

Appeal Decision

Site visit made on 6 September 2023

by Mark Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th October 2023

Appeal Ref: APP/D3505/D/23/3322229

Brett Lodge, The Street, Brent Eleigh, Suffolk CO10 9NR

- 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 Dr & Mrs P Neale against the decision of Babergh District Council.
 - The application Ref DC/22/04805, dated 24 September 2022, was refused by notice dated 6 March 2023.
 - The development proposed was originally described as: 'Erection of single-storey (ancillary) cartlodge (alternative outbuilding to that approved under DC/21/03309 - to be conceded)'.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey cart lodge at Brett Lodge, The Street, Brent Eleigh, Suffolk CO10 9NR in accordance with the terms of the application, Ref DC/22/04805, dated 24 September 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 22/75/01.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be those materials specified on the approved plan and the planning application form.

Preliminary Matter

2. The description of the development in the heading is taken from the planning application form. However, I have amended the description for the purposes of the formal decision in paragraph 1 in the interests of precision and brevity.

Main Issues

3. The main issues are the effects of the proposal on the setting of Corner Farmhouse¹, which is a Grade II* listed building, and the character or appearance of the Brent Eleigh Conservation Area.

Reasons

4. The site includes a dwellinghouse and a parking area to its front that are located in substantial grounds with a significant amount of vegetation. The site is adjacent to amenity land within the ownership of the appellant that is also

¹ Identified in the statutory list as 'Chim Chimineys'; List Entry Number: 1285914

heavily vegetated and subject to a tree preservation order. Access to the site is gained from The Street, which forms the principal part of the rural village of Brent Eleigh. Beyond the amenity land is a river with a road bridge over it that connects to a small number of further properties in the village.

5. Corner Farmhouse, which the Council refers to as The Byre, is found opposite the site's front boundary. It is a fine 16th century building with an exposed timber frame, red brick nogging and a jettied upper storey. Its special interest and significance are derived largely from its historic farmhouse use, traditional construction, materials and architectural features. It is prominent in views from both The Street and the bridge, which are identified as important vistas in the Brent Eleigh Conservation Area Appraisal. The vegetated land within the site to its front and side are near The Street and can be glimpsed from the bridge. These aspects of the site are part of the setting of Corner Farmhouse and their undeveloped, verdant and thus rural qualities contribute positively to the special interest and significance of the listed building.
6. The conservation area incorporates the village, including various historic buildings such as a church, a manor house and many cottages that are reflective of the local rural vernacular. Its special interest and significance are informed by the architectural quality and variety of the village, together with its countryside setting and a high proportion of greenery within it. Accordingly, the rural qualities of the site also contribute positively to the character and appearance of the conservation area.
7. The proposed cart lodge would be a small, single storey, open-sided building finished in weatherboarding and clay pantiles. It would also include a cycle store to one side. It would be located in front of the dwellinghouse but set back from the site's front boundary behind a hedge that runs alongside The Street and then further planting in the garden. It would also be set back from the bridge behind the amenity land's mature landscaping.
8. The cart lodge would not be prominent in or detract from views towards Corner Farmhouse from The Street, the bridge or anywhere else due to its size and the intervening vegetation. Further, its design would reflect traditional rural buildings in Suffolk, including a timber weatherboarded, open-sided building within the curtilage of Corner Farmhouse. Accordingly, even if there was a high degree of intervisibility, the cart lodge would be congruent to the setting of the listed building. The setting and the contribution it makes to the special interest and significance of Corner Farmhouse would therefore be preserved.
9. While the cart lodge would be located on an undeveloped grassed area, the rural qualities of the site would prevail given that its design would befit the local rural vernacular. It would also be compatible with the traditional design of the dwellinghouse. For these reasons, and as visibility of the cart lodge would be limited outside the site, the character and appearance of the conservation area as a whole would also be preserved.
10. It is advanced that the heritage assets would be harmed by the cart lodge being too far from and thus being dissociated with the dwellinghouse. However, the cart lodge would clearly be close to the front of the dwellinghouse, with the parking area between them, and it would appear as an obviously ancillary building. It would not seem out of place in the garden, the conservation area or the setting of Corner Farmhouse, or therefore harm the heritage assets.

11. Five outbuildings are also proposed to be removed from the rear of the site, but the Council raises no concerns regarding this aspect of the scheme. The outbuildings are set back significantly from the listed building and largely concealed from the conservation area, such that their removal would have no impact on the special interest or significance of the heritage assets.
12. The proposal would preserve Corner Farmhouse, including its setting and the features of special architectural and historic interest which it possesses. The development would also preserve the character and appearance of the conservation area. Therefore, the proposal accords with sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Furthermore, the significance of the heritage assets would also be preserved, in accordance with the historic environment protection policies of the National Planning Policy Framework. The proposal also complies with policies CN01, CN06 and CN08 of the Babergh Local Plan and policy CS15 of the Babergh Core Strategy, which require that development respects the character and appearance of its surroundings, heritage assets and historic views.

Other Matters

13. The aforementioned road bridge is a Grade II listed building², and several others are present in the wider area. However, due to the small size of the proposed cart lodge, the separation distances between the site and the heritage assets, and intervening vegetation and buildings, their settings, special interest and significance would also be preserved.

Conditions

14. The standard time and approved plans conditions are necessary for certainty. Additionally, a condition to require that the cart lodge be constructed using the materials specified on the planning application form and proposed drawing is needed to preserve the special interest of the listed buildings and the character and appearance of the conservation area.
15. The site benefits from an extant planning permission³ that provides for an outbuilding to be constructed near the proposed cart lodge. The appellant has indicated that a condition could prevent the construction of that outbuilding. It is highly unlikely that the cart lodge and the approved outbuilding would both be constructed because access to the front and rear of the property would be severely restricted. For this reason, and as the cart lodge would be acceptable as identified above in any case, the suggested condition is unnecessary. Similarly, a condition is not needed to secure additional landscaping in the site.
16. The Council has recommended that an 'occupation restriction' condition is imposed. Detailed wording for such a condition has not been put forward. However, the cart lodge could not realistically be used for purposes other than for parking vehicles or storage given that it would be largely open-sided. I do not doubt that the cart lodge would be used for purposes that are incidental to the enjoyment of the dwellinghouse, and so the condition is unnecessary.

² Identified in the statutory list as 'Bridge Across the River to the North East of Corner Farm'; List Entry Number: 1037384

³ Council reference: DC/21/03309/HH

Conclusion

17. The proposal accords with the development plan. There are no material considerations which indicate that a decision should be taken otherwise than in accordance with the development plan.
18. For the reasons given, and having regard to all matters raised, I conclude that the appeal should be allowed.

Mark Philpott

INSPECTOR