



Appeal Decision

Site visit made on 26 November 2019

by Stephen Brown MA(Cantab) DipArch RIBA

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

Decision date: 13th February 2020

Appeal A: ref. APP/J3530/C/19/3220721

The Stone House, Bramfield, Halesworth IP19 9JH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is by Mr R Thickitt (Bramfield Meats Ltd) against an enforcement notice issued by Suffolk Coastal District Council.
- The enforcement notice, ref. ENF/2018/0057/DEV, was issued on 10 December 2018.
- The breach of planning control alleged in the notice is the change of use of the Land for the purposes of stationing refrigeration units/chiller cabinets on the Land.
- The requirements of the notice are to:
 1. *Permanently cease using the Land for the stationing refrigeration units/chiller cabinets.*
 2. *Permanently remove from the land the refrigeration units/chiller cabinets and any other fixtures or fittings used to attach them to the ground.*
- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended. The prescribed fees have been paid within the specified period, and the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended fall to be considered

Appeal B: ref. APP/J3530/C/19/3220722

The Stone House, Bramfield, Halesworth IP19 9JH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is by Mr R Thickitt (Bramfield Meats Ltd) against an enforcement notice issued by Suffolk Coastal District Council.
- The enforcement notice, ref. ENF/2018/0057/DEV, was issued on 10 December 2018.
- The breach of planning control alleged in the notice is the installation of soil bunds and hardstanding for the purposes of the stationing refrigeration units/chiller cabinets on the Land.
- The requirements of the notice are to:
 1. *Permanently remove from the Land the hardstanding used for the purposes of stationing refrigeration units/chiller cabinets.*
 2. *Permanently remove from the Land the soil bunds.*
 3. *Return the Land to the condition it was prior to the unauthorised development taking place by reseeding with grass seed or turfing the Land.*
 4. *Replace the boundary hedges on the East, North East, South East and South of the site which were removed to accommodate the unauthorised works. This is to be done in the following way:*

A double staggered row (rows 300mm apart) of hedge plants planted at 4 plants per linear metre, plants to be fully rabbit protected, hedge line cultivated and weed free prior to planting, hedge line to be mulched with woodchip or bark mulch to a depth of 100mm along whole length and to 1 metre width, all plants to be thoroughly watered in after planting, hedge mix to comprise:

60% Hawthorn

10% Blackthorn

10% Field Maple

10% Hazel

5% Dogwood

5% Holly

Planted stock shall be 45-60cm bare root transplants with well-developed fibrous root system, healthy strong growth, minimum two breaks and good bud development.

Hollies to be container grown, well established in pot without being pot bound, otherwise as for bare root stock.

Also 3 no. Prunus avium Plena cherry trees shall be planted to the rear of The Stone House in the restored land area, evenly and widely spaced. Trees shall be bare root or container grown, with well-developed root system, stout stem girth, strong well-developed leader, 1.5-1.8 metre tall planted in accordance with best horticultural practice subject to condition of restored ground.

- The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended. The prescribed fees have been paid within the specified period, and the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended fall to be considered
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Decisions

APPEAL A:

1. The appeal is allowed on ground (g), and I direct that the enforcement notice be varied by:

DELETION of *3 months*; and,

SUBSTITUTION of *6 months* as the period for compliance.

Subject to this variation the appeal is otherwise dismissed and the enforcement notice is upheld. Planning permission is refused on the applications deemed to have been made under section 177(5) of the 1990 Act as amended.

APPEAL B:

2. The appeal is allowed on ground (g), and I direct that the enforcement notice be varied by:

DELETION of the words '*The period for compliance with the requirements is 3 months*'; and,

SUBSTITUTION of the words:

'The periods for compliance with the requirements are:

Requirements 1, 2 and 3 – 6 months

Requirement 4 - within the first planting season following the date of this decision.

Subject to these variations the appeal is otherwise dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary matters

3. I note that since the enforcement notice was issued, East Suffolk Council has been created covering the former districts of Suffolk Coastal District Council and Waveney District Council. As a result, policy documents referring to

“Suffolk Coastal District Council” continue to apply to East Suffolk District Council until such time as a new document is published.

4. The matters alleged in the two notices are intrinsically linked, and I have therefore considered the two appeals together.

Background matters

5. The appeal site lies towards the northern end of Bramfield at the north-eastern corner of the junction of The Street and Low Road. It is adjacent to and in the same ownership as Bramfield Meats – a substantial commercial site to the east. The refrigeration units/chiller cabinets, soil bunds and hardstanding – which I refer to as ‘the installation’ – are on the eastern side of the site, sharing the access to the Bramfield Meats site on Low Road.
6. The appeal site is in the countryside outside the settlement boundary but lies within the Bramfield Conservation Area. I have therefore paid special attention to the desirability of preserving or enhancing the character and appearance of that area as required by s.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

