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## Appeal Decision

Inquiry Held on 1-4 and 9 December 2020

Site visit made on 7 December 2020

**by Zoe Raygen Dip URP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 22<sup>nd</sup> December 2020**

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**Appeal Ref: APP/D3505/W/20/3256969**

**Land east of Bramford Road, Sproughton, Ipswich**

- 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 Hopkins Homes against the decision of Babergh District Council.
  - The application Ref DC/18/02010, dated 4 May 2018, was refused by notice dated 4 May 2020.
  - The development proposed is described as residential development of 64 dwellings together with new access from Bramford Road (B1113) associated parking, landscaping and open space.
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### Decision

1. The appeal is dismissed.

### Procedural matters

2. During the course of the planning application the number of proposed houses was reduced to 49. It was on this basis that the Council determined the planning application. I have treated the appeal on the same basis.
3. With agreement, after the Inquiry, a legal agreement under S106 of the Town and Country Planning Act 1990 was submitted (the S106). This secures the provision of open space together with a contribution towards its maintenance, off-site highway works, the Stour and Orwell Estuaries Special Protection Area and Ramsar site and a monitoring fee requested by Norfolk County Council. It also secures the provision of 35% affordable housing and works to the existing community parking adjacent to the Tithe Barn.
4. As the proposal relates to a number of listed buildings, I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
5. On the 7 October 2020 the Council resolved to grant planning permission, subject to the signing of a S106 agreement, for a hybrid scheme at land north of Burstall Lane in Sproughton.<sup>1</sup> The scheme consists of outline consent for the erection of up to 92 homes and 13 self-build/custom build plots (including provision of up to 37 affordable homes); open space, including a village wood; land for community use/ local shops/ office space; land for a village car park; land for an extension to existing village allotments; land for paddocks; land for

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<sup>1</sup> DC/19/00567 (referred to as the Pigeon scheme)

relocated and enhanced caravan storage provision; safeguarded land for potential future relief road; new public right of way and associated infrastructure provision. The proposal also includes for full planning permission for a spine road between Loraine Way and Burstall Lane (including accesses onto Burstall Lane and Loraine Way); access for proposed caravan storage area; accesses for self-build plots from Burstall Lane; and associated drainage and highway works (including formation of passing bays on Burstall Lane). At the time of the Inquiry the S106 had not yet been concluded. This matter is a material consideration which I refer to later in the decision.

6. As part of the appeal submission the appellant submitted a revised indicative landscaping layout plan ref GUA-DR-L-001 P04. Whilst noting the Council's concerns that this plan has not been the subject of consultation it is submitted in an indicative form only. It has also been agreed within the Statement of Common Ground (SOCG) that it would be necessary to have a condition imposed, if the appeal were to be allowed, requiring the submission of a detailed landscaping plan. This would be for the Council to consider in the first instance. The revised indicative plan makes no alteration to the number of houses, or the proposed layout. I am satisfied therefore that the changes are minor, and no one would be prejudiced if I were to take it into account. I have therefore proceeded on that basis.
7. At its meeting on 10 November 2020 the Full Council agreed that the Babergh and Mid Suffolk Joint Local Plan Pre-Submission (Reg 19) Document (eJLP) be approved for publication. The Full Council also delegated authority to the Assistant Director for Sustainable Communities in consultation with the Cabinet Member for Planning to submit the eJLP for independent examination and for modification and procedural processes necessary for the Examination. The eJLP allocates the appeal site for the development of approximately 50 dwellings through emerging Policy LA116.
8. The report considers key risks with the process and, while it notes that it is probable that there will be significant objections to the soundness or legal requirements of the eJLP, it is unlikely that representations would be made that would find the eJLP unsound as there has been an evidence led approach and it has been prepared with regard to the latest national planning guidance. It goes on to state that the Examination would consider the representations accordingly.
9. However, I am required to give weight to relevant policies in emerging plans in accordance with paragraph 48 of the National Planning Policy Framework (the Framework). In this instance the eJLP is still out for consultation and, while noting the contents of the Full Council report, it is not certain that it would be submitted in its current form for examination. Paragraph 1.3 of the Planning Inspectorate Procedural Guidance for Local Plans (the Guidance) states that the plan that is published for consultation at Regulation 19 stage should be the plan that the LPA intends to submit to the Planning Inspectorate for examination. However, paragraph 1.5 of the Guidance also allows changes to be made prior to submission for examination, albeit they would need to be the subject of consultation. While the Full Council report considered this scenario unlikely, it cannot be ruled out entirely. Even if the plan was submitted as currently drafted, as the plan is still out for consultation, I am not aware of any unresolved objections to not only the emerging Policy LA116, but the overall

strategy and in particular Sproughton's proposed place in the settlement hierarchy.

