
Appeal Decision

Hearing Held on 18 January 2024

Site visit made on 19 January 2024

by Jonathon Parsons MSc BSc DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th February 2024

Appeal Ref: APP/D3505/W/23/3328102

Erwarton Hall Farmyard, Shotley Road, Suffolk, Erwarton IP9 1LQ

- 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 JRH Veenbaas and Co against the decision of Babergh District Council.
 - The application Ref DC/22/05131, dated 14 October 2022, was refused by notice dated 22 February 2023.
 - The development proposed is the conversion, repair and extension of existing agricultural buildings to form five dwellings, along with the demolition of existing metal clad barns.
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Decision

1. The appeal is dismissed.

Procedural matters

2. For the purposes of accuracy, the appeal form description of the site as Erwarton Hall Farmyard is indicated above. The farmyard comprises various buildings, disused and in equine use. To aid clarity, the appellant's heritage statement of significance (HSOS)¹ labels the farmyard buildings A-J and this referencing has been used in this appeal decision.
3. Amended plans and details show floorspace revisions to proposed residential units (B/A and G), the deletion of amenity space for proposed residential unit (G), where it faces east towards a Public Right of Way (PROW), and a revised landscaping strategy. The amendments would not result in substantive changes and parties had fair opportunities to consider the amendments prior and during the appeal. As such, these amendments have been accepted in this decision. There has been a Recreational Avoidance Mitigation Strategy (RAMS) payment made in respect of the Stour and Orwell Estuaries Special Protection Area (SOESPA). This will be discussed later in this decision.

Application for costs

4. An application for costs was made by Mr and Mrs Kyle against JRH Veenbaas and Co. This application is the subject of a separate Decision.

¹ (Heritage) Statement of Significance, Erwarton Hall Farm, Erwarton, Suffolk, GHC Archaeology & Heritage, August 2023.

Main Issues

5. The main issues are the effects of the proposal on (a) the character and appearance of the farmyard adjacent to the Erwarton Hall, (b) the setting of Grade II* listed Erwarton Hall and Grade 1 listed Gatehouse, (c) Suffolk Coast and Heaths Natural Landscape (Area of Outstanding Natural Beauty (AONB)) and (d) new resident's accessibility to services and facilities by sustainable transport.

Reasons

Heritage assets- current context

6. The appeal site comprises farmyard buildings with frontage access onto The Street. Behind the site, there is a 'Dutch' style barn and workshop building in agricultural/equine use. To the east beyond building G, there is the PROW whilst to the west beyond buildings B (end flank) and C, there are the formal gardens surrounding Erwarton Hall and Gatehouse. The Gatehouse is sited forward of the Hall and fronts onto The Street. All these buildings lie within countryside, mainly consisting of paddocks and fields, and within the Suffolk Coast and Heaths Natural Landscape (Area of Outstanding Natural Beauty).

Farmyard buildings

7. The HSOS identifies the farmyard buildings as mid 17th to mid 18th century (A), mid-late 18th century (B), late 18th to early 19th century (C) and mid to late 19th century (D, E and F). A 1737 painting, attributed to Lady Helena Perceval, showed a farmyard on the site although parties agreed artistic license was shown in depicting the scale of the buildings. All have evolved as a group through rebuilding and the large open yard visible in the 1770 estate map has been sub-divided. In particular, smaller enclosed yards within a larger farmyard have been created, an innovation of the late 18th to early 19th century. Late 20th century buildings (H, I and J) have no historical significance due to their modern construction.
8. Building B is positioned forward and parallel to the Hall's façade and its end flank lies adjacent to its formal grounds. It is currently a stable block, constructed in a handmade brick in English bond and has a hipped roof with pantiles. The 1770 estate map shows a larger long linear building across the site that is also reflected in a 1928 Ordnance Survey Map. A 1955 Ordnance Survey Map shows a reduced length building, restricted to just the west part of the site, reflective of current shape and size. Comparing, the 1881 and 1928 Ordnance Survey Maps, the building becomes larger with the northern wall of its west part positioned further forward. A third party Heritage Statement (HS)² details some 16th century brickwork whilst the appellant's previous Heritage Impact Assessment (HIA)³ details 17th century brickwork. Based on my site visit, there is a mixture of brickwork and overall, the building is likely to be mid-late 18th century but with earlier origins.
9. Building B's south elevation has a single enlarged doorway at the eastern end and further infilled openings towards the end closest to the Hall and gardens. On the reverse northern elevation, there are three doorways and window, and

² Heritage Statement, Bidwells, Erwarton Hall Farmyard, September 2020.

³ Heritage Impact Assessment for Erwarton Hall Farmyard, The Street, Erwarton, Suffolk IP9 1LQ, Kindred Heritage Consultants, July 2020.

evidence of blocked up and altered openings. No original fixtures or fittings remain, and surviving examples of 18th century stables are not rare, but it is likely to have evolved from an earlier period, given the brickwork and its identification on the 1770 estate map, and reflects changes in agricultural practice through alterations in its size, shape and design. Its construction, including older fabric, age, use of traditional vernacular materials and relationship with the Erwarton Hall estate result in a moderate level of significance meriting NDHA status.

