



Appeal Decision

Site visit made on 23 May 2023

by **L Fleming BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 June 2023

Appeal Ref: APP/F3545/W/22/3308847

The Swan Inn, 4 High Street, Clare, Sudbury CO10 8NY

- 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 Cordage 35 Limited against the decision of West Suffolk Council.
- The application Ref DC/22/0798/FUL, dated 5 May 2022, was refused by notice dated 9 September 2022.
- The development proposed is erection of one dwelling (use class C3) to the rear of the existing Public House (Sui Generis) utilising the existing access off High Street with associated hard and soft landscaping

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's reasons for refusal refer to harm to ecology. However, an amended plan has been submitted with the appeal¹ which shows an area of vegetation including several trees excluded from the development proposals. The Council has confirmed this would overcome their ecological concerns and I find no reason to disagree. I have therefore accepted and considered the amended plan. It is not therefore necessary for me to address matters relating to ecology any further. I am satisfied that no party has been prejudiced by my approach.

Main Issues

3. The main issues are the effect of the proposed development on the:
 - Character and appearance of the area bearing in mind it would be within the setting of the grade II* Swan Inn, 4, High Street (the Swan) and within the Clare Conservation Area (CA).
 - Highway safety.

Reasons

Character and appearance

Significance of the Swan and the CA

4. The Swan is a two storey, early C17 Inn. The listing description states it was built circa 1600. It is timber-framed, plastered, has a tiled roof and double hung sash windows with glazing bars in flush cased frames. The main front eastern elevation to High Street is C19/C20 with pilasters, a continuous fascia

¹ Proposed site layout plan (ref no: 22.3329.103 version: P12)

cornice and a large red brick chimney with octagonal shafts and moulded bases. Fixed above the entrance door is an oriel sill which is believed to have either come from an earlier Inn or more likely Clare Castle (see below) as it details the arms of Richard Duke of York and Mortimer, Earl of March quartering de Burgh either side of a swan chained to a tree with these images reflecting the crest of Cloely, Duchess of York, wife of Richard, to whom Edward IV gave the castle and honour of Clare in Dower (the oriel sill).

5. The grade II* listed building sits prominently adjacent to High Street in a long and narrow former burgage plot which backs onto farmland. There is a beer garden, marquee and a number of other structures. Deeper into the plot is a car park and a small play area, beyond which is a grassed overgrown area also used to park cars when required.
6. The plot's long, narrow, flat and interconnected landform is noticeable and although poorly maintained in parts the full extent of the plot appears clearly related to the Swan. When the plot is viewed alongside the Swan as a building of obvious significant age, this gives the overall appeal site a burgage plot character, which as part of the setting of the Swan contributes to communicating the historical significance of the listed building. The features associated with the public house use within the setting of the Swan also communicate the functional and historical significance of the heritage asset as a public house.
7. Therefore, insofar as is relevant to this appeal the significance of the grade II* the Swan is founded on its historical use and interest as an Inn and its high quality traditional architectural detailing including the oriel sill. Its significance is also derived from its setting, particularly, its prominent central positioning in the town in relation to surrounding historical buildings and its associated occupation of a long and narrow former burgage plot.
8. The CA covers the main built-up area of the town with some surrounding countryside, common land and open space. Influenced by Clare Castle² and the Church of St Peter and Paul the town has grown to include a rich variety of high-quality traditional buildings, particularly lining the frontages of the main routes. Terraced properties positioned next to pavement edges are notable, some of these are set in long and narrow plots with some resembling, if not previously, burgage plots.
9. Many of the buildings in the CA are of medieval origin. Timber-framed buildings are evident, and many properties display a variety of attractive high quality architectural details. The buildings are finished in a consistent palette of quality local materials (including oak beams, wattle and daub, brick and clay tiles) reflecting the historical wool trade prosperity of the town and its surroundings. Thus, insofar as is relevant to this appeal the significance of the CA derives from the variety and quality of traditional architecture and the notable traditional layout and positioning of the built form in relation to its surroundings.

Effect on the significance of the Swan and CA

10. The proposal would involve the subdivision of the Swan's long and narrow plot to leave a much shallower plot associated with the public house and create a

² Now a Country Park but includes the remains of a C11 castle motte scheduled monument.

new shallow plot to accommodate a one and half storey dwelling with associated private garden, parking area and access drive.

11. I note there are already two small outbuildings and a marquee to the rear of the Swan. The historical mapping also shows numerous outbuildings have been built and demolished in similar locations to the proposed dwelling from the mid-19th Century onwards. I accept buildings in burgage plots are not uncommon and I acknowledge the attempt to design a low height dwelling much smaller than the Swan and the majority of the other properties which would surround it. I also agree the retained flint and brick wall marking part of the plot boundary would assist to maintain the legibility of the extent of the historic burgage plot.
12. However, whilst there would only be glimpsed views of the proposed plot from High Street³, the proposal would be clearly visible directly alongside the Swan from the public right of way (PRoW) which runs along the length of the appeal site connecting the town with the countryside.
13. From, the ProW passing by the appeal site, the proposed large I-shaped building would not look like an outbuilding associated with the Swan. Instead, irrespective of the retention of the flint and brick wall, the proposal would appear as a large house with parking in a domestic plot next to and sharing its access with the noticeably traditional public house which would be set in a much smaller and shallower plot than it has been for centuries. Whilst I acknowledge the existing vegetation to be retained, based on the evidence before me, I am not satisfied that new landscaping or suitable boundary treatments could be agreed and put in place to screen these effects.
14. Therefore, in my view, the proposed noticeable subdivision of this historical long and narrow plot, would erode the burgage plot character of the appeal site, which as a consequence, for the reasons given above, would harm the setting and significance of the grade II* listed building.
15. Turning my attention to the effect on the CA as a whole. I have considered the examples of development referenced at Half Moon Yard, Bloomfield Close, and to the rear of Nos 17-22 High Street. I have also considered all the views/vistas referenced in the appellant's evidence and I accept that the proposal would not obscure any significant views from High Street or Clare out towards the countryside. I also accept that when viewed from the wider countryside and Clare Castle, the proposed dwelling would be softened by vegetation and intervening built features and would appear as part of the built-up area of the town with the effects identified above unnoticeable.
16. However, when passing by on the ProW, with its access shared with the Swan and of an overall different character to all nearby properties, the proposed dwelling would not appear as part of a row of other buildings⁴ positioned behind others that extend along High Street. Instead, the proposal would appear as a modern dwelling with its domestic curtilage tucked in behind the Swan and noticeably dependent on the Swan through the shared access.
17. I also acknowledge that other burgage plots in Clare and nearby have been subdivided and there are other examples of modern development behind traditional buildings on High Street or on other streets nearby in the CA.

