



Appeal Decision

Site visit made on 6 October 2020

by Louise Nurser BA (Hons) Dip UP MRTPI

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

Decision date: 02 November 2020

Appeal Ref: APP/W3520/Y/20/3251684

Scotts Hall, Bury Road, Beyton IP30 7BY

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr C Jarvis against the decision of Mid Suffolk District Council.
 - The application Ref: DC/20/00152, dated 13 January 2020, was refused by notice dated 2 March 2020.
 - The works proposed are to form a new access drive. Brick flint wall taken down and rebuilt in a similar manner to the existing with a gate and posts to match existing.
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Decision

1. The appeal is dismissed, and listed building consent is refused for new access drive, brick and flint wall taken down and rebuilt in a similar manner to the existing with a gate and posts to match existing.

Preliminary matters.

2. From my site visit it is clear to me that the proposed works to the boundary wall, which is attached to the Grade II listed building require listed building consent. Whilst the boundary wall is not included within the list description, listings are primarily for identification purposes and do not provide an exhaustive or complete description of the special interest. Whether or not, the wall would be protected, if it was not associated with Scotts Hall is immaterial to my consideration of the appeal before me.
3. Therefore, as the proposal concerns a listed building in a conservation area, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. The description of the works in the heading above has been taken from the application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application form.
5. The Council accepts that the reference to Ivy Cottage within the decision notice was a technical error. It is clear that the appeal before me, including any evidence provided, relates to the flint and brick wall at Scott's Hall, Beyton, and I have proceeded on that basis.

6. The appellant has not provided detailed drawings for the proposed new entrance. However, as I am dismissing the appeal this has not been determinative.

Main Issues

7. The main issues are the effect of the proposed works on the special architectural and historic interest of the listed building, and the setting of Scott's Hall; and whether the works would preserve or enhance the character or appearance of Beyton Conservation Area.

Reasons

Listed building

8. Scott's Hall is a Grade II listed building which was listed in 1988¹. The low, cobbled flint wall with gault brick coping, runs the length of the boundary of Scott's Hall and forms a hard boundary with the pavement of Bury Road.
9. It is not a matter of dispute that the 'workmanlike' wall is unlikely to be contemporaneous with the construction of the original hall which is of probable 17th century origins. However, the weathered rough flint wall is an example of flint and brick construction which is likely to date from the 18th to 19th centuries. This broad time period would be consistent with the remodelling and extensions to the original hall during the 18th and 19th centuries. Given the above, I find the special interest of the listed building, insofar as it relates to this appeal, to be primarily associated with the relationship of the hall to the existing access, the fabric of the wall, and its visual coherence.
10. The proposed development is intended to exactly replicate the existing access arrangement and provide a convenient access and egress. By its nature, any disturbance to the wall, would damage its fabric. This is particularly the case, given the age of the wall and its attractive weathered and established appearance. Notwithstanding the lack of any detailed plans of the proposed new access arrangement, and irrespective of how careful the appellant would be in reusing the flint and brick, new grouting would be required, additional bricks introduced, and the wall as it stands would no longer exist. Moreover, the attractive patina which comes from age and weathering would be adversely affected.
11. The new entrance would also result in a gap, and substantial reduction in the integrity of an attractive and extensive wall which delineates the extent of the plot. Moreover, the relationship of the wall to the house would be adversely changed by the introduction of a new access. The additional access would introduce an alien symmetry to the wall and garden which is not consistent with its historic development and the status of the house, which appears to be associated with the grouping of properties at the crossroads of Bury and Church Roads. As such rather than give the house more presence it would result in harm.
12. The appellant has suggested that the proposed access would mimic that of the existing gated access and would be appropriate. However, whilst it could be argued that in isolation the design of the gate would be acceptable, for the reasons set out above the proposal would result in harm to the special

¹ List entry number 1032457- I note the property is referred to as Scott House.

architectural interest of the listed building and its setting. Whether or not there are other examples of flint walls within the wider area is not relevant to the specific issue of the impact on the listed building before me.

