

Public Document Pack



COMMITTEE:	MSDC PLANNING
DATE:	WEDNESDAY, 20 DECEMBER 2023 5.30 PM
VENUE:	FRINK ROOM (ELISABETH) - ENDEAVOUR HOUSE

Councillors	
<u>Conservative Group</u> Lavinia Hadingham (Vice-Chair)	<u>Green Group</u> Austin Davies Lucy Elkin
<u>Liberal Democrat Group</u> Terry Lawrence	Nicholas Hardingham Sarah Mansel (Chair) John Matthissen Rowland Warboys

The Council, members of the public and the press may record/film/photograph or broadcast this meeting when the public and the press are not lawfully excluded.

AGENDA

PART 1

MATTERS TO BE CONSIDERED WITH THE PRESS AND PUBLIC PRESENT

Page(s)

- 1 **APOLOGIES FOR ABSENCE/SUBSTITUTIONS**
- 2 **TO RECEIVE ANY DECLARATIONS OF DISCLOSABLE
PECUNIARY INTERESTS AND OTHER REGISTRABLE OR NON
REGISTRABLE INTERESTS BY MEMBERS**
- 3 **DECLARATIONS OF LOBBYING**
- 4 **DECLARATIONS OF PERSONAL SITE VISITS**
- 5 **MPL/22/20 CONFIRMATION OF THE MINUTES OF THE
MEETING HELD ON 6 DECEMBER 2023**
- To follow
- 6 **TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE
WITH THE COUNCIL'S PETITION SCHEME**
- 7 **MPL/23/21 SCHEDULE OF PLANNING APPLICATIONS** 5 - 6

Note: *The Chairman may change the listed order of items to accommodate visiting Ward Members and members of the public.*

a **DC/23/00305 LAND ADJACENT TO, 17 BROCKFORD ROAD, 7 - 44
MENDLESHAM, IP14 5SG**

8 **SITE INSPECTION**

NOTES:

1. The Council has adopted a Charter on Public Speaking at Planning Committee. A link to the Charter is provided below:

[Charter on Public Speaking at Planning Committee](#)

Those persons wishing to speak on a particular application should arrive in the Council Chamber early and make themselves known to the Officers. They will then be invited by the Chairman to speak when the relevant item is under consideration. This will be done in the following order:

- Parish Clerk or Parish Councillor representing the Council in which the application site is located
- Objectors
- Supporters
- The applicant or professional agent / representative

Public speakers in each capacity will normally be allowed 3 minutes to speak.

2. Ward Members attending meetings of Development Control Committees and Planning Referrals Committee may take the opportunity to exercise their speaking rights but are not entitled to vote on any matter which relates to his/her ward.

Date and Time of next meeting

Please note that the next meeting is scheduled for Wednesday, 17 January 2024 at 9.30 am.

Webcasting/ Live Streaming

This meeting will not be livestreamed.

For more information about this meeting, including access arrangements and facilities for people with disabilities, please contact the Committee Officer, Claire Philpot on: 01473 296376 or Email: Committees@baberghmidsuffolk.gov.uk

Introduction to Public Meetings

Babergh/Mid Suffolk District Councils are committed to Open Government. The proceedings of this meeting are open to the public, apart from any confidential or exempt items which may have to be considered in the absence of the press and public.

Domestic Arrangements:

- Toilets are situated opposite the meeting room.
- Cold water is also available outside opposite the room.
- Please switch off all mobile phones or turn them to silent.

Evacuating the building in an emergency: Information for Visitors:

If you hear the alarm:

1. Leave the building immediately via a Fire Exit and make your way to the Assembly Point (Ipswich Town Football Ground).
2. Follow the signs directing you to the Fire Exits at each end of the floor.
3. Do not enter the Atrium (Ground Floor area and walkways). If you are in the Atrium at the time of the Alarm, follow the signs to the nearest Fire Exit.
4. Use the stairs, not the lifts.
5. Do not re-enter the building until told it is safe to do so.

This page is intentionally left blank

Agenda Item 7

MID SUFFOLK DISTRICT COUNCIL

PLANNING COMMITTEE

20 DECEMBER 2023

INDEX TO SCHEDULED ITEMS

<u>ITEM</u>	<u>REF. NO</u> <u>(and link to</u> <u>consultee</u> <u>comments)</u>	<u>SITE LOCATION</u>	<u>MEMBER/WARD</u>	<u>PRESENTING</u> <u>OFFICER</u>	<u>PAGE</u> <u>NO</u>
7A	DC/23/00305	Land Adjacent to, 17 Brockford Road, Mendlesham, IP14 5SG	Councillor Andrew Stringer / Mendlesham	Alex Scott	7

This page is intentionally left blank

Agenda Item 7a

Committee Report

Item No: 7A

Reference: DC/23/00305

Case Officer: Alex Scott

Ward: Mendlesham.

Ward Member/s: Cllr Andrew Stringer.

RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS

Description of Development

Full Planning Application - Change of use of land for grazing of horses, and erection of stables with new vehicular access.

Location

Land Adjacent To, 17 Brockford Road, Mendlesham, IP14 5SG

Expiry Date: 10/11/2023

Application Type: FUL - Full Planning Application

Development Type: Major Small Scale - All Other

Applicants: Moss and Humphreys

Agent: Ben Elvin

Parish: Mendlesham

Site Area: 1.4 hectares

Density of Development:

Gross Density (Total Site): NA.

Net Density (Developed Site, excluding open space and SuDs): NA.

Details of Previous Committee / Resolutions and any member site visit: At the MSDC Planning Committee meeting of 8th November 2023 Members resolved to defer determination of this application, to enable a committee site visit to take place, to review the size and siting of the proposed stable building, with regards to the heritage harm and Neighbourhood Plan principle view 10, prior to return to committee. A panel of members visited the site on 13th December 2023.

Has a Committee Call In request been received from a Council Member: Yes.

Has the application been subject to Pre-Application Advice: No.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason/s:

The application has been referred at the request of the Ward Member.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

National Planning Policy and Guidance

NPPF - National Planning Policy Framework

NPPG - National Planning Policy Guidance

Current Adopted Development Plan Policies

SP03 - The Sustainable Location of New Development

SP09 - Enhancement and Management of the Environment

SP10 - Climate Change

LP15 - Environmental Protection and Conservation

LP16 - Biodiversity & Geodiversity

LP17 - Landscape

LP19 - The Historic Environment

LP20 - Equestrian or similar other animal land based uses

LP23 - Sustainable Construction and Design

LP24 - Design and Residential Amenity

LP27 - Flood risk and vulnerability

LP29 - Safe, Sustainable and Active Transport

LP32 - Developer Contributions and Planning Obligations

Neighbourhood Plan Status

This application site is within a Neighbourhood Plan Area (Parish of Mendlesham Neighbourhood Development Plan 2018 - 2037 - Adopted November 2022)

The Neighbourhood Plan is adopted by the LPA and forms part of the current Development Plan.

Neighbourhood Plan Policies relevant to the planning application are listed below:

MP5 - Historic environment
MP6 - Building design
MP9 - Local green spaces
MP10 - Open Spaces
MP11 - Paths and bridleways

Consultations and Representations

During the course of the application Consultation and Representations from third parties have been received. These are summarised below.

[Click here to view Consultee Comments online](#)

A: Summary of Consultations

Parish Council

Mendlesham Parish Council (as previously report to committee)

Recommend Refusal: Flooding; Contrary to Policies MP10 and SB3; Impact on setting of Heritage Assets; Impact on Ecology and Public Health; Impact on Public Right of Way.

Mendlesham Parish Council (further comments received since the committee meeting on 8th November 2023)

- Have reviewed comments received from the heritage officer as well as the planning officer's report and recommendations to Committee for the meeting held 8 November 2023;
- Request clarification of process if amended plans are received, as suggested by the heritage officer, will the PC be re-consulted?;
- Appreciate the planned committee site visit - Understand this is to consider the impact of view 10 as per the Neighbourhood Plan;
- Consider the site should not have been developed, in accordance with planning policy, due to its importance: as a designated green space/visually important open space; in local views; in context with the Conservation Area and Grade 1 Listed Church; plus the impact on the highway and flooding;
- Do understand appeal outcomes have led to approval of two dwellings adjacent, despite the PC's continued concerns;
- Stance remains unchanged, that this application should be refused for policy reasons previously provided;
- In the event the MSDC Committee members are included to disagree (with the views expressed by the PC), the PC would support the heritage officer's proposal to rotate and reduce the size of stables and car parking, to provide some mitigation;
- Disagree with paragraph 11.1 of the officer's report - do not consider matters raised by the PC have been addressed;
- Note that recent storms have resulted in flooding of the site and fronting highway and photographic evidence has been provided - Consider more development on the site would only add to this issue;

- Whilst heritage officer comments include that harm has already taken place, why then agree more development to add to the harm?;
- Consider suggested officer conditions are essential if this application is to be approved;
- Additional conditions suggested, to include:
 - o Closure of the existing pedestrian access on the corner, near the grit bin, for pedestrian safety reasons;
 - o Restrictions on the number of horses permitted;
 - o Lighting details, to protect the setting of St. Mary's Church;
 - o Protection of the amenity of users of the nearby burial ground and public footpath;
 - o Protection of existing and proposed planting after completion of works.

