
Appeal Decision

Site visit made on 14 December 2020

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2020

Appeal Ref: APP/W3520/W/20/3253689

Manor Lodge, Ashfield Road, Norton, Suffolk IP31 3NN

- 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 & Mrs Shannon against the decision of Mid Suffolk District Council.
 - The application Ref DC/19/05275, dated 7 November 2019, was refused by notice dated 3 January 2020.
 - The development proposed is described as 'erection of new residential dwelling in lieu of cart lodge with extant planning permission (Reference: 3999/15. June 2016)'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site visit was converted from an 'unaccompanied' to an 'access required' visit so that I could better view the setting of Manor Lodge. No party was prejudiced by this because the merits of the case were not discussed.

Main Issue

3. The main issue in this appeal is whether the proposed development would preserve the setting of the Grade II* listed building known as Manor Farm¹ and/or the Grade II listed building known as Manor Lodge.

Reasons

4. Manor Farm was listed in 1954 and probably dates from the mid-16th Century. It is a very fine example of a timber framed manor house with later alterations providing a rich mix of historic layering. The building therefore has considerable architectural and historic value, and this is predominately experienced at close range from the spacious grounds of the property. That said, the building is of a vernacular style and is therefore intrinsically linked with the local landscape. Historic mapping demonstrates that the building once stood on the edge of a large common and in a reasonably remote position. This setting has been degraded over time through the enclosure of the common and subsequent ad hoc infill housing development.
5. Nevertheless, there remains some vestiges of the building's previous rural setting with a view to the south that takes in the rural landscape beyond Manor

¹ Listed as Manor Farmhouse

- Lodge with what appears to be the remnants of common land in the foreground. There is also an attractive view of Manor Farm looking back from the appeal site, which gives an indication of how it would have been viewed from the common. The rural setting has broadly endured despite the construction of Manor View and the extension of Manor Lodge.
6. Manor Lodge was listed in 1988 and is probably a late 16th Century timber framed dwelling which was later encased in early 19th Century brickwork. Interestingly, the south elevation has a crow stepped gable similar to Manor Farmhouse. Its modest size would have once contributed to its significance, but it has recently been the subject of a very large side and rear extension.
 7. Like Manor Farm, Manor Lodge has architectural and historic value as a good example of an altered vernacular style cottage. Again, this is best appreciated at close range from within the appeal site and the large grounds around it, which provide the breathing space in order to do this. There is a particularly good view of the front elevation of the property from the track to the east, which is not diluted too much by the Manor View cul-de-sac to the rear. Moreover, there is still a semblance of the historic rural setting of the building in characterful views from Ashfield Road through a belt of landscaping.
 8. The position of Manor Lodge back from the road can be explained by the presence of the former common, although this requires some interpretation beyond a site visit. Nevertheless, the undeveloped space between the property and Ashfield Road adds to the way the building is understood and experienced and illustrates historic land ownerships and uses. The historic intervisibility between Manor Lodge and Manor Farm across an old remnant of common land also has some interest, and this is the case even though Manor Lodge does not directly face Manor Farm.
 9. Thus, the significance/special interest of the listed buildings extend to their setting, as the space around them enables the architectural value to be appreciated. It also provides a semblance of a rural context and the dual relationship with, and intervisibility across, a former common. This provides both historic value and a fortuitous aesthetic value.
 10. In this respect my findings are consistent with a previous Inspector², who identified the semi-rural context of the listed buildings, views to the south across countryside, the intervisibility across the wooded area of the former common, the generousness of their plots surrounded by planting and the separation and set back from Ashfield Road and nearby buildings as features contributing to their setting. In determining that appeal, the Inspector also came to a finding that siting a dwelling in the location then proposed would not harm the intervisibility between the listed buildings and views towards countryside would not be diminished, with the separation and set back of the buildings enduring. As such, this appeal decision does not offer support to the appeal scheme before me.
 11. The proposal would involve the construction of a dwelling close to, and north of, Manor Lodge. This would erode the generous size of the plot and thus the breathing space around the listed building, with the new dwelling being prominent in views from the east and Ashfield Road. The proposed dwelling would be of comparable scale to the listed building and would therefore visually

² APP/W3520/W/16/3161759

compete with it. This would be all the more so due to the bold architectural approach that would be adopted. This would erode the ability to experience the architectural quality of Manor Lodge and the fortuitous aesthetic value when viewed from the east and Ashfield Road. The presence of the proposed dwelling would also harmfully erode the semblance of the rural setting of both listed buildings and the intervisibility between them across the remnant of common.

