heritage assets are potentially affected by the scheme.
- 3.12 The heritage assessment below indicates a level of heritage harm that, *alone*, does not provide a ‘clear’ reason for refusing the development. Paragraph 11d(i) therefore cannot be used to resist granting planning permission.

- 3.13 This leaves the second limb of the paragraph 11d test, requiring an assessment of the adverse impacts and benefits of the proposal, and the associated balancing exercise. This assessment follows.

4.0 Sustainability of Location

- 4.1 The Inspectorate considered the sustainability of an appeal site almost directly opposite the subject land, at Cottage Farm Barn, in September 2019 (DC/18/02098; APP/W3520/W/19/3226943). The Inspector determined that the Cottage Farm Barn site would not be isolated, but rather sustainably located, finding that the spatial location of the site would not conflict with Mid Suffolk's approach to delivering sustainable development as set out in Policy FC 1.1 and that it would also accord with paragraph 78 of the NPPF on rural housing. The Inspector opined that any private car use to access services at the nearest neighbouring villages would be brief. It is therefore concluded that any adverse environmental impact resulting from the use of the subject land for a single dwelling will be minor.
- 4.2 The applicant contends the proposed dwelling will be constructed to high environmental standards. This is not disputed and furthers the environmental dimension of sustainable development. This said, seldom will an application turn on this matter. The sustainability credentials of a mere single dwelling, whilst a benefit, are attached the most modest of weight in the planning balance, consistent with well-established case law, including the appeal decision cited above.

5.0 Character and Appearance

- 5.1 The site is undeveloped, forms part of a much larger field and is situated well outside of any recognised settlement boundary. It shares common characteristics with the varied agricultural field pattern that envelopes the village. Contrasting with the partly built-up appearance of the northern side of Mill Road, the character south of Mill Road is clearly rural, with open, undeveloped fields readily apparent. The rural features result in the site appearing as part of attractive, open countryside. The undeveloped rural character makes a significantly positive contribution to the rural setting of the village edge, and therefore the character and appearance of the area. These conclusions align with the submitted Heritage Statement, which remarks '*The field has been in agricultural pasture usage for a number of centuries and currently contributes to the rural character and appearance of this part of Buxhall village*'.
- 5.2 The site is located a discernible distance from the nearest dwellings on the southern side of Mill Road. As a result, its own surroundings are distinctly rural rather than built up. As observed in the supporting Heritage Statement '*The western part of this field will change from current open grazed pasture to one of refined domestic character*'. The change in the appearance of the site, from rural to domestic, even 'refined' domestic character, will be visually jarring. A five/six bedroom dwelling of substantial scale, extending over two storeys, together with a not insignificantly-scaled garage building, both incorporating prominent pitched roofs, would result in a visually intrusive extension into the countryside. Adjacent vegetation would provide partial screening, but the site has a wide frontage and whilst it too is vegetated, the development would be seen from the highway particularly in the winter months. The resulting change to the site's rural appearance and character would diminish the intrinsic beauty of the countryside.
- 5.3 The proposal has been designed to mimic a traditional Suffolk timber-framed barn with subservient elements. The design goes to great lengths in this regard, noting the deliberate blank treatment of both the dwelling and garage elevations fronting Mill Road. Whilst the effort in this regard is commendable, the effect on the rural landscape is still one of jarring domestication. There is no escaping the fact that a large domestic plot, with a double storey dwelling of considerable bulk,

height and mass sited within it, would appear as a discordant element within the prevailing open countryside character. The barn design elements do not sufficiently mitigate the identified rural landscape harm.