10. Building E is in the north east corner of the yard adjacent to The Street. It comprises single storey and two storey roofed parts, the later probably as a feed store and grinding shed. It is constructed with redbrick laid in Flemish bond, breeze block. It appeared on the 1838 Tithe map in the form of a U shape building but it has been partially demolished and it is likely to have been rebuilt in the 19th century. The building does not retain any original fixtures and fittings, its roof is of modern construction and internally, it has been altered significantly. Its yard area is dominated by a large modern utilitarian farm building. Nevertheless, it has a noticeable agrarian character, particularly its two storey part, on The Street and it demonstrates the evolution of the farmstead, through the subdivision and creation of smaller yard area meriting a moderate level of significance and NDHA status.
11. Adjacent building G partly mostly flanks the PROW to the east and is a traditional timber constructed five bay barn, faced with wooden shiplap-cladding and a modern half-hipped concrete pantile roof. The varied constructed/repared plinth and internal H-Frame indicates a late 18th or early 19th century date common to many Suffolk barns. The barn has been much altered, is not a rare example but it still retains historic fabric, a noticeable agrarian character, and remains part of the evolution of the farmstead similarly meriting a moderate level of significance and NDHA status.
12. Such architectural and historic interest cannot be seen in the remaining buildings A, C, D and F because they are fragmentary in nature and much altered. Building A is certainly the oldest, with its surviving handmade brickwork in a Flemish bond, and highly likely to be of the Hall's former estate. However, it comprises only three walls, with an open front and modern roof. Building C retains some surviving historic fabric, notably the west elevation wall adjacent to the garden of the Hall, but the majority of the building is of late 20th century construction. Building D is partially a U shaped structure, fronting onto the Street, constructed in Imperial redbrick, open and roofless, with much of the structure altered. Building F is similarly roofless remanent of a shelter shed. These buildings/structures lack original fixtures and fittings, and it is not possible to understand their original purpose. As such these buildings have lost any architectural and historical value, limiting significance, and would not merit the status of NDHA.

Heritage assets – Erwarton Hall

13. The Grade II listed Erwarton Hall is a grand country house, which is two storey with an attic above. The statutory listing (list entry number 1351638) indicates rebuilding of an earlier building in about 1575 by Sir Philip Parker and partial reconstruction in 1858, with alterations and additions. It is constructed with red brick, a hipped red tiled roof, chimneystacks within the roof, and has two 2 single frontage bays that are two storey with attic gables above, with one

having a ground floor porch. Fenestration consists of brick and stone 3-light windows with mullions and transoms, with the left frontage bay having windows of 5 lights. To the left of the bay, there is a vertically boarded door and within the frontage, original openings have been blocked off. The porch doorway has 4-centred arch, square head and sunk spandrels and above the doorway is the Parker shield of arms and crest. Internally, there is a plaster ceiling with pendant bosses, an original overmantel with three tiers of short blank arcading, and a late 17th century well staircase with turned balusters, handrail and newel posts.

14. In 1775, Lady Dowager Chedworth sold the Hall and estate to Charles Berners, High Sheriff of Suffolk, and in the early 19th century, the Hall remained in the ownership of the Berners family. The Tithe Map of 1838 records Erwarton Hall as owned by the Reverend Henry Berners, Charles Berners' son, who resided at Woolverstone House to the north. The Hall and farmstead was let and occupied to George Ashford. Between 1905 and 1976, the Hall was leased to the Admiralty for the use of the Commanders of HMS Ganges, a training establishment based at Shotley Gate. Since the Royal Navy's departure, the Hall has been in private ownership.
15. The Hall's construction, design, age and purpose as a Tudor country house and occupation by families of significant standing within the community, and its relationship as a country house with the surrounding area, especially through its estate, is of value and importance. It has notable group value with the Gatehouse in that this was built to commemorate Sir Philip Calthorpe's death, Uncle to Anne Boleyn, and father-in-law to Sir Philip Parker. Such architectural, historic and aesthetic qualities result in high significance and special interest.
16. Turning to setting, the Hall is surrounded by formal gardens, planned in an axial manner to the front, with pyramidal ornamental hedging, either side of a central path connecting the Hall with the Gatehouse. In many places, large forest trees line the sides of the garden. The surrounding area comprises wide ranging area of fields/paddocks, the farmyard, as well as isolated buildings, dwellings and farm buildings. The 1770 map shows the Erwarton Hall estate, including the appeal site with farm buildings and a central yard area. Today, surrounding mature and formally laid out trees, provide evidence of a wide-ranging estate. It is not known when the Hall was split off from its estate but the surrounding rural environment, with fields/paddocks, its sparse undeveloped nature and parkland trees, provide a strong indication that the Hall was at the centre of a large estate in the 18th and 19th centuries.
17. Parties agree that the appeal site contributes to the setting of the Hall but dispute how important a contribution is made. There is limited visibility between the farmyard and the Hall because of established trees. The site includes large utilitarian farm buildings and only buildings C, E and G merit NDHA status. However, whilst visibility is important, setting is a broad term influenced by other factors, such as historical relationships between places. Furthermore, modern utilitarian buildings are still part of the rural landscape and the farmyard affirms that part of the Hall's setting historically functioned as a working farm. Importantly, the farmyard's agrarian character serves to emphasise the Hall as a country house in an estate which it was formerly part of. The older buildings/structures also complement the Hall aesthetically through their traditional form and use of appropriate vernacular materials. For

all these reasons, the appeal site makes a significant and positive contribution to the significance and special interest of the Hall.

