



## Appeal Decision

Site visit made on 20 February 2019

by **E. Brownless, BA (Hons), Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 18<sup>th</sup> June 2019

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### Appeal Ref: APP/T3535/W/18/3216317

### Hill Farm Barn, London Road, Weston, NR34 8TE

- 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 Nigel Herrod against the decision of Waveney District Council.
  - The application Ref: DC/18/2588/FUL dated 15 June 2018, was refused by notice dated 9 October 2018
  - The development proposed is described as 'proposed custom designed single storey two-bedroom, self-build, retirement dwelling and site wild scaping'.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. Following submission of this appeal, Waveney District Council is now part of East Suffolk Council and the East Suffolk Council Waveney Local Plan was adopted on the 20 March 2019(LP). As a consequence, the LP has superseded policies within the Waveney District Council Core Strategy Development Plan Document (January 2009) and Development Management Policies (January 2011). I have allowed the parties the opportunity to provide their comments on this matter and accordingly I have taken these into account in determining the appeal.

### Main Issues

3. The main issues are:
  - i) whether the appeal site is a suitable location for a dwelling with particular regard to the settlement strategy and the accessibility of services; and
  - ii) the effect of the proposal on the setting of a nearby listed building, Hill Farm House.

### Reasons

#### *Settlement Strategy*

4. LP Policy WLP1.2 states that land which is outside of settlement boundaries is considered as countryside where new residential development will not be permitted except where specific policies within the LP indicate otherwise. The appeal site lies outside of any defined settlement boundary as identified on the Policies Map and as such, the appeal site is located within the countryside.

5. LP Policy WLP8.7 is permissive of a limited amount of housing in the countryside subject to meeting specified criteria. It continues to state that for small scale development of up to three dwellings that there must be existing residential properties on two sides of the site. The appeal site lies to the side of Hill Farm House and a small cluster of barns that have been converted to residential use, however, as there is built development only to one side of the appeal site, the proposal fails to satisfy this element of the policy.
6. LP Policy WLP8.7 also allows for small scale development of up to five dwellings on the edge of a settlement where there is demonstrable public support. However, the appeal site is not located close to any defined settlement boundary and other than the existing dwellings there are no services or facilities immediately available. Whilst the availability of services and facilities within a settlement is not entirely determinative, taken together with the limited number of dwellings, I find that the appeal site and its neighbouring dwellings do not amount to a settlement in their own right but rather a small sporadic cluster of buildings adjacent to the original farmhouse.
7. Accordingly, I find that the appeal site does not lie within nor adjacent to a settlement and would therefore fail to satisfy the requirements of LP Policy WLP8.7 for small scale development of up to five dwellings. In addition, irrespective of Parish Council support, the proposal has not demonstrated the meaningful pre-application consultation envisaged by the LP for local needs housing at the edge of settlements.

*Accessibility of services*

8. In this case, the appeal site is accessed via a private drive of approximately 400 metres, from London Road, a classified A road. I agree that it is in a reasonable state of repair. At the time of my site visit, London Road received a constant flow of traffic, including vans and HGV's. It was unlit and there were no footways along the majority of its length.
9. Whilst the distance from the appeal site to services and facilities at Beccles would be acceptable for a cyclist, this would not be the case for pedestrians. Given the absence of a footway, pedestrians would need to walk within the carriageway. Even though there are grass verges that could provide refuge to pedestrians, in places those verges are narrow, adjacent to thick vegetation and some are overgrown. From my observations, it is reasonable to consider that a large percentage of pedestrians would not feel safe having to walk within the carriageway and attempting to take refuge from approaching vehicles which would be passing in very close proximity. I also consider that taking into account the amount of traffic including vans and HGV's, that the route would not be an attractive environment for cyclists particularly inexperienced ones such as children.
10. A designated bus stop is available some 200 metres away at Hill Cottages. To my mind, whilst the distance is reasonably walkable, for the reasons given above, the nature of the route to access the bus stop would discourage use of the bus for many journeys, particularly for those with limited mobility, parents with young children or at night or during inclement weather.
11. I am advised by the appellant that the Konnect bus 90 service operates between Beccles and Southwold four times per day at approximately 2.5 hour intervals, however, there is limited detailed evidence before me regarding this

- service. The bus would be capable of being hailed from the parking layby close to the private drive to the appeal site. To my mind, the parking layby is reasonably walkable and safe to access. However, whilst the bus could provide access to employment, retail and educational facilities and services and other day to day needs, the limited regularity of the service reduces its potential as an alternative mode of transport.
12. The appellant has drawn my attention to his use of nearby footpaths and bridleways to access a local public house and retail facilities at Beccles. However, there is no detailed information before me as to the nature and length of these routes.
  13. Therefore, I consider that walking and cycling to the services and facilities would not be perceived as safe and convenient by future occupiers of the dwelling. Thus, I do not consider that it would be used on a regular basis for walking and cycling and the location would not be well served in terms of walking and cycling to access local services and facilities, particularly for more vulnerable groups.
  14. I am mindful of the advice in the National Planning Policy Framework (Framework) that opportunities to maximise sustainable transport solutions will not be the same in rural areas as in urban locations. Taking everything into account, even though there would be safe a convenient access to public transport from the lay-by, I consider that future occupants of the proposed dwelling would be highly reliant on the use of a private car.
  15. Whilst the number of daily movements which would be generated by the proposed dwelling would be modest, future occupants would have a limited choice of transport mode, contrary to the objectives of the Framework, and the overall aim of the LP to deliver sustainable development. This is a significant matter weighing against the proposal.
  16. For the reasons given above, I therefore conclude that the appeal site is not a suitable location for a new dwelling with particular regard to the settlement strategy and accessibility to services. The proposed development would therefore be contrary to LP Policy WLP1.2 in so far as this policy seeks to locate new development within settlement boundaries.