National Consultee

The Environment Agency (as previously report to committee)

No objection providing the LPA take into account the advised flood risk considerations.

The Environment Agency (further comments received since the committee meeting on 8th November 2023)

After reviewing the documents submitted, confirm that the EA have no further comments to make.

County Council Responses

SCC - Highways (as previously report to committee)

It is noted that this application will use the approved access within application DC/23/00300 drawing number 1982.21.01i. - No objections, subject to compliance with suggested conditions, on this basis.

SCC - Highways (further comments received since the committee meeting on 8th November 2023)

Further to previous correspondence SCC Highways have no further comments or recommendations. Therefore the previous recommended conditions will remain.

SCC - Lead Local Flood Authority (LLFA) (comments received since the committee meeting on 8th November 2023)

The proposed application proposal will have a negligible impact. SCC - LLFA have no comment to make, and point the LPA and the applicant towards guidance (as provided in the consultation response).

SCC - Rights of Way Department (as previously report to committee)

Accept the proposal but ask that the developer is made aware of their rights and responsibilities when carrying out the development - as provided.

SCC - Fire & Rescue (as previously report to committee)

Have seen the application and as it poses no risk, will not be making comment.

SCC - Fire & Rescue (further comments received since the committee meeting on 8th November 2023)

SCC-Fire and Rescue viewed the application in March 2023 and found that it posed no risk as a fire hydrant was present, therefore under the new additional information provided by Heritage, confirm no additional comments to make.

Internal Consultee Responses

BMSDC - Heritage (as previously report to committee)

Historically, this part of Mendlesham, and the Church of St Mary (Grade I) had a rural agricultural setting, extending to their south and east, and where this still survives, this is considered to make a positive contribution to the character and appearance of Mendlesham Conservation Area, and the significance of the Church of St Mary. However, more recently development, most recently the commencement of the two dwellings allowed at Appeal under 0366/17, have to a considerable extent split this historic setting in two. East of the Church and Conservation Area, north of the rear boundary of the approved dwellings and 15-17 Brockford Road and then, east of these dwellings, expanding up to Brockford Road, a considerable swathe of land of rural, agricultural character survives. However, to the south, it is now confined to a fairly narrow gap between the houses on the west side of Church Road, and the two approved dwellings, and as such its contribution now to these heritage assets is considered more limited. This is where the proposed stable building is proposed to be located.

The proposed stable outbuilding would be of a type, form and use more reflective of a rural/agricultural location than new dwellings, but would still be a building, that would in effect close off this remaining connection between the Conservation Area and Church and the rural surroundings in the latter direction identified above. The harm would be slightly increased by the extent to which the stable building and associated car parking and other hardstanding spreads across the length of this part of the site. However, due to the now limited importance of this area to the significance of the above assets, plus the building type and form, I would rate the resulting harm as a very low level of less than substantial.

Potentially, pushing the stable and car parking closer to the approved dwellings/and or reducing their size - potentially also through rotating the stable building by 90 degrees so it did not take up so much of the length of the site and ran alongside the adjacent dwelling, and reducing the extent of car parking (I am not sure why so much additional car parking would be required for a domestic stable outbuilding) would remove the harm entirely, as the development would then likely not discernibly encroach any more than the existing development.

The change of use of the rest of the site would still keep the land in a use broadly reflective of its historic use, and would appear to result in limited physical alteration, other than a traditional rural style post and rail fence boundary, so is not by itself considered to cause any harm.

If the Local Planning Authority are minded to approve this application in its current form, I would request a condition for details of external facing and materials for the stable building, and hardstanding materials.

BMSDC - Ecology Consultants - Place Services (as previously report to committee)

No objection subject to securing biodiversity mitigation and enhancement measures.

BMSDC - Ecology Consultants - Place Services (further comments received since the committee meeting on 8th November 2023)

Have reviewed the revised plans for this application and have no further comments concerning ecological impacts to those identified in response dated 18th May 2023. The previous recommended conditions are still appropriate.

BMSDC - Environmental Health - Land Contamination (as previously report to committee)

No objection to the proposed development from the perspective of land contamination - Request that the LPA are contacted in the event of unexpected ground conditions being encountered during construction and that the advised minimum precautions are undertaken until such time as the LPA responds to the notification - Advise that the developer is made aware that the responsibility for the safe development of the site lies with them.

BMSDC - Environmental Health - Land Contamination (further comments received since the committee meeting on 8th November 2023)

Confirm no cause to amend the comments made earlier in the consultation period.

BMSDC - Environmental Health - Noise/Odour/Light/Smoke (as previously report to committee)

No objections subject to conditions: Limiting Commercial Related Activities; and Managing Manure; Foul Water Runoff and External Lighting.

BMSDC - Environmental Health - Noise/Odour/Light/Smoke (further comments received since the committee meeting on 8th November 2023)

Having reviewed the most recently revised plans and the heritage comments: no further comments to add to those already submitted and the request for conditions initially made still remain valid for this application.

BMSDC - Public Realm (as previously report to committee)

Public realm officers have no comment to make.

BMSDC - Public Realm (further comments received since the committee meeting on 8th November 2023)

Thank you for reconsulting public realm on this application. Public realm officers have no comment to make.

Other Responses

Suffolk Wildlife Trust (as previously report to committee)

Suffolk Wildlife Trust do not intend to submit any comments regarding this application.

Stowmarket Ramblers (comments received since the committee meeting on 8th November 2023)

Stowmarket Ramblers will not be commenting on this application.

B: Representations

At the time of writing this report at least 5 no. letters/emails/online comments have been received. It is the officer opinion that this represents 5 objections, 0 support and 0 general comment. A verbal update shall be provided as necessary.

Views are summarised below:-

- Concerns with regards location of the proposed access and impact on Highway Safety, on Junction of Church Road, Glebe Way, Brockford Road, and Oak Farm Lane;
- Concerns proposal could be used for a commercial venture which would intensify impacts;
- Concerns with regards environmental impacts of Manure: flies, vermin and odour;

(Note: All individual representations are counted and considered. Repeated and/or additional communication from a single individual will be counted as one representation.)

PLANNING HISTORY

REF: DC/23/00300	Full Planning Application - Erection of 2No dwellings (revised scheme to implemented outline permission for 2No dwellings under 0366/17 and reserved matters approval DC/20/01525).	DECISION: Granted (GTD) 04.04.2023
REF: DC/22/01401	Application under S73 for Removal or Variation of a Condition following grant of Outline Planning Permission ref: 0366/17, dated 27/09/2017, and Reserved Matters Approval ref: DC/20/01525, dated 01/06/2020 - Town and Country Planning Act 1990 - Erection of 2No Dwellings - To vary Condition Numbers 1 and 4 of Outline Planning Permission ref: 0366/17 and Condition Number 2 of Reserved Matters Approval ref: DC/20/01525 to amend the layout, scale and appearance of Plot 1, the landscaping of the site, and to add a phasing condition to enable properties to be built independently of each other.	DECISION: Refused (REF) 11.05.2022
REF: DC/20/01525	Application for approval of reserved matters following outline approval 0366/17 Appearance, Landscaping, Layout and Scale for Erection of 2No	DECISION: Granted (GTD) 01.06.2020

Dwellings.

REF: DC/18/01038
(Adjacent Site)

Outline Planning Application (including access with all other matters reserved) - Erection of 8 dwellings with associated works including vehicular access, provision of a pedestrian link, infrastructure and landscaping.

DECISION: REF (Planning Permission Refused by the LPA) 26.10.2018; Appeal dismissed by PINS 22.03.2021.

REF: 0366/17

Outline planning permission sought for the erection of two detached dwellings.

DECISION: REF (Planning Permission Refused by the LPA) 06.04.2017; Appeal allowed and outline planning permission granted, with conditions, by PINS 27.09.2017.

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1. The site lies adjacent to the east of the village of Mendlesham, to the north-west of Brockford Road, at the Junction with Church Road, Glebe Way, and Oak Farm Lane, on the approach from the A140.
- 1.2. The site lies outside the village settlement boundary and, for planning purposes, lies within the countryside.
- 1.3. The site comprises a large open field which extends north from Brockford Road. Although a small cluster of dwellings sit along the road frontage, the site lies outside the village. Together with the adjoining field and the open churchyard the site is identified as Visually Important Open Space within the adopted Mendlesham Neighbourhood Plan.
- 1.4. The field is on gently rising land and clear views of the Grade I Listed St Mary's Church and the churchyard are available from within the site, along with the eastern part of the Mendlesham Conservation Area in which the Church and other listed buildings and ancient monuments lie.

