



## 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**

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### **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 25<sup>th</sup> 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.
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### **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 13<sup>th</sup> 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 16<sup>th</sup> 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 frontage<sup>1</sup>. 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

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<sup>1</sup> 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 approval<sup>2</sup> 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