



Appeal Decision

Site visit made on 23 July 2019

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 28 August 2019

Appeal Ref: APP/D3505/W/18/3206762

Kersey Mill, Hadleigh Road, Kersey IP7 6DP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr S de Lara Bell against the decision of Babergh District Council.
 - The application Ref DC/18/01829, dated 27 April 2018, was refused by notice dated 2 July 2018.
 - The development proposed is construction of two detached houses with cartlodge garages on land belonging to Kersey Mill.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (a) the effect of the development on the setting of listed buildings at Kersey Mill and Mill House (both Grade II*), outbuildings to the west of Mill House (Grade II), and Cosford Hall and Barn (both Grade II); and
 - (b) whether the development would have acceptable access to everyday services and facilities.

Reasons

Setting of listed buildings

3. The appeal site is located within the wider grounds of Kersey Mill on the south side of Ivy Tree Lane between Hadleigh Road and Cosford Bridge. Kersey Mill is a Grade II* listed timber framed and weather boarded mill dating from the 18/19th century. It has considerable architectural and historic interest as a traditional water mill with a large amount of surviving historic mill machinery internally. It is undergoing restoration works to enable the mill to become operational after many years of neglect.
4. The neighbouring Mill House dating from the 17/18th century is also listed at Grade II* and has a red brick façade and tiled roof. It has considerable architectural and historic interest as a dwelling associated with milling on the river that pre-dates the existing mill. Outbuildings to the west of Mill House are listed at Grade II and comprise a range of 19th century red brick buildings. They have architectural and historic interest as structures associated with historic mill activity in this location.

5. Further to the north and to the east of the river and Cosford Bridge are the Grade II listed Cosford Hall and Barn. The hall dates from the early 17th century and is timber framed and plastered with a tiled roof. The barn is a large structure dating from a similar period with weather boarding and tiled roof. Both the hall and barn have architectural and historic interest as a domestic property and outbuilding.
6. In policy terms, the setting of a heritage asset is defined by the National Planning Policy Framework (NPPF) as the surroundings in which a heritage asset is experienced. Elements of a setting can make a positive, negative or neutral contribution to the significance of a heritage asset.
7. The setting of Kersey Mill, Mill House and the outbuildings to the west is informed by the river and water channels that run north-south along a belt of trees, as well as by the complex of other buildings that encompass the overall Kersey Mill site. The setting also includes a large area of grazing land to the north as far as Ivy Tree Lane which is open and undeveloped providing an attractive rural backdrop. There are views from the listed buildings across the grazing land. While vegetation along Ivy Tree Lane and Hadleigh Road screen buildings at the mill complex, there are views back to the three listed buildings across the grazing land. Thus, the grazing land makes a positive contribution to the setting of these three listed buildings as well as their significance.
8. The site is located in the north-eastern corner of this grazing land with a proposed footpath link parallel to Ivy Tree Lane as far as Hadleigh Road. Although the three listed buildings to the south are relatively distant and views from within Kersey Mill itself towards the site are limited, the site makes a positive contribution to the setting of the three listed buildings as part of the open rural backdrop.
9. The setting of Cosford Hall and Barn is greatly informed by the aforementioned tree belt which surrounds both buildings and gives them a secluded position that contributes greatly to their significance. Views westwards from the listed buildings are restricted by vegetation and so the grazing land including the site is not very apparent. However, the site forms part of the rural approach to these listed buildings along Ivy Tree Lane and so contributes to their setting.
10. The proposed dwellings would utilise a design to reflect the local rural architecture. However, they would be relatively large and located away from any other building and so would be prominent notwithstanding boundary planting. They would erode part of the open grazing land and impact on views towards Kersey Mill, Mill House and the outbuildings to the south. While the dwellings would not be highly visible from within Kersey Mill itself, there would be views of them looking north from the three listed buildings. The dwellings would also diminish the rural approach to Cosford Hall and Barns, although would be largely screened in views from these two listed buildings due to the intervening vegetation. For these reasons, the dwellings would have an adverse effect on the setting of the listed buildings to the east and south of the site. Thus, there would be harm to the significance of these heritage assets.
11. The harm would be less than substantial but still of a reasonably important magnitude given the erosion of part of the rural backdrop and approach to the listed buildings. NPPF paragraph 196 requires such harm to be weighed against the public benefits of the proposal including, where appropriate, securing the optimum viable use of the heritage asset.