2. The Proposal

- 2.1. The proposal seeks planning permission for the use of land within the site boundary for the grazing of the applicants' personal horses and for the erection of a stable building to house the horses.
- 2.2. The proposed stable building would be single-storey in scale and would measure 22.3 metres long, by 4.8 metres wide, and would have a dual pitched roof with a maximum ridge height of 4.4 metres above ground level.
- 2.3. The proposed stable building would comprise 3 no. Stables, a Hay and Bedding Store and a Feed and Tack Room. A covered walkway would be included under the proposed roof structure, to the north elevation of the building, in front of the Stable, Store and Tack Room access doors.
- 2.4. The proposed stable building would be externally finished in facing black stained weatherboarding, applied horizontally, and vertical boarded doors. The proposed roofing materials are not specified.
- 2.5. The proposed stable building would be sited parallel to Brockford Road, set back 4.6 metres from the fronting hedgerow and 20.9 metres from the corner of Brockford Road and Church Road.
- 2.6. Hardstanding areas are proposed adjacent to the north and north-east of the proposed building, with vehicle parking and manoeuvring space, for at least 4 no. vehicles and a trailer, to the north-east and a yard area, with permeable surfacing, to the north.
- 2.7. The remainder of the site is proposed to be laid to grass, including the area in between the building and the corner of Brockford Road and Church Road. Existing hedgerow planting to Brockford Road and Church Road are proposed to be retained and additional hedge planting is also proposed internal to the site. Proposed internal fences and gates would be 1.2 metres in height, of post and rail design.
- 2.8. Access is proposed via the existing field access to Brockford Road, which has recently received permission to be upgraded as part of extant planning permission ref: DC/23/00300 for the erection of 2 no. new dwellings adjacent to the north-east of the proposed stable building.

3. The Principle of Development

- 3.1. The proposal site is located outside of any settlement boundary as designated in the current adopted development plan.
- 3.2. Regard must be had to adopted development plan policy SP03, which provides (inter alia) the following:

“Settlement boundaries are defined on the Policies Map. These boundaries were established in earlier Local Plans and Core Strategies and have not been reviewed as part of the Plan but are carried forward without change at the present time. The principle of development is established within settlement boundaries in accordance with the relevant policies of this Plan. Outside of the settlement boundaries, development will normally only be permitted where:

- a) the site is allocated for development, or
- b) it is in accordance with a made Neighbourhood Plan, or
- c) it is in accordance with one of the policies of this Plan listed in Table 5; or
- d) it is in accordance with paragraph 80 of the NPPF (2021).”

3.3. Policy SP03 exemptions for development outside of settlement boundaries, at Table 5, include for equestrian purposes, with reference to adopted policy LP20.

3.4. Policy LP20 makes provision for equestrian or similar other animal land based uses, and provides the following:

“The use of land for equestrian purposes or other similar animal land-based uses, including the erection of buildings and equipment, may be permitted subject to:

- a. Applicants demonstrating that they have prioritised the re-use of existing buildings.
- b. Where there are already buildings and structures on site, any new buildings being located close to and/or integrated with the structures to minimise impact on the landscape;
- c. The siting, size, scale, design, materials being suitable/appropriate for the proposed use and any proposed building or equipment (including lighting and means of enclosure) not creating a significant adverse impact on the natural and local environment or the appearance of the locality;
- d. Demonstrating the noise, odour or other emissions that are likely to give rise to significant adverse impact on amenity can be effectively mitigated;
- e. Integrating with existing features and respecting and enhancing the character of the surrounding landscape/area through sensitive integration and where appropriate mitigating the potential impact of permanent structures through good design, layout and siting; and
- f. Convincingly demonstrating that there are no suitable alternative sites on lower grade land if the proposal is located on the best and most versatile agricultural land.”

3.5. The adopted development plan is, therefore, considered supportive of the broad principle of the development proposal, subject to assessment of other material planning considerations, and those expressed specifically within the policy wording in particular. Such assessment is provided below:

4. Land Quality

- 4.1. The existing site is assessed to have a grade 3 (Good to Moderate) Agricultural Land Grade. The site is also assessed to be currently rough undeveloped grass land, not currently used for food production, and evidence suggests this has been the case for a significant amount of time.
- 4.2. As such, it is not considered that the proposal would result in the loss of the best and most versatile agricultural land.

5. Design and Layout

- 5.1. Current adopted development plan policy LP20 provides that: applicants should demonstrate that they have prioritised the re-use of existing buildings; any new buildings being located close to and/or integrated with the structures to minimise impact on the landscape; and the siting, size, scale, design, materials of new buildings should be suitable and appropriate for the proposed use and should not create a significant adverse impact on the natural and local environment or the appearance of the locality.
- 5.2. With no existing buildings present on the site that would be used for the proposed purposes, it is considered reasonable for the applicant to propose a new building in relation to the proposal. The new building is located close to the public highway, adjacent to approved buildings to the north-east, located where the site is lowest in the landscape, and screened by the fronting hedgerow, proposed to be retained.
- 5.3. The proposed design and materials are also considered to convey a rural, rather than urban or utilitarian character, and are therefore, considered appropriate.
- 5.4. It is noted that the majority of the site will remain laid to grass, as existing, and will remain undeveloped.
- 5.5. The proposed layout and design is, therefore, considered appropriate in accordance with current adopted development plan policies SP09, LP15, LP17, LP19, LP20, LP23, LP24, MP5, MP6, MP9, MP10 and MP11.

6. Landscape

- 6.1. Adopted development plan policies LP17 and LP20 require such developments to conserve and enhance landscape character, to integrate developments with existing landscape features, and where appropriate mitigate the potential impact of permanent structures (including on dark skies and tranquil areas) through good design and layout. Impacts.
- 6.2. When considering landscape impact it must also be considered that the site is designated as visually important open space, affects the setting of the Church and Graveyards local green space, and part of the site lies within principle view 10, as designated in the current

adopted Neighbourhood Plan. Plan policy MP10 provides that: visually important open spaces will be protected because of their contribution to the character or appearance of their surroundings and their amenity value to the local community; Where appropriate, development proposals must address the effect they will have on any local identified visually important open spaces and any effect on views of the Conservation Area and demonstrate that they will not significantly affect the views of these spaces (The Proposal Maps Figures 2.2 and 2.3 and also Figure 6.7 - Principal views in and around Mendlesham refers); and those visually important open spaces that are also identified as Local Green Spaces in the plan have an additional level of protection under policy MP9.

- 6.3. Your officer's assessment is that, overall the proposal would not result in a significant landscape or visual impact as the majority of the site would remain undeveloped and remain free of significant operational development and, what operational development is proposed would be located and designed in such a way so as to minimise visual impact.
- 6.4. The proposed siting, scale, design and landscaping of the stable building is not considered to result in a harmful effect on the character of the visually important open space (to which neighbourhood plan policy MP10, and figure 2.2 refers) or to significantly affect neighbourhood plan principle view 10, due to its siting on the lowest level part of the site, single storey scale and screening offered by existing hedgerow planting, proposed to be retained. The proposed location of the stable building is, therefore, considered to be the optimum viable within the site, being the least intrusive location contained close to the roadside, at the lowest site level, and screened.
- 6.5. Overall no significant conflict is considered with regards current adopted development plan policies LP17, LP20, MP9 and MP10 in landscape and visual amenity impact terms.

7. Heritage Issues [Including the Impact on the character and appearance of the Conservation Area and on the setting of Neighbouring Listed Buildings]

- 7.1. In assessing the current proposal, section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, provides that: In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority (or 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.
- 7.2. The NPPF provides 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance, and any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 7.3. Current adopted Joint Local Plan (JLP) policy LP19 (The Historic Environment) provides the following:

1. Where an application potentially affects heritage assets, the Councils will require the applicant to submit a heritage statement that describes the significance of any heritage asset that is affected including any contribution made by their setting. The level of detail should be proportionate to the asset's importance and sufficient to understand the potential impact.
2. In addition, where an application potentially affects heritage assets of archaeological interest, the heritage statement must:
 - a. Include an appropriate desk-based assessment and, where necessary, a field evaluation by a suitably qualified person; and
 - b. If relevant, demonstrate how preservation in situ of those archaeological assets can be achieved through the design of the development and safeguarding during construction.
3. The Councils will:
 - a. Support the re-use/ redevelopment of a heritage asset, including Heritage at Risk and assets outside settlement boundaries, where it would represent a viable use, and the proposal preserves the building, its setting and any features which form part of the building's special architectural or historic interest;
 - b. Support development proposals that contribute to local distinctiveness, respecting the built form and scale of the heritage asset, through the use of appropriate design and materials;
 - c. Support proposals to enhance the environmental performance of heritage assets, where the special characteristics of the heritage asset are safeguarded and a sensitive approach to design and specification ensures that the significance of the asset is sustained; and
 - d. Take account of the positive contribution that the conservation of heritage assets can make to sustainable communities, including their economic vitality.
4. In order to safeguard and enhance the historic environment, the Councils will have regard (or special regard consistent with the Councils' statutory duties) where appropriate to the historic environment and take account of the contribution any designated or non-designated heritage assets make to the character of the area and its sense of place. All designated and non-designated heritage assets must be preserved, enhanced or conserved in accordance with statutory tests and their significance including consideration of any contribution made to that significance by their setting.
5. When considering applications where a level of harm is identified to heritage assets (including historic landscapes) the Councils will consider the extent of harm and significance of the asset in accordance with the relevant national policies. Harm to designated heritage assets (regardless of the level of harm) will require clear and convincing justification in line with the tests in the National Planning Policy Framework.
6. Proposals which potentially affect heritage assets should have regard to all relevant Historic England Advice and Guidance.

