

PLANNING COMMITTEE NORTH– 13 August 2019

APPLICATION NO DC/19/0061/FUL

EXPIRY DATE: 3 March 2019

APPLICATION TYPE: Full

APPLICANT: Mr Tim Sheldon

LOCATION: Spexhall Hall, Hall Road, Spexhall, Halesworth

PARISH: Spexhall

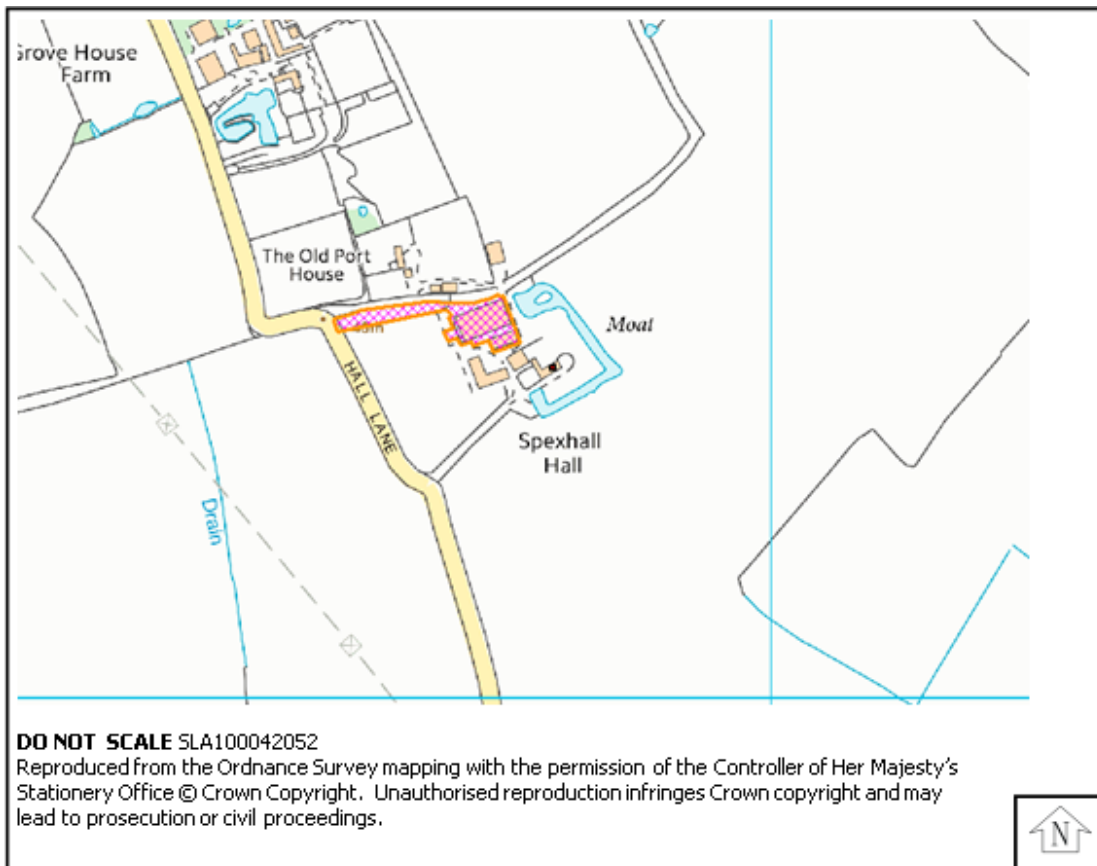
PROPOSAL: Demolish redundant agricultural buildings and build two residential dwellings. Also, to convert and extend the existing brick building to create three dwellings in total