#### *Setting of a listed building*

17. The appeal site comprises an area of grassland including the concrete bases to a historic agricultural building. It lies towards the end of the existing private driveway beyond Hill Farm House, a Grade II listed building (LB) and a number of barns converted to residential use. Hill Farm House is a 16<sup>th</sup> Century farmhouse that I consider derives its significance from its form, fabric, architectural features and its setting within the open countryside.
18. The proposal would be largely screened from public views from London Road due to the presence of existing barns and intervening vegetation. Furthermore, by reason of the proposal being single storey, partially sunken into the ground, the use of land grading together with existing vegetation along the boundaries and the use of fast-growing additional landscaping, the proposal would blend well into its surroundings, such that the proposal would be largely imperceptible from views from the private driveway and the wider countryside. Notwithstanding this, the proposal would be obliquely visible from the LB itself.

Given that the rural character of the LB is emphasised by the agricultural land that surrounds it, such that it appears relatively isolated, the proposal would introduce built form, hard surfaced areas for parking and outdoor amenity space and domestic accoutrements into an area that is largely undeveloped. Consequently, I find that the proposal would harmfully erode the open character of the site and the relative isolation of the LB. As such, the proposal would detract from the rural and open setting of the LB.

19. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires the decision maker in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
20. The Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
21. The harm identified would amount to "less than substantial harm" and in the context of paragraph 196 of the Framework, which requires such harm to be balanced against the public benefits of the proposal.
22. The appellant has identified a number of public benefits including the provision of an additional dwelling to support the vitality of the rural community and financial support for local services, the release of a large family home, the use of local materials and labour during construction and the generation of income through the local jobs market for maintenance and upkeep of the proposed dwelling. However, I find the provision of one additional dwelling would make only a very modest contribution to housing supply and as such these benefits to be modest and mainly temporary. Albeit there would be some environmental benefits such as low-carbon performance, the remediation of contaminated land and the inclusion of a wildlife meadow, pond and significant tree planting, these would be modest and do not outweigh the harm I have identified above.
23. Accordingly, the proposal would harmfully erode the setting of the LB. It would therefore be contrary to LP Policy WLP8.37 insofar as this policy seeks to ensure that development proposals conserve or enhance heritage assets or their settings. I find that there would be insufficient public benefit to outweigh the identified harm, to which I attach great weight, and therefore I conclude the proposed development would also fail to comply with national policy outlined in section 16 of the Framework.

### **Other Matters**

24. I have had regard to government policy which is supportive of self-build schemes and I have carefully considered the appellant's intention to construct the proposal in a timely manner as a carbon neutral project, the inclusion of technologies to reduce reliance on domestic power supplies, high levels of insulation and a design to take into account opportunities for later life occupancy. In addition, I have also had regard to the siting of the proposal on

- the footprint of the existing concrete bases, recycling and re-use of the concrete bases and the remediation of the surrounding land. I attach modest weight to these matters however, I conclude that these are insufficient to outweigh the harm I have identified above.
25. I have carefully considered the appellant's intention to use electric powered cars and the availability of high-speed fibre broadband. However, I am not persuaded that a condition could effectively control this usage, or other essentially personal lifestyle choices relating to the carbon footprint of future occupiers of the proposed dwelling.
26. I recognise the appellant's desire to downsize to a smaller dwelling and remain living within the area. However, personal circumstances can seldom outweigh general planning considerations.
27. The site is within the zone of influence of the Special Protection Areas and Special Areas for Conservation along the Suffolk Coast. The proximity of these European sites means that determination of the application should be undertaken with regard to the requirements of the Habitats Regulations 2017. The appellant has made a Section 111 financial contribution to the Council towards a Suffolk wide management scheme known as the Recreational Avoidance and Mitigations Strategy. The Council considers this would mitigate any harm to the SPA/SAC. However, as the appeal is failing because of the harm which has been identified in relation to the main issues the development is not going ahead and therefore any harm to the SPA/SAC would not occur. Therefore, I do not need to give any further consideration to these matters in this appeal.
28. By reason of the recent adoption of the LP, the Council are presently able to demonstrate a five-year housing land supply and accordingly, I give full weight to the policies within the LP.
29. The appellant has drawn my attention to a number of previous appeal decisions<sup>1</sup>. However, there is little substantive information relating to the particular circumstances of these developments and whether the circumstances are therefore comparable to the appeal proposal. In addition, these decisions were undertaken at a time when the Council was unable to demonstrate a five-year housing land supply and accordingly relevant policies were afforded differing weights. As such, a comparison is of limited relevance in this instance and I have considered the appeal before me on its individual planning merits.

### **Overall Balance and Conclusion**

30. I have found that there would be environmental harm arising from the appeal site's unsuitable location with poor access to services and facilities together with harm to the setting of a heritage asset. Whilst there would be modest benefits associated with the proposal, I consider that there are no material considerations of such weight to lead me to the conclusion that the proposal should be determined other than in accordance with the development plan. Having regard to all other matters raised I therefore conclude that the appeal is dismissed.

*E Brownless* - INSPECTOR

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<sup>1</sup> APP/J3530/W/16/3142099 and Z1510/W/16/3150953