12. The appellant contends that the development is necessary to provide nearby accommodation for his two sons who would help to manage and monitor Kersey Mill, particularly as he is looking to retire and already lives in Mill House. The mill requires further restoration work and the appellant's evidence indicates that there is a risk of damage to the mill from fire, theft and water. Mechanical restraints or automatic warning mechanisms may not be suitable for a sensitive historic building and the requirements of insurance policies. NPPF paragraph 79 supports the provision of isolated homes in the countryside in specific circumstances including rural worker housing and securing the future of heritage assets. However, it is not clear that all potential options have been exhausted in terms of providing such housing.
13. There have been two subsequent planning applications for housing immediately to the north-west of the mill complex adjacent to Hadleigh Road. One application has been withdrawn and the other was undetermined at the time of the Council's appeal statement, but it indicates that alternative locations and options for housing might be possible. I also have limited evidence that there are no houses available on the market within an appropriate location. Therefore, while Kersey Mill is undoubtedly of considerable significance as a listed building and significant efforts are being made to secure its optimum viable use, I am unable to give more than moderate weight to the public benefit of the proposal helping to secure its long term future.
14. The proposal would help to boost local housing provision in a context where the Council is unable to demonstrate a 5 year housing land supply. However, given the small number of dwellings, it would represent a modest benefit. It is unclear as to whether the appeal site is within the curtilage of developed land associated with Kersey Mill. Nevertheless, the NPPF definition of previously developed land is clear that it should not be assumed that the whole of the curtilage should be developed. Therefore, I give very little weight to this matter. There may be existing isolated housing nearby and the Council may have granted permission for housing on grazing land elsewhere as well as permitted further commercial development within the wider complex, but each case should be determined on its own merits.
15. Therefore, the public benefits would be insufficient to outweigh the harm to the significance of the listed buildings. I note the representations of support from a number of individuals and organisations regard the continued restoration and maintenance of Kersey Mill, but the overall heritage balance does not tip in favour of the proposal in this instance.
16. Concluding on this main issue, the development would have an adverse effect on the setting of a number of listed buildings, where the public benefits would not outweigh the harm to their significance. As a consequence, it would not accord with Policy CN06 of the Babergh Local Plan 2006 which, amongst other things, requires new work within the setting of a listed building to be of an appropriate scale, form and siting to harmonise with the existing building and its setting. It would also fail to accord with the NPPF in terms of sustaining the significance of heritage assets.

Access to services and facilities

17. Kersey Mill, including the appeal site, is located in the countryside. The complex of buildings at Kersey Mill provide a range of services including a café, healthcare, and a hairdresser. However, it does not include some day to day

aspects such as a school or grocery shop. The village of Kersey to the west includes a primary school while the town of Hadleigh to the south contains a greater range of services and facilities. The evidence is lacking in terms of any regular bus service between the site and Kersey or Hadleigh. While neither settlement is particularly far away, occupants of the proposed development would have to travel via busy A roads and/or country lanes, even in the case of a national cycle route to the east of the site. These routes lack pavements and street lighting along the entire length with speed limits of up to 60mph. As a consequence, they would not be attractive to pedestrians or cyclists even with the lack of any recorded accidents. Therefore, occupants of the development would be largely reliant on the private car to access services in either settlement.

18. The development would have negative social and environmental effects in terms of the ability to access services by sustainable modes of transport. The limited number of dwellings and the lack of a 5 year housing land supply moderates these negative effects (as noted in the extracts of appeal decisions provided by the appellant), but there would still be an element of harm. As such, the development would not provide acceptable access to everyday services and facilities. Therefore, it would conflict with BCS Policy CS2 which seeks to direct development towards larger settlements and criteria (xviii) of BCS Policy CS15 which seeks to minimise the need to travel by car.

Planning balance

19. As noted above, the Council is unable to demonstrate a 5 year housing land supply. This triggers the tests under NPPF paragraph 11(d). I have already found that the harm to designated heritage assets would not be outweighed by the public benefits. Having regard to NPPF paragraph 11(d)(i) and footnote 6, this provides a clear reason for refusing the proposal. As a result, it is not necessary to go on and apply the balance of NPPF paragraph 11(d)(ii). The presumption in favour of sustainable development would not apply, which indicates that planning permission should not be granted in this instance. There would be conflict with a number of policies with no material considerations that lead me to conclude against the development plan.

Conclusion

20. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR