

# Officer Report Addendum: Response to Richard Buxton Solicitors Letter

## Summary

Officers note the content of the Richard Buxton Solicitors letter of 10<sup>th</sup> July 2020 (“RBS letter”) addressed to Members in relation to application ref: B/15/01196 to be considered by Planning Committee on 15<sup>th</sup> July 2020. Among other things, the RBS letter alleges that officers are ‘*wrong*’ in their treatment of landscape/character matters as relating to policies CR04, CS11, and CS15.

In light of those allegations it is important that officers explain their reasoning in order to support the assessment in the officer report – which remains unamended – and to assist Members in their deliberations, notwithstanding that the recommendation for Members remains the same.

The reasoning for reaching a conclusion that in landscape/villagescape terms the application satisfies policy CR04 and the criteria under CS11 and CS15 (in so far as they relate to such considerations) is provided in detail below but in summary the proposed development would accord with those policy requirements and the assessment undertaken is consistent with relevant guidance.

## Landscape

1. For the avoidance of doubt, officers have not suggested that policy CR04 is not engaged where stating that it has “tangential” relevance to the determination of the application. It must be taken into account because the site falls within a Special Landscape Area; the policy therefore applies.
2. However, if para. 52 of the officer report is read in its totality, it is clear that term was used because officers simply do not rate it as being “most important” for the determination of the application, noting the parlance of NPPF 11. This is partly because the site is not considered to be, as a matter of planning judgement, representative of the inherent qualities of the SLA that washes over the village and its surrounding landscape. But it is also because the policy is itself, in any event, satisfied. At paragraph 52, following a reproduction of the requirements set out under policy CR04, officers state:

*‘The policy is engaged and is tangentially relevant (because the site is within a designated SLA) but it is not a policy most important for the determination of this application. This is because the site is effectively enclosed as garden/communal residential land and it is plainly not representative of the appreciable special landscape qualities of the wider designated area that washes over the village and its landscape setting. The application therefore does not conflict with the policy: it poses no harm to the SLA, nor is it a determining issue in this application.’*

3. Members should read the report fairly and as a whole. Even if the policy is part of the “most important” bundle of policies this bears no effect upon the ultimate

assessment of the application proposal in landscape terms; there is no policy tension, let alone any outright conflict. Nevertheless given the criticism raised in the RBS letter – which appears to amount to criticism of professional planning judgement as opposed to any matter of law – it is important that officers provide yet further detailed assessment to justify their position, as now follows.

4. Officers are, as Members will be, well-versed in the landscape assessments and guidelines relevant to the local area and which are material for decision taking. For sake of completeness, however, links to referenced documents will be provided in footnotes so that Members can consider the material at its source.

#### Landscape Character Context and Guidelines

5. The site sits within National Character Area 86 (“NCA”) – *South Suffolk and North Essex Clayland (NE515)*<sup>1</sup>. This is a broad designation which effectively covers the entirety of the District. In general the NCA defines an open landscape of gentle clay ridges and valleys; an undulating plateau dissected by river valleys giving a topography of gentle slopes in the lower wider valleys; the agricultural landscape is predominantly arable with a wooded appearance; a dispersed settlement pattern; winding narrow and sometimes sunken lanes and a strong network of public rights of way. Given the scope/broadness of the NCA many of those characteristics can be found in the vicinity of the application site, which is unsurprising.
6. Moving down a tier of landscape assessment, it is correct of the RBS letter to state that Kersey falls within two sub-character areas, as set out within the *Joint Babergh and Mid Suffolk District Council Landscape Guidance 2015*<sup>2</sup> (“BMS Guidance”): Ancient Rolling Farmlands, and Rolling Valley Farmlands. Those sub-character areas are based upon and lifted direct from the Landscape Character Types (“LCT”) contained within the *Suffolk Landscape Character Assessment*<sup>3</sup> (“Suffolk LCA”).
7. The BMS Guidance was published in order to assist decision-taking in improving the quality of development proposed within the countryside in order to avoid change that could be ‘...damaging to the local character and distinctiveness of the landscape’. The BMS Guidance states that it should be read in conjunction with the Suffolk LCA, among other landscape and design documents.
8. The site itself (and the land immediately surrounding it), however, falls solely within the Rolling Valley Farmlands LCT which acts as a “finger” sandwiched between Ancient Rolling Farmlands as it moves westwards from the east of the village across The Street and Church Hill, across the site, and following the River Brett tributary, terminating between Groton and Lindsey.

