
Appeal Decisions

Site visit made on 12 April 2021

by **H Butcher BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 May 2021

Appeal A: APP/D3505/W/20/3248029

Land adjoining Hadleigh Hall, Pound Lane, Hadleigh IP7 5EQ

- 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 Bruce Giddy against the decision of Babergh District Council.
 - The application Ref DC/19/03204, dated 4 July 2019, was refused by notice dated 28 August 2019.
 - The development proposed is erection of detached, two-and-a-half storey dwelling with detached cart lodge and storage building, construction of access and parking area and associated landscaping.
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Appeal B: APP/D3505/W/20/3248162

Land adjoining Hadleigh Hall, Pound Lane, Hadleigh IP7 5EQ

- 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 Bruce Giddy against the decision of Babergh District Council.
 - The application Ref DC/19/05970, dated 24 December 2019, was refused by notice dated 12 February 2020.
 - The development proposed is erection of 1no dwelling with cart lodge and storage building, construction of vehicular access and parking area and associated landscaping.
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Decision

1. The appeals are dismissed.

Preliminary Matter

2. As set out above there are two appeals which differ only in terms of the detailed design of the proposed dwelling. Although I have considered each proposal on its individual merits, to avoid duplication, I have dealt with the two schemes together, except where otherwise indicated.

Main Issues

3. The main issues in both appeals are the effect of the proposed dwelling on the settings of adjacent listed buildings, in particular: the Grade II listed Hadleigh Hall; St Mary's Church, Deanery Tower, and Guildhall (all Grade I listed); and the Grade II* listed Deanery, and whether the proposed dwelling would preserve or enhance the character or appearance of Hadleigh Conservation Area.

Reasons

4. The appeal site comprises an area of green space which was formerly part of the grounds of Hadleigh Hall (Grade II listed). It sits to the front of Hadleigh Hall and adjacent to the churchyard of St Mary's church, Hadleigh (Grade I listed). Hadleigh Conservation Area's historic core is centred on the churchyard where Hadleigh Hall and other listed and historic buildings sit around its perimeter. The appeal site therefore falls within the settings of various listed buildings around the churchyard; most notably, for the purposes of this appeal, the setting of Hadleigh Hall. It also falls within Hadleigh Conservation Area.
5. Hadleigh Hall sits on the site of a manor house dating from the 17th Century. Hadleigh Hall, however, replaced the manor house in the mid-19th Century. The principal access at that time was from Pound Lane and traversed through the appeal site. Later, possibly when Hadleigh Hall was used as a school, the appeal site was replaced by lawns and the access moved to the north-west side of the appeal site. The appeal site remained part of the grounds of Hadleigh Hall until the early 1990s when it was taken into separate ownership.
6. The front elevation of Hadleigh Hall is elaborately detailed with, most notably, an advanced central entrance above which is a canted oriel at first floor and above this a sculptured coat of arms. It also has multiple decorative chimneystacks and shaped gables. It is not unreasonable to surmise from this that the historic access traversing the grounds to the front of Hadleigh Hall, now the appeal site, was intended to present this elevation to full effect to visitors.
7. In spite of the laurel hedge and mature trees and shrubs now present on site, at the time of my site visit the roof and chimneystacks were still clearly visible across the appeal site from the access, the end of Pound Lane, and, to a lesser degree, from Church Walk. These views allow an appreciation of the intricate design of Hadleigh Hall from within its setting and the conservation area.
8. Furthermore, whilst the appeal site is now in separate ownership from Hadleigh Hall, the historic functional link between the two can still be seen given the undeveloped and green character of the appeal site and its close proximity to the front of the listed building. The appeal site in its current form also enables Hadleigh Hall to take centre stage in its most immediate setting without other built forms dominating or detracting from this.
9. The appeal site therefore contributes to the significance of Hadleigh Hall and allows the significance of this listed building to be appreciated. In addition to this it also contributes to the wider historic character and appearance of Hadleigh conservation area. The churchyard, in combination with the former grounds of Hadleigh Hall, form a substantial area of green space within the centre of Hadleigh, and this in conjunction with the historic group of buildings which surround these green spaces greatly contributes to the conservation area's historic character and appearance.
10. In both appeals it is proposed to erect a detached, two-storey dwelling on the site. It would sit in such a position that it would partially obscure views of Hadleigh Hall from the access, the end of Pound Lane and Church Walk. Whilst Hadleigh Hall is currently partially obscured by landscaping the proposed house would further and more permanently obscure views of this listed building.

