



Appeal Decision

Site visit made on 15 August 2019

by Nick Palmer BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th August 2019

Appeal Ref: APP/D3505/W/19/3232508

Parsonage Barn, Parsonage Lane, Chelsworth, Suffolk IP7 7HT

- 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 G Sturgeon of Orchid Properties against the decision of Babergh District Council.
 - The application Ref DC/19/01922, dated 17 April 2019, was refused by notice dated 6 June 2019.
 - The development proposed is erection of a two storey dwelling and detached garage structure, new vehicle access, installation of sewage treatment plant and associated landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are:
 - i) the effect of the proposal on the character and appearance of the area; and
 - ii) its accessibility to services and facilities.

Reasons

Character and Appearance

3. Chelsworth is a small village identified as a Hinterland Village in Policy CS2 of the Core Strategy (CS)¹. Parsonage Lane extends from the B1115 into the countryside to the east. It is a single track road with a few dwellings along its southern side and a dwelling to the north of the junction with the main road. The road becomes unsurfaced past Whistlecraft Cottage and leads to Parsonage Barn. That building has permission for conversion to a dwelling. The site is adjacent to the barn and is separated from the grade II listed Whistlecraft Cottage by a small field.
4. The character of the site and surrounding area is that of open countryside. This is identified in the CS as a Special Landscape Area and forms part of the valley of the River Brett. The site is outside the built up area boundary for Chelsworth as defined in the development plan. The existing development

¹ Babergh Local Plan 2011-2031 Core Strategy & Policies (2014)

along Parsonage Lane is very limited and this does not alter the open rural character of the road.

5. While the proposed dwelling would utilise materials that are found in local vernacular buildings, its design would be contemporary. It would be a large and bulky building, of two storeys and with two projecting front gables. It would have an imposing appearance and would be quite dominant in its open setting. I noted on my visit that the river valley landscape is attractive and has scenic quality as well as tranquillity. In this setting the proposed dwelling would undoubtedly be intrusive. Although it is proposed to plant hedges and trees around the site to supplement existing trees, this would not completely screen views of the development which would be visible from Parsonage Lane and across the open landscape.
6. The permitted conversion of Parsonage Barn may result in some change to the character of this end of Parsonage Lane, but this would be limited as the existing building would be used. I saw that the conversion has not taken place and the site is not garden land as claimed in the application. It is separated from the nearest built development by some distance and the proposal would not constitute infill development.
7. For these reasons the proposal would not accord with Policy CS15 of the CS which requires proposals to respect the local context and character, including Special Landscape Areas. The proposal would not accord with Policy CN01 of the Local Plan (LP)² which requires development to be of appropriate scale for the location, and it would not maintain or enhance the special landscape qualities of the area as required by Policy CR04 of the LP.
8. Those policy requirements are consistent with the National Planning Policy Framework (the Framework)³ which requires protection of valued landscapes. The inclusion of part of the landscape to the rear of Whistlecraft Cottage within the Chelsworth Conservation Area is further evidence of the value of the landscape. This also indicates that the openness of the surroundings is a key part of the historic setting of the listed building. This is a 1.5 storey cottage dating from the 17th to 18th centuries, with plastered walls and a thatched roof.
9. Although Whistlecraft Cottage is separated from the site by a field, this is quite small, and the proposed dwelling would be in quite close proximity to it. There are trees within the site, but the proposal would be visible and intrusive when seen from areas close to the listed building. New tree planting may reduce this effect when the planting matures but I nevertheless have concern that, because of its height and size, the proposal would remain an intrusive and harmful element in the open rural setting of the listed building.
10. Because the setting of the listed building would be harmed, the proposal would not accord with Policy CS15 of the CS which requires protection of heritage assets. Neither would it accord with Policy CN06 of the LP which requires development within the setting of listed buildings to be of appropriate scale, form and siting to harmonise with the building and its setting and to retain a setting which is appropriate to the listed building. The harm to the setting of the listed building would be less than substantial because the development

² Babergh Local Plan 2006

³ Paragraph 170

would be separated from it by the intervening field and would be screened to some extent by trees.

11. As the Council cannot demonstrate a five-year supply of deliverable housing sites, the proposal would be of social benefit in helping to address the shortfall. The contribution to housing supply of one dwelling would however be limited. The proposal would generate employment and spending during its construction and the occupiers would be likely to spend money locally and support the rural community. However, I can only give moderate weight to these public benefits. I give great weight to the identified harm to the heritage asset. The weight I have given to the public benefits is not sufficient to outweigh this.
12. The appellant has cited other decisions concerning the settings of listed buildings. As the circumstances of each case differ those decisions do not alter my conclusions on this issue. I conclude that the proposal would unacceptably harm the character and appearance of the area.

Accessibility

13. Within Chelsworth there is a public house, a village hall, a church and a playing field. Bus services giving access to larger centres run through the village. The site is within walking distance of those services and facilities but there are no footpaths along either Parsonage Lane or the B1115. There is a footpath to Bildeston which has a greater range of services and facilities but that village is about 2km away.
14. Consideration of accessibility to services and facilities by sustainable means will differ between urban and rural areas. Although occupiers of the proposed dwelling would be highly dependent on the private car, access by walking or cycling would also be possible. The proposal would not prioritise walking and cycling or minimise the need to travel by car as required by Policy CS15 (xviii) of the CS but its degree of accessibility would be reasonable in the rural context and having regard to the Framework in this regard. I find that the proposal would not be harmful in terms of its accessibility to services and facilities by sustainable means. However, neither does the level of accessibility weigh in favour of the proposal.

Overall

15. The proposed dwelling would incorporate a wide range of measures designed to reduce carbon emissions and energy and water usage. It would also include measures for biodiversity. These measures would reduce the environmental impact of the proposal but do not overcome the harms that I have identified.
16. Policy CS1 of the CS states the presumption in favour of sustainable development that was in the 2012 Framework and in this respect is out-of-date. Policy CS2 directs development to named settlements, including Chelsworth, and restricts development in the countryside. The proposal does not accord with that policy, but this is not up-to-date in the absence of a 5-year housing land supply. Furthermore, its restriction on development in the countryside other than in exceptional circumstances and subject to a proven justifiable need is not entirely consistent with the Framework. For these reasons I give limited weight to the conflict with Policy CS2.
17. Policy CS11 of the CS concerns development in or adjoining Hinterland Villages. It requires that proposals are adjacent, or well-related to the village. Because

the site is some distance from the built-up area boundary and clearly in open countryside it is not in accordance with this requirement. The policy also requires proposals to meet the requirements of Policy CS15. I have found conflict with that policy in terms of impact on the landscape and the heritage asset.

18. Paragraph 11 (d) of the Framework applies a 'tilted balance' where the housing land supply is less than 5 years as in this case. However, the presumption in favour of permission being granted in such circumstances does not apply if the application of policies in the Framework that protect assets of importance provides a clear reason for refusing the development proposed. The protection of heritage assets is one such policy. Because the proposal would conflict with a policy of the Framework which is listed in footnote 6, this provides a clear reason to refuse the development.

Conclusion

19. For the reasons given I conclude that the appeal should be dismissed.

Nick Palmer

INSPECTOR