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<sup>1</sup> Details available at:

<http://publications.naturalengland.org.uk/publication/5095677797335040?category=587130>

<sup>2</sup> Available here: <https://www.babergh.gov.uk/assets/DM-Planning-Uploads/Joint-Landscape-Guidance-Aug-2015.pdf>

<sup>3</sup> Details available here: <http://www.suffolklandscape.org.uk>

9. The landscape surrounding the River Brett is designated as a Special Landscape Area; thus, it is of itself a relatively large area as it follows the river route from Lavenham to Upper Layham/Hadleigh<sup>4</sup> and washes over the village.

10. The key characteristics of the Rolling Valley Farmlands LCT are defined as follows:

- *Gentle valley sides with some complex and steep slopes*
- *Deep well drained loamy soils*
- *Organic pattern of fields smaller than on the plateaux*
- *Distinct areas of regular field patterns*
- *A scattering of landscape parks*
- *Small ancient woodlands on the valley fringes*
- *Sunken lanes*
- *Towns and villages with distinctive mediaeval cores and late mediaeval churches*
- *Industrial activity and manufacture, continuing in the Gipping valley*
- *Large, often moated, houses.*

11. The Suffolk LCA guidance note for the Rolling Valley Farmlands LCT provides development and land management guidelines which are consistent with those found in the BMS Guidance.

12. The BMS Guidance describes the Rolling Valley Farmlands landscape as making a *'significant contribution to the specific local character of the district because it is the focus of historic settlement and wealth creation'*. The landscape and settlement characteristics are set out in detail on pages 54 and 55. The aims and objectives for the area include: *'To retain, enhance and restore the distinctive landscape and settlement character. In particular strengthening the rolling valley landscape with appropriate planting and safeguarding the dispersed settlement pattern.'*

13. The BMS Guidance also sets out "Key Design Principles" for the area:

- i. Due to the rolling landscape development in this area is considered to have a wide zone visual impact. All development must take into consideration the cultural and historic importance of this area and the potential visual impact on AONB and Conservation Areas.
- ii. Reinforce the parkland and village green features in new developments.
- iii. Woodlands are to be protected and maintained within this landscape character.

14. The BMS Guidance provides the following guidelines for new development within the countryside (though whether apart from a strict interpretation of the settlement boundary the site is within the countryside, is a matter of opinion). In respect of visual effects it is advised that development should be located:

- i. Away from ridge tops, upper valley slopes or prominent locations.

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<sup>4</sup> A District-wide map identifying SLAs is available here: <https://www.midsuffolk.gov.uk/assets/Strategic-Planning/Babergh-Local-Plan-2006/DISTRICTFINAL2.pdf>

- ii. Where existing mature planting can screen, filter or soften/ integrate (depending on what level is necessary to mitigate development) what is proposed.
- iii. Where there is a backdrop of woodlands or valley side so the development does not break the skyline.
- iv. Below the skyline using dark materials to the roof (unless using a natural clay pan or plain tile).
- v. Close to woodlands or groups of buildings which can anchor the building
- vi. Sympathetically with the natural landform – and to avoid hard engineering solutions.

15. In respect of landscape/historic landscape character the following guidelines also apply:

- i. Development located on the edge of a settlement should be consistent with the form or shape of the settlement.
- ii. The layout of new developments should seek to retain historic landscape features such as hedges trees and respect the existing patterns of vegetation and enclosure
- iii. The design of domestic or small-scale buildings should be sympathetic to and reflect the characteristics of existing traditional buildings.
- iv. Development should avoid dominating other buildings or landscape features around it or detract from views of listed buildings or heritage assets.
- v. Measures should be taken to minimise the scale and dominance of large- scale buildings. Large buildings have the potential to dominate their surroundings and are therefore difficult to accommodate within settlements without effective screening.

