

From: Keven Thomas Baylham PM <ktbaylham@btinternet.com>
Sent: 13 October 2020 17:35
To: Daniel Cameron <Daniel.Cameron@babberghmidsuffolk.gov.uk>
Subject: Planning Application DC/20/03328 Pendles Field, Baylham

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Dear Mr Cameron,

Objection to Planning Application DC/20/03328 Pendles Field, Baylham

Baylham Parish Meeting hereby objects to this application on the basis of an unsustainable location within a special landscape area (SLA), that it is also contrary to CS1, CS2 and the NPPF as a whole.

The district council should pay particular attention to appeal decisions DC/19/04496 and DC/18/04977. The council's decision should also be consistent with its refusal, within the terms of the current NPPF, to approve housing development within the SLA which is outside the settlement boundary, and more than a few hundred metres from the B1113.

Kind regards,

Keven Thomas

Chairman Baylham Parish Meeting
4 Church Knoll
Baylham
Suffolk
IP6 8LF

Date: 29 September 2020
Our ref: 329137
Your ref: DC/20/03328



Mid Suffolk District Council
planningblue@babergmidsuffolk.gov.uk

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

Dear Daniel Cameron

Planning consultation: Full Planning Application - Conversion of existing stable block to 1 No residential dwelling and garaging.
Location: Land At, Nettlestead Road, Baylham, Suffolk

Thank you for your consultation on the above dated 27 September 2020 which was received by Natural England on 27 September 2020.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

Habitats Regulations Assessment - Recreational Impacts on European Sites

This development falls within the 13 km 'zone of influence' for the Stour and Orwell Estuaries Special Protection Area (SPA) and Ramsar site, as set out in the emerging Suffolk Recreational Disturbance Avoidance and Mitigation Strategy ('RAMS'). It is anticipated that new housing development in this area is 'likely to have a significant effect', when considered either alone or in combination, upon the interest features of European Sites due to the risk of increased recreational pressure caused by that development.

As such, we advise that a suitable contribution to the emerging Suffolk RAMS should be sought from this residential development whilst ensuring that the delivery of the RAMS remains viable. If this does not occur in the interim period then the per house tariff in the adopted RAMS will need to be increased to ensure the RAMS is adequately funded. We therefore advise that you should not grant permission until such time as the implementation of this measure has been secured.

Notwithstanding this, Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the [European Site's conservation objectives](#) and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

This is because Natural England notes that the recent [People Over Wind Ruling](#) by the Court of Justice of the European Union concluded that, when interpreting article 6(3) of the Habitats Directive, it is not appropriate when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site. The ruling also concluded that such measures can, however, be considered during an appropriate assessment to determine whether a plan or project will have an adverse effect on the integrity of the European site. Your Authority should have regard to this and may wish to seek its own legal advice to fully understand the implications of this ruling in this context.

Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In accordance with the Conservation of Habitats & Species Regulations 2017 (as amended), Natural England must be consulted on any appropriate assessment your Authority may decide to make.

Other advice

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on “Development in or likely to affect a Site of Special Scientific Interest” (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Amy Knafler
Consultations Team

Annex - Generic advice on natural environment impacts and opportunities

Sites of Special Scientific Interest (SSSIs)

Local authorities have responsibilities for the conservation of SSSIs under s28G of the Wildlife & Countryside Act 1981 (as amended). The National Planning Policy Framework (paragraph 175c) states that development likely to have an adverse effect on SSSIs should not normally be permitted. Natural England's SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the Natural England Open Data Geoportal.

Biodiversity duty

Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available here.

Protected Species

Natural England has produced standing advice¹ to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 171 and 174 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. The list of priority habitats and species can be found here². Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found here.

Ancient woodland, ancient and veteran trees

You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 175 of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forestry Commission have produced standing advice for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a SSSI or in exceptional circumstances.

Protected landscapes

¹ <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

² <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

For developments within or within the setting of a National Park or Area of Outstanding Natural Beauty (AONB), we advise you to apply national and local policies, together with local landscape expertise and information to determine the proposal. The National Planning Policy Framework (NPPF) (paragraph 172) provides the highest status of protection for the landscape and scenic beauty of National Parks and AONBs. It also sets out a 'major developments test' to determine whether major developments should be exceptionally be permitted within the designated landscape. We advise you to consult the relevant AONB Partnership or Conservation Board or relevant National Park landscape or other advisor who will have local knowledge and information to assist in the determination of the proposal. The statutory management plan and any local landscape character assessments may also provide valuable information.

Public bodies have a duty to have regard to the statutory purposes of designation in carrying out their functions (under (section 11 A(2) of the National Parks and Access to the Countryside Act 1949 (as amended) for National Parks and S85 of the Countryside and Rights of Way Act, 2000 for AONBs). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Heritage Coasts are protected under paragraph 173 of the NPPF. Development should be consistent the special character of Heritage Coasts and the importance of its conservation.

Landscape

Paragraph 170 of the NPPF highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or dry stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Landscape Institute Guidelines for Landscape and Visual Impact Assessment](#) for further guidance.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 170 and 171). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in [GOV.UK guidance](#). Agricultural Land Classification information is available on the [Magic](#) website on the [Data.Gov.uk](#) website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra [*Construction Code of Practice for the Sustainable Use of Soils on Construction Sites*](#), and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

Rights of Way, Access land, Coastal access and National Trails

Paragraphs 98 and 170 of the NPPF highlights the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way, coastal access routes and coastal margin in the vicinity of the development and the scope to mitigate any adverse impacts. Consideration should also be given to the potential impacts on any nearby National Trails, including the England Coast Path. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer.

Environmental enhancement

Development provides opportunities to secure net gains for biodiversity and wider environmental gains, as outlined in the NPPF (paragraphs 8, 72, 102, 118, 170, 171, 174 and 175). We advise you to follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.

Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

Your Ref:DC/20/03328
Our Ref: SCC/CON/3856/20
Date: 16 October 2020
Highways Enquiries to: Highways.DevelopmentControl@suffolk.gov.uk



All planning enquiries should be sent to the Local Planning Authority.

Email: planning@babberghmidsuffolk.gov.uk

The Planning Department
MidSuffolk District Council
Planning Section
1st Floor, Endeavour House
8 Russell Road
Ipswich
Suffolk
IP1 2BX

For the attention of: Daniel Cameron

Dear Daniel,

TOWN AND COUNTRY PLANNING ACT 1990

CONSULTATION RETURN: DC/20/03328

PROPOSAL: Full Planning Application - Conversion of existing stable block to 1No residential dwelling and garaging.

