



Appeal Decision

Site visit made on 19 January 2021

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2021

Appeal Ref: APP/X3540/W/20/3258690

Modern Agricultural Building, Abbey Farm, Hoo Road, Hoo, near Letheringham, Woodbridge, Suffolk IP13 7QY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr B Kerr against the decision of East Suffolk Council.
 - The application Ref DC/20/1928/PN3, dated 20 May 2020, was refused by notice dated 13 July 2020.
 - The development proposed is change of use of agricultural building to dwelling house and for building operations reasonably necessary for the conversion.
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Decision

1. The appeal is allowed and prior approval granted under the provisions of Schedule 2, Part 3, Class Q (b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use of an agricultural building to dwelling houses and for building operations reasonably necessary for its conversion at Modern Agricultural Building, Abbey Farm, Hoo Road, Hoo, near Letheringham, Woodbridge, Suffolk IP13 7QY, in accordance with the terms of the application, Ref: DC/20/1928/PN3, dated 20 May 2020. The approval is subject to the condition that development must be completed within a period of 3 years from the date of this decision in accordance with Paragraph Q.2(3) of the GPDO and the additional conditions set out in the attached schedule.

Preliminary Matters

2. As the appeal site is located within the setting of St Mary's Church, which is Grade I listed, the Council were asked to consult Historic England, which they did. Historic England did not respond to the consultation. Similarly, Natural England were also consulted as part of my Appropriate Assessment. The Council's decision notice does not explicitly state that its prior approval was required. However, it can be reasonably inferred that this was the case because the decision notice confirms that prior approval was refused.

Background and Main Issue

3. Class Q of the GPDO¹ permits the change of use of agricultural buildings to dwellinghouses subject to several limitations and conditions. There is no dispute between the Council and appellant that the proposal is permitted development and I see no reason to disagree. Nevertheless, the Council are

¹ Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

concerned the location of the building would make a residential conversion undesirable given the impact its design and appearance would have on the setting of several historic assets.

4. Thus, the main issue in this appeal is whether the proposal would preserve the setting of:
 - Letheringham Priory Scheduled Ancient Monument (SAM);
 - The Church of St Mary, which is Grade I listed;
 - The gateway and walls of enclosure, which is Grade II listed; and
 - Farm building at Abbey Farm, which is Grade II listed.

Reasons

5. The scheduled ancient monument, which is by definition of national importance, effectively wraps around the church and includes the priory gatehouse, the buried remains of the conventual buildings and earthworks within a walled enclosure. The priory was probably founded in the 12th Century and endured until its dissolution during the reformation. Over time a manor house was constructed and then replaced after fire damage. The replacement itself was demolished in the mid-20th Century. The features comprising the SAM are therefore of considerable evidential and historic value.
6. The listed gateway and walls of enclosure are surprising surviving features of The Priory and derive significance for the same reasons as the SAM. However, in addition to archaeological interest they also have an aesthetic and architectural value. The rural setting of the SAM and the gateway and walled enclosure provides a semblance of how the priory site would have sat in the landscape and this contributes to how it is experienced and understood.
7. The truncated Church of St Mary includes surviving fabric and features dating from the 12th Century which are contemporary with the priory. It is therefore of exceptional architectural value. This is often experienced at close range. That said, the church is positioned in an elevated position and incorporates a tall tower. This sitting was probably planned in order to give the building a commanding presence in the rural, predominantly agrarian landscape. This would have been important given the Church's central function in the rural community and its comparably high status as a place of worship.
8. Thus, there is significant historical and evidential value in experiencing the church in its rural context and from being able to appreciate as fully as is possible its visual and spatial connectivity to the surrounding landscape. The church also has a high aesthetic value, particularly in views from the north-west. The ability to experience the values derived from the setting of the church are important to its significance.
9. The stables, which are still in use to house horses, sit in an historic farmyard complex that incorporates several other vernacular agricultural structures. The stables are a survivor of the previous mansion and are therefore of historic value. They also represent a fine example of an early brick building and consequently have aesthetic and architectural value. The building's setting next to the remains of The Priory and Church add evidential and historic value and is therefore important to its significance as part of a historic complex. It

derives some historic and aesthetic value from its landscape setting as part of a longstanding farmyard and in its situation in the backdrop to the church.