7. Where development is otherwise considered acceptable, planning conditions/obligations will be used to secure appropriate mitigation measures and if appropriate a programme of archaeological investigation, recording, reporting, archiving, publication, and community involvement; to advance public understanding of the significance of any heritage assets to be lost (wholly or in part); and to make this evidence and any archive generated publicly accessible.
- 7.4. Furthermore, neighbourhood plan policy MP5 (Historic environment) also provides (inter alia) the following: Any designated heritage assets in the Parish and their settings, will be conserved and enhanced for their historic significance and their importance with particular regard to their local distinctiveness, character and sense of place; and that all new development should demonstrate a clear understanding of the rural context of Mendlesham and the importance of maintaining its village environment. Developments will provide appropriate levels of landscaping, boundary and screening planting to ensure that they blend in with the existing environment. Supporting Document SD19 (“Landscape and Visual Assessment of Mendlesham”) provides examples of the important features of the village that need to be maintained.
- 7.5 Your heritage officers have considered the application site, its setting and the proposed development and have advised the following:
- 7.6. *Historically, this part of Mendlesham, and the Church of St Mary (Grade I) had a rural agricultural setting, extending to their south and east, and where this still survives, this is considered to make a positive contribution to the character and appearance of Mendlesham Conservation Area, and the significance of the Church of St Mary. However, more recently development, most recently the commencement of the two dwellings allowed at Appeal under 0366/17, have to a considerable extent split this historic setting in two. East of the Church and Conservation Area, north of the rear boundary of the approved dwellings and 15-17 Brockford Road and then, east of these dwellings, expanding up to Brockford Road, a considerable swathe of land of rural, agricultural character survives. However, to the south, it is now confined to a fairly narrow gap between the houses on the west side of Church Road, and the two approved dwellings, and as such its contribution now to these heritage assets is considered more limited. This is where the proposed stable building is proposed to be located.*
- 7.7. *The proposed stable outbuilding would be of a type, form and use more reflective of a rural/agricultural location than new dwellings, but would still be a building, that would in effect close off this remaining connection between the Conservation Area and Church and the rural surroundings in the latter direction identified above. The harm would be slightly increased by the extent to which the stable building and associated car parking and other hardstanding spreads across the length of this part of the site. However, due to the now limited importance of this area to the significance of the above assets, plus the building type and form, your heritage officers advise that the resulting harm would be a very low level of less than substantial.*
- 7.8. It is noted that your heritage officers have suggested revisions to the layout currently proposed, involving: moving the proposed stable building and car parking closer to the

approved dwellings/and or reducing their size; rotating the stable building by 90 degrees, to run alongside the adjacent dwelling; and reducing the extent of car parking, which, in their opinion, would remove the harm entirely. Your planning officers, however have reservations, with regards other material planning issues in this regard and consider the suggested revisions would likely result in a denser, more urbanising character of development, with the proposed building intruding more into principle view 10 and into the narrow gap between the approved dwelling and Cemetery, resulting in an overall more harmful character of development than what is currently proposed. Your planning officers also have concerns with regards the proximity of the proposed stable block to the adjacent dwelling, in this regard, and the potential impacts on neighbouring amenity, primarily with respect of issues relating to: dominance and odour that would result. Furthermore, this has not been submitted, and is not the application for determination.

- 7.9. It is noted that your heritage officers advise that the change of use of the remainder of the site (outside of the area proposed for the building and hardstanding) would still keep the land in a use broadly reflective of its historic use, and would appear to result in limited physical alteration, other than a traditional rural style post and rail fence boundary, and so is not by itself considered to cause any harm.
- 7.10. Your Heritage Officers have advised that the stable building and associated hardstanding, as currently proposed, would result in a very low level of less than substantial harm to the significance of designated heritage assets (The Church of St. Mary and the village Conservation Area). NPPF paragraph 202 is, therefore, relevant and states the following:
- “Where a development proposal will 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 including, where appropriate, securing its optimum viable use.”*
- 7.11. It is considered that the public benefits of the proposal relate to: economic benefits to local trade during construction, operation and maintenance thereafter; and environmental benefits associated with reduction in vehicle movements of horse owners (who would live adjacent), biodiversity net gain (to be secured by way of condition), and the potential for addition of solar PV panels to the roof of the proposed building, to meet the power needs of the development and contribute to those of the applicant’s adjacent property.
- 7.12. The above public benefits of the proposal are, together, considered to outweigh the very low level of less than substantial harm to the heritage assets identified by your Heritage Officers with regards the current detailed proposal, in this respect.
- 7.13. The current application and detailed proposal is, therefore, considered to comply with the provisions of development plan policies LP19 and MP5, and the NPPF, with regards assessment of matters relating to the historic environment.

8. Site Access, Parking and Highway Safety Considerations

- 8.1. The current application proposal is for use of an existing field access to Brockford Road, which has recently received planning approval to be upgraded in relation to an adjacent

development for 2 no. dwellinghouses. The current development proposal would share this access with the 2 no. adjacent dwellings recently approved.

- 8.2. The Local Highway Authority has assessed the latest access and visibility splay proposals and are satisfied that such a proposal would not result in significant harm to existing highway safety. It is also considered that the proposal would generate limited additional traffic movements, that would also not result in a significant impact on the existing highway network.
- 8.3. Your officers consider that the proposed layout demonstrates on-site turning and parking could be provided in accordance with current adopted parking standards, as advised by the Local Highway Authority.
- 8.4. The Local Highway Authority has assessed the current application proposal, and has not raised objection, subject to the imposition of standard highways conditions.
- 8.5. Subject to compliance with conditions as suggested by the Local Highway Authority, therefore, it is your officer opinion that the development currently proposed would not result in as severe impact on existing highway safety. The proposal is, therefore, considered to be in accordance with the provisions of NPPF Paragraphs 110 to 113 and with current adopted development plan policy LP29, in such regards.

9. Impact on Residential Amenity

- 9.1. Current adopted development plan policies LP20 and LP24 seeks to ensure development protects the amenities of neighbouring occupants and land users. Paragraph 130 of the NPPF sets out a number of core planning principles as to underpin decision-taking, including, seeking to secure a high standard of amenity for existing and future land users.
- 9.2. Due to the proposed siting, scale and fenestration layout of the proposed stable building, in relation to nearby neighbouring properties the proposed building would not result in significant demonstrable harm to the amenities currently enjoyed by occupants of neighbouring properties. The proposed Equine land use is also considered to be countryside compatible and not to result in significant amenity harm over and above activities that could otherwise lawfully be carried out on the site.
- 9.3. Your Environmental Protection Officers have also considered the latest proposal and have not raised objection with regards health and amenity impacts, should conditions limiting commercial activities and managing manure, foul water runoff and external lighting be applied.

10. Ecology, Biodiversity and Protected Species

- 10.1. Your Ecology Consultants have reviewed the Preliminary Ecological Assessment, by DCS Ecology, submitted by the applicant, relating to the likely impacts of development on designated sites, protected and priority species and habitats, and identification of proportionate mitigation.
- 10.2. Your Ecologists agree that no further surveys are needed for bats as the field maples in the southern hedgerow have negligible bat roosting potential and there are no existing buildings on site that could accommodate bat roosts.
- 10.3. It is noted that the site lies within an Amber Risk Zone Area for Great Crested Newts, as 11 no. water bodies lie within 500 metres of the site. However, as there are environmental barriers between those bodies and the site, the nearest two ponds are considered unsuitable for Great Crested Newts and there is no suitable terrestrial habitat for them on site, your Ecologists agree that no further surveys for Great Crested Newts are required.
- 10.4. Your Ecologists support the applicant's proposal for the presence of a suitably qualified ecologist during the removal of any vegetation or wood/building material piles to reduce the risk of impact to reptiles, which may be present.
- 10.5. Your Ecologists are satisfied that there is sufficient ecological information available for determination of the application. This is considered to provide certainty of the likely impacts on designated sites, protected species and Priority species and habitats and, with appropriate mitigation measures secured, the development can be made acceptable. As a result, your ecologists advise that the mitigation measures identified in the Preliminary Ecological Assessment (DCS Ecology, March 2023), should be secured and implemented in full.
- 10.6. Should ecological mitigation, biodiversity net gain and enhancement measures, as well as control of lighting, be secured by way of conditions, it is considered the current development proposal would meet the requirements of NPPF paragraph 174 and current adopted development plan policy LP16, in such regards.