LOCATION: Land At, Nettlestead Road Baylham Suffolk IP6 8JU

Notice is hereby given that the County Council as Highway Authority recommends that any permission which that Planning Authority may give should include the conditions shown below:

Condition: No other part of the development hereby permitted shall be commenced until the existing vehicular access has been improved, laid out and completed in all respects in accordance with DM01 and with an entrance width of 4.5m.

Thereafter the access shall be retained in the specified form.

Reason: In the interests of highway safety to ensure that the layout of the access is properly designed, constructed and provided before the development is commenced.

Condition: Prior to the dwelling hereby permitted being first occupied, the vehicular access onto the highway shall be properly surfaced with a bound material for a minimum distance of 5 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.

Reason: To secure appropriate improvements to the vehicular access in the interests of highway safety.

Condition: The gradient of the vehicular access shall not be steeper than 1 in 20 for the first five metres measured from the nearside edge of the adjacent metalled carriageway.

Reason: To ensure that vehicles can enter and leave the public highway in a safe manner.

Condition: Before the development is occupied details of the areas to be provided for storage and presentation of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users.

Condition: Before the development is occupied details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

Reason: To prevent hazards caused by flowing water or ice on the highway.

Condition: The use shall not commence until the area(s) within the site shown on Drawing No. COATHUPE SL 1 20-01 for the purposes of [LOADING, UNLOADING,] manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

Condition: Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no means of frontage enclosure shall exceed 0.6 metres in height above the level of the carriageway of the adjacent highway.

Reason: In the interests of highway safety in order to maintain intervisibility between highway users.

Note: It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority.

Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense.

The County Council's Central Area Manager must be contacted on Telephone: 0345 6066171. Further information go to: <https://www.suffolk.gov.uk/roads-and-transport/parking/apply-for-a-dropped-kerb/>

A fee is payable to the Highway Authority for the assessment and inspection of both new vehicular crossing access works and improvements deemed necessary to existing vehicular crossings due to proposed development.

Yours sincerely,

Kyle Porter
Development Management Technician
Growth, Highways and Infrastructure



12 October 2020

Daniel Cameron
Mid Suffolk District Council
Endeavour House
8 Russell Road
Ipswich, IP1 2BX

By email only

Thank you for requesting advice on this discharge of condition from Place Services' ecological advice service. This service provides advice to planning officers to inform Mid Suffolk District Council planning decisions with regard to potential ecological impacts from development. Any additional information, queries or comments on this advice that the applicant or other interested parties may have, must be directed to the Planning Officer who will seek further advice from us where appropriate and necessary.

Application: DC/20/03328
Location: Land At Nettlestead Road Baylham Suffolk
Proposal: Full Planning Application - Conversion of existing stable block to 1No residential dwelling

Dear Dan,

Thank you for consulting Place Services on the above application.

No objection subject to securing:

- a proportionate financial contribution towards visitor management measures at the Stour and Orwell Estuaries SPA/Ramsar.**
- b) ecological mitigation and enhancement measures**

Summary

We have reviewed the Preliminary Bat Roost Assessment and Nesting Bird Survey (Eco-Check September 2020), relating to the likely impacts of development on designated sites, protected and Priority species & habitats.

We are satisfied that there is sufficient ecological information available for determination.

This provides certainty for the LPA of the likely impacts on protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in the Preliminary Bat Roost Assessment and Nesting Bird Survey (Eco-Check September 2020) should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority Species.

We recommend that a Wildlife Friendly Lighting Strategy is implemented for this application.



Therefore, technical specification should be submitted prior to occupation, which demonstrates measures to avoid lighting impacts to foraging / commuting bats, which are likely present within the local area. This should summarise the following measures will be implemented:

- Light levels should be as low as possible as required to fulfil the lighting need.
- Warm White lights should be used at <3000k. This is necessary as lighting which emit an ultraviolet component or that have a blue spectral content have a high attraction effects on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- The provision of motion sensors or timers to avoid the amount of 'lit-time' of the proposed lighting.
- Lights should be designed to prevent horizontal spill e.g. cowls, hoods, reflector skirts or shields.

We also support the proposed reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Layout.

This application also falls within the 13km Zone of Influence (ZOI) for the Stour and Orwell Estuaries SPA & Ramsar site. Consequently, the LPA is advised that a financial contribution should be sought, in line within the Suffolk Recreational Avoidance and Mitigation Strategy (RAMS), from the residential development within the 13 km ZOI specified. This will need to be secured by a legal agreement, following advice contained on the councils website: <https://www.midsuffolk.gov.uk/planning/planning-policy/adopted-documents/babergh-district-council/habitats-mitigation/>. The LPA will also need to prepare a HRA Appropriate Assessment Record to determine any adverse effect on site integrity and secure the developer contribution for delivery of the visitor management measures at the Stour & Orwell Estuaries SPA & Ramsar site.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013.

Submission for approval and implementation of the details below should be a condition of any planning consent.

Recommended conditions

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

"All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Bat Roost Assessment and Nesting Bird Survey (Eco-Check September 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.



This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.”

Reason: To conserve Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998.

2. PRIOR TO SLAB LEVEL: BIODIVERSITY ENHANCEMENT LAYOUT

“A Biodiversity Enhancement Layout for Protected and Priority species shall be submitted to and approved in writing by the local planning authority, following the details contained within the Preliminary Bat Roost Assessment and Nesting Bird Survey (Eco-Check September 2020)

The content of the Biodiversity Enhancement Layout shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;*
- b) detailed designs to achieve stated objectives;*
- c) locations of proposed enhancement measures by appropriate maps and plans;*
- d) persons responsible for implementing the enhancement measures;*
- e) details of initial aftercare and long-term maintenance (where relevant).*

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.”

Reason: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

3. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

“A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.”

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).



Please contact us with any queries.

Yours sincerely,

Hamish Jackson ACIEEM BSc (Hons)

Ecological Consultant

placeservicesecology@essex.gov.uk

Place Services provide ecological advice on behalf of Mid Suffolk District Council

Please note: This letter is advisory and should only be considered as the opinion formed by specialist staff in relation to this particular matter.

DC/20/03328 Land Contamination

Dear Daniel

EP Reference : 281932

DC/20/03328. Land Contamination

Land at, Nettlestead Road, Baylham, IPSWICH, Suffolk.

Conversion of existing stable block to 1No residential dwelling and garaging.

Many thanks for your request for comments in relation to the above application. Having reviewed the application I can confirm that I have no objection to the proposed development from the perspective of land contamination. I would only request that the LPA are contacted in the event of unexpected ground conditions being encountered during construction and that the below minimum precautions are undertaken until such time as the LPA responds to the notification. I would also advise that the developer is made aware that the responsibility for the safe development of the site lies with them.