13. Therefore, I conclude that there would be irreversible harm to the fabric of the listed building which would harm its special interest. Furthermore, there would be harm to the appearance of the wall, and the way in which the listed building is experienced and its wider setting.

Conservation Area

14. The Council has not provided me with a Conservation Area Appraisal for the two parts of the village which lie within the Beyton Conservation Area (CA). However, from my site visit I was able to ascertain that the village is dispersed in nature and that a number of more modern properties have been constructed, both as infill and as new developments. Nonetheless, the two elements of the CA retain a spacious, rural nature.
15. The use of flint is characteristic of historic local construction methods. All Saints Church, and its churchyard are specific examples of this. However, there are other examples, within the village and CA of flint boundary walls, or instances where flint has been integrated into buildings.
16. The use of flint is clearly part of the local vernacular. However, it was also apparent to me, that whilst there were a number of examples of short lengths of flint walls which appear as important remnants of the historic environment, and which cumulatively have a significant influence on the special character of the CA, there are few remaining examples of extensive flint walls.
17. The proposal would puncture one of the last remaining substantial lengths of a flint wall within the CA. From my site visit I was aware of the positive contribution it made to the significance of the CA, particularly when viewed from across the Green, and how it provides a visual link between Church Road and Tostock Road. As such, I conclude that the proposal would have an adverse impact on the character and appearance of the CA as a whole.
18. Given the above, I find that the proposal would fail to preserve the special interest of the listed building and the significance of the CA. Consequently, I give this harm considerable importance and weight in the planning balance of this appeal.

Other planning matters for the decision

19. Paragraph 193 of the National Planning Policy Framework 2019 (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 194 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. Given my conclusions above, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
20. Under such circumstances, paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes the securing of optimal viable use of listed buildings. The associated

proposed removal of the pine tree could be progressed independently of the scheme (subject to consent as may be necessary), and therefore, any potential associated benefit to the oak tree, and wider street scape, is not of direct relevance to my determination of the appeal.

21. The appellant is of the opinion that the proposal would be beneficial and wishes it to be possible to drive in one entrance and out the other.
22. However, this is a private benefit and as such is not sufficient to outweigh the harm that I have identified. Moreover, from my site visit, it was clear to me, given the space between the house and the outbuildings, that it would be possible to make some adjustments to, or extend the gravel area into the lawn, to ease any issues with the manoeuvring and parking of vehicles. In any event, the continued viable use of the appeal property as a residential dwelling is not dependent on the proposal as the building has an ongoing residential use that would not cease in its absence. In the absence of any substantiated evidence to the contrary neither would any public benefits accrue in relation to the CA.
23. Given the above and in the absence of any defined substantiated public benefit, I conclude that, on balance, the proposal would fail to preserve the special historic and architectural interest and setting of the Grade II Scotts Hall and the character or appearance of the Beyton Conservation Area. This would fail to satisfy the requirements of the Act, paragraph 192 of the Framework and would conflict with policy Policies HB01, HB15, and HB08 of the Mid Suffolk Local Plan (1998) that seek, among other things, to ensure that heritage assets are protected. As a result, the proposal would not be in accordance with the development plan.

Other matters

24. I am aware that the appellant is unhappy with the way in which the Council has acted. In addition, I note that the Parish Council supported the proposed new access. However, I must consider the proposal on the basis of the merits of the case before me.
25. The appellant considers that the refusal of permission to be an infringement of his rights to make alterations to his home. Article 1 of the First Protocol of the European Convention on Human Rights concerns enjoyment and deprivation of possessions, Article 8 states that everyone has a right to respect for his home and private life, his home and correspondence. These are qualified rights, whereby interference may be justified in the public interest, but the concept of proportionality is crucial. Dismissing the appeal would interfere with the appellant's rights under Articles 1 and 8. However, it would be unlikely to result in serious harm to his enjoyment of his property. Having regard to the legitimate and well-established objectives relating to heritage matters, a refusal of permission would be proportionate and necessary. It would not unacceptably violate the appellant's rights under Articles 1 and 8. In sum, the protection of the public interest, as outlined above cannot be achieved by means that are less interfering of his rights.

Conclusion

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

Louise Nurser

INSPECTOR