CASE OFFICER : Philip Perkin / Liz Beighton

Email: Philip.Perkin@eastsoffolk.gov.uk / liz.beighton@eastsoffolk.gov.uk

Phone: 01502 523073 / 01394 444778

MAP



1 EXECUTIVE SUMMARY

- 1.1 This application is a revised submission following an application for four dwellings which was refused by the former Waveney District Council Planning Committee on 14 August 2018.
- 1.2 The application seeks to demolish an agricultural building and replace it with two detached four bedroom houses. It is also proposed, via this application, to convert and extend an existing outbuilding to create a further two bedroom dwelling. Therefore, the application proposes an additional three dwellings on the site.
- 1.3 The site lies in the open countryside outside any defined physical limits where there is a presumption against new residential development in accordance with local and national planning policy. None of the exceptions that might apply to set aside these policies of restraint are applicable in this instance and the applicants have not proposed that the development meets any of these exceptions as part of their formal submission. The proposed development is therefore contrary to adopted policy. It is important to note that the local policy relating to such development is newly adopted within the Council and was found to be sound and compliant with national policy.
- 1.4 Spexhall is a Grade II listed building. The proposed development would be harmful to its setting and the benefits of permitting the scheme do not in this instance outweigh the harm that would occur. The application therefore fails the tests for preserving the setting of listed buildings set out in the NPPF and legislation and any benefits that do accrue are private benefits not public benefits.
- 1.5 The application is contrary to Local Plan policies WLP1.2, WLP7.1, WLP8.7, WLP8.11 and WLP8.37 and the NPPF (2019).
- 1.6 This application is before the Planning Committee at the request of the Referral Panel.
- 1.7 There have been no additional responses received since the last Committee meeting heard this item in June 2019.
- 1.8 The application had not previously been advertised as a Departure, which is required to ensure any decision is sound. This is being undertaken, however the recommendation is one of authority to determine once the 15 working day advertisement period has expired.

2 BACKGROUND AND CURRENT POSITION

- 2.1 The application was presented to the East Suffolk Council North Planning Committee on the 11 June 2019. The recommendation to refuse permission was not supported by the Planning Committee who resolved to present an alternative recommendation of approval. The motion to approve was made on a vote of five for and four against. This is recorded in the minutes of the meeting.
- 2.2 Following the close of the Committee meeting, Officers sought to engage with legal representation on the grounds that no reasons for countering the officer recommendation were made at the meeting, at the time the alternative recommendation was proposed, or formally recorded in the minutes.

- 2.3 It is important to acknowledge that the Committee are entitled to reject the recommendation of the officer. That is an uncontroversial proposition. However, where a committee does reject the officer's recommendation, and grants permission, this will usually give rise to a common law duty to give reasons for that decision.
- 2.4 It is accepted that there are some exceptions, set out in case law, where it is not necessary for reasons to be provided. The view of the legal advice sought was that this is not one of those cases. Although there was no specific controversy (in that no-one objected to the application) nonetheless the application was a departure from the very recently adopted development plan, and also occasioned harm to a listed building. The officer's report was detailed and cogent in this regard. Therefore Counsel's advice was that reasons were required for the Committee's decision in this instance.
- 2.5 The resolution to grant is just that – it does not amount to a grant of planning permission until such time that the decision notice leaves the Authority. If the resolution to grant planning permission of 11 June 2019 was converted into a planning permission and issued tomorrow, without any further reasons being given, in the view of Counsel it would be highly susceptible to a challenge by way of Judicial Review, not least because of the absence of any reasons for the decision. It is important to note that anyone is able to bring about a legal challenge to an application whether they are connected with this application or not.
- 2.6 The legal advice received was that the 'safest' course of action therefore would be to refer the matter back to the North Planning Committee; and that the Committee should consider:
- Whether their decision should, in fact, be confirmed (whether subject to conditions or not); and if so
 - What the reasons for the decision to grant planning permission are, having particular regard to the statutory primacy of the development plan, and to the specific requirements in the NPPF and case law as to how harm to designated heritage assets (here, the listed building) should be treated.
 - The Committee could then essentially elect whether to confirm their decision and provide their reasons for doing so, or to come to a different decision (again, where necessary, providing reasons for so doing).

The Position on the Prior Approval application (Part Q)

- 2.7 The Planning Committee report makes reference to the Part Q conversion of an agricultural barn for three dwellings, adjacent to the current application site but within the existing farm holding. Members sought additional clarification on this conversion at the meeting which unfortunately was not available at that time or evident in the body of the report. This information has subsequently been sought and officers are of the view that it is important for Members to understand this position so that they can fully appreciate the development of the site as a whole.
- 2.8 Prior approval was granted via application reference DC/16/1723/PN3 on the 14 December 2016.

2.9 One of the conditions of a Part Q approval (as stated in the legislation – Town and Country Planning (General Permitted Development) (England) Order 2015) states:

(3) Development under Class Q is permitted subject to the condition that development under Class Q (a), and under Class Q (b), if any, must be completed within a period of three years starting with the prior approval date.

2.10 Accordingly, for the permission to remain live the consent needs to be completed by the 13 December 2019. Unfortunately it has been brought to officer's attention that an error was contained on the original decision notice granting Prior Approval, in that it included a standard three year time limit condition. This was included in error and the applicant has been advised in writing and verbally that the regulations take precedent over any inaccurate condition. Whilst this inclusion is unfortunate, the legislation is clear in this regard and the applicant / agent would have been aware of such when reviewing their submission against the regulations.