10. Development on the appeal site has been through a consultation exercise and objections have been received in the consideration of the planning application the subject of this appeal. However, in my view, this is a separate process to the local plan allocation and therefore would not increase the weight I give to the specific allocation.
11. I appreciate that, in the report to Full Council, it states that the eJLP will have increased weight in planning decisions. As the regulation 18 version was given limited weight in the Committee report which considered the Pigeon scheme, the appellant has interpreted this to mean that the eJLP should now attract increased weight. However, the weight to be attributed to matters is for the decision maker and, in my view, while the eJLP is a material consideration in the determination of this appeal, for the reasons above, it can only be given limited weight in its determination. I note that this is a similar approach taken by the decision maker in a number of appeal decisions supplied by the Council<sup>2</sup>.

### **Main Issues**

12. The main issues are:

- the effect of the proposal on the identified strategy for growth for the district; and
- the effect of the proposal on the setting of Sproughton Hall, Root Barn and Tithe Barn Grade II listed buildings and on All Saints Church a Grade II\* listed building.

### **Reasons**

#### *Strategy for Growth*

13. Policy CS2 of the Babergh Local Plan 2011-2031 Core Strategy and Policies 2014 (the Core Strategy) sets out the settlement pattern policy for the district. Most new development, including housing, will be directed sequentially to the towns/urban areas, and to the identified Core Villages (CV) and Hinterland Villages (HV). In all cases the scale and location of development will depend upon the local housing need, the role of settlements as employment providers and retail/service centres, the capacity of existing physical and social infrastructure to meet forecast demands and the provision of new/enhanced infrastructure, as well as having regard to environmental constraints and the views of local communities as expressed in parish/community/neighbourhood plans.
14. Policy CS2 states that CV will act as a *focus for development within their functional cluster*. Whereas HV will accommodate *some development to help meet the needs within them* (my emphasis). Given that they have different places in the settlement hierarchy and different functions then, in my view, there must be some difference in the scale and nature of development between a CV and a HV.
15. Within Policy CS2, Sproughton is identified as a HV. The explanatory text to Policy CS2 makes it clear that there is a difference between Sproughton as a

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<sup>2</sup> APP/C4235/W/18/3205559, APP/C2741/W/19/3233973, APP/Q3115/W/19/3230827, APP/E0535/W/19/3225123

- HV and the wider parish of Sproughton. The built up areas on the edge of Ipswich, but within the parish of Sproughton are, for the purposes of the spatial strategy, considered to be part of the urban area of Ipswich and not the HV of Sproughton which is largely contained to the area west of the A14.
16. The appeal site being outside of the settlement boundary for Sproughton, falls to be considered against the policy requirement for Countryside within Policy CS2 which states that development will only be permitted in exceptional circumstances subject to a proven justifiable need.
  17. However, the explanatory text to Policy CS11 states that settlement boundaries provide a useful starting point when considering the relationship of proposed development in relation to the existing pattern of development for that settlement and for defining the extent of its developed area and a distinction between the built up area and the countryside. Therefore, Policy CS11 intentionally provides greater flexibility for appropriate development beyond the identified settlement boundaries subject to specified criteria for both CV and HV. Development in a HV has to meet both sets of criteria. That of particular relevance and concern for the Council here is CV iv and HV iii. CV iv seeks the provision of housing to meet a locally identified need and specific local needs such as affordable housing; whereas HV iii states that development must meet a proven local need, such as affordable housing or targeted market housing identified in an adopted community local plan/neighbourhood plan.
  18. The Bergholt judgement<sup>3</sup> casts light on the meaning of CV iv and states that local housing need in Policy CS11 means housing need in the village and its cluster, and perhaps in areas immediately adjoining it. However, crucially, paragraph 19 of the judgement states this relates to CV iv and not HV iii. Although at paragraph 34 the judgement considers that there is no difference between locally identified needs and specific local needs that seems to relate purely to CV iv.
  19. From the above therefore, the application of Policies CS2 and CS11 together appear to support the provision of some development to meet the needs within a HV, that should meet a proven local need. The position regarding affordable housing is less clear.
  20. Paragraph 2.8.5.2 i of the CS states that the provision of affordable housing relates to need, however this approach (i.e. the approach in Policy CS11) will enable need to be considered more widely than just within the context of individual settlements. It will allow for provision in one village within a functional cluster to serve, not only that settlement, but also the other villages within that cluster and in some cases adjoining clusters. That seems to me to suggest that the need for affordable housing is of a wider consideration than market housing.
  21. The Rural Development and Core Strategy Policy CS11 Supplementary Planning Document 2014 (the SPD) states that developers should set out how the proposal meets locally identified needs. This should include an analysis of the number and types of dwelling in the village, an assessment the need for housing in the village and the identification of any gaps in provision. Proposals should provide affordable housing in accordance with Policy CS19. Proposals should therefore be accompanied by a statement that analyses the local