10. The appeal building is a large and bulky modern agricultural structure of a quasi-industrial appearance. Its agricultural use provides some historic continuity, but it otherwise jars visually with the scale and quality of the historic complex. This is particularly evident from the south where it obscures views of the historic buildings, including part of the church tower. For these reasons its siting, bulk, form and massing has a harmful impact on the rural setting and significance of the designated heritage assets. I share the view of the Council that the removal of the building would be beneficial to the setting of the heritage assets, but it is a conversion that is before me.
11. The conversion of the building to dwellings would not alter its siting, bulk, form and massing, but it would result in a more domestic appearance. This has the potential to harmfully erode the rural and agricultural character and setting of the historic complex. However, the existing building is not prominent in views of the historic complex from the road and public footpath to the north west of the church. These views are the most picturesque and important because they enable the historic complex to be seen, experienced and understood as a group with the church in the foreground. Unlike the approved lattice tower, the appeal scheme would not alter this view as the historic stables and farm buildings would continue to screen it. That said, the appeal building would remain visible from the east, south and west.
12. Nevertheless, in medium to long distance views from these directions the appeal building once converted would retain an agricultural and rural character due to the use of black timber boarding and a dark zinc roof. This would also engender a higher-quality finish than the existing brickwork and concrete roof. Moreover, this dark finish, when combined with soft landscaping, including the existing hedges to the south-east and west, would provide it with a recessive appearance. There is nothing before me to suggest that existing landscaping outside the red line site area would be removed. The absence of roof lights would support in retaining a solid agricultural character to the building, although care would be required to ensure the finish is not shiny and weathers. In this respect pre weathered Zinc could be used. A materials condition can be imposed to secure this.
13. The windows in the gable ends would reflect the large openings of the barn and thus reinforce the agricultural character. Stepping them back into the building to create a shadow line could have softened their presence, particularly in views from the south east, but the dark framed finish and presence of soft landscaping should suffice in softening the domesticating impact.
14. The presence of conventional domestic windows in the side elevations can be softened by hedge and tree planting, as could the clutter and paraphernalia in the gardens and parking areas. This would ensure that the building would not appear overtly domestic in long distance views from the south and east. The impact from domestic paraphernalia needs to be considered in the context of the extensive agricultural clutter already around the building, including unsightly concrete, which would be reduced or removed.
15. Given the foregoing points, the building once converted would not have any greater adverse impact on the rural setting of the historic complex when viewed from a distance in the landscape. However, when seen from close

range, including the approach to the church along the access track to the south east, the converted barn would clearly have a domestic appearance. This can be softened by landscaping, but the impact could not be entirely mitigated.

16. That said, the appeal building is set away from the historic cluster and this sense of separation would be enhanced by the demolition of the intervening structure, which was approved as part of the permission that has already been given recently by the Council to convert the historic farm complex to dwellings². There is nothing before me to suggest the permission is unlikely to be implemented and the appellant has suggested that the two schemes need to come forward together to make them viable. Therefore, the proposed conversion needs to be considered in the context that the wider site will likely evolve a more domesticated character and appearance and a clearer distinction between the historic complex and the appeal building. In this context the residential use of the appeal building would not appear out of place.
17. In conclusion, the historic complex to the north east of the appeal site is of considerable interest and its setting is very sensitive to change. However, for the reasons given I am satisfied the conversion would preserve the setting and significance of the complex because it would not have any greater impact than what already occurs from the building's presence. In fact, cladding the building would result in a slight enhancement to its appearance and this is a positive effect that could be compounded if the site is sensitively landscaped. Accordingly, the proposal would adhere to the expectations set out in Paragraphs 184, 189 and 193 of the National Planning Policy Framework.

Other Matters

18. The appeal site is located within a 'zone of influence' placed around relevant European sites³ as established in the Suffolk Recreational Disturbance Avoidance and Mitigation Strategy (Suffolk RAMS). Natural England are of the view that population growth resulting from new housing within this zone would likely result in an increase in harmful recreational disturbance at the European sites. Accordingly, and when following a precautionary approach, the proposal, in combination with other plans and projects, would be likely to have a significant adverse effect. Hence, an appropriate assessment, in accordance with the Habitat Regulations⁴, is required to consider the implications of the proposal on the European sites in view of their conservation objectives.
19. Natural England, as the Statutory Nature Conservation Body, has referred to the Suffolk RAMS, which explains that the SPAs have been designated because they include habitats that support rare bird species⁵. The overarching conservation objectives for the relevant European sites is to avoid a deterioration of habitats and minimise disturbance, thereby ensuring the integrity of the sites is maintained. The appellant has confirmed a willingness to provide a financial contribution in line with the methodology in the Suffolk RAMS. The contribution would be pooled with others and used for access management and monitoring at the European sites in line with the Suffolk RAMS. This approach is supported by NE.

² DC/19/4157/FUL and DC/19/4158/LBC

³ Deben Estuary Special Protection Area (SPA), Deben Ramsar, The Sandlings SPA, Alde-Ore Estuary SPA and the Alde-Ore Estuary Ramsar

⁴ See Regulation 63 Conservation of Habitats and Species Regulations 2017 (as amended).