Kind regards

Nathan

Nathan Pittam BSc. (Hons.) PhD

Senior Environmental Management Officer

Babergh and Mid Suffolk District Councils – Working Together

Email: Nathan.pittam@baberghmidsuffolk.gov.uk

Work: 07769 566988 / 01449 724715

websites: www.babergh.gov.uk www.midsuffolk.gov.uk



Minimum requirements for dealing with unexpected ground conditions being encountered during construction.

1. *All site works at the position of the suspected contamination will stop and the Local Planning Authority and Environmental Health Department will be notified as a matter of urgency.*
2. *A suitably trained geo-environmental engineer should assess the visual and olfactory observations of the ground and the extent of contamination and the Client and the Local Authority should be informed of the discovery.*
3. *The suspected contaminated material will be investigated and tested appropriately in accordance with assessed risks. The investigation works will be carried out in the presence of a suitably qualified geo-environmental engineer. The investigation works will involve the collection of solid samples for testing and, using visual and olfactory observations of the ground, delineate the area over which contaminated materials are present.*
4. *The unexpected contaminated material will either be left in situ or be stockpiled (except if suspected to be asbestos) whilst testing is carried out and suitable assessments completed to determine whether the material can be re-used on site or requires disposal as appropriate.*
5. *The testing suite will be determined by the independent geo-environmental specialist based on visual and olfactory observations.*
6. *Test results will be compared against current assessment criteria suitable for the future use of the area of the site affected.*
7. *Where the material is left in situ awaiting results, it will either be reburied or covered with plastic sheeting.*
8. *Where the potentially contaminated material is to be temporarily stockpiled, it will be placed either on a prepared surface of clay, or on 2000-gauge*

Visqueen sheeting (or other impermeable surface) and covered to prevent dust and odour emissions.

9. *Any areas where unexpected visual or olfactory ground contamination is identified will be surveyed and testing results incorporated into a Verification Report.*
10. *A photographic record will be made of relevant observations.*
11. *The results of the investigation and testing of any suspect unexpected contamination will be used to determine the relevant actions. After consultation with the Local Authority, materials should either be: • re-used in areas where test results indicate that it meets compliance targets so it can be re-used without treatment; or • treatment of material on site to meet compliance targets so it can be re-used; or • removal from site to a suitably licensed landfill or permitted treatment facility.*
12. *A Verification Report will be produced for the work.*



Planning Services
Mid Suffolk District Council
Endeavour House
8 Russell Road
Ipswich
IP1 2BX

02/03/2021

For the attention of: Daniel Cameron

Ref: DC/20/03328; Land At, Nettlestead Road, Baylham, Suffolk

Thank you for consulting us on the full planning application for the conversion of existing stable block to 1no residential dwelling. This letter sets out our consultation response on the landscape impact of the application and how the proposal relates and responds to the landscape setting and context of the site.

The site and existing building are located to the edge of an existing stable yard within a sloping, open grazing field; sub divided by post and rail fences to create a series of smaller meadows for horses. To the north and immediate west of the existing stable building is a mature existing hedgerow, screening the site from the single access road that serves the site.

The site is within a Special Landscape Area (SLA). Policy CL2 Special Landscape Areas of the Mid Suffolk Local Plan (1998) Saved Policies states that development proposals in Special Landscape Areas *“will only be permitted where they maintain or enhance the special landscape qualities of the area and ensure that the proposal is designed and sited so as to harmonise with the landscape setting.”*

The Suffolk Landscape Character Assessment defines the landscape character types (LCT) for the site and the surrounding landscape. Key features of the LCT include; distinct areas of regular field patterns, flat or gently rolling arable landscape, small patches of straight-edged fields associated with the late enclosure of woods and greens and hedges of hawthorn and elm with oak, ash and field maple as hedgerow trees. The site is typical of this LCT.

Review of submitted information

The proposal seeks to convert an existing stable block into residential use. The application proposes to use the exiting building and footprint- without making any external changes. Parking and other external space also remains unchanged. No landscape or external works drawings have been submitted.

From a landscape perspective and without and with any changes to the external scale or proportion of the stable block we would consider these changes to have a minimal impact on the site and its surroundings and we have no objection to the proposals.

To safeguard the existing landscape character from inappropriate planting and/or boundary treatments which may occur as part of this development proposal, we recommend the following planning condition.

ACTION REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT: LANDSCAPING SCHEME.

No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard, soft and boundary treatment landscaping works for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows in the surrounding area. A specification of soft landscaping, including proposed trees, plants and seed mixes must be included. The specification should be in line with British Standards and include details of planting works such as preparation, implementation, materials (i.e. soils and mulch), any protection measures that will be put in place (i.e. rabbit guards) and any management regimes (including watering schedules) to support establishment. This should be accompanied by a schedule, with details of quantity, species and size/type (bare root, container etc). Hard landscape details such as surface materials and boundary treatments must also be included.

If you have any queries regarding the matters raised above, please let me know.

Kind regards,

Ryan Mills BSc (Hons) MSc CMLI
Senior Landscape Consultant
Email: ryan.mills@essex.gov.uk

Place Services provide landscape advice on behalf of Babergh and Mid Suffolk District Councils.

Please note: This letter is advisory and should only be considered as the opinion formed by specialist staff in relation to this particular matter.



Appeal Decision

Hearing Held on 9 September 2020

Site visit made on 9 September 2020

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 September 2020

Appeal Ref: APP/W3520/W/19/3239991

Land adjacent: Greenbanks, Upper Street, Baylham, Suffolk IP6 8JR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Max Short against the decision of Mid Suffolk District Council.
 - The application Ref DC/18/04977, dated 11 November 2018, was refused by notice dated 29 April 2019.
 - The development proposed is described as 'Erection of 4 affordable dwellings, access, landscaping and private drainage system'.
-

Decision

1. The appeal is dismissed.

Application for Costs

2. An application for an award of costs was made by Mr Max Short against Mid Suffolk District Council. This application will be the subject of a separate Decision.

Preliminary Matters

3. Both the Council and the appellant submitted late evidence prior to the hearing opening, which all parties taking part were made aware of. These submissions were not overly technical and were submitted in a timely manner and therefore no party was significantly prejudiced when I accepted them.
4. At the hearing I asked the appellant and Council to submit a draft of the condition they were recommending aimed at securing the occupation of the proposed houses by those with a local connection. The draft condition was submitted in accordance with the timetable I set out alongside a revised planning obligation, which the appellant had discussed with the Council.

Background and Main Issues

5. The Council confirmed at the outset of the hearing that it no longer wished to pursue its fourth reason for refusal following the submission of a planning obligation by the appellant. Accordingly, as they are no longer a point in dispute, I have not addressed the matters raised in the Council's fourth reason for refusal as a main issue.
6. After a lengthy discussion at the hearing the Council also confirmed that it no longer wished to defend its first reason for refusal. In summary, the Council is

now of the view that there are two conflicting definitions of what constitutes an affordable housing exception site in the development plan and that this conflict should be resolved by giving greater weight to the broader, more up to date definition in the CS¹, which supersedes the narrower approach in Policy H5 of the LP². The implication being that the appeal site could, in principle, be a suitable location for an exception scheme when applying Policy CS2 of the CS.

7. The Council also belatedly submitted that the appeal scheme would amount to an entry level exception site as defined in Paragraph 71 of the National Planning Policy Framework (the 'Framework') and therefore the in principle support provided by the Framework³ would, in this instance, be a material consideration that would outweigh any conflict with Policy CS2 of the CS or Policy H5 of the LP. Therefore, as this is also no longer a point in dispute, I have not considered the matters raised in the Council's first reason for refusal as a main issue.
8. Accordingly, the main issues in this appeal are:
 - Whether the appeal scheme would preserve the setting of the Grade II* listed building known as St Peter's Church; and
 - The effect of the proposed development on the character and appearance of the area, including Baylham Common.

Reasons

Whether the proposal would preserve the setting of St Peter's Church

9. St Peter's Church was listed in 1955 and is medieval in origin with elements probably dating from the 11th Century. The church was added to and altered in the 14th and 15th Centuries, including the addition of the tower. Some of these alterations were unusual, such as the cavetto-moulded eaves sprockets. The Church was then 'restored' in the 19th Century by a local architect. The building therefore derives much of its significance from its architectural value.
10. That said, the Church is positioned on a slightly elevated promontory with a vista out over a shallow valley to the south. This sitting was probably planned in order to give the building a commanding presence in the rural, predominantly agrarian landscape. This would have been important given the Church's central function in the rural community and its high status as a place of worship. Moreover, historic mapping/photography also demonstrates that the church sat in a reasonably isolated rural setting until recently in its history. As such, there is significant historical and evidential value in experiencing the church in a rural context and from being able to appreciate as fully as is possible its visual and spatial connectivity to the surrounding landscape.
11. The valley is cross by lanes and footpaths that converge on the church. When walking along the footpath adjacent to the appeal site it is still possible to gain an impression of how the church once stood in a sparsely occupied rural landscape and how generations of villagers would have viewed it. This sense of

¹ Mid Suffolk Core Strategy Development Plan Document 2008 (and the focussed Review in 2012)

² The Mid Suffolk Local Plan 1998

³ Subject to the effect of the proposal on the protection given to assets of particular importance, such as designated heritage assets.

- continuity provides communal value. The bucolic setting south of the Church also has a rural charm which, perhaps fortuitously, provides aesthetic value.
12. The construction of housing in Glebe Close, Church Lane and Church Knoll to the north and east has cumulatively eroded the extent to which the Church is spatially and visually experienced in an open rural landscape. However, when approaching the Church from the south or west it is still possible to gain a semblance of how it once sat in the landscape. This is particularly the case at Viewpoint 5 (as defined in the appellant's Landscape and Visual Impact Assessment - LVIA), where views of the Church are unimpeded to a significant extent, thus allowing it to effectively be seen in isolation within the rural landscape, save for an awkwardly sited hay barn. It is also possible to experience this sense of rural isolation when in the church yard looking south. What remains of the open rural aspect to the south and west of the listed building is therefore particularly important to its setting.
 13. Consequently, the significance/special interest of the listed building, in so far as it relates to this appeal, includes the rural setting of the Church and its long-standing relationship with open countryside, which is still possible to discern from the south and west. This is because these features, and the values derived from them, are important to the way the building is understood, experienced and appreciated.
 14. The erection of four dwellings at the appeal site would introduce additional built form and domestic paraphernalia into the rural southerly aspect of the Church. The buildings would be highly prominent in various views along the footpath adjacent to the appeal site, including the area in the vicinity of Maisie's Seat and Viewpoint 5. It would also be possible to see the proposed development from the Churchyard. These impacts would meaningfully diminish the open rural aspect to the south of the Church. The proposal would therefore seriously harm the setting and significance of the listed building.
 15. This harmful impact would not be mitigated through the provision of landscaping, which would not fully screen the houses and would take time to mature. Moreover, it cannot be assumed that the landscaping would remain *in situ* for the life of the development as it could die or be removed. The latter could occur if, like at Church Knoll, future occupants wished to establish a view.
 16. The four dwellings would have some pleasant design features including chimneys, plinths, porch hoods and cottage style windows. In some respects, they would echo Victorian cottage architecture. In many locations this approach can soften the impact of new housing by providing a traditional rural aesthetic. However, in this instance the properties would not have historic proportions due to the height and depth proposed. Therefore, the dwellings would fail to convincingly appear as modest agricultural workers cottages. Even if they did, there would still be an inherently harmful impact on the significance of the Church because the open southerly aspect is particularly important to its setting.
 17. The appeal scheme would represent a continuation of the linear character of the village, but this is not a point in its favour in this instance because it would do so in a way that would harm the setting of the listed building. The appeal scheme would be close to Church Knoll, which has a strident appearance in views from the south, but this does not justify further cumulative harm. Furthermore, the proposal would be directly to the south of the Church

- whereas Church Knoll is not. Similarly, the presence of a very stark equestrian development west of the appeal site, which is further away from the Church than the appeal scheme would be and is not prominent in Viewpoint 5, does not justify the harm that would occur to the listed building's setting either.
18. The four houses would be set on land that is notably lower than the Churchyard and therefore the houses would be seen below the Church, as demonstrated by a CGI image submitted by the appellant. Accordingly, the appeal scheme would not directly block views of the church from the adjoining footpath. This siting would also enable the Church to retain a dominant presence in the wider landscape, including views from Circular Road. However, the housing would seriously alter the rural character of the site, which is prominent in the foreground of the church and important to its rural setting. The proposed development would also result in the Church being surrounded on three sides by housing. As such, the lower siting of the houses would not mitigate the harm that would otherwise occur to the local setting of the Church.
 19. Historic England has provided guidance on the setting of heritage assets in GPA3⁴. This document suggests that because Church's are often tall structures, their setting is unlikely to be affected by small-scale development if it does not compete with their scale. However, an assessment of the significance of an individual listed building will involve a discrete and specific appraisal. In this instance, the specific circumstances before me indicate that the proposal would harm the setting of the listed building for the reasons given and therefore the general guidance in GPA3 is not determinative. Moreover, Historic England have objected to the proposal due to the impact it would have on the setting of the Church. Although the Inspector of Historic Buildings and Areas that gave this advice did not apparently visit the appeal site, their comments are nevertheless supported by what I observed.
 20. The Council's Conservation Officer did not object to the proposal, being of the view it would not harm the setting of the Church. I do not share this view for the reasons already given. It is also a view unsupported by Historic England, the Suffolk Preservation Society, the Council's Planning Officer and the appellant and his historic buildings consultant, who all agree that the proposal would result in at least some harm. The appellant's Landscape Consultant (in the LVIA) also suggest the proposal would erode the scenic qualities of the setting of the church. This would harm those parts of the listed building's aesthetic value that are derived from its bucolic rural setting.
 21. The topography of the site and the design and landscaping proposed would soften the impact of the appeal scheme. But the houses would still be very stark and prominent and therefore the overall impact on the setting and significance of the listed building would be greater than the very modest level suggested by the appellant's historic buildings consultant.
 22. Overall, I conclude that the proposal would seriously harm the significance of the listed building given the importance of the open and rural southerly aspect to its setting. The proposal would therefore fail to preserve the setting of the St Peter's Church contrary to the expectations of the Act⁵. It would also be contrary to Policy HB1 of the LP, which requires particular attention to be given

⁴ The Setting of Heritage Assets – Historic Environment Good Practice Advice in Planning Note 3

⁵ The Planning (Listed Buildings and Conservation Areas) Act 1990

to protecting the setting of listed buildings. Although this policy does not incorporate the balanced approach to heritage decision making in Paragraph 196 of the Framework, it is nevertheless broadly consistent with the expectations set out in Paragraphs 193 and 194.

The effect on the character and appearance of the area

23. The appeal site is set towards the bottom of a shallow valley which is typical of the Rolling Valley Farmlands Landscape type as defined in the Joint Babergh and Mid Suffolk District Council Landscape Guidance 2015. The key characteristics and positive qualities of which include gentle valley sides, a rich mixture of woodland and arable fields and a sense of enclosure. These qualities are more evident in the landscape to the west of the village around the appeal site than to the east.
24. The landscape around Baylham is scenic, tranquil and reasonably intact when having regard to historic maps. As such, it is a valued landscape. Its local designation as part of a Special Landscape Area (SLA) is recognition of its quality and sensitivity. This is the case even though there have been some significant local detractors added to the landscape since the SLA was established, such as the proliferation of stark equestrian development and some stridently sited houses and buildings. The SLA is under review as part of the emerging Local Plan, but that does not alter the overall quality of the landscape or its standing as a valued landscape that should be protected.
25. The appeal site currently encompasses a small paddock, the northern boundary of which is with a small country lane and demarcated by a hedge. The remaining boundaries are otherwise open save for low level temporary fencing. As a result, the appeal site is visually contiguous with the surrounding paddocks. This affords the appeal site an undeveloped, rural and pastoral character that is clearly apparent in views from the south and from the lane. The appeal site therefore contributes positively to the value of the landscape.
26. The provision of housing, gardens, parking areas and domestic paraphernalia, such as fences and sheds, at the appeal site would significantly alter its rural pastoral character and erode the sense of rural tranquillity. It would result in a more built up and domestic appearance that would be clearly apparent and intrusive in the landscape, particularly when viewed from the adjacent footpath. Moreover, breaching the hedge in order to form tarmacked access points would be detrimental to the character of the rural lane.
27. However, the visual impact would be reasonably localised and additional planting would soften the form of the development. Breaching the hedgerow would be offset by the additional planting proposed. The use of appropriate high-quality materials could also have a softening effect. The housing would also have a linear character that would echo the grain of the village and would be viewed from the footpath in the context of Church Knoll and Greenbank. That said, the houses would be set apart from the village, being on the western side of the hay barn, and would not be viewed from the Church yard in the context of other domestic structures. In this respect the houses would be reasonably stark and appear as an intrusion into the countryside.
28. Overall, I broadly share most of the views of the appellant's landscape consultant in the LVIA, which is a well-constructed and balanced appraisal, that the proposal would have a minor adverse impact on landscape character and

that the visual impact would be medium adverse. The latter could drop to low adverse over time if the boundary vegetation is permitted to grow to maturity, but I have already set out my reservations in relying too much on landscape screening as a means of mitigating the harmful impacts of the proposal.

29. Limited information has been supplied regarding the history and extent of Baylham Common. It was apparently an historic feature in the landscape as an arable common focussed on the shallow valley that is skirted by Circular Road. However, there is little to distinguish it today from surrounding countryside and the Council's Landscape Guidance states that some former common arable land, such as Baylham Common, is known by name only. As such, the appeal scheme would not harm how this area is interpreted as a historic feature. This conclusion is consistent with that reached in a recent appeal decision⁶ and the Council has not adduced substantive evidence to justifying a different finding.
30. In conclusion, the appeal scheme would result in a net adverse impact on the landscape, but this impact would not be of a high order. Nevertheless, the adverse impact would be moderately harmful and therefore the proposal would be contrary to Policies CL2 of the LP and CS5 of the CS, which seek to protect and conserve landscape qualities and safeguard the landscape quality of the SLA. These aims are broadly consistent with Paragraph 170 of the Framework.

Other Matters

31. Various concerns have been raised by interested parties including reservations regarding highway safety. However, given my overall conclusion it has not been necessary for me to address these matters further. Similarly, given my overall conclusion that the appeal should fail, there would be no effect on any European Site/Special Protection Area and therefore it is also unnecessary to consider this matter further.
32. My findings are specific to the impacts and benefits the appeal scheme would have within the context of the unique setting of St Peter's Church. Accordingly, the Council's approval of other development elsewhere, including that consented under application reference DC/19/02401, is of very limited weight to my assessment. The Council's emerging Local Plan is still at a formative stage. From the evidence before me there is no certainty that the policies within it will be adopted in their current form and therefore it should be attributed very limited weight.