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<sup>3</sup> R (*East Bergholt Parish Council*) v *Babergh DC & Aggett* [2016] EWHC 3400 (Admin)

- housing, employment and community needs of the village and how they have been taken into account in the proposal. It is anticipated that such statements should be prepared in consultation with the Council using evidence from a number of sources. There is therefore no set format to demonstrating local need.
22. While the Council insists that the burden of proof to demonstrate a local need for housing lies with the appellant, it seems to me that this could be more of a joint process using various evidential sources and still accord with the SPD. Indeed, when the Council considered both this scheme at application stage and the nearby Pigeon scheme there was very little evidence provided from the applicants on local need and this was supplemented by the Council's own information.
  23. A Local Housing Needs Assessment 2020 (LHNA) accompanied the appeal and put forward three scenarios for growth to ascertain local need for housing (Scenarios A, B and C). The LHNA concludes that there is a future need for 25 dwellings in Sproughton and there is a shortfall across the cluster villages of about 90 dwellings.
  24. However, since the preparation of the LHNA, the Council published its eJLP and within Mr Armstrong's rebuttal, for the appellant, to Mr Robert's Proof of Evidence, for the Council, he considers matters have moved on and puts forward Scenario E using figures within the eJLP to demonstrate compliance with Policies CS2 and CS11.
  25. Using the standard methodology contained in the PPG, Babergh's housing requirement in the eJLP is 7,904 dwellings or 416 dwellings per annum for the plan period. Sproughton has been identified as a CV and within the Ipswich fringe within the eJLP and therefore a focus for future growth with an expectation that a minimum 1514 new homes would be required within the plan period, from the district wide requirement. The appellant has used the housing trajectory contained in the eJLP which includes the proposed allocation on the appeal site, together with other allocations, existing completions and houses coming forward on unallocated sites and applied the existing Core Strategy timespan, which is shorter than that of the eJLP. This according to the appellant would result in a deficit of 177 dwellings in Sproughton which would worsen to 227 dwellings if the appeal site was removed from supply.
  26. However, there is little evidence before me to suggest that the proposed 1514 homes in Sproughton contained in the eJLP is an assessment of the specific local needs of the village of Sproughton as identified in the Core Strategy as distinct from the area of the Parish including the Ipswich fringe. Indeed, the allocation to Sproughton in the eJLP is based on a much larger area than is under consideration in the current Core Strategy.
  27. Even if there is an element of housing to address local need, as envisaged by Policy CS11, there is no substantive evidence to suggest what proportion of the district wide requirement in the eJLP is required to meet that specific local need. It seems to me that this is a top down approach to housing that seeks to redistribute the district wide requirement based on a number of factors which may or may not include local housing need as referred to in Policy CS11 HV iii. The appellant seeks to demonstrate a local need required in the current spatial strategy by using evidence from a different spatial strategy underlying the