- 5.4 The revised proposal incorporates a reduction of the building height previously proposed, by half a metre. This change in height offers little in the way of tangible mitigation, noting the building is almost 9m tall (8.9m). The building has a substantial width. It is concluded that the scheme would have a significantly detrimental effect on the rural character and appearance of the area.
- 5.5 The supporting Design and Access Statement contends that the design is truly outstanding and innovative, would significantly enhance its immediate setting, and is sensitive to the defining characteristics of the area. In other words, the application meets the exceptions test at paragraph 79(e) of the NPPF. The Statement however makes clear that the application is not seeking to justify the proposal on 79(e) grounds, because the site is not isolated and therefore on this basis, it is contended, paragraph 79(e) does not engage. Irrespective of the applicability of the 79(e) it is important to give consideration to this matter.
- 5.6 Officers do not agree that the design is truly outstanding or innovative. It is simply a house designed to look like a barn. It may have architectural merit; it is however not a truly outstanding design in the terms of paragraph 79(e). There is nothing before officers to suggest the development is truly innovative. It will be built to high environmental standards, as many houses are today. A domestic dwelling inserted into an overtly rural setting, cannot be considered to enhance its immediate setting nor be sufficiently sensitive to the defining characteristics of the area. The application falls well short of the very high threshold tests set out at paragraph 79(e).

6.0 Heritage

- 6.1 Unlike the originally refused application, the current application is supported by a comprehensive Heritage Statement (HS), prepared by a qualified heritage practitioner. The conclusions reached in the HS differ markedly from the views of the Heritage Officer and there is fundamental disagreement between the two heritage practitioners.
- 6.2 The HS concludes that the settings of the nearby listed building will not be adversely affected and there will be no heritage impact on any other nearby heritage assets. Section 2.2 of the HS maps the settings of each nearby listed building, as determined by the HS author. This analysis finds that the application site does not form part of the setting of any nearby listed building, with the exception of the very front vegetated portion (surrounding the pond) of the site, which is found to fall within the southern extremity of the settings of Cottage Farmhouse and Sawyers, both Grade II listed. The HS concludes, on this basis, that the proposed curtilage of the dwelling will not lie within any of the settings of the nearby heritage assets.
- 6.3 The Heritage Officer disagrees with the setting analysis contained in the HS (there is also disagreement as to the merits of an exercise that attempts to map settings, however this matter is beyond the scope of this report). The Heritage Officer considers that the site does stand within the setting of various listed buildings and makes a positive contribution to their significance. The Heritage Officer believes the development will adversely affect the experience and appreciation of both the Church of St Mary and the intervisibility of the listed buildings that flank the site. The Heritage Officer concludes that the proposal will cause a medium level of less than substantial heritage harm.
- 6.4 The applicant's heritage practitioner deems there to be no harm to the setting of nearby heritage assets, while the Council's Heritage Officer deems there to be a medium level of harm. Officers

do not agree that the curtilage of the new dwelling will not impact the setting of the listed buildings north of Mill Road. The site is directly across the road from these designated assets. Whilst the subject field may not form part of the *immediate* setting of these listed buildings, as contended in the HS, it does however form part of the broader setting of these assets. Officers consider the field directly contributes to the rural experience in the vicinity of the listed buildings, particularly in the winter months when the field is clearly appreciable from vantage points along Mill Road, and therefore forms part of the rural settings of these assets.

- 6.5 A substantial two-storey building, together with a not insignificant garage building, set within a rural field that contributes to the rural setting of the northern listed buildings, will adversely affect these assets' heritage significance. The issue then is to determine the level of harm. The road, vegetation, pond and proposed dwelling setback offer a degree of harm mitigation.
- 6.6 The separation distances and intervening vegetation are such that the effects of the proposal on the remainder of the settings of the nearby listed buildings, including the Church of St Mary, are deemed medium. Officers do not agree that there is no impact at all, as put forward by the applicant's heritage practitioner.
- 6.7 Given officers deem there to be a level of less than substantial harm, the balancing exercise at paragraph 196 engages. The public benefits of the scheme, and the weighing of these against the identified heritage harm, is assessed later in this report.

7.0 Residential Amenity

- 7.1 Saved Policy H13 of the Local Plan seeks to ensure new housing development protects the amenity of neighbouring residents. Saved Policy H16 of the Local Plan seeks to protect the existing amenity of residential areas. Paragraph 127 of the NPPF sets out a number of core planning principles as to underpin decision-taking, including, seeking to secure a high standard of amenity for all existing and future occupants of land and buildings.
- 7.2 There is nothing in the application that suggests the residential amenity of neighbouring residents would not be appropriately safeguarded. The application does not conflict with the above policies. No harm is identified in this respect and is therefore neutral in the planning balance.

8.0 Highway Safety

- 8.1 Policy T10 of the Local Plan requires the Local Planning Authority to consider a number of highway matters when determining planning applications, including the provision of safe access, the safe and free flow of traffic and pedestrian safety, safe capacity of the road network and the provision of adequate parking and turning for vehicles. Policy T10 is a general transport policy which is generally consistent with Section 9 of the NPPF on promoting sustainable transport, and therefore is afforded considerable weight.
- 8.2 Paragraph 109 of the NPPF confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.3 The development proposes to utilise the existing access arrangement, a perfectly legitimate approach. The Highways Authority does not object to the proposed access, subject to conditions. The access arrangements are safe and suitable for all users, consistent with paragraph 108 of the NPPF. This element of the scheme is neutral in the planning balance.

9.0 Contamination

- 9.1 Paragraph 178 of the NPPF suggests planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination. Paragraph 180 states that decisions should also ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment. Council's Land Contamination Officer has reviewed the supporting contamination information and raises no objection to the change of the rural land to domestic use. This element of the scheme is neutral in the planning balance.

10.0 Biodiversity

- 10.1 Regulation 9(5) of the *Conservation of Habitats and Species Regulations 2010* (*Implemented 1st April 2010*) requires all 'competent authorities' (public bodies) to '*have regard to the Habitats Directive in the exercise of its functions.*' For a Local Planning Authority to comply with regulation 9(5) it must 'engage' with the provisions of the Habitats Directive.
- 10.2 An ecology report supports the application. The report identifies ecological enhancement opportunities that will potentially result in some biodiversity gains. Opportunities include additional habitat creation through additional landscape/hedgerow planting, orchard planting, barn and tawny owl boxes and bat boxes. Biodiversity value gains represent a public benefit and weigh in favour of the scheme. This said, they are attached limited weight because these measures are not dependent on bringing forward a dwelling. There is nothing preventing these measures being introduced in the absence of the current proposal.

11.0 Social and Economic Benefits

- 11.1 Mid Suffolk benefits from a deliverable supply of housing land, a position endorsed by the Inspector in September 2019 in respect to the land opposite the site. A single dwelling will increase the local housing supply; however the increase would be barely perceptible having regard to the current supply. Any public social benefit accruing from a single additional family home, given the housing land supply context, would be, at best, slight. The supporting Planning Statement challenges the deliverable housing land supply position. Even if the Council's position regarding housing supply is not correct, a single dwelling would still only provide a very modest benefit and contribution toward any undersupply so contended.
- 11.2 The proposal would help sustain the rural community and services in Buxhall as well as in larger adjoining villages. Again, the proposal constitutes a mere single household. The contribution to the economic vitality of the local rural community, including its services, that a single household would bring would be less than minor.
- 11.3 As with any construction project, a housing development brings with it short term construction jobs and therefore economic benefits. Again however, because the proposal is limited to a single dwelling only, the benefits to the local economy would be insignificant and short lived.
- 11.4 The Design and Access Statement cites social and economic benefits in respect to the personal circumstances and the family business of the applicant. The proposal would ensure the applicant's wider family remains in Buxhall. The proposal, it is argued, is required to maintain the long term survival and growth of the applicant's family run business in Buxhall. Officers have had regard to these matters, however any *public* benefits that accrue are less than minor. It is also contended that there will be an environmental benefit, as the dwelling will house employees of the family business who will be able to walk to work rather than their current commute by vehicle. There is

nothing to guarantee this arrangement in the longer term. In any event, the environmental benefit in this regard is negligible. The benefits relating to the applicant and their business specifically are attached very limited weight.

- 11.5 The Strategic Housing Team have advised that a commuted sum of £26,577.50 is required as a contribution to Affordable Housing provision. Confirmation has been sought from the agent on this aspect. Without agreement to this contribution being made this also forms an additional objection to the proposal and a degree of harm.