Heritage and Planning Balance

33. The harm that would occur to the setting of the listed building would be serious but not severe and therefore it would be 'less than substantial' within the meaning of the Framework. Paragraph 196 of the Framework requires such harm to be weighed against the public benefits of the proposal. The Framework states that great weight should be given to the conservation of designated heritage assets and the more important the asset the greater that weight should be. In this case the church is Grade II* listed and is therefore a more important asset.
34. The delivery of four entry level affordable homes would be a public benefit of the appeal scheme, particularly as no affordable housing has been built at the

⁶ APP/W3520/W/19/3243146

village in the last 50 years. The housing would be secured with a requirement that future occupants have a local connection to the area. This is a benefit that would be recycled in the future by requiring the initial discount to be passed on when the properties are sold. There is support in the Framework for the provision of affordable housing, including that to meet local needs, a point reinforced in a speech given by the Housing Minister in March this year and in a recent press release issued by the Ministry of Housing Communities and Local Government (dated 8 September 2020).

35. However, the appellant has not disputed figures suggesting that within three miles of Baylham there are around 238 affordable homes under construction with 178 granted planning permission. Some of these are apparently available with a 5% deposit and a minimum 40% equity share. This may well make them affordable to first time buyers currently residing in the village as an option for entering the housing market. Substantive evidence is not before me to demonstrate they would not be. In this context the delivery of the four affordable homes at Baylham would not be a significant benefit.
36. The Council confirmed that in the last year it had delivered around 130 affordable homes across the district, which modestly exceeds its target. Around half of these are for shared ownership and discounted market sale. This indicates a good rate of delivery that also includes some housing that would be suitable for those wishing to enter the housing market. However, the Council were unable to confirm to what extent the needs of first-time buyers and renters is being met in the district and the appellant has suggested that the needs of first-time buyers could be hidden, particularly at a local level. Thus, it is likely, from the evidence before me, that the specific needs of first-time buyers and renters, including those wishing to engage in a self-build project, are not being met. Accordingly, a modest scheme providing four entry level affordable homes would be a benefit of moderate weight.
37. The provision of four three-bedroom homes would boost housing land supply and choice. However, there is no dispute between the Council and the appellant that the Council are currently able to demonstrate a five-year housing land supply as required to by the Framework. The five-year housing land supply target is not a ceiling, but it presently being met is an indicator that the Council is significantly boosting the supply of housing and therefore, in this context, the delivery of four homes would be a modest benefit.
38. The construction and subsequent occupation of the properties would deliver modest economic benefits. It would also provide a limited boost to the vitality of the village. However, construction benefits would be short lived and substantive evidence is not before me that local services and facilities are failing for lack of patronage. Nor is there anything to suggest that village clubs, societies and organisations are in need of more members. Accordingly, the socio-economic benefits are of limited weight. Similarly, there is little to suggest the benefits to biodiversity would be more than modest. The financial contribution secured in the planning obligation would be mitigation and is not, therefore, a benefit of the proposal. It would be a neutral matter.
39. Thus, when giving considerable importance and weight to the special regard I must pay to preserving the setting of a Grade II* listed building⁷, I find that

⁷ See Section 66(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990

the serious harm that would occur from the proposal would not be outweighed by its cumulative public benefits.

40. Accordingly, there would be a conflict with Paragraph 194 of the Framework as harm to a designated heritage asset would not have clear and convincing justification. The development would therefore fail to satisfy the requirements of the Act, the Framework and the development plan.
41. Given my findings in respect of Paragraphs 193, 194 and 196 of the Framework, there are clear reasons for refusing the development. Consequently, it is unnecessary to consider whether the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when applying Paragraph 11 of the Framework. The proposal would also be at odds with Paragraph 71 of the Framework, which states that entry level housing should not compromise the protection given to designated heritage assets.
42. As the benefits of the proposal would not outweigh the harm to the setting of the listed building it follows that those benefits would not outweigh the totality of harm that has been identified either. This would be the case regardless of what weight I afford the conflict with Policies CS5 of the CS and CL2 of the LP.

Conclusion

43. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Graham Chamberlain
INSPECTOR

APPEARANCES

FOR THE APPELLANT

Mr Max Short LLB (Hons) LLM
Mr Leslie Short BA (Joint Hons)
MRICS MRTPI

Appellant
Artisan Planning Property Services

FOR THE LOCAL PLANNING AUTHORITY

Mr Daniel Cameron
Miss Louise Barker CIHN
Mr Vincent Pearce BA (Hons) MRTPI
Amelia Powell
Ms Sacha Tiller BA(Hons)
Katherine Hale

Mid Suffolk District Council
Mid Suffolk District Council

INTERESTED PARTIES

Mr James Garner
Cllr John Field
James and Lorna Coathupe
Matthew Bell
Tim Richards
David Coathupe
Mrs Jo Clements

Documents Submitted After the Hearing

Email dated 11 September from Mr Leslie Short outlining a draft condition.
Email dated 11 September from the Council confirming agreement to the above.
Planning Obligation dated 14 September 2020.



Appeal Decision

Site visit made on 29 June 2020

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th July 2020

Appeal Ref: APP/W3520/W/19/3243146

**Land South West of Fairview, Circular Road, Baylham, Ipswich, Suffolk
IP6 8LE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Michael Heathcote against the decision of Mid Suffolk District Council.
 - The application Ref DC/19/04496, dated 19 September 2019, was refused by notice dated 20 November 2019.
 - The development proposed is described as 'building of eco home timber framed residential property to allow living and servicing of horses, grazing and agricultural land owned by applicant. Including change of use of parcel of agricultural land to recreational garden as part of the dwelling house'.
-

Decision

1. The appeal is dismissed.

Preliminary Matter and Main Issues

2. In the interests of consistency, I have taken the appeal site address from the appeal form as this corresponds with the decision notice.
3. The main issues in this appeal are:
 - Whether the appeal site is a suitable location for the proposed development with reference to the spatial strategy for housing in the development plan;
 - The effect of the proposed development on the character and appearance of the area, including Baylham Common; and
 - Whether any harm would be outweighed by other material consideration.

Reasons

Development plan policies

4. In order to support existing communities by guiding development to settlements with the greatest range of services and facilities, Policy CS1 of the Mid Suffolk Core Strategy (CS) sets out a settlement hierarchy which defines and categorises the villages and towns in the district. The policy directs development to defined settlements listed as towns, service centres and villages and explains that the rest of the district, including settlements not listed in Policy CS1, is designated as countryside where development will be restricted to particular types.