11. It would also, given its close proximity and siting to the front of Hadleigh Hall, in conjunction with the relatively large size of house proposed, dominate the setting of Hadleigh Hall detracting from and competing with this heritage asset. In addition to this the siting of a house here would also diminish the ability to read the site as formerly land belonging to Hadleigh Hall, particularly from the access and the end of Pound Land, where it would clearly appear as a separate dwelling in its own respective curtilage. The significance of Hadleigh Hall and the ability to appreciate the heritage asset from both within its setting and the conservation area would therefore be greatly diminished.
12. I have also considered the effect of the proposal on the settings of other listed buildings in the vicinity of the appeal site including St Mary's Church, the Deanery Tower and Guildhall (all Grade I listed), and the Grade II* listed Deanery; the latter three forming a group as per their listing descriptions. The appeal site forms a green space historically associated with Hadleigh Hall, which forms part of the wider historic setting to these listed buildings viewed in conjunction with the church yard. Insofar as this undeveloped, green space would be diminished by erecting a new dwelling on it and the resulting impacts of this as discussed above, this would also result in harm to the settings of these listed buildings.
13. The existing protected trees on site could be retained and managed through a long-term management plan secured by a legal agreement, and in conjunction with further landscaping treatments this would soften and screen the impacts of the development to a degree. However, this would not, in my view, adequately mitigate all of the harmful effects of the development I have identified above. Whilst the site is not allocated in the development plan as open space it is mentioned in the Hadleigh Conservation Area Appraisal. In any event, such matters do not displace my statutory duties under Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. I note there has been recent redevelopment to the north of the site but each appeal must be considered on its own merits.
14. I therefore find that the proposal would result in harm to the setting of Hadleigh Hall. It would also harm the settings of St Mary's Church, the Deanery Tower, Guildhall and the Deanery. For the same reasons it would also neither preserve nor enhance the character or appearance of Hadleigh Conservation Area.
15. The proposals would consequently result in conflict with the relevant provisions of Policies CN01, CN03, CN06, CN08, HS01 and HS28 of the Babergh Local Plan (2006) and CS15 of the Babergh Core Strategy (2014) which seek to protect and enhance the built environment, particularly conservation areas and the settings of listed buildings, and retain important open space within towns. Policy CN06 in respect of listed buildings specifically requires the retention of features which form part of the original design of the architectural unit and to not conceal features of importance or special interest.
16. The harm I have found would be 'less than substantial' for the purposes of para 196 of the National Planning Policy Framework (the Framework) and I would put this towards the high end of the scale in respect of this harm given the number and status of heritage assets affected in this case. As per para 196 any such harm should be weighed against the public benefits of the proposal.

17. The design of both houses in isolation is clearly of high quality. That, in itself, would not, however, constitute a public benefit here given the harm that would result from obscuring views of Hadleigh Hall and the erosion of its historic setting.
18. The appellant suggests that if the site is not developed it will become neglected and deteriorate over time. Even if that were so the site as a green, undeveloped site would continue to contribute to the settings of Hadleigh Hall and other listed buildings in the vicinity, and the character and appearance of the conservation area.
19. The driveway currently is not unattractive, if a little unkempt, and, as stated previously, the undeveloped and green character of the appeal site allows views of Hadleigh Hall across it and also speaks to the historic link between the appeal site and the listed building. The proposals would significantly diminish this. I therefore find very limited public benefit in terms of any visual improvements to the access to Hadleigh Hall. For similar reasons I also find very limited public benefits in respect of the views from Church Walk across the appeal site.
20. The development might preclude trespass, vandalism, damage and dumping of waste and litter. However, no substantive evidence of such activity at the appeal site has been provided to me nor is there any evidence that alternative security measures such as increasing natural surveillance along the site boundaries have been explored. I therefore afford this public benefit very limited weight.
21. The addition of a dwelling to local housing stock would be a modest public benefit and linked to this would also be some modest economic benefits. The replacement of existing boundary fencing with black metal estate fencing would also result in a modest enhancement to the settings of Hadleigh Hall and other listed buildings in the vicinity, and the character and appearance of the conservation area, as would the removal of overhead wires and electricity poles within the site.
22. The public benefits I have identified above would carry only modest weight even taken collectively which is not sufficient to outweigh the 'less than substantial harm' to the settings of Hadleigh Hall and other listed buildings in the vicinity, and harm to Hadleigh Conservation Area that I have identified, particularly as such harm is to be given considerable importance and weight. I am also conscious that, as set out in the Framework, heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
23. Consequently, having regard to the development plan as a whole and all material considerations advanced in this case, the appeals are dismissed.

Hayley Butcher

INSPECTOR