³ As noted as a key view in the Clare Conservation Area Appraisal

⁴ Including Jacandra House and the buildings to the rear of Nos 1-6 Nethergate

However, the full details of all those examples are not before me. In any event none of them have the same characteristics as the appeal site. Particularly, none of those developments are experienced from the ProW next to the Swan in the same way as the appeal scheme would be.

18. Thus, the proposed dwelling would introduce a noticeably conflicting form of development into this part of the CA harming the traditional layout and character of the CA. I have also found above that the proposal would also erode the burgage plot character of a traditional listed building in the CA. Overall, the scheme would therefore fail to preserve or enhance the character or appearance of the CA, harming its significance as a whole.
19. Calibrated in accordance with paragraph 202 of the National Planning Policy Framework (the Framework), the harm I have identified to the significance of the grade II* listed building and the CA would, in both cases, be less than substantial and towards the lower end of any range. However, the Framework requires such harm to be weighed against the public benefits of the proposed development including, where appropriate, securing its optimum viable use. I will return to this matter as part of my overall planning and heritage balance below.

Highway safety

20. The proposal would utilise the existing access to the public house car park. This passes through a narrow passageway between the side elevation of the Swan and the neighbouring building which are both positioned directly next to the High Street pavement edge. Therefore, visibility at the point of access is limited. Furthermore, the point of access is only wide enough for one vehicle to pass through at any given time.
21. However, the access is proposed to be upgraded through the provision of signage and road markings which would effectively require vehicles and space to be set aside within the site to facilitate and encourage drivers to give way (the give way scheme). This would decrease the likelihood of vehicles needing to wait on High Street to pass through the access and would also reduce the likelihood of a vehicle reversing out of the access onto High Street to make way for another vehicle wishing to exit the appeal site at the same time.
22. High Street nearby is not heavily trafficked; its speed limit is 30mph and vehicles pass by the access at relatively low speed. There is no substantive evidence before me which suggests the use of the existing access, which as far as I am aware is unrestricted, has ever been the cause of any pedestrian or vehicle collisions or any other significant highway safety incident in its locality. Furthermore, within the site, in such a tight space, vehicles would be travelling at such low speeds, such that there is no substantive evidence to suggest there would be any risk of harm to pedestrians.
23. Paragraph 111 of the Framework makes clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
24. In my view, even if there was a marginal increase in the use of an existing access which is already well used, without substantive evidence to the contrary, I conclude the proposal would not have an unacceptable impact on

highway safety in the area and instead the proposed give way scheme would be a minor benefit in highway terms. In this regard the scheme would therefore accord with the aims of Policy DM2 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (2015) (DMPD) and paragraph 111 of the Framework which, among other things, seek to ensure new development does not compromise highway safety.

Planning and heritage balance

25. The proposal would provide a new dwelling suitable for family occupation in a key service centre where services and facilities could be reasonably accessed, which is a public benefit. There would be economic benefits associated with construction as well as benefits to the local economy through additional labour force and local expenditure, both of which are public benefits. The proposed give way scheme would also be a public benefit. Furthermore, the proposal would incorporate photovoltaic panels which appear as slate roof tiles which would generate renewable energy and would be an environmental public benefit.
26. Moreover, the proposal includes expert refurbishment of the wooden swan carving (oriel sill) which would also be a public benefit. However, even, if I attached great weight to this refurbishment as a public benefit, when weighed with all the other public benefits, the public benefits are insufficient to outweigh the great weight I must attach to the harm I have identified to the grade II* the Swan and the great weight attached to the harm to the CA.
27. In reaching these conclusions I acknowledge the engagement that has taken place with Historic England (HE) and note the comments that HE was of the view that the perceived harm of a scheme could be balanced out through the delivery of public benefits. However, even so, for the reasons given, I find that the appeal scheme would harm the character and appearance of the area, the significance of the grade II* listed building and the significance of the CA as a whole, and in my judgment, that harm is not outweighed by public benefits in this case.
28. Thus, the scheme is in conflict with paragraphs 199 and 202 of the Framework and fails to accord with Policies DM2, DM15, DM17 and DM22 of the DMPD. These policies taken together, and insofar as is relevant to this case, seek to ensure good design, safeguard the character of an area generally and ensure that proposals do not unacceptably harm heritage assets.

Conclusion

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

L Fleming

INSPECTOR