- eJLP, which I have already found attracts limited weight and there is no parity between the area of the settlement of Sproughton in each strategy.
28. The Parish Council commissioned a Local Housing Needs Survey (LHNS) which was undertaken by Community Action Suffolk (CAS). This had a response rate of just 27.5%. Due to confidentiality issues only some of the results of that survey have been available to parties and the Inquiry. Mr Armstrong provides some evidence by using the limited public information available and extrapolating the figures which results in an alleged total of 97 households in housing need. However, as explained by Mr Roberts, this does not take account of any sampling bias and therefore, in my view, such figures are not robust, particularly when the figure from an independent analysis within the LHNA is 25.
  29. I have had regard to Scenario D put forward by Mr Roberts. I appreciate his comments that this Scenario was just put forward for context. However, this essentially uses the same approach as Mr Armstrong in Scenario E i.e. a top down distribution of district wide requirement in the Core Strategy split equally between the CV and HV, an approach that is specifically warned against in the Core Strategy at paragraph 2.8.5.4. This therefore does not help matters.
  30. Figures provided for local affordable housing need by the appellant are even less robust in my view, having been based on the extrapolated figure from the LHNS for total households in need. Mr Armstrong then suggests some 70% of these, with little substantive justification for that figure, would require affordable housing creating a total of 68. Instead, the Council point to the local housing register which contains 6 Sproughton residents in need of affordable housing.
  31. Nevertheless, it is agreed between the parties that there is a substantial need for affordable housing across the district. The number of households on the waiting list is 912 in 2018/19 which has worsened from 748 in 2017/18. Based on the evidence before me I would concur. However, the evidence before me regarding the local need, which I have already found may be within the wider cluster, is sparse.
  32. Although the appellant supplies various quotes from the development Manager at Eastlight, a local affordable housing provider to the effect that the broader areas surrounding Ipswich are an area of high affordable housing demand. there are no substantive figures before me regarding that proven local need.
  33. I accept also that the Parish Council's submitted Neighbourhood Plan survey shows that in the Parish 121 express a strong need for affordable homes and 141 a moderate need. There were 26 that expressed that there was a strong need for social housing and 89 with a moderate need. However, whether this need would equate to the definition of affordable housing contained in the Framework is not known. Furthermore, the Neighbourhood Plan is at such an early stage of preparation that it can only be given very minor weight.
  34. In my view, while noting the Council's misgivings regarding the potential for double counting regarding under delivery within scenario B in the LHNA, this is the most robust figures before me. I note that this assessment is similar to that accepted by the Secretary of State (SoS) in his consideration of the Long

Melford appeal<sup>4</sup>. This demonstrates a need for 25 dwellings in the HV of Sproughton. However, the resolution to grant planning permission for the Pigeon scheme would effectively deliver this level of local need. There is no substantive evidence before me to suggest that either the S106 would not come forward, or that the site would not be developed, even though there is not, as yet, a housebuilder involved.

35. Therefore, based on the evidence before me I do not consider that it has been appropriately demonstrated that there is a local need for housing, that would not be met by existing proposed development in Sproughton, as envisaged by Policies CS2 and CS11.
36. The exceptional circumstances test contained within Policy CS2 is not consistent with the Framework as found by the SoS in the Long Melford decision. While the appellant asserts that the settlement boundaries are out of date, Policy CS11 is not predicated on the need to provide development within those settlement boundaries. Moreover, while site allocations have not come forward as envisaged by Policy CS2, there is no substantive evidence before me to demonstrate that this has not prevented development coming forward, through the application of Policies CS2 and CS11. Nevertheless, the inclusion of the exceptional circumstances test means that the weight given to the conflict with Policy CS2 is reduced.
37. The general purpose of Policy CS11, as explained in the SPD is to provide more flexibility in the location of new housing development in rural areas. Moreover, the purpose of the spatial strategy is to achieve continued, incremental growth, at a scale appropriate to the size and character of the existing settlement. The relationship to the main urban areas within and beyond the district is important to the development strategy, which is underpinned by broad sustainable development principles.
38. Although a HV, there is no dispute between the main parties that Sproughton is an accessible settlement. At my site visit I saw that the village had local facilities including a community shop, primary school, public house (although closed at the time of my site visit, it is available for lease) and community facilities at the Tithe Barn providing a good level of facilities to meet resident's day to day needs.
39. The proposed housing would be located a very short distance from these facilities. The pedestrian access would provide convenient connectivity to bus stops and the wider footway network. The catchment primary school is 0.4 miles from the site with a continuous footway link and secondary school 3.7 miles away. I acknowledge that there would be a requirement for travel beyond the village to access employment and supermarkets. However, I saw that the village is in close proximity to Ipswich enabling people to cycle between Sproughton and Ipswich. Overall, therefore, I am satisfied that the site is in a highly accessible location close to Ipswich. The level of growth proposed here therefore, would be adjacent to and well related to the existing pattern of development for that settlement.
40. Any harm therefore arising from this proposal not meeting a demonstrated local need would be very minor in this instance given that I am satisfied that the appeal site is well related to a HV which is in a very accessible location for