12. I share the view of the appellant that the approved cart lodge would likewise erode some of the features that contribute to the setting of the listed buildings, such as the intervisibility. It would also include a large area of hardstanding to the front whereas the appeal scheme would result in cars parked beneath trees on the eastern side of the driveway. Therefore, it is difficult to entirely reconcile the Council's approval of the cart lodge with its current position, especially as the cart lodge does not seem to be necessary to the rehabilitation of Manor Lodge. The extent of harm that would be caused by the appeal scheme needs to be seen in the context that an adverse impact upon the setting of the listed buildings has already been approved by the Council.
13. That said, there would be a notable difference between the cart lodge and the proposed dwelling because the former would have a simple subservient appearance and would be set within the curtilage of Manor Lodge. The proposed dwelling on the other hand would be positioned in a new curtilage subdivided from the original. It would also be slightly larger with a jumble of domestic fenestration and the overt appearance of a house. Moreover, the tall front gable would have a high eaves line and thus the appearance of a bulky protrusion. The proposed dwelling would therefore have a very different visual character to the cart lodge, with the former having a greater presence in the setting of the listed buildings. Thus, the approval of the cart lodge does not justify the harmful impacts the appeal scheme would have.
14. In conclusion, the proposal would harm the setting and significance of the listed buildings. In so doing it would fail to preserve their settings, contrary to the expectations of The Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act'). This harmful impact would be contrary to Policy HB01 of the Mid Suffolk Local Plan 1998, which seeks to protect the special interest of listed buildings.

Heritage Planning Balance

15. The harm that would occur to the setting of the listed buildings would not be severe and therefore it would be 'less than substantial' within the meaning of the National Planning Policy Framework. The harm would be towards the lower end of this 'spectrum', in part, due to the apparent fall-back position provided by the approved cart lodge. The harm to the setting of Manor Farm would be less than to Manor Lodge. Paragraph 196 of the Framework requires such harm to be weighed against the public benefits of the proposal.
16. The provision of one dwelling would support housing land supply but only to a modest extent. Similarly, the occupation of the dwelling would provide modest economic benefits to the construction industry and the local economy more generally. That said, there is nothing of substance before me to suggest the occupation of the dwelling would have a meaningful effect on the provision of services and facilities or the vitality of the local community. The dwelling would be for the appellants' daughter and her family in the first instance, but this would be a private benefit. In any event, little of substance has been provided

to suggest the appellants' daughter and her family are currently without a home or unable to secure one in the area. Overall, the benefits of the proposal would cumulatively be matters of limited weight in favour of it.

17. Paragraph 193 of the Framework states that great weight should be given to the conservation of designated heritage assets, and the more important the asset the greater the weight should be. Considerable importance and weight must be given to the statutory test of having special regard to the desirability of preserving the listed building and its setting³. This does not amount to a direction to refuse proposals that harm a listed building, but it provides a strong presumption in favour of preservation.
18. In this context, the less than substantial harm that would arise from the proposal would not be outweighed by its limited public benefits. Accordingly, there would be a conflict with Paragraph 194 of the Framework as harm to designated heritage assets would not have clear and convincing justification.
19. It seems to be common ground that the most important policies for determining the application are, as a collective basket, out of date and therefore Paragraph 11d) of the Framework is relevant. Nevertheless, the application of policies in the Framework that protect designated heritage assets provide a clear reason to refuse the proposal. It is therefore unnecessary for me to consider whether the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits.

Conclusion

20. The proposal would fail to preserve the setting of two listed buildings. There are no other considerations or public benefits that would outweigh this harm. The appeal proposal therefore fails to satisfy the requirements of the Act, development plan policies and the Framework. Accordingly, for the reasons given, the appeal has failed.

Graham Chamberlain
INSPECTOR

³ See Section 66(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990