11. Flood Risk and Surface Water Drainage

- 11.1. The proposal site lies within Environment Agency Flood Zone 1, wherein there is the least probability (less than 1 in 1000 annually), and low risk, of flooding. Council records also do not show the site to be at significant risk from other, pluvial, types of flooding.
- 11.2. It should, however, be noted that the highway fronting the site (Brockford Road) lies within Environment Agency Flood Zones 2 and 3 and is at significantly greater risk of flooding than the site itself.
- 11.3. Previous applications for housing development on the site (ref: DC/18/01038 - for 8 no. dwellings) and adjacent to (0366/17 - for 2 no. dwellings) have previously been assessed by the Planning Inspectorate and inspectors have concluded that, whilst it is

acknowledged that the fronting highway lies in EA Flood Zones 2 and 3, this does not represent a significant impediment to accessing the site. These applications and assessment in flood risk terms are, therefore, considered to be material planning considerations in assessment of the current application.

- 11.4. It should be noted that the Planning Inspectorate have previously granted permission for 2no. dwellings adjacent to the site, and access to Brockford Road, on this basis. It should be also be noted that the current development proposal would also use this access to Brockford Road, as approved by the Planning Inspectorate.
- 11.5. The Lead Local Flood Authority (LLFA), at Suffolk County Council, have been consulted on the current application proposal and advise that it will have a negligible impact with regards flood risk.
- 11.6. Overall, the proposed development is not considered to be at significant risk from flooding, would utilise soakaway Sustainable Drainage Systems (SuDS) as means of disposing surface water, and would not demonstrably increase flood risk on the site or elsewhere. As such the proposal is considered meet the requirements of NPPF paragraphs 159, 162, 167 and 168 and current adopted development plan policy LP27, in such regards.

12. Parish Council Comments

- 12.1 It is considered that the material planning issues raised by Mendlesham Parish Council, in responses received both before and after the prior committee meeting, have been addressed in the above report. Further clarifications can be provided at the committee meeting, as required.
- 12.2. With regards the additional conditions suggested by the PC, those relating to: the closure of the existing pedestrian access; lighting details; landscape screening and protection of amenity of neighbouring land users; and protection of existing and proposed landscape planting after completion of works, are listed as part of suggested conditions below.
- 12.3. Those suggested to limit the number of horses using the site is not considered to meet the requirements of NPPF paragraph 56.

PART FOUR – CONCLUSION

13. Planning Balance and Conclusion

- 13.1. The current development plan is considered supportive of the principle of the development proposal, subject to assessment of all other material planning considerations.
- 13.2. It is not considered that the proposal would result in the loss of the best and most versatile agricultural land.
- 13.3. The proposed layout and design is considered appropriate in the context of the existing site and area and in accordance with current adopted development plan policies.
- 13.4. The current proposed development is not considered to result in significant harm with regards impact on the character and quality of landscape character, visually important spaces and principal views.
- 13.5. Whilst the proposal would result in a very low level of harm to the significance of heritage assets it is considered that the proposal would result in public benefits that would, together, outweigh the very low level of harm identified.
- 13.6. Subject to compliance with conditions as suggested by the Local Highway Authority, the development currently proposed would not result in a severe impact on existing highway safety.
- 13.7. The current proposal is not considered to result in a significant impact on the amenities currently enjoyed by nearby occupants and land users.
- 13.8. The proposal is not considered to result in harm to protected and priority species or their habitats and biodiversity mitigation, net gain, and enhancement measures would be ensured by way of conditions.
- 13.9. The proposed development would not be at significant risk from flooding, would utilise SuDS, and would not demonstrably increase flood risk on the site or elsewhere.
- 13.10. The current proposal is, therefore, considered to represent sustainable development.

RECOMMENDATION

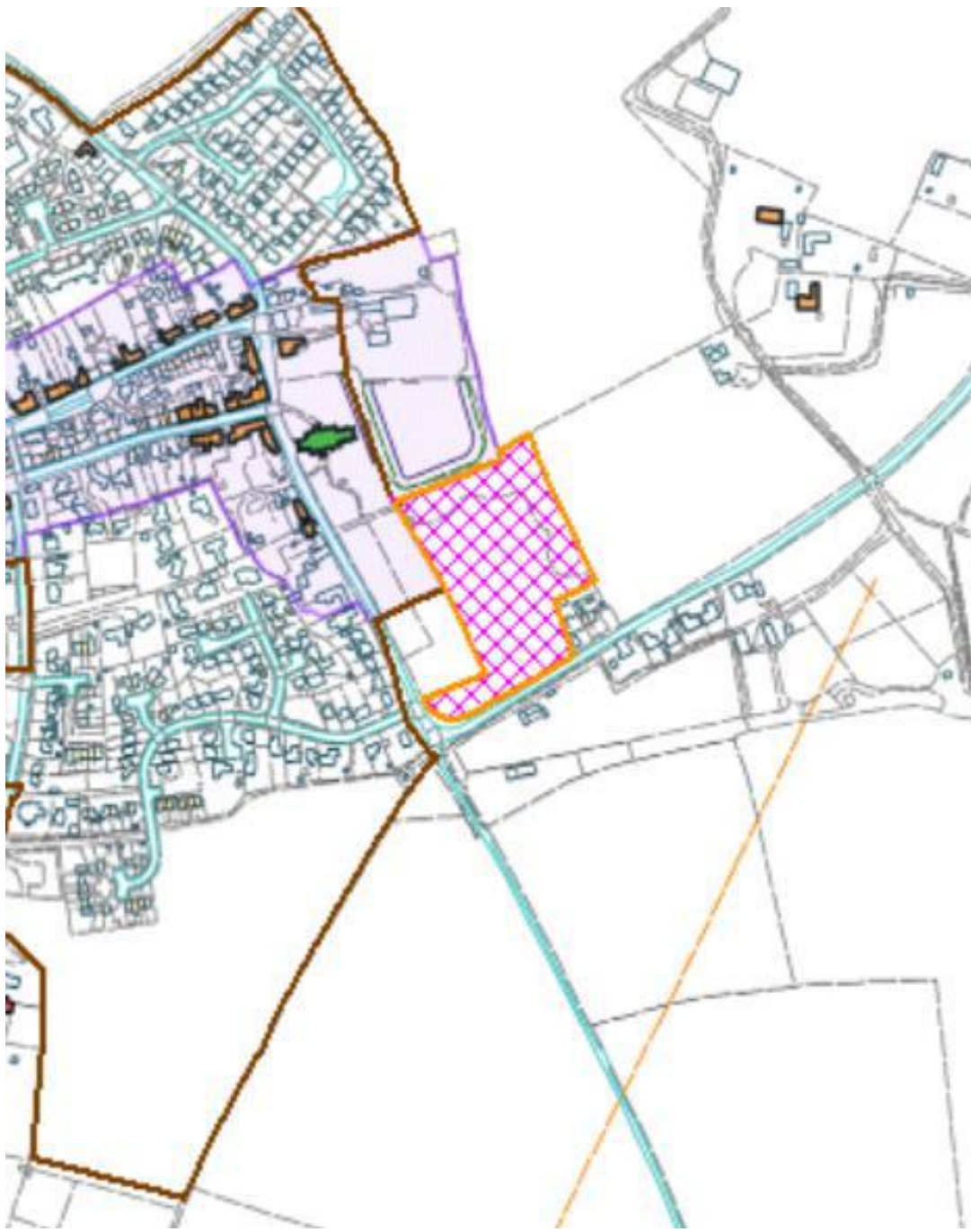
That the Chief Planning Officer be authorised to Grant Planning Permission subject to conditions as summarised below and/or those as may be deemed necessary by the Chief Planning Officer:

- Standard time limit (3 years to commence the scheme);
- Approved Plans and Documents (Those submitted that currently form this application);
- Detailed Landscape Scheme and Aftercare;
- Approval of external facing and roofing materials and colours;
- Approval of hardstanding materials;
- Development to be carried out in accordance with the approved ecological appraisal recommendations;
- Biodiversity Net Gain and Enhancement Scheme to be agreed and implemented;
- Lighting Scheme to be agreed (if external lighting required) and PD removed for external lighting;
- Restriction on development - not to be used as commercial livery, riding school or for other business purpose(s);
- Manure management: Muck Pad and runoff control, and no burning;
- Highways - Access to be provided, as proposed, prior to first use;
- Highways - Access Visibility Splays to be provided, as proposed, prior to first use;
- Highways - Access to be surfaced with a bound material for a minimum distance of 10 metres from the metalled carriageway;
- Highways - Means to prevent surface water flowing from the access onto the highway;
- Highways - Gates to be set 10 metres back from the highway edge and not to open towards the highway; and
- Highways - Onsite Turning and Parking to be provided, as proposed, prior to first use, and thereafter retained;
- Existing pedestrian access at the corner of Brockford Road and Church Road to be stopped up, as proposed, prior to commencement of development.