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<sup>4</sup> APP/D3505/W/18/3214377

development in accordance with paragraphs 8b and part 9 of the Framework. Therefore, for the reasons above, the weight given to the conflict with Policies CS2 and CS11 is very minor.

### *Listed buildings*

#### *Significance*

41. Although there are a number of listed buildings within the vicinity of the appeal site, there is no dispute between the main parties that the designated heritage assets affected would be the three Grade II buildings known as Sproughton Hall, the Tithe Barn and the Root Barn and the Grade II\* listed building All Saints Church. The effect would derive from changes to their setting and it is agreed that any harm would be less than substantial in nature and that paragraph 196 of the Framework would be engaged whereby harm is to be weighed against public benefits.
42. Sproughton Hall is a late sixteenth or early seventeenth century house with later additions. It is of traditional timber frame construction with rendered elevations and its principal elevation facing south towards Lower Street. It has two large external chimney stacks on its eastern elevation with additional entrances on both east and west elevations. Previously occupied as a farmhouse, the evidence supplied by the Council, and not disputed by the appellant, shows that the land to the west, including the appeal site formed part of the historic agricultural operation that was centred on the farm. This land is located immediately alongside Sproughton Hall which has an extensive residential curtilage with a long rear garden, planted with trees. The boundary here to the land to the west is relatively open, with a high evergreen hedge near to the house itself.
43. The Root Barn dates from the sixteenth century comprising a 3-4 bay and storeyed bay to the north. It is constructed in timber frame and weather boarded externally and painted black. The roof is steeply pitched with half hips and thatched in a traditional manner with a block cut ridge. It forms the west side of the farmyard enclosure south of Sproughton Hall with the Tithe Barn forming the south side. It is now in residential use.
44. The seventeenth and eighteenth century Tithe Barn is a fine example of a Suffolk Barn constructed in traditional timber frame over a brick plinth and weather boarded externally, painted black. All of the main posts, tie beams, collars and principal rafters survive intact. The roof is steeply pitched, thatched, gabled at the west end and half-hipped at the eastern end. It has been converted to meeting rooms, sports hall and a community shop.
45. Given the above, the age and high level of surviving fabric contributes greatly to the architectural and historic significance of these buildings. Mr Sutton, for the appellant, attempts to provide an assessment of significance of the buildings through the application of a grading from negligible/none through to very high which reflects the hierarchy for national and local designations. However, this is Mr Suttons own classification which is not reflected in policy or legislation. In my view given the level of surviving fabric and the history of each building they have high significance.