2.11 Furthermore, there are two pre-commencement conditions which need to be formally discharged before work can commence. Condition 3 relates to contamination and Condition 7 relates to details for bin storage. Details in respect of these conditions have yet to be submitted to this Authority for formal consideration and no discussion with regards to such has been had.

2.12 Officers are therefore of the view that there is insufficient time left within the permission timeframe to accord with the Prior Approval Regulations and that as such the consent will fall. It will therefore be the responsibility of the applicant to re-apply for permission and include sufficient information to demonstrate compliance with Part Q of the regulations including a structural survey and appropriate evidence to demonstrate that the barn can be converted without significant works or alterations.

2.13 Officers have sought to seek information from the applicant as to the nature of intent for implementing the prior approval and their intention for the site as a whole, with appropriate timescales, but no information has been forthcoming. Officers are in dialogue with the agent and will seek to gain some more information and advise Members accordingly if this is received before the late papers cut-off time.

Relevant Appeal Decision

2.14 Since the Committee meeting the Council is in receipt of an appeal decision which contains a number of similarities to the proposal at hand. The full decision notice is contained as an appendix to this report. Officers believe that this decision represents a material consideration to the determination of this application.

2.15 The appeal (application reference DC/18/2588/FUL) sought permission for a single-storey dwelling at Hill Farm Barn, London Road Weston. The appeal decision was issued on the 18 June 2019 and the appeal was dismissed.

2.16 There were two main issues associated with the appeal, namely:

- i. Whether the appeal site is a suitable location for a dwelling having particular regard to the settlement strategy and the accessibility of services; and

- ii. The effect of the proposal on the setting of a nearly listed building, Hill Farm House.
- 2.17 Regarding the location it was acknowledged that the site was outside any settlement boundary and therefore in the countryside for planning purposes. The Inspector found that the site conflicted with the policies in the local plan which allow for housing in the countryside. Furthermore, it was found that accessing services and facilities in Beccles by a safe means (i.e. footpath and bridleway) was not possible particularly for the more vulnerable groups and any future occupants would be heavily reliant on the private car. This weighed significantly against the proposal.
- 2.18 Turning to the impact on the listed building it was noted that the harm was 'less than substantial harm' which in turn requires an assessment against the public benefits of the proposal, as advocated in the NPPF. Paragraph 22 of the appeal decision deals with this matter and states that "*I find the provision of one dwelling would make only a very modest contribution to the housing supply*". Any benefits via construction and upkeep would, in the view of the Inspector, be modest and mainly temporary. In conclusion, the Inspector noted that there was insufficient benefit to outweigh the harm to the setting of the heritage asset and therefore failed the tests in the Framework.
- 2.19 Officers believe there is a great deal of synergy between the proposals and indeed can be argued that the environmental credentials with the appeal proposal provided a stronger case of support. The application as submitted is similar to the appeal site in terms of its physical location and access to services and occupiers will be reliant on the private car to access key services and facilities. The site is remote with no safe, lit access to such facilities.
- 2.20 Likewise, the development of three large residential units has no public benefits that outweigh the harm identified. The NPPF is clear that such benefits need to be identified in such instances. Three dwellings would make a very modest increase in housing supply. The Council is able to maintain a five year supply of housing and as such is not reliant upon such speculative developments to make up its shortfall. The proposal does not meet an identified need for affordable, or low cost housing and no evidence has been supplied to demonstrate that key services (i.e. shop, pub, school) will fail without this additional income from the future occupiers. Accordingly, officers are of the view that the public benefits arising do not outweigh the harm identified in this instance.
- 2.21 Accordingly, Officers advise that the recommendation on the application should be consistent with this recent appeal decision. Not to take a consistent approach would be perverse and create confusion and conflict with Policy. Furthermore, it is necessary to ensure consistency for the purpose of customers so that there is clarity and certainty on the success or otherwise with proposals.
- 2.22 Officers do not believe that any evidence has been supplied to enable an alternative recommendation to be tabled. If however, Members take an alternative approach, then there is a need to provide clear justification for such evidence the difference between the appeal proposal and that before them and how the proposal meets the key tests on setting clearly identify how the revised scheme has overcome the initial reasons for refusal on the previous application, two of which relate to matters of principle.