16. It is further stated that: *'Where development is proposed on the edge of a village the proposal should be consistent with the way other buildings are orientated within the settlement pattern.'*

17. Village edge development – including those relevant to policy CS11 – also has applicable guidelines but which apply to sites on the *'outskirts'* of villages. For completeness, the guidelines state that in such circumstances regard should be paid to:

- i. Whether the proposal would constitute harmful ribbon development on the edge of the village
- ii. The magnitude of change to the countryside e.g. hedges, woodland etc... needs to be cleared having an adverse impact on the character of the settlement and/or countryside
- iii. The scale, density, form, extent of landscaping and character of the proposal in relation to the existing adjoining development
- iv. Whether the proposal constitutes a logical extension of the built-up area of the village and can be both physically and visually contained

- v. Whether the proposal would result in the logical infilling of a gap between two buildings or conversely, whether the proposal would harmfully fill an important gap
- vi. Whether the proposal is visually well related to the settlement it abuts and has logical, natural boundaries e.g. existing hedgerows, woodland and other landscape features i.e. it does not encroach into open countryside.
- vii. Whether the proposal is positioned appropriately within the landscape, in particular having regard to the visual impact of the character of the immediate area e.g. rolling, undulating, plateau, valley or farmland.

### Assessment

18. The assessments and guidelines above were taken into account and formed the basis of the judgement set out in the officer report. The key landscape issues (and the engagement of policy CR04 alongside the relevant criteria of policies CS11 and CS15) are considered by officers to relate to matters of: a) visual impact; and b) landscape/settlement character, especially in relation to settlement morphology and grain.
19. In the dismissed Linton House appeal the Inspector<sup>5</sup> considered matters of broader character and appearance as well as heritage impacts. The judgements exercised in that case are important to take into account but they do not have to be followed, especially where the two sites and developments are not directly comparable.
20. Officers maintain that the site in this case is one that is effectively enclosed and is not in open countryside (despite falling within the countryside in spatial terms, having regard to policy CS2). Likewise, open views/a visual connection from The Street into the countryside beyond is simply not available due to topography and the landscape borders of the site, and certainly not in the way that can be said of Linton House. The development that is proposed would not spill out of the historic settlement boundary framed by the rear gardens on the western side of The Street and would not encroach into the countryside landscape setting beyond; the open setting of the village would remain unchanged despite development within and close to its boundary. The landscaped boundary at the west of the site would itself be reinforced and thus the development would be physically and visually contained consistent with the BMS Guidance.
21. That the BMS Guidance requires the visual relationship of development to the settlement and its landscape context to be assessed is important to note because this highlights that such an assessment is an experiential one: it is the relationship as it would be perceived by someone moving around the landscape which matters. In that respect, as considered within the officer report, the visual impacts would be minimal and would not offend the BMS Guidance criteria listed above in those terms, even if considering experience from the PRoW network and Footpath 12. There are vantage points where some parts of the site are more discernible in a landscape context; from the church steps/gate, for example. However, as set out

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<sup>5</sup> As referred in the officer report, appeal ref: 3231103

in the officer report the extent of visual change would be minimal and would certainly not jar with the very clear and important vista relating to Church Hill/The Street and its wider setting.

22. Impacts relating to settlement character are considered at various points throughout the officer report and this captures the concern relating to “backland” development. The BMS Guidance underlines the importance of settlement form and shape in respect of new development proposals. Officers have embraced that advice but for the reasons already set out in the officer report<sup>6</sup> the development would not offend the strong linearity of the village grain and would not conflict with the character of the settlement in landscape or broader character terms.
23. It is often the case that landscape and heritage matters overlap; this is only natural. However, in this case the particular impacts relating to the application proposal are discrete and distinguishable between those matters. The harm relates to the heritage value of the site as connected to the host properties (which in turn contributes to the significance of the KCA), as identified in the officer report, not the value it holds in landscape/villagescape terms or as a washed-over part of the Special Landscape Area.
24. While guidance is just that, officers are satisfied that the assessment undertaken is consistent with the BMS Guidance. The application accords with policies CR04, CS11, CS15 (in so far as the criteria of policies CS11 and CS15 are applied to landscape matters<sup>7</sup>) and the policies of the NPPF, in particular noting paragraphs 127 and 170.

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<sup>6</sup> For example: paras. 9, 53, 110, 252-255, 275.

<sup>7</sup> Those same policies also overlap with heritage matters and it is for that reason that the officer report clearly states that they are breached because of the unacceptable heritage harm: see para. 111.