5. Baylham is the nearest discernible settlement to the appeal site but it is not listed in Policy CS1. Even if it were, the appeal site is not physically part of this village due to the presence of an intervening shallow valley that encompasses fields and paddocks. Similarly, the appeal site is not physically part of Great Blakenham either, which is a Key Service Centre and thus the nearest settlement identified in Policy CS1 to the appeal site.
6. As the appeal site is not located within any of the settlements listed in Policy CS1 it is within the countryside for the purposes of applying the policies in the development plan. Policy CS2 of the CS flows from Policy CS1 and is specifically concerned with development in the countryside such as that proposed. It states that development in the countryside will be restricted to defined categories such as rural workers dwellings.
7. I have carefully considered the appellant's Agricultural Self-Reliance Statement, but this is not persuasive in demonstrating a need for someone to live permanently on site in connection with a rural enterprise. For example, only a few horses are kept, and they are not commercially breeding. The appellant intends to grow some of his own food, but it is not necessary to construct a dwelling to achieve this. Thus, the appeal scheme would not fall under any of the defined categories of development listed in Policy CS2 of the CS. There is a negative corollary that development which is not listed in the policy is contrary to it and should not be ordinarily permitted.
8. Policy H7 of the Mid Suffolk Local Plan 1998 (LP) exercises strict control over development in the countryside and states that new housing will normally form part of an existing defined settlement. The proposed dwelling would not be located within an existing settlement boundary and would therefore not form part of an existing settlement. The proposal would therefore be at odds with Policy H7 of the LP.
9. In conclusion, the proposal would be at odds with, and harmfully undermine, the adopted spatial strategy for housing in the development plan and the public interest in having a planning system that is genuinely plan led.

The accessibility of services and facilities

10. There are public footpaths close to the appeal site that provide links with Baylham and Great Blakenham. There are very few facilities in the former, but the latter is better served and is itself linked to Claydon and Barham. There is a good range of services within this conurbation and some are an acceptable walking distance away from the appeal site as defined in guidance prepared by the Chartered Institution of Highways and Transportation. That said, the distance of some services is beyond a comfortable walk, particularly when considering return trips or those involving children or residents with mobility difficulties. The footpaths are also unmade and undulating in areas and therefore future occupants may not use them regularly in inclement weather or the winter months.
11. The alternative option is a more convoluted route along Circular Road and then the B1113, where there is a pavement. However, this is longer and would involve walking alongside an apparently busy road, making this a less attractive route. None of the walking routes are lit but this is not uncommon in the countryside. That said, the absence of lighting would make walking along unmade footpaths in the winter more hazardous.

12. Accordingly, it would be possible for some of the future occupants of the proposed dwelling to walk to local services if they are fit and able to. However, there are some inherent draw backs due to the distance involved and the walking environment. This would notably suppress the attractiveness and convenience of walking and therefore it is unlikely this mode of transport would be a universal or regular option to future residents of the appeal scheme.
13. The nearest bus stop to the appeal site provides a reasonably regular bus service to Needham Market, Stowmarket and Ipswich. Accordingly, public transport provides an alternative option to travel by private motorised transport. However, the bus stop is about a mile away from the appeal site and therefore it would not be particularly convenient to catch a bus if residents had to walk this distance first.
14. Cycling would be an option as a mode of travel from the appeal site because nearby settlements would be a short journey away by this mode. It is not inconceivable that Ipswich and Needham Market could be accessed in this way, where there are rail stations, services and employment. The appellant intends to cycle as much as possible, but he cannot be compelled to do this and may not always occupy the site. Thus, it cannot be relied upon that future occupants of the appeal scheme would have the high levels of confidence, fitness and proficiency to regularly cycle, which would likely include trips along busy roads. Moreover, the evidence before me does not demonstrate that cycling is a popular mode of transport amongst existing residents, which could otherwise be an indicator that cycling is a locally realistic alternative to car travel for trips such as commuting to work or school.
15. Given the foregoing, the appeal site is not well placed for most people to conveniently access services and facilities other than by using a car. That said, the trips by car could be short and therefore the overall impact would not be great, especially when accessibility in rural areas will be inherently more limited than urban settings. In addition, the appellant, who is likely to be the first occupier of the dwelling, currently drives to site to tend to his horses and therefore the proposal could offset some trips. Moreover, the opportunities available to walk or cycle on occasion would further qualify the harm as would the potential to use an electric vehicle. However, siting a dwelling in such a location would frustrate attempts to capture the health benefits gleaned from traveling regularly and conveniently by more sustainable means such as walking. Overall, the harm would not be of a high order. This would nevertheless result in conflict with an underlying aim of the CS to encourage sustainable transport.

The effect on the character and appearance of the area

16. The countryside around Baylham is gently undulating and is traversed by a network of narrow lanes flanked by hedges. It is attractive despite the proliferation of equestrian paddocks, fencing and paraphernalia. In recognition of this, the area is designated as part of a locally designated Special Landscape Area (SLA). The site is in an elevated position on the upper side of a shallow valley which contributes positively to the SLA.
17. The appeal site adjoins a recently constructed stables and an agricultural building. These structures are highly conspicuous in the landscape when viewed from Baylham and the footpath that runs north east from Walnut Tree Farm. I share the view expressed in representations that they sit rather

starkly and awkwardly on the upper part of the valley slope. The proposed dwelling would be located alongside this development and would likewise be very visible. Accordingly, it would harmfully intensify the extent of prominent development in a sensitive elevated position.

18. Unlike the existing buildings it would have a domestic appearance due to the fenestration, the establishment of a garden and domestic paraphernalia such as parked vehicles and lighting. A dwelling would appear out of place on this side of the valley as it would not be seen in the context of other homes, the nearest being screened by very thick and mature hedges and trees. This suggests that landscaping could soften the impact of the development, but any new landscaping would take a long time to mature to the point it screened the appeal site in the same way Fairview Cottage and Walnut Tree Farm are. In any event, it would not be appropriate in this instance to seek to hide harmfully prominent development behind landscaping as it could fail in the future or future residents may trim or remove it to take in the view or allow light in.
19. There are occasionally small hamlets and farmsteads scattered throughout the landscape but from what I saw these tended to be historic in nature and appearance with a mature settled presence. The appeal scheme would be seen as a stark addition to a stark grouping of buildings. Thus, the proposal would not nestle into the landscape or complement its high visual quality.
20. That said, the dwelling would be viewed as part of a small group of existing buildings and would have a simple agricultural aesthetic due to the use of timber boarding. Applying a dark colour to the boarding would lessen the impact due to the hedged backdrop and single storey scale. However, the existing stables is a good marker of how prominent the dwelling would be even when applying these design features as it is both boarded and single storey. These factors would mitigate to an extent the impacts of the proposal, but it would not extinguish them. Overall, the proposal would moderately harm the landscape of the SLA.
21. Limited information has been supplied regarding the history and extent of Baylham Common. It was apparently an historic feature in the landscape as an arable common focussed on the shallow valley that is skirted by Circular Road. However, there is little to distinguish it today from surrounding countryside and I note that the Joint Babergh and Mid Suffolk District Council Landscape Guidance 2015 states, in quoting the Landscape Character Assessment undertaken by Suffolk County Council, that some former common arable land such as Baylham Common is known by name only. Although this does not appear to be an adopted Supplementary Planning Document it is nevertheless useful guidance. As such, the appeal scheme would not harm how this area is interpreted as a historic feature.
22. Nevertheless, the proposal would still moderately harm the character and appearance of the area for the reasons already set out. The Council has not referred to a development plan policy in its second reason for refusal. However, the harm I have identified would be at odds with the guidance for development in the countryside set out in the Council's landscape guide, this being that development should be located to avoid upper valley slopes or where it would be visually intrusive.