46. The setting of a heritage asset, which can contribute to its significance, is defined in the glossary to the Framework as the surroundings in which a heritage asset is experienced.
47. Mr Sutton has produced a map which he considers shows the indicative settings of the listed buildings<sup>5</sup>. However, he confirmed that, as the way that these heritage assets are experienced is with the eyes, and therefore visually, the map is based on an assessment of the visibility of the listed buildings, in accordance with paragraph 10 Historic England Guidance<sup>6</sup> which states that the contribution of setting to the significance of a heritage asset is often experienced with reference to views. Furthermore, the Court of Appeal said that the general position was that the decision maker will be concentrating on visual and physical considerations<sup>7</sup>.
48. However, that judgement also states that it does not mean that factors other than the visual and physical must be ignored when the decision maker is considering the extent of a listed buildings setting. Furthermore, the Planning Practice Guidance (the PPG) states that while the extent and importance of setting is often expressed as the visual relationship between the asset and the proposed development, and this will play an important part in the assessment of impacts in setting, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust, smell and vibration from other land uses in the vicinity and by our understanding of the historic relationship between places<sup>8</sup>. It goes on to say that the contribution that setting makes to the significance of the heritage asset does not depend on there being public rights of way or an ability to otherwise access or experience that setting. Moreover, the Assessment Step 2 checklist in GPA refers to functional relationships and communications, history and degree of change over time, rarity of comparable survivals of setting and cultural associations.
49. In this case the dispute lies in the extent to which the fact that the land to the west, including the appeal site, was historically part of the agricultural farmstead of Sproughton Hall should figure in the definition of the setting of these buildings. Mr Sutton's view is that while the appeal site and its historic association forms part of the setting of the listed buildings in historical and cultural terms, in visual terms the settings are less extensive.
50. Bearing in mind the guidance in the PPG, it is my view that the historical connection to the adjacent field is an important consideration in this case, not least because of its proximity to the buildings. Although the buildings are no longer used for their original purpose, the very close relationship with the field that they served helps understand their historical function, which is an essential part of their significance both individually and as a group. Furthermore, although the appeal site is not currently actively farmed, but instead forms rough grassed pasture grazing land, that may not always be the case. I accept that there has been some development on the southern edge of the appeal site, in the form of modern housing and a barn and stable on the appeal site. However, this development is not considerable, and does not materially detract from the overall rural nature of the appeal site on the edge

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<sup>5</sup> Figure 1 Mr Sutton's Proof of Evidence

<sup>6</sup> The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) (GPA)

<sup>7</sup> *Catesby Estates v Steer* [2019] 1 P&CR 5 85

<sup>8</sup> Paragraph: 013 Reference ID: 18a-013-20190723

of the settlement and the ability to experience the buildings in an open agricultural setting. Finally, this field is the last remaining link to the listed buildings agricultural hinterland where the buildings can be seen in association with open undeveloped green land.

51. Given the above I find that the setting of these buildings, insofar as it relates to this appeal, is greatly informed by the Sproughton Hall farmstead and the associated agricultural land once worked by the farm. The agricultural setting to the buildings and the village in this location gives an important understanding of the historic role of the buildings, directly contributing to their significance and special interest. The appeal site is located within the field which formed part of the historic Sproughton Hall farmstead and therefore contributes significantly to the significance of these three listed buildings both individually and collectively.
52. The buildings, and the Tithe Barn in particular, also have a relationship with All Saints Church (the Church) dating from the early fourteenth century and later medieval period. It is constructed of flint with stone dressings, with glacial boulders in the plinth and footings and a tile roof. It substantially retains its medieval fabric. It has a tower which is visible from a number of vantage points in the village and beyond forming a landmark in the area. However, given the limited height of the church tower there are not extensive views of it over the wider landscape, instead it has a smaller, more intimate relationship with the settlement.
53. Tithe Barns were originally built to store the agricultural produce paid to the Churches as tithes. There is therefore a functional and historic relationship between the church and the agricultural buildings and hence the land beyond, including the appeal site.
54. Given the above, as a grade II\* listed building the Church has great architectural and historic significance. I find that the setting of the building, insofar as it relates to this appeal, to be primarily associated with the visibility and prominence of the Church tower within the settlement and its immediate environs together with the historic relationship to the Tithe Barn in particular, and that this directly contributes to its significance and special interest.
55. By virtue of the appeal site being within the surrounding rural area, over which the views of the Church tower are visible and forming part of the agricultural land related to the farmstead then it is within the setting of the Church making a moderate contribution to its significance.
56. Together the four buildings form a cluster of heritage assets sited close to the land which they have an historic relationship with. Together they give a more complete story of the agricultural/religious relationship with the agricultural land encompassing the appeal site and therefore, have a collective significance to which the appeal site makes a considerable contribution.

#### *Effects*

57. There would be no harm to the fabric of the listed buildings and the immediate settings of the buildings would be retained. Even if I were to accept Mr Sutton's definition of the settings, although some views would be available of the listed buildings from within the appeal site and from Lower Street, they would be in the context of a housing estate, and the experience of the assets would be

significantly diminished. Other views, from Bramford Road/Lorraine Way would be lost. I accept that the dwellings themselves would be well designed, and there would be bungalows at the southern end of the site. Furthermore, there is no reason why there could not be a high quality landscaping scheme. However, the wider rural setting would be largely replaced by housing.