3 SITE DESCRIPTION

- 3.1 The application site is adjacent to Spexhall Hall, a Grade II listed farmhouse, an isolated site in the countryside. To the northwest of the Hall are two large agricultural buildings. One of these buildings (a concrete block/metal clad portal framed building) has permitted development rights to be converted to three dwellings following the submission of a Prior Notification application in 2016 (Ref. DC/16/4723/PN3).
- 3.2 Immediately to the south of these buildings is a red brick and pantiled building and covered storage area which is within the application site. Adjacent to this building is a single storey building that is outside the application site and opposite this building is a further range of single storey buildings that are also outside the application site.
- 3.3 Spexhall was listed on the 1 September 1953 under listing number 1352609, with the following listing description:

Farmhouse. Late C15 and later. 2 storeys and attics to main range. Timber-framed and rendered; black glazed pantiles; a red brick gable on the east incorporating a chimney-stack with a plain square shaft. A lean-to on the west side, and a 1½ storey rear range at right-angles to the front, are both encased in colour-washed brick. The main range has an internal chimney-stack with short diagonally-set attached shafts; 3-light old mullion-and-transome type windows; and a 6-panel door with raised fielded panels, and surround with half-round pilasters, entablature, and an oblong fanlight with diagonal glazing bars. Basically, a late medieval 3-cell house, of which only the 2-bay open hall survives: this was high, with embattled ornament on the middle rails at what is now the level of the inserted ceiling. A fine doorway in the north-west corner, with 4-centred arched head and cavetto moulding, led to the parlour, replaced by the present lean-to. The main beam of the inserted ceiling has ovolo-moulding and stepped stops with jewel; the inserted stack, with 2 back-to-back hearths, is at the west end of the hall. At the east end, a later studded partition divides off the present entrance hall; the original service area was extended or replaced to form a parlour in the late C16. The roof over the former open hall, although altered, is smoke-blackened, and was apparently of simple rafter construction; over the eastern end there are clasped side purlins. The wing at the rear is an early-to-mid C17 service range with the main beams partly reused, probably from the earlier house: one has the remains of mouldings and Tudor flower motifs. The house stands on a rectangular moated site.

- 3.4 The listing description notes the importance of the setting of the Hall, by acknowledging it being within a moated site. The building is clearly a building of importance historically and still retains these important features.

4 PROPOSAL

- 4.1 This application seeks full planning permission to demolish the agricultural building (former pig shed) adjacent to the agricultural building with permitted development rights for conversion to three dwellings, and replace it with two new four bedroom houses within the existing building envelope. It is also proposed to convert and extend the existing red brick and pantiled building to provide a two-storey two bedroom house.

- 4.2 In total therefore this application seeks consent for three new houses in addition to the agricultural building to be converted to three dwellings under permitted development rights.
- 4.3 The materials for the proposed dwellings include:
- Red brick plinths
 - Part red brick and part larch weatherboard walls
 - Black weatherboard walls
 - Red clay pantiles and natural slate roof coverings
 - Windows and doors which are to be timber frame
 - Black pantile roof covering
- 4.4 Each proposed dwelling has a double oak framed garage. A new access to the site is proposed from Hall Road which would run parallel to an existing bridleway running east-west immediately to the north of the application site. The proposed driveway would have a width of 5m.
- 4.5 The application is supported by a Design and Access Statement including a marketing report and contaminated land report; a Historic Assessment Report and a Preliminary Ecological Appraisal.

5 CONSULTATIONS/COMMENTS

- 5.1 Spexhall Parish Council : The Council does not object to this planning application. While the Council believes that it is good to have new housing in Spexhall on this site, the Council does suggest that construction traffic should only approach the site via Grub Lane and not via the Spexhall crossroads in order to avoid congestion.
- 5.2 Suffolk County Council - Highways Department: No objection subject to conditions.
- 5.3 Suffolk County Council Archaeology: No objection subject to conditions.
- 5.4 Suffolk County Council Rights of Way: Bridleway 4 is recorded along the access of the proposed development area. Whilst we do not have any objections to this proposal - informative notes apply.
- 5.5 Suffolk Fire and Rescue Service: General comments on fire fighting facilities and water supply.
- 5.6 Essex and Suffolk Water: No objection.
- 5.7 Suffolk Wildlife Trust: Advise that they have read the ecological survey reports (Bats (Jul 2018), Great Crested Newts (Jun 2018), Reptiles (Jun 2018), all Abrehart Ecology) and note the conclusions of the consultant. The surveys identify that mitigation and protected species licences are required for bats and great crested newts and we request that, should permission be granted, a mitigation strategy and copies of the relevant Natural England licences are secured by condition. It is suggested that British Standard BS 42020:2013 (Biodiversity – Code of practice for planning and development) model conditions D.2.1

(Biodiversity method statements and D.6.2 (Submission of a copy of the EPS licence) could be used to secure this.