Application No: DC/23/00305

Parish: Mendlesham

Location: Land Adjacent To 17 Brockford Road



This page is intentionally left blank

MEMBER REFERRAL TO COMMITTEE

(Completed form to be sent to Case Officer and Corporate Manager – Growth & Sustainable Planning)

Planning application reference	23/00305
Parish	Mendlesham
Member making request	Andrew Stringer
Please describe the significant policy, consistency or material considerations which make a decision on the application of more than local significance	Appeal W3520/W/19/3227306. Stated that the current approvals had created harm, further harm to this historic setting is of district wide concern. If approved in its current form, highway safety will be eroded. This application conflicts with policy MP10 in the Mendlesham Neighbourhood Plan, supporting this recently updated plan is of district wide importance.
Please detail the clear and substantial planning reasons for requesting a referral	MP 10 clearly lists this vista as the most important views in the village, appeal W3520/W/19/3227306 clearly stated that the views from public vantage points of this site are vital. And protected in the 1998 local plan as a visually important open space and the recently updated Mendlesham Neighbourhood plan important view number 10. Adequate visibility is not achieved here leading to a risk of traffic conflict. Policy T10
Please detail the wider District and public interest in the application	Limiting historic heritage harm and settings of listed buildings, and protecting visually important spaces, and highway safety, is of wider interest. Giving neighbourhood plans sufficient weight is of district wide importance
If the application is not in your Ward please describe the very significant impacts upon your Ward which might arise from the development	
Please confirm what steps you have taken to discuss a referral to committee with the case officer	Discussed this with Alex Scott and, Tom Baker.

This page is intentionally left blank



Appeal Decision

Hearing Held on 9 November 2020

Site visit made on 10 March 2021

by A Jordan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 March 2021

Appeal Ref: APP/W3250/W/19/3227306

Land Adjacent to 17 Brockford Road, Mendlesham, Stowmarket, Suffolk

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Matthew and Mr Tim Lockwood against the decision of Mid Suffolk District Council.
 - The application Ref DC/18/01038, dated 9 March 2018, was refused by notice dated 25th October 2018.
 - The development proposed is outline planning permission for the development of 8 dwellings with associated works including vehicular access, provision of a pedestrian link, infrastructure and landscaping.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development was changed during the course of the application to reflect a reduction in the amount of development proposed from 9 to 8 dwellings. The appellant and Council have agreed this change in description and accordingly I have determined the appeal on the basis of a proposal to erect 8 dwelling, as reflected in the description of development above.

Main Issue

3. The main issue for the appeal is the impact the proposal would have on heritage assets. These are the effect of the proposal on the setting of the Grade II listed building known as Church Farm, the setting of the Grade I listed St Marys Church, the setting of 4 and 5 Church Road, the effect on the setting of the Moat to Church Farm, identified as a non-designated heritage asset and whether the proposal would preserve or enhance the Mendlesham Conservation Area.

Reasons

4. The site comprises a large open field which extends north from Brockford Road. Although a small cluster of dwellings sit along the road frontage, the site lies outside the village within open countryside. Together with the adjoining field and the open churchyard the site is identified as Visually Important Open Space within the adopted Mendlesham Neighbourhood Plan. I noted on site that the field was on gently rising land and that clear views of St Mary's Church and the

- churchyard were available from within the site, along with and the eastern part of the Mendlesham Conservation Area in which the church lies.
5. The Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on decision makers to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest when considering whether to grant planning permission for development which affects the setting of a listed building. The Act also requires special attention to be had to the desirability of preserving or enhancing the character and appearance of Conservation Areas. This duty is reflected in the Framework which subsequently goes on to categorise any harm to the significance of a heritage asset as either '*substantial harm to or total loss of significance of an asset*' or '*less than substantial harm to the significance of an asset*'.
 6. Policy HB1 of the *Mid Suffolk Local Plan* (LP) places a high priority on protecting the character and appearance of all buildings of historic interest and recognises the importance of protecting the setting of listed buildings. Policy CS5 of the *Mid Suffolk Core Strategy* (CS) seeks to ensure that all development maintains and enhances the environment, including the historic environment. These policies also reflect the statutory duty set out in the Act.
 7. St Marys Church is Grade I listed. It sits within an extended churchyard on the edge of the village. It is a well preserved example of a 13th ecclesiastical architecture, which was substantially restored in the 1860's. Constructed in flint rubble with stone dressings the staged bell-tower is visible in long range views into the site and marks the church as historically the most important building in the village. The significance of the asset is therefore derived in part from its historic and architectural interest.
 8. The significance of the church as a heritage asset is also derived in part from its setting. The immediate setting of the church is provided by the open churchyard which surrounds the building and which enhances views of the church from outside the yard. This contrasts with the tight urban form along Church and Chapel Roads, and the semi-formal nature of the churchyard delineates the village from the open fields of the countryside beyond. The position of the church on the edge of the settlement, with open countryside extending to the east from the edge of the churchyard is largely unchanged from the church's original setting and so reflects the historic development of the settlement and the importance of the church within it.
 9. The church and wider churchyard, along with the moat and the wider environs of Church Farm form a substantial proportion of the Mendlesham Conservation Area. The origins of the village as a market for the surrounding agricultural hinterland are most clearly evident in the historic core of the village along Old Market Street and Front Street. The close spacing and domestic scale of the buildings here, including the grade II listed 4 and 5 Church Road contrasts with that of the eastern section of the conservation area which contains St Marys Church, Church Farm House and the moat.
 10. When approached from the north, west and south-west the setting of the Conservation Area includes suburban housing. However, from the east, and in the approach to the Conservation Area along Brockford Road and Church Road from the south the agricultural origins of the settlement remain clearly evident.

- In this regard the rural character of the remaining open land to the south east forms part of its setting and contributes to its significance.
11. Church Farm House lies to the north of the Church. Parts of the building date from the 16th Century and it is Grade II listed. It sits on a large plot with a frontage to Church Street. It is adjoined by a mix of agricultural outbuildings and has an open setting to the rear. Its significance lies in part in the antiquity of parts of its fabric as a surviving example of a building of its type and period, in its evidential value demonstrating the historic development of the village and in the contribution the building makes to the character of the historic core of the village.
 12. The moat lies within the wider setting of Church Farmhouse and is considered to be a non-designated heritage asset. The boundary of the development site extends right up to footpath 57 which runs along the southern boundary of the moat. I have not been provided with any information as to where the asset might derive its significance. However it seems to me that the moat is not prominently visible in the landscape being largely below ground level. Mature hedging runs along this boundary and so to the casual observer the moat is not visible from the south, and is largely associated with the wider curtilage of Church Farmhouse to the north. Therefore, notwithstanding the close proximity of the development site to the moat, only the northern section of the site forms part of its wider setting.
 13. The proposal is for 8 houses which plans show extending along the length of an open field to the south of the church. Although I note these plans are illustrative only, given the shape of the site and the amount of development proposed I consider that they make reasonable assumptions as to the likely form development that would take place. The plans show development extending along the length of the site along a single access road. They also show a planting buffer along the western edge which along with the adjoining open land, a large proportion of which is shown within the ownership of the appellants, would separate the development from the lower churchyard.
 14. Nevertheless, due to the gently rising topography and the extent to which the built form would extend into open countryside in available views, particularly from the south, the proposed development would have an intrusively urbanising effect on the character of the countryside in this location. This would not be offset by landscaping, particularly in the winter months when any likely tree cover would be diminished. In these views the development would appear suburban in form and poorly related to the settlement, as it would be removed from the village by the intervening open land and as a result would intrude upon the existing rural character of the area.
 15. I take into account the distance between the church and the site. I also note that the mature evergreen planting around the older section of the churchyard screens most of the lower portion of the building in views from the site. Nevertheless, the presence of the church is clearly discernible from both within the site and in shared views from the south with the site in the foreground, with clear views of the belltower, the churchyard, and its formal landscaped setting which comprise a substantial portion of the Mendlesham Conservation Area.
 16. I bear in mind that the view from the south across the appeal site is only one view of the asset, and is not formally identified as being an important vista or

viewpoint. I also note that from the south the periphery of the village is also in view, which provides a diverse palette of housing styles and ages. Other rural views of the church are also available from the east, particularly on the approach along footpath 57. I bear in mind that there is a small cluster of existing development at the site frontage along Brockford Road. A further 2 houses are to be built on the southern section of the site along the site frontage¹. However this development along the road would not extend into open countryside in the way the development before me proposes. In this regard the development would reduce the openness provided by the existing site and urbanise some available views. Landscaping and a well considered layout would to some extent reduce the harm but not remove it.