⁵ Including Dark-bellied Brent Geese, Avocet, Woodlarks and Nightjars.

20. The contribution would be secured through the submitted unilateral undertaking and would be directly related to the impacts of the proposal on the European sites. It is necessary to make the development acceptable and the contribution would be fairly and reasonably related in scale and kind to the development, as it follows the methodology in the Suffolk RAMS. Moreover, there is no reason to doubt that the Council, as a responsible public body, will spend the money in the way it is intended. Accordingly, the contribution is an obligation that can be taken into account and therefore the proposal would not adversely affect the integrity of the European sites, the conditions of which need not deteriorate as a result of the proposal.

Conditions

21. It is necessary in the interests of certainty to impose a condition requiring implementation in accordance with the submitted drawings. In the interests of safeguarding the character and appearance of the area it is necessary to ensure details of soft landscaping, gardens and parking are approved. Inappropriate domestic fencing could significantly harm the setting of the historic complex and therefore it is necessary to remove permitted development rights to erect fencing and walls. To protect the living conditions of future occupants and the environment more generally it is necessary to impose conditions relating to land contamination. The Council have suggested a biodiversity condition, but this appears to be an error as it refers to a document that has not been submitted by the appellant. Thus, it is unnecessary to impose said condition.

Conclusion

22. Accordingly, for the reasons given above I conclude the appeal should be allowed.

Graham Chamberlain
INSPECTOR

Schedule of Conditions

1. Subject to the other conditions set out in this schedule, the development hereby permitted shall be carried out in accordance with the following approved plans (and any other approved plans required pursuant to the conditions hereby imposed): PW887_PL01, PW887_PL02 Rev A and PW887_PL09.
2. Notwithstanding the details on the approved plans, no development shall commence above slab level until details of the external finishing materials to be used in the roof of the conversion hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
3. Notwithstanding the submitted details on the approved plans, no development shall commence above slab level until there shall have been submitted to, and approved in writing by the local planning authority, a 'scheme' detailing hard and soft landscaping, gardens and cycle and vehicle parking areas. The approved scheme shall be carried out in its entirety before the dwellings are occupied and shall be retained thereafter. Any existing or proposed trees or plants detailed in the approved scheme which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
4. No development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until a site investigation consisting of the following components has been submitted to, and approved in writing by, the local planning authority: As deemed necessary following the desk study and site reconnaissance an intrusive investigation(s), including: - the locations and nature of sampling points (including logs with descriptions of the materials encountered) and justification for the sampling strategy; - an explanation and justification for the analytical strategy; - a revised conceptual site model; and - a revised assessment of the risks posed from contamination at the site to relevant receptors, including: human health, ground waters, surface waters, ecological systems and property (both existing and proposed). All site investigations must be undertaken by a competent person and conform with current guidance and best practice, including: BS 10175:2011+A1:2013 and CLR11.
5. No development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until a detailed remediation method statement (RMS) has been submitted to, and approved in writing by, the LPA. The RMS must include, but is not limited to: - details of all works to be undertaken including proposed methodologies, drawings and plans, materials, specifications and site management procedures; - an explanation, including justification, for the selection of the proposed remediation methodology(ies); - proposed remediation objectives and remediation criteria; and - proposals for validating the remediation and, where appropriate, for future maintenance and monitoring. The RMS must be prepared by a competent person and conform to current guidance and best practice, including CLR11.

6. Prior to any occupation or use of the approved development the RMS approved under the preceding conditions must be completed in its entirety. The LPA must be given two weeks written notification prior to the commencement of the remedial works.
7. A validation report must be submitted to and approved in writing by the LPA prior to any occupation or use of the approved development. The validation report must include, but is not limited to: - results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met; - evidence that any RMS approved in pursuance of conditions appended to this consent has been carried out competently, effectively and in its entirety; and - evidence that remediation has been effective and that, as a minimum, the site will not qualify as contaminated land as defined by Part 2A of the Environmental Protection Act 1990.
8. In the event that contamination which has not already been identified to the Local Planning Authority (LPA) is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority. Unless agreed in writing by the LPA no further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety. An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS 10175:2011+A1:2013 and CLR11) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. Where remediation is necessary a detailed remediation method statement (RMS) must be prepared, and is subject to the approval in writing of the Local Planning Authority. The RMS must include detailed methodologies for all works to be undertaken, site management procedures, proposed remediation objectives and remediation criteria. The approved RMS must be carried out in its entirety and the Local Planning Authority must be given two weeks written notification prior to the commencement of the remedial works. Following completion of the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation must be submitted to and approved in writing by the LPA.
9. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking or re-enacting the said Order, no development of any kind specified in Part 2 Class A of Schedule 2 of the said Order shall be carried out.