The appeals on ground (a) and the deemed planning applications

7. Ground (a) is that planning permission should be granted for the matters stated in the notices.
8. From all that I have seen and read I consider the main issue in these appeals to be the effect of the material change of use of the land and the operational development on the character and appearance of the Bramfield Conservation Area.
9. The Conservation Area comprises most of the developed part of the village along The Street, Bridge Street and Walpole Road, and includes parkland around Bramfield Hall, and meadows towards the northern end of The Street. Buildings are predominantly domestic, of varied forms and built in a variety of traditional materials in vernacular style. The overall character is of an historic rural village that has grown organically over several centuries, within an attractive countryside setting.
10. The Stone House itself is a mid-19th century two-storey house built mainly of flint with gault brick quoins, and window and door dressings. The main body of the house has a pyramidal hipped slate roof, as has a single storey offshot on the southern side. There are 8-over-8 sash windows to the front, and multi-pane casements to the back. There is a red-brick outhouse to the back with a pantile roof. Prior to this development the garden area was quite extensive around the northern and eastern sides of the buildings. I appreciate that Stone House is not listed, but it is a handsome house in a prominent position, built of materials and in a style that is a feature of the village. In my opinion the house and its setting make an important contribution to Conservation Area interests.
11. The refrigeration units and chiller cabinets are sited side by side at the eastern side of the site within what had been the garden area of the house. They are of considerable size – three are about 12 metres long, 2.4 metres wide and 2.4 metres high, the fourth is about 14 metres long and 3.6 metres wide. The cabinets and chiller units are on the concrete hardstanding, which extends well to the front of them. The earth bund extends around three sides of the

- installation. I understand hedging that was formerly around the garden boundary has been removed. The whole installation covers a significant proportion of what had been the garden area, taking up about one third of the distance between the former eastern boundary and the back of the house.
12. It is apparent that prior to this development the eastern boundary of the appeal site provided a clear separation between the Stone House site in its green rural setting and the commercial site to the east with its extensive sheds and parking areas. The hedging will have made a significant contribution in emphasising this distinction. The development as a whole is prominent in the view of Stone House from Low Road and is an incongruous and unsightly encroachment onto the site, and into the attractive countryside setting of the village.
 13. I conclude on the main issue that the material change of use and the operational development cause significant harm to the character and appearance of the Bramfield Conservation Area. The development does not accord with the development plan, particularly in respect of Suffolk Coastal District Local Plan 2013 (the DLP) Policies SP1, SP15. These include aims to conserve and enhance the natural and historic environment, and to protect villages of distinctive historical and architectural value as well as of landscape value and character. Furthermore, Policy SP29 seeks to limit development in the countryside, outside designated settlements unless there is a need for it to be there.
 14. I appreciate that Bramfield Meats may need to expand and that this could contribute to the economy of the rural area, particularly through provision of local employment. However, I understand that the development enforced against was intended to provide additional storage during construction of a replacement for a building on the commercial site that was destroyed by fire. This implies there is adequate space on the Bramfield Meats site to provide sufficient storage. It is unclear to what extent the development on the Stone House site would contribute to the local economy, and it is not readily apparent why the refrigeration and chiller units could not be accommodated on the main site.
 15. While there is development plan policy supporting opportunities to maximise the economic potential of the rural areas, and to expand or intensify existing employment sites (DLP Policies SP7 and DM12), these aims are subject to location of sites in accordance with a Settlement Hierarchy, and there being no demonstrable harm to various matters including conservation of the environment. While it is quite likely that Bramfield would benefit in terms of increased local employment, it has not been shown that this necessitates expansion onto the Stone House site rather than by intensification on the existing site. Overall, I do not consider the potential contribution to local employment justifies what would effectively be permanent harm to conservation area interests. The development does not accord with development plan aims in respect of DLP Policy DM12.
 16. The harm to Conservation Area interests would be less than substantial, and in accordance with the advice of NPPF paragraph 196 this harm should be weighed against the public benefits of the proposals. As reviewed above there could be a public benefit resulting from a contribution to local employment opportunities. However, this is at the expense of an intrusive and unattractive

development within the Conservation Area, and is not sufficient to outweigh that harm. The appeals on ground (a) therefore fails.

The appeals on ground (g)

17. This ground is that the compliance period is too short. It is argued that the appellant would need to make alternative storage arrangements before removing the physical installation. Furthermore the hedge planting would preferably be carried out in the first planting season rather than within a fixed period.
18. The Council consider that 6 months could be allowed for reinstatement of the land, and replacement of the hedges, but that three months is sufficient to remove the refrigeration units and chiller cabinets.
19. I consider it would be reasonable to allow three months to make alternative storage arrangements, and a further three months for removal of the installation and returning the land to its former condition. Furthermore, in order to conform with good horticultural practice, I consider the hedge planting should be undertaken in the first planting season after the date of this decision.
20. The appeals therefore succeed on ground (g), and I will vary the enforcement notices accordingly.

Conclusions

21. For the reasons given above and having regard to all other matters raised, I conclude that a reasonable period for compliance with both requirements in Appeal A, and requirements 1, 2 and 3 in Appeal B would be 6 months. Furthermore, requirement 4 in Appeal B should be carried out in the first planting season following the date of this decision. The appeals therefore succeed to the limited extent on ground (g), and I will vary the notices accordingly prior to upholding them.

Stephen Brown

INSPECTOR