5.8 Head of Environmental Services – No objection subject to conditions

5.9 Third Party Representations - None received

6 PUBLICITY:

6.1 The application has been the subject of the following press advertisement:

Category	Published	Expiry	Publication
Public Right of Way, Curtilage of Listed Building	18.01.2019	08.02.2018	Beccles and Bungay Journal
Public Right of Way, Curtilage of Listed Building	18.01.2019	08.02.2018	Lowestoft Journal

7 SITE NOTICES

7.1 The following site notices have been displayed:

General Site Notice Reason for site notice: Public Right of Way; Curtilage of Listed Building.
Date posted 17.01.2019 Expiry date 07.02.2019

8 PLANNING POLICY

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that “*where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise*”.

8.2 s66(1) of the Planning (Listed Building and Conservation Areas Act) 1990 states :
(1)In considering whether to grant planning permission [F1or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

8.3 National Planning Policy Framework (NPPF) (2019)

8.4 The East Suffolk Council - Waveney Local Plan was adopted on 20 March 2019 and the following policies are considered relevant:

- WLP1.1 – Scale and Location of Growth

- WLP1.2 – Settlement Boundaries
- WLP7.1 – Rural Settlement Hierarchy and Housing Growth
- WLP8.7 – Small Scale Residential Development in the Countryside
- WLP8.11 – Conversion of Rural Buildings to Residential Use
- WLP8.37 – Historic Environment

9 PLANNING CONSIDERATIONS

Planning History

- 9.1 This application is a revised submission following the refusal of an application for four dwellings at a Planning Committee meeting held on 14 August 2018 (DC/18/0051/FUL). The application was refused for the following reasons by means of decision notice dated 17 August 2018:
1. The site lies in open countryside outside the physical limits defined by Development Management Policy DM01. Development Management Policy DM22 states that housing development will not be permitted in the open countryside except where it can be demonstrated to be essential for an agricultural or forestry worker to live at or close to a workplace, where housing would meet an identified local housing need, where it would constitute infill development or where the proposal would replace dwellings affected by coastal erosion. The proposed development does not fall into any of these categories and is therefore contrary to Policies CS01 and CS17 of the Core Strategy and Development Management Policies DM01 and DM22.
 2. The site is within the setting of the Spexhall Hall a Grade II listed building. The proposed development would have a negative impact on the setting of the listed building contrary to paragraphs 193 and 194 of the National Planning Policy Framework and Policy CS17 and Policy DM30. The benefits of the proposal are not considered to outweigh the harm that would be caused.
 3. The proposed layout results in a poor relationship between the dwellings leading to restricted outlook and amenity space contrary to Development Management Policy DM02 and the NPPF.
- 9.2 It is important to note that there have been no changes to the site or nature of the development since the refusal. Therefore, whilst the applicant is able to seek to overcome the third reason for refusal by reducing the number of units, in the view of officers the current application is unable to deal with the first two reasons for refusal which relate to the principle of development, which remains unacceptable. No additional evidence has been supplied to the Local Planning Authority as a response to these two reasons for refusal which relate to matters of principle rather than design.

Principle of Development and Development Plan Policies

- 9.3 The National Planning Policy Framework (NPPF - 2019) states that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 9.4 The NPPF also states that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.
- The economic role includes contributing to building a strong, responsive and competitive economy.
 - The social role aims to support strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and the
 - environmental role aims to contribute to protecting and enhancing our natural, built and historic environment. The NPPF advises that these roles should not be undertaken in isolation, because they are mutually dependent.
- 9.5 Waveney (East Suffolk) Local Plan (March 2019) Policy WLP1.2 defines settlement boundaries. Land which is outside of settlement boundaries is considered as the Countryside and new residential development will not be permitted in the Countryside except where specific policies in the Local Plan indicate otherwise. The application site is located within the Countryside. The application has not been submitted to meet any of the key exceptions to policy as identified the Local Plan or the NPPF.
- 9.6 In order to sustainably deliver the housing growth targets set out in the Waveney Local Plan (2019). Policy WLP1.1 proposes that 56% of new residential development will take place within the Lowestoft Area and 34% in the four market towns (Beccles and Worlingham, Halesworth and Holton, Bungay and Southwold and Reydon). 10% of housing growth is expected to take place in the rural areas in accordance with Policy WLP7.1.
- 9.7 Policy WLP7.1 identifies a rural settlement hierarchy for housing growth in the rural areas. The overall objective of the rural strategy is to deliver development that reflects the character of a rural settlement and contributes towards sustainable development that will support their needs and enable them to grow and prosper in the long term. Within the rural areas most new housing is identified through site allocations in both the Local Plan and in Neighbourhood Plans.
- 9.8 Policy WLP7.1 focusses housing growth in the larger villages where there is a relatively better provision of day to day services. These larger villages are generally able to accommodate larger amounts of development without unduly impacting upon the character of the village. Policy WLP7.1 also identifies some smaller villages in the rural area where land is allocated for residential development.
- 9.9 Spexhall is not within either a larger village or a smaller village as identified within the rural settlement hierarchy.

- 9.10 Policy WLP7.1 supports limited amounts of development elsewhere in other rural settlements that are not identified as either larger or smaller villages. In these locations growth is expected to be facilitated by Neighbourhood Plans and by Policies WLP8.6, WLP8.7, WLP8.8 and WLP8.11. Dealing with these in turn:
- WLP8.6 – Affordable Housing in the Countryside. The proposal is not for affordable housing and therefore this Policy is not relevant to the consideration of this application. Even if it were it is considered that the proposal would not meet the criteria within the Policy.
 - WLP8.7 - Small Scale Residential Development in the Countryside. This is the Policy that is considered most relevant to this application. Policy WLP8.7 allows for small scale residential development in the countryside of up to three dwellings where:
 - The site constitutes a clearly identifiable gap within a built up area of a settlement within the countryside;
 - There are existing residential properties on two sides of the site; and
 - The development does not extend further into the undeveloped Countryside than the existing extent of the built up area surrounding the site.
- 9.11 The application site currently consists of a redundant agricultural building adjacent to another agricultural building. There is one dwelling (the listed Spexhall Hall) to the south of the site and one other neighbouring property (The Old Port House) approximately 100m away to the north west beyond the existing bridleway. The application site cannot therefore be considered to constitute a 'clearly identifiable gap within a built up area of a settlement'.
- 9.12 The application site is not a settlement within the countryside. It is considered to be sporadic development within the countryside not in accordance with the policies which seek to allow some development in the countryside.
- 9.13 The existing buildings on the site contribute to a strong rural character to the site. The complex appears as a farm within the wider countryside setting, made up of the farmhouse and associated agricultural buildings. Agricultural buildings are characteristic of rural areas, however they do not and cannot constitute settlements. Similarly the two existing dwellings do not constitute a settlement. Whilst it is acknowledged that the agricultural building adjacent to the application site has permitted development rights to be converted to three dwellings the conversion has yet to be implemented (and for the reasons outlined earlier is unlikely to be implemented). It is therefore the case that the proposed development conflicts with Policy WLP8.7.
- 9.14 WLP8.8 – Rural Workers Dwellings in the Countryside. The proposal is not seeking consent for rural workers dwellings and therefore is not applicable.
- 9.15 WLP8.11 – Conversion of Rural Buildings to Residential Use. One element of this application includes the conversion (and extension) of an existing building. Policy WLP8.11 sets down certain criteria for the conversion of redundant rural buildings in the

countryside. In particular the conversion should secure or safeguard a heritage asset or the building should be locally distinctive and of architectural merit and the conversion requires only minimal alteration. It is not considered that the extensive works proposed to the building would comply with this policy. In any event, the two new builds would conflict with this policy. The proposal therefore conflicts with this policy.

- 9.16 It is considered that the settlement hierarchy set down in Policy WLP7.1 identifies a number of opportunities for new residential development in appropriate locations within the rural areas thereby allowing appropriate levels of development. The proposed development does not comply with Policy WLP1.2 or any of the exceptions set down in Policies WLP8.6, WLP8.7, WLP8.8 and WLP8.11 that might otherwise allow housing in the countryside. The proposal departs significantly from the recently adopted settlement hierarchy in the Local Plan and there is no justification for new residential development on the application site.
- 9.17 Accordingly therefore it is considered that the principle of residential development on this site is not acceptable.

Heritage Considerations

- 9.18 The application site is adjacent to the Grade II listed building of Spexhall Hall. There is intervisibility between the site and the agricultural building to be demolished and Spexhall Hall. However the agricultural building is not considered to be of much historic significance and the Council's Senior Design and Conservation Officer does not object to its demolition. It does however contribute to the strong agricultural character of the site and the complex appears as a farm within the wider countryside setting.
- 9.19 The proposal looks to replace the existing barn with two detached houses each with a double garage. These have been designed to appear as converted historic agricultural buildings/barns. However this approach is considered to seriously confuse the evolution of the site and the context of the adjacent listed building.
- 9.20 In comparison to the previous scheme the proposed dwellings are pushed further north-east, past the extent of the existing building line making them more in view of the rear of the listed building and closer to the "moat", which is noted in the listed building description as an important element of the building. Therefore it is considered that this part of the proposal has a high negative impact on the setting of the historic building. This affects the significance of the Listed building by confusing the relationship of the Farmhouse to its historic farmstead.
- 9.21 The building proposed to be extended and converted is not considered to be of high historic significance. However the proposed conversion is considered to have a negative impact on the setting of the listed building caused by the residential character created by the flue, rooflights, fenestration and the creation of a domestic curtilage.
- 9.22 It is considered that the proposed dwellings adversely change the setting of the adjacent listed Spexhall Hall considerably. The character is altered from that of a farmstead to a residential hamlet. The impact of all the associated domestic paraphernalia of cars, bins, washing lines, patio furniture etc and the erection of site divisions for numerous dwellings will also have a cumulative effect which will add further negative impact. Rather than the

listed farmhouse sitting isolated in the countryside with its related farm building complex it will become part of a residential development.

- 9.23 The significance of which is close connection between the farmhouse and its associated farm buildings and rural quality it currently provides. This reflects the agricultural nature of the complex which has been the case since the farmhouse was built in the 1400's. However, the creation of a pseudo historic barn complex confuses the sites evolution and the context in which the listed building is experienced in.
- 9.24 The Senior Design and Conservation Officer is of the view that in NPPF terms the proposal will lead to "*less than substantial harm*" to the significance of the designated heritage asset of Spexhall Hall. However, there is still a high level of harm caused to the significance of the Listed Building by the change to its setting both immediate and the wider countryside setting. It is this harm which has to be weighed against the public benefit. The proposal is therefore considered to be contrary to Policy WLP8.37 which seeks to conserve or enhance Heritage Assets and their settings. This amounted to a reason for refusal on the previous application.

Design and Layout Considerations

- 9.25 Design is a material consideration in the determination of planning applications and improving design quality is a key theme of the NPPF. Local Plan Policy WLP8.29 requires development proposals to demonstrate high quality design which reflects local distinctiveness. Proposals should protect the amenity of the wider environment, neighbouring uses and provide a good standard of amenity for future occupiers of the proposed development.
- 9.26 One of the reasons for refusing the previous scheme was on the grounds of a poor relationship between the dwellings leading to restricted outlook and amenity space. Whilst the reduction in the number of dwellings proposed from four to three improves the relationship between them they nevertheless remain in close proximity to one another. Each proposed dwelling has a reasonable amount of amenity space albeit in the form of an enclosed courtyard. On balance it is considered that the layout and relationship between the dwellings is acceptable and therefore the earlier reason for refusal can be discounted.

Ecology

- 9.27 The application is supported by a Preliminary Ecological Appraisal which identifies that further surveys are required for protected species including bats, great crested newts and reptiles. These surveys have now been carried out and they identify that mitigation and protected species licences are required for bats and great crested newts. The surveys recorded no reptiles on the site. It can therefore be concluded that subject to the proposed mitigation the proposal would not result in harm to protected species. This could be secured by condition as recommended by Suffolk Wildlife Trust were the application to be approved.

The Planning Balance

- 9.28 The provision of new housing in a rural location might be regarded as a benefit arising, however this proposal is not being promoted as one that would meet an identified housing

need and even if it were it is not considered to meet the tests of a “rural housing exceptions site” as detailed in paragraph 8.12 above. The proposal is also considered contrary to all other policies that might otherwise allow housing in the countryside. It is acknowledged that there would also be some limited economic benefits during construction, but as alluded to in the appeal decision; these are temporary and should not weigh in favour of the development.

- 9.29 No evidence has been provided with the application to demonstrate that these additional dwellings are required to ensure that an existing service or facility (i.e. shop, public house, school) continues. Evidence of such would be required as demonstrated by appeal decisions.
- 9.30 The NPPF states that there are three dimensions to sustainable development: economic, social and environmental. These roles should not be undertaken in isolation, because they are mutually dependent. The environmental role includes the protection and enhancement of the natural and historic environment. Given that the proposal is contrary to countryside policies and harms the setting of the listed building the proposal is not considered to constitute sustainable development.
- 9.31 It is advised that the public benefits of the proposed development are, at best, limited. Indeed, it is argued that the main benefits are private benefits to the landowner in terms of the uplift in revenue and value of the land. Officers are not of the opinion that the scheme would yield any public benefits.
- 9.32 In view of the harm caused by this development to the setting of the listed building together with harm due to the conflict with the Development Plan, which is recently adopted, it is not considered that this harm is outweighed by the benefits of the development.
- 9.33 Furthermore, as stated earlier in the report, the proposals do not seek to overcome the first two reasons for refusal attached to the previous application which related to principle as opposed to detail. In the absence of any clear evidence or change in nature of the proposals, the scheme is unable to satisfy the policy conflict which has been identified by this Council.

Habitat Mitigation

- 9.34 The application site lies within the 13km 'zone of influence' for recreational disturbance affecting the Minsmere to Walberswick Heaths & Marshes SAC and the Benacre to Easton Bavents Lagoons SAC/SPA. It is expected 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 these European Sites, due to the risk of increased recreational pressure caused by development.
- 9.35 The applicant has made the appropriate contribution towards the Suffolk Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). As such it can be concluded that the impacts on European sites arising from the proposal can be satisfactorily mitigated.

10 CONCLUSION

- 10.1 The site lies in the open countryside outside any defined physical limits boundary where there is a presumption against new residential development in the interests of sustainable development. None of the exceptions that apply to this general policy of restraint are applicable to this proposal. The application is therefore contrary to policies WLP1.2, WLP7.1 and WLP8.7 and the NPPF.
- 10.2 The proposed conversion of the existing brick building entails significant alterations that would not comply with Policy WLP8.11 which states that conversions should require only minimal alterations. Furthermore the conversion would not safeguard a heritage asset and the application has not been submitted with this intention.
- 10.3 The site falls within the setting of Spexhall Hall, a Grade II listed building. It is considered that the proposal would result in a high level of harm to the setting of the listed contrary to Policy WLP8.37.
- 10.4 The benefits of the proposal are considered to be, at best, limited and temporary. The harm that would be caused to the character and appearance of the area and the setting of the listed building would significantly outweigh the limited benefits and therefore the proposal conflicts with the NPPF. This accords with the appeal decision referred to in this report.
- 10.5 Accordingly, it is recommended that the application is refused. The proposal is located in an unsustainable location, it conflicts with adopted policy and does not yield public benefits. It is important to note the previous refusal was on the grounds of it being an unsustainable location and harm to the listed building and these matters have not been overcome or addressed via this submission. Furthermore, a recent, very similar application was refused for identical reasons and to take a different approach in this instance, especially where the appeal proposal had additional environmental benefits than this scheme, would be inconsistent and perverse.
- 10.6 If Members wish to deviate from the Officer recommendation, having had the benefit of sight of all material considerations, then clear justification needs to be provided based on legislation, the previous decision and the appeal decision referred to, so as to ensure that any decision issued is sound.

11 RECOMMENDATION

That the Head of Planning and Coastal Management be delegated to **REFUSE** planning permission upon the expiry of the advertisement period for the following reasons:

1. The site lies in open countryside outside the physical limits defined by Policy WLP1.2 of the East Suffolk Council Waveney Local Plan (March 2019). The application site does not constitute a clearly identifiable gap within a built up area of a settlement in the countryside neither does it have existing residential properties on two sides. The proposal is therefore contrary to Policies WLP1.2, WLP8.7 (Small Scale Residential Development in the Countryside) and WLP7.1 (Rural Settlement Hierarchy).

2. The existing brick building is not a heritage asset nor is it locally distinctive and of architectural merit. The proposed conversion and extension constitutes more than minimal alteration to the building contrary to the provisions of Policy WLP8.11 (Conversion of Rural Buildings to Residential Use).

3. The site is within the setting of the Spexhall Hall a Grade II listed building. The proposed development would have a negative impact on the setting of the listed building contrary to Policy WLP8.37 and paragraphs 193 and 196 of the National Planning Policy Framework. The harm that would be caused to the character and appearance of the area and the setting of the listed building would significantly outweigh the limited benefits which would accrue.

BACKGROUND INFORMATION:

See application ref: DC/19/0061/FUL at
www.eastsuffolk.gov.uk/public-access