

From: Christine Kyle <christinekyle@btinternet.com>

Sent: 14 February 2023 17:42

To: BMSDC Planning Area Team Green <planninggreen@baberghmidsuffolk.gov.uk>

Cc: Mark Russell <Mark.Russell@baberghmidsuffolk.gov.uk>

Subject: Att. Elizabeth Flood. Erwarnton Hall Farmyard proposed housing estate DC/22/05131

i **EXTERNAL EMAIL: Don't click any links or open attachments unless you trust the sender and know the content is safe. Click [here](#) for more information or help from Suffolk IT**

Dear Ms Flood,

Ref:DC/22/05131

We have read your recommendation for refusal of the above application and are greatly impressed by your most thorough and conscientious approach, which we fully endorse in every respect. We are sending you now:

1. Recent photographs we have taken showing the condition of The Street leading from Erwarnton Hall Farmyard into Shotley after relatively light rainfall as well as two others taken a few months back showing typical agricultural vehicles negotiating this stretch of The Street, a regular sight here.
2. An aerial view of Erwarnton Hall Farmyard from 1964. This shows what was originally there, rather than as in the application what has been conveniently imagined. For instance, there was only one tower. Note also the intact roofs.
3. A visualisation we have commissioned of a proportion of one of the proposed dwellings, the south elevation of Unit 3, precisely following dimensions and layout provided by the applicant, showing at night time the light pollution coming from these windows, a fraction of the far larger total of windows and doors on the proposed site. The windows shown are those which it is proposed should be punched through the walls of an intact, window-free barn dating no later than 1770, to which the applicant has added an entire new build with floor to ceiling glass doors.

May I just add now also some comments regarding the response of 12 January from Suffolk Highways?

As objectors to Planning Application DC22/05131, we are responding to the report of 12 January from Ben Chester of Suffolk Highways which in our view makes several incorrect assumptions in order to justify retrospectively qualifying his Department's earlier report which concluded that a proposed exit from the above site for all five new dwellings was unsafe, and as such was an important element in Babergh's first refusal in 2019 of the application.

The assumptions, not only inaccurate but also significantly out of date, were made after the applicant asked the Department to revise and '*relax*' the earlier judgement. It needs to be noted that the sole and obvious reason for this request by the applicant was because, after Babergh's second 2022 refusal of the application, an alternative exit across an intact AONB meadow, an essential element in the setting of the historic buildings was refused. So one sound ground for refusal now is miraculously and conveniently overruled, probably because it is the only alternative, unacceptable though it is. The mis-judged assumptions are as follows:

1. The exit is not onto a lane which is *'lightly trafficked'*. It is also manifestly a location where, with five households needing to make frequent use of this, their only exit, *'children and other vulnerable road users'* **are certain to be present**. The lane is regularly used by heavy farm vehicles as well as cars/delivery vans, though so narrow that even small vehicles cannot pass each other without pulling over. Traffic has increased since the original surveys (not updated) with no allowance made then or now for a further considerable increase as new housing development, notably the Barrelman Development in Shotley Gate as well as a cluster of new houses in Erwarton village come on stream.
2. The exit is on to blind corners in each direction, with a speed limit set at 60mph.
3. The road surface is highly unsatisfactory the length of this lane, being subject to flooding whenever there is moderate rainfall, often spanning the full width of the lane, turning to ice in freezing conditions.
4. The entire lane is sunken with no footpath for pedestrians or even grass verges suitable for their use.
5. The nearest route to the estuary is along the Public Right of Way (The Stour and Orwell Path) running alongside the east perimeter of the farmyard. The walk this provides is a major reason for this site's attraction for ramblers as it would be for potential future residents, from young to elderly, many likely accompanied by dogs to join this footpath residents would have no choice but to negotiate this awkward busy corner.
6. In continuing down the Public Footpath towards the Estuary (supposing they survive this far) walkers would be obliged, first, to share the way with farm vehicles, machinery, frisky racehorses, and heavy horse transport entering or leaving the busy working farmyard directly adjoining the proposed residential dwellings.

In conclusion, we maintain that the report by Kyle Porter to Case Officer Samantha Summers submitted on 28 May 2019 is still fully valid: *'Safe and suitable access cannot be evidenced, the existing access cannot adequately facilitate the intensification of use that would be created by the proposal.'* This same point is reinforced by the following statement included in Babergh District Council's 2022 second refusal (DC/20/03083): *'The proposal site is in an unsustainable location, isolated from services, with poor pedestrian access, causing heavy reliance on the use of private motor vehicles.'*

Yours sincerely,

Francis Kyle

Erwarton Hall
Erwarton
IP9 1LQ

-----Original Message-----

From: Christine Kyle <christinekyle@btinternet.com>

Sent: Monday, February 20, 2023 12:51 PM

To: Elizabeth Flood <Elizabeth.Flood@baberghmidsuffolk.gov.uk>

Cc: Mark Russell <Mark.Russell@baberghmidsuffolk.gov.uk>

Subject: DC/22/05131

EXTERNAL EMAIL: Do not click any links or open attachments unless you trust the sender and know the content is safe. Click here

<https://suffolk.freshservice.com/support/solutions/articles/50000031829-email-banners-external-emails> for more information or help from Suffolk IT

Dear Ms Flood,

My apologies if there has been a glitch! I am re-sending the photographs to you now and hope you may find them helpful. Please feel free to make use of them in any way you wish.

In support of the objections we have been making we have been looking into the issue of curtilage. It would seem that, in general terms, the curtilage of a listed building is usually referred to when deciding whether unlisted buildings such as barns and other outbuildings should be covered by the listing of the heritage asset. The curtilage itself is not always clearly defined spatially and whether or not the buildings are 'curtilage listed' may depend on factors such as their ownership at the time of the original listing as well as their functional connection.

We understand that development of land within the setting of a listed building is controlled in as far as the impact on the significance of the listed building will be taken into consideration. Parks and gardens can also be designated in their own right and it seems that some local authorities have their own register of non-designated parks and gardens. Though the barns are not listed, they are 'considered to be of historic merit, being undesignated heritage assets of historic significance' (as you specify in your recommendation for refusal under the Principle of Development section 3:4).

With kind regards,

Francis Kyle

PS

On another matter, it was distressing for us to witness personally just in this past week from 11-18 February two serious road accidents on the short stretch of the B1456 between Wherstead and Shotley involving vehicles forced off the road with Police and recovery vehicles in attendance. This road is clearly carrying too much traffic and will become even more hazardous to negotiate as more and more housing developments come on stream at the tip of the Peninsula.

PPS

It may be, of course, that you consider that you already have sufficient grounds for a firm refusal without needing to raise the issue of curtilage.







Summer 1964



