



Appeal Decision

Site visit made on 15 August 2023

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2023

Appeal Ref: APP/W3520/W/22/3312280

**Land South East of Bulls Hall Cottage, Bulls Hall Road, Occold, Eye
IP23 7PH**

- 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 James Edwards against the decision of Mid Suffolk District Council.
 - The application Ref DC/22/03796, dated 29 July 2022, was refused by notice dated 23 September 2022.
 - The development proposed is for the change of use of land for a temporary period of 3 years for the stationing of a shipping container to store equipment used in conjunction with the land management.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - a) The character and appearance of the site and surrounding area, and
 - b) The setting of the nearby grade II listed Bulls Hall Cottage.

Reasons

3. The appeal is for the change of use of a small parcel of land for the siting of a shipping container, located towards the mid-point along the north eastern boundary of a field which is accessed from Bulls Hall Lane.
4. The field is presently surrounded by a mixed species hedge which, at the time of my site visit, was somewhat overgrown and comfortably above head height. Nevertheless, views into the field are still available through less well-developed parts of the hedge and from the vehicle access. These views would still be available, even from the indicated definitive line of the footpath between the container and Bulls Hall Cottage.
5. The area in the vicinity is sparsely developed with occasional dwellings and barns peppering what is otherwise softly undulating fields. Buildings that are present are of a modest scale and typically of a traditional form. Often these are timber framed, plastered and set under tiled roofs. Bulls Hall Cottage itself is a fine example of this albeit being set under a comparatively rare thatched roof with lean-to tiled extensions.

6. By comparison, the container would form a strident and angular feature in this otherwise largely open and sparsely developed area of countryside. The application of a green colour paint would not lessen this. It would be detrimental to the rural and undeveloped nature and represent an urbanising addition to the locality contrary to policy CS5 of the Mid Suffolk Core Strategy Development Plan Document. This policy seeks to protect and conserve landscape qualities taking into account the natural environment and the historical dimension of the landscape as a whole.
7. S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the setting of Bulls Hall Cottage as a Grade II Listed Building. From the limited evidence before me, it appears that much of its special interest is derived from its traditional form, use of materials and modest scale. It has an unassertive, yet historically linked, relationship with surrounding fields, which contributes to its significance. While the appeal site is within a different land parcel to the listed building, and is on the other side of a footpath, there is an ability to appreciate both the site and listed building in views from a single location. Therefore, the site and surrounding landscape are a part of the building's setting.
8. The presence of the jarring shipping container in this context does not respect this. It would be detrimental to the traditional relationship and would therefore cause less than substantial harm to the setting of Bulls Hall Cottage. The development is contrary to saved policy HB1 of the Mid Suffolk Local Plan (1998) which places a high priority on protecting the character and appearance of all buildings of architectural or historic interest.
9. While permission is sought for three years, the presence of the container would cause harm for a temporary period as equally as it would for a permanent one. Given that the conservation of heritage assets is a matter of considerable weight and importance, I, therefore, attribute limited weight to the relatively short time for which permission is sought. Conditions could not be imposed to require maintenance of the surrounding hedging as a screening benefit as these are outside the appeal site. In any case, this mitigation would be unsatisfactory as such screening would be of less effect in winter months.
10. Paragraph 202 of the National Planning Policy Framework (NPPF) indicates that less than substantial harm should be weighed against the significance of the heritage asset. As the appellant believes that the proposal is not harmful to the setting of the listed building, no evidence of any public benefit has been demonstrated to outweigh the harm I have identified.
11. There is a detrimental impact to the countryside. The proposal would fail to preserve the setting of the grade II listed building and would thereby cause harm to its significance as a heritage asset. The development therefore conflicts with the development plan, read as a whole, and the NPPF.
12. I have noted the Council's reference to the emerging Babergh and Mid Suffolk Joint Local Plan. I understand this document is still within its early stages and has not replaced the current adopted development plan. Its policies do not therefore carry any determinative weight in this appeal.

Conclusion

13. For the reasons given above I conclude that the appeal should be dismissed.

Nick Bowden

INSPECTOR