17. The proposal would therefore have a negative effect on the setting and, with it, the significance of St Mary's Church. As this would have a moderate effect on the asset I conclude that the harm to the significance of the setting of the heritage assets would be 'less than substantial'. It would also have a negative effect on the setting of a significant proportion of the Mendlesham Conservation Area and would thereby also have a negative effect on its significance. As this would impact upon only part of the conservation area this harm would also be "less than substantial".
18. With regard to the other identified assets I am satisfied that the setting of 4 and 5 Church Road is more restricted, in keeping with the domestic scale of the buildings and would not be harmed by the proposal. Furthermore, the relative position of Church Farm to the site would mean that the proposal would have only a negligible effect on the wider setting of this asset. I also consider that although the northern edge of the site forms part of the setting of the moat, with an appropriate layout that provides for a degree of separation, any significance derived from its immediate rural environs would not be harmed.
19. Paragraph 196 of The Framework sets out that where a proposal would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal.
20. The proposal would provide 8 new homes in a range of house types and in a sustainable location. Although I am advised that the Council can provide a five year supply of housing land, having regard to the impetus in the Framework to provide new homes I nonetheless attribute this matter moderate weight in favour of the proposal. The proposal would bring economic benefits from construction and through the additional contribution new residents would make to sustaining local services and as part of the local community. I attribute these benefits no more than moderate weight, commensurate with the scale of development proposed.
21. The proposal would provide opportunities for additional tree planting and other habitat enhancements and I attribute these benefits some limited weight. Development would also provide the opportunity to provide pedestrian access through the site onto the adjoining public footpath and I also attribute this some further limited weight.
22. Whilst together these public benefits would be significant, I also take account of Paragraph 193 of the Framework which indicates that when assessing the impact of a proposal on the significance of a heritage asset, great weight

¹ APP/W3520/W/17/3175489

should be given to the asset's conservation. The more important the asset, the greater that weight should be. The harm identified, although less than substantial would occur to both the Conservation Area and a Grade I listed building. Such buildings make up only a small proportion of all heritage assets and are buildings of the highest significance. I therefore conclude that the public benefits of the scheme would not outweigh the harm to the significance of the heritage assets in this case. It follows that the proposal fails to comply with national policy outlined in the Framework. It would also be contrary to Policy HB1 of the LP and CS5 of the CS.

Other Matters

23. I am advised that the frontage of the site lies within Flood Zone 3. However, I have not been advised that this represents an impediment to accessing the site and note that the existing approval² for 2 houses along the frontage would also use this access. Neither have I been provided with any evidence that the development would increase flood risk elsewhere. This matter does not therefore add to my concerns.
24. The Parish Council raised concerns in relation to the effects of the proposal on the character and appearance of the wider area, including the Visually Important Open Space to the west of the site. This was alluded to in the Council's decision notice but not explicitly stated. Whilst I note the Parish Council's frustrations, expressed at the hearing, regarding the absence of any reference to policies from the adopted Mendlesham Neighbourhood Plan, I am satisfied that my concerns in relation to heritage assets are determinative in their own right, and so any views on this matter would not alter my findings above.

Conclusion

25. Section 38(6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that any determination must be made in accordance with the development plan, unless material considerations indicate otherwise. The Framework is clear that harm to the significance of heritage assets that is not outweighed by public benefits provides a clear reason for such development to be refused. The proposal would be contrary to Policies CS5 of the CS and HB1 of the LP. Whilst the benefits of the scheme would together carry significant weight, they would not be sufficient to outweigh the harm to the significance of the heritage asset I have identified.
26. Accordingly, having regard to all other matters raised, the appeal is dismissed.

Anne Jordan

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

James Platt – Locus Planning

Laurie Hancock – Icen Projects

FOR THE LOCAL PLANNING AUTHORITY:

Alex Scott – Principal Planning Officer

Thomas Pinner – Senior Conservation Officer

THIRD PARTIES

Andrew Stringer – Mendlesham Parish Council

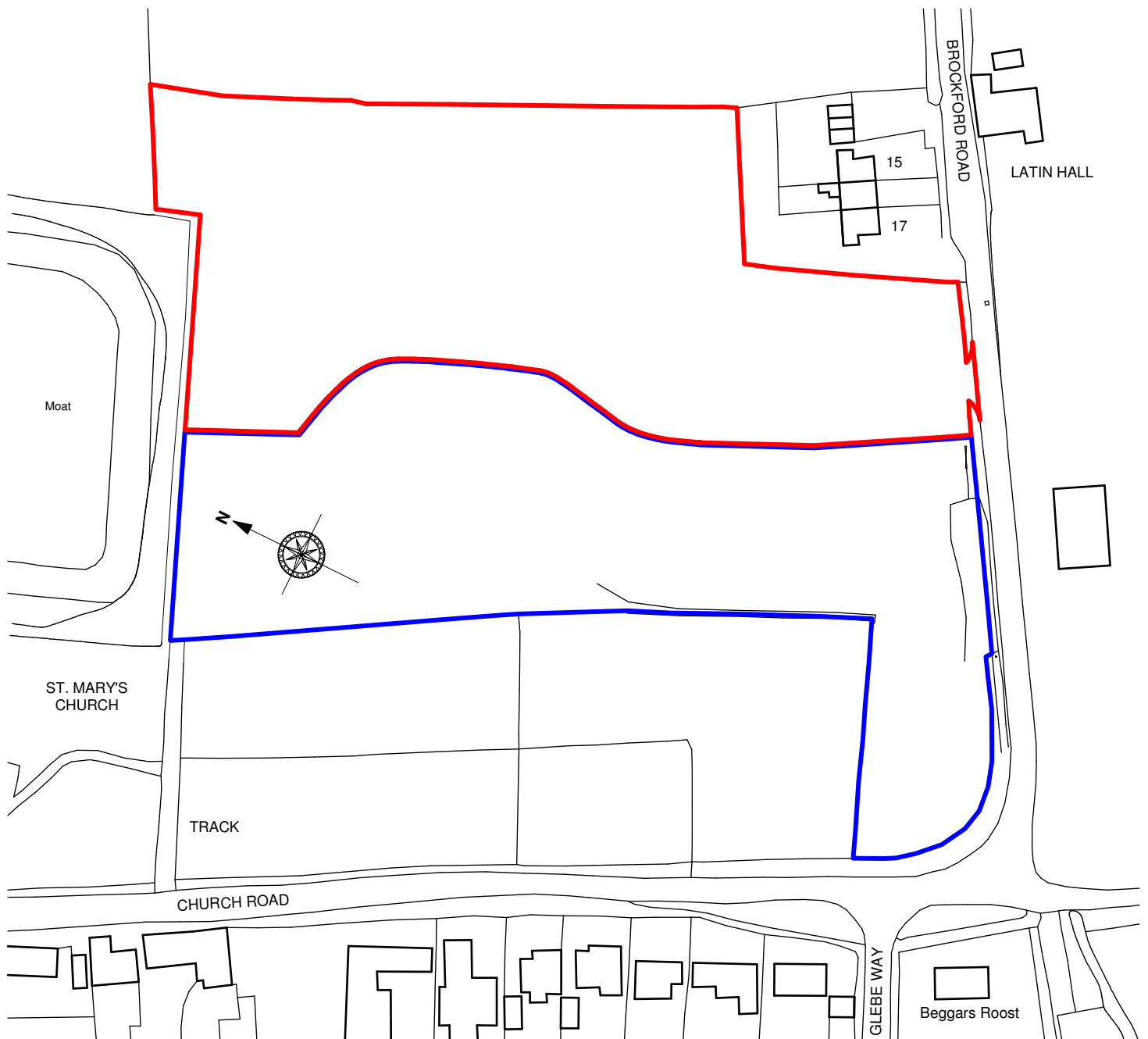
Terry Moor – Mendlesham Parish Council

Michael Exley – Mendlesham Parish Council

DOCUMENTS SUBMITTED AT THE HEARING:

Schedule of Conditions

Copy of Document SD19 – Landscape and Visual Assessment of Mendlesham



Site Location Plan 1:1250 @ A4

**Land adjacent to 17 Brockford Road,
Mendlesham, Stowmarket, Suffolk, IP14 5SG.
For Locus Planning Ltd.**

Date: Feb. 2018 1:1250 Dwg No. TL-4114-18-2A

Site Location Plan

Revision A 25.05.18 Planning Alterations

This page is intentionally left blank

Following the Committee Meeting on Weds 8th November to discuss our stables application & the subsequent planning consultee response, Mike Moss & myself have been in contact with our planning consultant Ben Elvin, we have watched the recording of the meeting & we have listened to & read everything that all the various parties had to say.

We wish to register our disappointment that the feedback from Heritage came so late in the day & that it wasn't made available to Ben to digest before the meeting commenced. As we understand it, the consultation period ended months ago and it seems completely unacceptable that feedback like this can be sought so late in the day and that members could even think about voting when neither Ben, Mike or myself had been made aware of Heritage's comments.

