



Appeal Decision

Site Visit made on 19 October 2021

by L Fleming BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 November 2021

Appeal Ref: APP/W3520/W/21/3269927

The Cottage, Church Lane, Occold, Eye IP23 7PR

- 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 Trevor Warnes against the decision of Mid Suffolk District Council.
 - The application Ref DC/20/05056, dated 30 December 2020, was refused by notice dated 11 February 2021.
 - The development is erection of boundary fence.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The development has already taken place. I have therefore amended the description accordingly and removed reference to retention, as S55 of the Act is not concerned with such. I have dealt with the appeal on that basis.
3. The revised National Planning Policy Framework (the Framework) was published on 20 July 2021, the parties have had the opportunity to comment on its implications and I have taken account of the revised Framework in my decision.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area bearing in mind it is within the settings of the grade II* listed Church of St Michael, The Street and the grade II listed The Midge, Church Lane.

Reasons

5. The appeal site is a dwelling on Church Lane, close to its junction with The Street. On the opposite side of the lane is the grade II listed The Midge, Church Lane, a small cottage (the Midge). On the corner of Church Lane and The Street is the grade II* listed Church of St Michael, The Street and its church yard (the Church of St Michael).

Significance of the Midge and the Church of St Michael

6. The Midge is a timber framed thatched roofed cottage of circa late C17 origin with part plaster and part C19 brick finished walls. It is positioned close to the

road and the Church of St Michael with low boundary hedging between it and the church.

7. The Church of St Michael is of medieval origin, restored in 1854 and 1877 with some surviving elements dating to circa C12. Its tall square tower with crenelated parapet and with stumps of pinnacles is close to Church Lane and visible from some distance, dominating the corner of Church Lane and The Street. The church is partly flint rubble construction with a slate roof and has a variety of decorative architectural details including plinths and buttresses.
8. Insofar as is relevant to this appeal the significance of the Midge is founded on its historical relationship with the Church of St Michael, its small scale and its traditional architectural detailing. Insofar as is relevant the significance of the Church of St Michael derives from its ecclesiastical use, its positioning and prominence in relation to the settlement and its fine architectural detailing.

Effect on the character and appearance of the area, the Midge and the Church of St Michael

9. Church Lane leads out of the village past a small number of dwellings with otherwise relatively open frontages to a farmstead and countryside. Trees, a pond, grass verges and relatively open front gardens give it an overall open rural character.
10. The concrete post, gravel board and timber panel fence is lengthy, tall, solid and adjacent to the lane. It encloses part of the appeal property frontage and extends partly in front of the Midge which is positioned close to the road edge behind a low picket fence and a shallow front garden.
11. The appeal development is particularly prominent when viewed from the junction of Church Lane with The Street and from Church Lane beyond the dwellings looking back towards this junction. Its solid mass, extent and part concrete finish is in stark contrast with the greenery and other limited built form close to the road edge. Thus, through its scale and positioning it erodes and consequently harms the open rural character and appearance of the area.
12. Furthermore, through its finish and positioning so close, the fence also conflicts with the traditional architectural detailing of the Midge and the Church of St Michael. As an incongruous feature within their settings, attention is drawn to the appeal development and away from the heritage assets. This is harmful to the settings and significance of the Midge and the Church of St Michael overall.

Planning and Heritage Balance

13. The combined harm I have identified to the significance of the designated heritage assets would be less than substantial. In which case paragraph 202 of the Framework requires it to be weighed against the public benefits of the development, including where appropriate, securing optimum viable use.
14. The development provides a boundary treatment for a dwelling. I note the comments about farm diversification, increased activity on the lane, the alternative farm access and the effects these matters have had on the appellant's property and living conditions. I acknowledge the costs of erecting the fence and accept the fence provides private space for family use and offers some screening and mitigation from noise and disturbance associated with vehicles particularly large agricultural machines which pass through Church

Lane. However, these are private benefits and cannot outweigh the great weight I must attach to the harm I have identified to the designated heritage assets.

15. In reaching these conclusions I have also noted the comments about the fence replacing fencing and conifer hedging. However, neither are in place now and cannot be compared to the appeal development which I have found harmful.
16. Overall, for the reasons given the appeal development harms the character and appearance of the area bearing in mind it would be within the settings of the grade II listed the Midge and the grade II* listed Church of St Michael. It is therefore in conflict with the Framework and saved Policy HB1 of the of the Mid Suffolk Local Plan (1998) which amongst other things seek to ensure new development does not harm the character and appearance of the area, good design and that new development preserves or enhances heritage assets or their settings.

Conclusion

17. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

L Fleming

INSPECTOR