PART FOUR – CONCLUSION

12.0 Planning Balance and Conclusion

- 12.1 The development plan policies most important for determining the application are deemed out-of-date. Irrespective of the Council's five year housing supply position, the weight to be attached to these policies has to be commensurately reduced and the default position at paragraph 11d of the NPPF engages. The principal test is determining whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. An additional test is determining whether the identified heritage harm is outweighed by the public benefits, an exercise required at paragraph 196 of the NPPF.
- 12.2 Turning to the benefits first, the proposal does not serve the social and economic dimensions of sustainable development well. The benefits in social, economic and environmental terms are modest. Constructing to high environmental standards, whilst commendable, is nothing out of the ordinary and is the pursuit of many in the development industry. The off-grid scheme elements constitute little public benefit. Notably, the housing need in the District is being met, in this circumstance a single dwelling in housing supply terms offers very limited public benefit.
- 12.3 The field that forms the application site plays an important landscape role, contributing to the rural character and openness of the area, the rural setting of the village, and thereby forming part of the intrinsic beauty of the countryside. The site is located well outside the recognised settlement boundary, visually divorced from any of the domestic development occupying the southern side of Mill Road. A substantial, wide, double storey, five/six bedroom dwelling coupled with what is essentially a five bay garage will result in the domestication of the pleasing undeveloped rural setting. Even taking into account the reduction in building height, the effect would be a jarring visual intrusion, resulting in significant detriment to the character and appearance of the area. To grant permission would result in a clear adverse rural character impact.
- 12.4 The site also contributes to the rural setting of nearby historic assets. The proposal will cause a degree of a medium level of less than substantial harm to the setting of these nearby assets. The adverse heritage outcome is a harmful element of the scheme, outweighing the identified modest public benefits.
- 12.5 The applicant contends that the heritage harm is overstated by officers given the position articulated in the HS, which identifies no harm whatsoever. If this were the case, and it accordingly judged that there is a complete absence of heritage harm, then clearly the public benefits would prevail and a grant of permission would be contemplated in the terms of paragraph 196. However, the application is not judged solely in the terms of paragraph 196. As noted above, this is only one of two balancing exercises that must be undertaken, the other being the weighing of the adverse impacts, in their *totality*, against the benefits of granting planning permission, in accordance with

paragraph 11d. Setting aside the matter of heritage harm, it is clear that there are significant adverse rural character impacts that, in their own right, weigh heavily against the proposal.

- 12.6 A number of the scheme aspects will not result in any harm and these are neutral in the planning balance, including residential amenity, highway safety and land contamination outcomes.
- 12.7 Matters pertaining to the applicant's personal circumstances, including the family business, are not persuasive and do not tip the balance in favour of the proposal. Any benefits that accrue in this regard are largely limited to personal terms and are therefore attached limited weight.
- 12.8 The design, mimicking a Suffolk barn, is not truly outstanding or innovative, as contended in the Design and Access Statement. There are no grounds to justify the proposal in the terms of paragraph 79(e) of the NPPF, even if they are deemed to engage.
- 12.9 The adverse impacts of granting planning permission are significant, whether there is listed setting harm or not. The scheme benefits are modest, set at a level not more than low. The adverse impacts would therefore significantly and demonstrably outweigh the benefits. Accordingly, the proposal would not deliver sustainable development. Planning permission should not be granted.

RECOMMENDATION

That the application is REFUSED planning permission for the following reasons:

- 1) The site's character as an undeveloped field is fundamental to its contribution to the setting of many of the nearby listed buildings and the rural context in which they stand. The proposed dwelling would significantly detract from the open countryside character of the area, the rural setting of the village, and the rural setting of the nearby designated heritage assets, the latter being harmful to the significance of the designated heritage assets. These adverse impacts, constituting significant environmental harm, would significantly and demonstrably outweigh the scheme's modest economic, social and environmental benefits, and would not deliver sustainable development, contrary to Policy FC01 and FC01_1 of the Core Strategy Focused Review 2012, the National Planning Policy Framework 2019 and Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 as well as Policy HB1 of the Mid Suffolk Local Plan 1998 and Policy CS5 of the Core Strategy 2008.
- 2) The site area exceeds 0.5ha and as such affordable housing requirements are triggered. On this basis the proposed development fails to secure affordable housing provision on site or a contribution for provision elsewhere and is contrary to NPPF and Altered Local Plan 1998 Policy H4.