58. Although there would be an area of open space immediately adjacent to the listed buildings, the proposed layout of the housing is such that development would extend significantly across the width of the site to its eastern side, such that it would engulf the listed buildings effectively severing them from the wider agricultural setting. Instead they would be viewed primarily in the context of a suburban housing estate which would significantly erode the context of the buildings and the understanding of their role in the wider landscape.
59. As such, in my view, the quantum and layout of the proposed development is such that it would have a high impact on the individual significance of Sproughton Hall, the Tithe Barn and the Root Barn due to the substantial erosion of the open agricultural setting of the buildings where that relationship is particularly apparent.
60. The context of the views of the Church spire would alter from across open land to views through a housing estate, and this would cause some harm. However, the church spire would continue to be a landmark in the surrounding area and therefore there would be a medium level of harm to its significance.
61. The significant erosion of the rural setting to the buildings through the layout of the development proposed, as described above, would have a high impact on the collective significance of the group of buildings.
62. I note that the appeal site is an emerging allocation in the eJLP for approximately 50 units and the appeal scheme would achieve some of the sustainable development options aims in the Stage 2 Heritage Impact Assessment underlying the eJLP. However, I am satisfied that the harm I have identified to the significance of these heritage assets can be considered as less than substantial. In any case the allocation and associated policy is only emerging, and I have given the eJLP limited weight.
63. For the reasons above, I conclude that the proposal would be harmful to the setting of Sproughton Hall, Root Barn and Tithe Barn Grade II listed buildings and on All Saints Church a Grade II\* listed building. In so far as the proposal causes harm, it would therefore be contrary to Policy CN06 of the Babergh Local Plan Alteration No 2006 and Policies CS11 and CS15 of the Core Strategy. These require that development should respect heritage assets and retain a setting which is appropriate to the listed building and the relationship with its surroundings. I will go on to consider the relevant balancing exercise.

### **Planning and Heritage Balance**

64. While the Council and others have sought to quantify the scale of level of harm on a sliding scale, I am mindful that less than substantial harm does not equate to a less than substantial planning objection and that any such harm is to be given considerable importance and weight. In any case although I have found harm to the significance of the individual listed buildings ranging from medium to a high level, considered in the round and cumulatively the harm,

- although not demolition or destruction, would still be towards the higher end of less than substantial harm. I afford considerable importance and weight to that harm.
65. As required by paragraph 196 of the Framework where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
  66. The Council considers it is able to demonstrate a five year housing land supply of 6.54 years. Mr Armstrong for the appellant presented evidence to the Inquiry which he suggested reduced this to between 4.05 and 4.45 years. This was identified as a main issue and debated at the Inquiry, but any housing is a matter which attracts weight.
  67. For the purpose of this appeal, I shall adopt the position of the appellant. That should not be interpreted as any indication that I necessarily agree with that position. I simply adopt the lower figure as a worst case scenario in order to carry out the planning and heritage balance. Such a level of shortfall would mean that the provision of up to 49 houses, in an accessible location would attract significant weight in the balance.
  68. The proposal would also deliver 17 units of affordable housing. I have already found that there is a substantial need for affordable housing within the district and in my view, given the level of need, this would be a public benefit that would attract significant weight in the balance.
  69. There would be economic benefits of the scheme with, according to the appellant, 36 construction jobs over two years with 54 extra jobs from the multiplier effect for the construction period. In addition, there would be 6-7 jobs from the additional expenditure of the people in the homes on a permanent basis. These figures have not been effectively challenged by the Council and I give them moderate weight.
  70. 45% of the site would be delivered as open space, in excess of the 10% required by 10%. While this is benefit, I note that a proportion of the northern part of the site is not developable anyway due to the presence of power lines and being within a flood zone. I give this benefit moderate weight.
  71. There are agreed net biodiversity benefits to which I give moderate weight.
  72. The appellant proposes the upgrade of an area of community parking adjacent to the Tithe Barn and its transfer to the Community. This is a grassed area that provides parking for the adjacent community building. The provision of a surfaced area as shown on the plan would in my view be harmful to the setting of the Tithe Barn through the provision of an urbanised formal road layout as opposed to the informal grassed area, which at the time of my site visit was in good condition. I have seen no evidence to suggest that the area requires upgrading or that the proposal would result in a significant increase in the parking provided. While giving some certainty over its future association with the Tithe Barn would be of some benefit, I give it limited weight in the overall balance given its accessible location within the village.
  73. While the new village green would enable new views of the heritage assets and allow public access to the heritage asset it as set out in GPA3, it would do so in a way that compromises the setting of the assets. Therefore, I give these benefits limited weight in the balance.