The comments made within their feedback about repositioning the stable block don't make any sense at all. We also noted concerns raised by the members at the meeting about a number of issues including the size of the stables, what the benefit would be to the village if permission was granted and most important of all appeared to be the issue of preserving the view of the green space - both across the meadow from the bottom near the corner and also from the top of the meadow from the footpath – as part of the agreed village plan.

Please can you ensure that the following information is made available to all members and anyone else associated with making the decision on our application as a matter of urgency as it is only fair that we are able to provide information in advance of the decision being made where people may well not be aware of the facts - particularly as Heritage have been allowed to comment so recently and so late on in the proceedings.

Preserving the View

We would like to tackle the issue of the preservation of the view first as there is an absolutely vital point being missed here that nobody anywhere has given any level of relevance to at all.

When we purchased the meadow it had not been maintained for decades and whilst it was described as a meadow it actually resembled a piece of waste land. There was around half an acre of blackthorn situated along the top of the meadow where the footpath is and down the side of the meadow along the opposite side to the church. See attached photographs prior to the land being purchased and during & after the blackthorn removal.

The meadow was covered in stinging nettles, thistles, weeds & rabbit burrows.

Whilst it may indeed have been classed as open space, it was hardly an attractive vista and the rate at which the blackthorn was growing into the meadow it would not have been long before there was barely any green space to be seen at all.

Due to the thickness of the blackthorn - see photographs attached, there was absolutely no view of anything from anywhere along the footpath. As Alex Scott rightly pointed out, there was no point in taking photographs from the footpath when he visited the site as nothing but undergrowth was visible.

As the Parish Council knows, we have removed the blackthorn and in doing so have uncovered a number of elm trees and have given other trees along the edge of the meadow room to flourish. **In doing this work we have now created a view which wasn't there previously.** See photograph of post blackthorn removal which shows the side of the meadow. At the top of the picture is the start of the footpath which is diagonally opposite the gate at the corner of Brockford Road/Church Road. This particular vista was referred to by Councillor Stringer.

In addition to clearing the blackthorn, we have completely removed all the weeds and topsoil, we have re-laid the soil & have had it seeded ready to grow grass in the Spring. We have also had the meadow perimeter fenced. This has been done at considerable cost & effort on the part of professional groundsmen we employed who have done an excellent job.

Whilst this will enable us to provide good grazing **it also comes as a bonus to the village as the view has considerably enhanced what anyone was able to see before.**

In addition to what we have done so far, we want to plant more trees and we intend to line each of the flanks of the meadow with wildflowers which will attract insects and will look absolutely beautiful in the years ahead each Spring & Summer. **This too will be a benefit to the village.**

One final point - we are regularly maintaining the footpath at the top of our land and will continue to do so in the future along with maintenance of the rest of our land. **This too is an advantage to the village as had it remained as it was before nobody would have had any incentive to maintain or improve the area.**

Who wouldn't prefer to have the view of what we are creating compared to blackthorn, stinging nettles and thistles?

Repositioning of the Stables

We have taken photographs from the corner of Brockford Road & Church Road where the large arrow was referred to on the map the members were looking at during the meeting. We do not understand why this particular "view" is deemed so important? As is suggested, the corner is somewhat dangerous to pedestrians and if the hedge around the current unused access does close up over time, surely the "view" from this place, if there is one will reduce?

As you can see & the members will be able to see when they visit the area, the area where we currently propose the stables to be sited cannot be seen. There isn't actually much of a view across the meadow as the most obvious view is of the yew trees lining the churchyard. However, what can be seen now - even before the sown grass has grown - is immensely more attractive than the rough meadow and blackthorn which was previously visible.

There is still barely any view from the footpath over the meadow as the undergrowth remains fairly dense. There is certainly no view of where we want to site the stables as again, the churchyard yew trees screen it.

We cannot see the point of repositioning the stables as if anything, they would be more visible if they were rotated and sited up the side of our house.

Size of the Stables

Some members admitted that they know nothing about horses so perhaps the following information might help them.....

The amount of meadow space is sufficient to graze 2 - 3 horses - allowing for resting paddocks. Currently I have 2 horses but I may have 3 to mitigate for the fact that my 2 are old and one or both will eventually die. Horses need hay & feed & hay in particular cannot be stored outside as it would spoil in the wet & cold. We therefore need storage - hence the additional areas we have designed to the stables in the block. Hay has to be purchased in bulk - one cannot simply buy a few bales at a time. The horses need bedding for the short periods of time they will be stabled for & this too has to be bought in bulk. We also need space to hang horse rugs etc. These are the reasons why we are requesting the size of stable block we are.

As you are aware, we do have the option of having temporary buildings instead of permanent ones but we would rather have permanent ones for the following reasons :-

1. We want to have solar panels fitted on the roof which will produce electricity for our house we are currently building to live in. We notice the members expressed concerns about the possibility of someone other than the owners of the house using the stables & land and as we want to have solar panels fitted, this will always link the stables and land to our property.

2. We believe that purpose built stables will appear much more attractive than the various temporary structures we would be forced to use if we do not obtain permission. If the members are so concerned with the appearance of the structure we build, surely they would be more concerned about the use of temporary structures we could erect that they would have absolutely no control over?

Car Parking

Heritage has referred to 'car parking' and this has also been raised in previous meetings & correspondence so we feel this point needs clarification.

We do not need car 'parking' as such as any visiting cars will be 'parked' for a minimal amount of time. Visiting vehicles might for example be the farrier, the vet & a friend's vehicle when they come to help. We will need to have feed, bedding & hay delivered and vans will need space to turn around in so they are not backing out onto the road. In addition, we intend to have the horse manure collected on a regular basis so there needs to be space for a small tractor & trailer to manoeuvre. Maybe it would be easier to describe the space as 'vehicle turning' rather than parking.

In addition to the above there were numerous other points raised which we could easily have explained and commented on. However, as only a 3 minute window of opportunity is allowed to counter debate the issues that were raised, it seems only fair that we can present our viewpoint by way of this email so that members are aware of facts which haven't previously been presented.

Latest Mendlesham Parish Council Response

With regard to the latest planning consultee response, it is completely futile for Mendlesham Parish Council to continue to complain that the site should not have been developed. The original planning was nothing to do with us. It was agreed by Mid Suffolk District Council that 2 X properties could be built and again agreed by them that they could be amended to what we are building now. It is pointless to continue to make reference to this.

With regard to the flooding issue, it is just not accurate to assume that if we build a stable block it will add to flooding problems. We have confirmed before that we intend to do work to improve the situation on the corner of Brockford Road/Church Road but clearly, nobody believes us! This will be for our benefit and for the benefit of the village too. We intend to store all rainwater from the stable roof for use so it will not add to the problem.

The recent deluge of rain caused by Storm Babet was very unusual and unprecedented. In the unlikely event that it should occur again the road flooded so badly due to the ditches and streams being unable to take the water away quickly enough. In the event of such rainfall occurring again, our stable block would hardly worsen the situation.

We should also re-state that the area where the stables would be sited did not flood.

With reference to the essential points made at the end of the response :

- a) It makes no difference if the existing corner entrance is closed or not. The entrance has existed for decades & does not pose a risk for anyone other than ourselves should we want to walk in and out of it.
- b) It is not acceptable to limit the number of horses we choose to have.
- c) Lighting would only be in the stables/storage rooms & under the covered walkway which would have absolutely no impact on the church which is nowhere near the stables.
- d) We utterly fail to understand how having horses grazing on an attractive meadow would in any way offend any mourners tending to the graves of their loved ones. The meadow has a history of horses grazing on it and I understand from a number of locals that one horse in particular was much loved and regularly looked upon by villagers.
- e) As stated before, we intend to plant more trees to greatly enhance the meadow further. It is not acceptable to impose conditions with regard to this.
- f) We have already covered the issue of the footpath in our comments above.

Summary

We simply do not understand why the Parish Council continue to try and block everything we do with the meadow. As Ben Elvin pointed out, we were not responsible for any of the history of the planning applications on the site yet we have been treated as if we are riding rough shod across all rules and regulations which is simply not the case. We have sought advice at all stages, we have made amendments wherever requested and all works to the houses and the meadow have been carried out in a professional way.

As stated before, we simply wish to finish building our house, live in it and keep our horses in the field behind with a stable for them to live in when required.

Our application for the stables was originally submitted in January 2023 and it was validated in April. We understand that ordinarily there is an 8 week period after validation when responses are sought from consultees and then a decision is made.

We understand that if there is reason why a decision can't be made after 8 weeks then it can be delayed with our written agreement. This was not sought, **some 8 months have now passed** and all that has happened is Mendlesham Parish Council continues to raise the same points over and over again. It is absolutely unacceptable that we are being victimised this way. Our application appears to have become political through absolutely no fault of our own.

Can you kindly acknowledge receipt of this email and confirm that it will be distributed to the members as requested.

This page is intentionally left blank