Other considerations

23. Policies CS1, CS2 and H7 are the most important policies for determining the locational suitability of the appeal scheme. The Council and appellant agree that these policies, as a collective basket, are out of date due to their inconsistency with The National Planning Policy Framework (the 'Framework'). I have no reason to disagree, particularly as this conclusion flows from a reasonably recent appeal decision¹. In such circumstances, Paragraph 11 d) of the Framework is relevant and states that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when considered against the policies in the Framework as a whole.
24. As an adverse impact, the location of the appeal scheme relative to services and facilities would do very little to promote regular walking, cycling and public transport use. It would therefore fail to promote sustainable transport and the health benefits associated with such modes of travel. These are important aims of the Framework. Moreover, Policies CS1, CS2 and H7, although out of date overall, outline a spatial strategy that chimes with these objectives.
25. The foregoing is a point of note because the appeal scheme would not glean direct support from Paragraph 78 of the Framework, which seeks to deliver rural housing where it would enhance or maintain rural communities and settlements or provide an opportunity for a village to grow and thrive. This is because in this instance, the appeal site, although in the broad vicinity of some dwellings, is not physically part of a discernible settlement, rural community or village, the nearest being Baylham. Thus, in the context of this appeal, the development plan is not preventing housing that would otherwise be clearly supported by the rural housing policies of the Framework. The conflict with the development plan therefore still carries moderate weight.
26. The appeal site does not adjoin residential development, is clearly outside a village, hamlet or discernible group of dwellings and is seen in a rural context and therefore it is debateable whether the site is isolated or not. However, even if I shared the view of the Council and appellant that the site is not isolated due to its proximity to a stable and open sided barn, it would make little difference as the Framework does not state that a residential development in the countryside must be isolated to be resisted.
27. The proposal would also harm the character and appearance of the area. This would include harm to an SLA, which is a valued landscape. The Framework advises that valued landscapes should be protected, and that development should be sympathetic to local character and landscape setting. The moderate harm that would occur is a matter of moderate weight in this regard.
28. Weighed against this, the spend from future residents may modestly support local businesses and services. That said, evidence has not been provided to suggest they are suffering for lack of patronage and the onsite stables are already in place thereby supporting the equestrian industry in a modest way.. Similarly, the support to the construction industry would be limited in scale as would any revenue generated for the Council. There is little to suggest local clubs or societies are suffering for want of community capital

¹ APP/W3520/W/19/3222557

29. The provision of a self-build windfall dwelling would benefit housing land supply and choice. However, the Council can currently demonstrate a five-year housing land supply and is therefore presently in the process of significantly boosting the supply of housing. The delivery of a single home would therefore be a limited benefit in this context.
30. The proposal's very simple appearance would not amount to outstanding or innovative architecture. That said, it would have a high environmental performance by incorporating several energy saving measures such as extra insulation, 'A rated' appliances, air source heat pumps and solar panels. Energy would be exported to the national grid and water recycled. This would reduce and partially mitigate the environmental impacts of the development as is therefore more of a neutral matter than a benefit. There is little evidence demonstrating that the construction of the proposed dwelling would reduce crime. The proposal would involve landscaping, bird boxes and rock piles which could provide some modest gains to biodiversity.
31. Overall, the adverse impacts of the appeal scheme would significantly and demonstrably outweigh its limited benefits. This is not a material consideration that indicates the appeal should be determined otherwise than in accordance with the development plan.
32. The appellant has referred to other appeal decisions, but most of these relate to sites in other settlements where the circumstances are not the same. In particular, the proposal at Claydon² was for a home closer to facilities (especially schools) with no harm to the character and appearance of the area. Similarly, no harm was identified to the character and appearance of the area in the Creting St. Mary decision³. As the circumstances are different, there would be no inconsistency between my findings and those of the other Inspectors. Reference has also been made to the approval of residential development in Baylham and Creting St Mary by the Council but, unlike the appeal scheme, these relate to infilling or more discrete sites.

Other Matters

33. The Council has suggested that the appeal scheme would have a significant in combination adverse effect on the integrity of the Stour and Orwell Estuaries Special Protection Area (SPA) without mitigation. However, given my overall conclusion, the proposal would have no effect on the SPA and therefore I have not considered this matter further.

Conclusion

34. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Graham Chamberlain
INSPECTOR

² APP/W3520/W/19/3222557

³ APP/W3520/W/19/3232511

MEMBER REFERRAL TO COMMITTEE

(Completed form to be sent to Case Officer and Chief Planning Officer – Sustainable Communities)

Planning application reference	DC/20/03328. Conversion of existing stable block to 1No. residential dwelling. Land at Nettlestead Road, Baylham.
Parish	Baylham
Member making request	Mike Norris, Joint Ward Member, Needham Market Ward
Please describe the significant policy, consistency or material considerations which make a decision on the application of more than local significance	Application site is in an unsustainable location, and contravenes Local Plan Policies CS01 Settlement Hierarchy, and CS02 Development in the Countryside and Countryside Villages, and is located in a Special Landscape Area.
Please detail the clear and substantial planning reasons for requesting a referral	The proposed application is for conversion of a stable block to a residential dwelling, which will have impact on a Special Landscape Area. It is also in an unsustainable location, not served by public transport and requiring the use of a car.
Please detail the wider District and public interest in the application	Please see the above responses.
If the application is not in your Ward please describe the very significant impacts upon your Ward which might arise from the development	
Please confirm what steps you have taken to discuss a referral to committee with the case officer	I have discussed this planning application with the case officer Daniel Cameron by telephone. Should the decision be that the case officer is minded to refuse the application I am content that the application is determined at delegated officer level.