74. Taking all the above into consideration, I am of the view that taken together, the public benefits do not outweigh the harm I have found to the heritage assets whether balanced on an individual basis or cumulatively. Therefore, even if I had given it more weight in my decision, there would still be conflict with emerging Policy LA116 of the eJLP which requires that development is designed to conserve and where appropriate enhance the settings of the heritage assets.
75. Given that I have found that the Framework paragraph 196 balance is not satisfactorily achieved, even if I were to find that the Council has no five year housing land supply and therefore paragraph 11 (d) of the Framework is engaged, in accordance with paragraph 11 (d) (i), the application of policies in the Framework provides a clear reason to refuse permission. I have not therefore gone on to consider the evidence regarding the Council's five year housing land supply.
76. Overall, I have identified that there would be conflict with the development plan as a whole, as there would be less than substantial harm to the significance of heritage assets which latter harm is not outweighed by public benefits. Neither would the proposal accord with policies for the location of housing development, albeit the harm arising from this conflict would be very minor in this particular regard. Considered in total, the material considerations referred to above do not outweigh the conflict with the development plan.
77. I appreciate that the overall balance within the Pigeon committee report reached a different conclusion. However, the harm to the heritage assets in that case was assessed at medium to low. Furthermore, the proposal was not just for housing but for land for employment and community use, extension to existing allotments and self/build custom plots. Therefore, not only were elements in the proposal different to that before me now, the level of prescribed harm was different.
78. I also note that I have reached a different conclusion to planning officers who undertook the planning balance in respect of the planning application the subject of this appeal. However, the matter of the application of weight is for the decision maker.
79. For the reasons given above, and having regard to all other matters raised, I conclude that on balance the appeal should be dismissed.

*Zoe Raygen*

INSPECTOR

## APPEARANCES

### **FOR THE LOCAL PLANNING AUTHORITY**

Mr Zack Simons of Counsel

Instructed by:

Steven Stroud, Strategic  
Projects and Delivery Manager  
Babergh and Mid Suffolk  
District Councils

He called:

Mr Roy Lewis

Planning and Heritage  
Consultant

Mr Alex Roberts

Director in the Strategic  
Planning Research Unit DLP  
Planning Ltd

Mr Steven Stroud

Strategic Projects and Delivery  
Manager Babergh and Mid  
Suffolk District Councils

### **FOR THE APPELLANT**

Mr Richard Ground of Queens Counsel

Instructed by:

Mr G Armstrong, Director,  
Armstrong Rigg Planning

He called:

Mr Paul Sutton

Director, PS Planning and  
Heritage

Mr Geoff Armstrong

Director, Armstrong Rigg  
Planning

### **INTERESTED PERSONS**

Mr Martyn Levett

Local Resident

Ms Helen Davies

Chair, Sproughton Parish  
Council

Mr Peter Powell

Vice-chair, Sproughton Parish  
Council

## **DOCUMENTS SUBMITTED AT THE INQUIRY**

- 1 Opening on behalf of the appellant
- 2 Opening on behalf of Babergh District Council
- 3 Parish Council statement
- 4 Councillor Norman email
- 5 Councillor Norman statement
- 6 Statement of Rhona Jermyn regarding the Neighbourhood Plan
- 7 Suffolk County Council monitoring fee justification
- 8 Core Strategy
- 9 Introduction to Joint Local Plan
- 10 Parish Council statement regarding housing need
- 11 Sproughton Housing Survey Report 2019 CAS summary
- 12 Housing Need Survey CAS
- 13 Neighbourhood Plan survey
- 14 Revised CIL compliance statement
- 15 Council Open Space Assessment
- 16 Other Listed Buildings from the Parish Council note
- 17 Appellant note on Document 16
- 18 Agreed amended conditions
- 19 Closing submissions for Babergh District Council
- 20 Closing submissions for the appellant

## **DOCUMENTS SUBMITTED AFTER THE HEARING**

- A Section 106 Agreement