Heritage Assets – the Gatehouse

18. The Gatehouse's statutory listing (listing entry number 1193599) details a single storey building dating to about 1549 and construction in red brick, with a vaulted roof. The 16th century brickwork shows high quality construction through its use of rounded and chamfered material. The building is square in plan, tunnel vaulted, with symmetrical sides and has semi-circular pediments on each elevation. The pediments conceal the top of the brick vault and central transverse arch, both of which are capped in 20th century render. At roof level, there is a total of nine round pinnacles in the centre, corners and cardinal points. Except over the centre, the pinnacles are supported on chunky, rounded buttresses. The central pinnacle is topped by a wrought iron weathervane. Broad modillion bands continue above the archways and returns. There are circular openings flanking each side of the angle buttresses and pedestrian archways allowing access through the structure.
19. The building was built to commemorate the death of Sir Philip Calthorpe, Uncle to Anne Boleyn, by Sir Philip Parker, his son-in-law. It marked new ownership from the Calthorpe family who had settled here since 1445. It is said to have influenced the gateway at Grade II* Stutton Hall, built around 1553, and in the 18th century, Erwarthon was featured in tourist itineraries. It was the focus of notable artworks, including its depiction on Josiah Wedgwood's creamware which contained painted classic examples of English architecture, suitable for viewing by the grand tourist. It has group value for its relationship to the Hall and maintains an axial relationship with it.
20. The Gatehouse is an outstanding example of English Renaissance architecture, largely intact, having undergone little alteration since 1549, with important family connections dating to Tudor times and group value with the Hall. Such architecture, age, intactness, connections, and group value result in a high level of significance and special interest.
21. In terms of setting, the aspects making greatest contribution are its approach from the north towards it, the formally laid out gardens, and walls to the east and west defining the extent of the garden. The former avenue to the north and its location at the junction of Erwarthon Hall and Warren Lane also contribute, although to a lesser degree given the avenue trees have been significantly reduced. The Gatehouse was likely to have been part built by the proceeds of the agricultural economy, but it is largely an ornamental building with indirect links to the agricultural economy. Thus, the contribution of the farmyard buildings to understanding of this heritage asset would be small.

Effects of proposals

22. The farm buildings would be converted and extended to form five residential units in a courtyard environment. The layout would seek to mirror the historic subdivision of the original farm into smaller units and yards. A landscape strategy details that comprehensive planting would take place throughout the site, including to the rear of building G (unit 5). The scheme would result in the re-use of buildings, many of which are vacant/derelict, and their restoration, including the reinstatement of the pitched roof for building D (unit 2), and brickwork on the south elevation of building B (unit 3).

23. Given their design and age, the re-use of buildings for modern day agricultural use would be unlikely and Historic England have supported the principle of residential use of the buildings. Openings are designed facing the internal courtyard of the development away from prominent external parts of the farmyard in line with how traditional farmsteads would have been designed. As part of the proposal, the site's utilitarian farm buildings (H, I and J) would be removed and although not all of the buildings are NDHAs, their re-use and restoration, would represent heritage (and landscape) benefits.
24. However, the conversion and extension of building B and A to create a residential unit (unit 3) would result in significant change to the outward exterior of the building, the south elevation. Despite the existence of blocked up openings along this elevation, there would be significant new openings, including extensive glazing on the eastern end of this range, as well as a glazed extension beyond this. The extension itself would have a noticeable steep pitch that bears no relationship to other historical farm buildings. There would also be an outside garden amenity space with domestic paraphernalia and activity. As this is the sole amenity space, it would be unreasonable to impose a condition removing rights to erect sheds, clothes lines, play equipment, etc because such paraphernalia is to be expected with use of a garden. Given its higher ground level compared to the formal gardens of the Hall, this conversion and extension, together with garden amenity space outside, would result in an overly domesticated and suburban character detrimental to the historical and architectural qualities of the NDHA and its significance.
25. There would also be extensions to other buildings either side of the access into the site, a hipped first floor extension to the existing building D (unit 2) and single storey extension to building E (unit 4 and party unit 5), a NDHA. There would also be a large four bay building, partly garaging, behind building E and extensive parking areas, some double banked, where vehicles would be parked. The proposals seek to replicate the farmyard aesthetic and the late 18th to early 19th century sub division of the yard. However, the cumulative effect of the significant sized extensions, detached building and parked vehicles would be an intensively developed housing area that relates poorly to the agrarian qualities of the farmyard and its buildings. For building E and G (units 4-5), the size of extensions, siting of the detached building and parked vehicles would adversely affect the understanding of these NDHAs as farm buildings as a whole, their setting and significance.
26. Facing the PROW, the elevation of building G (Unit 5) would have a large multipaned window, two new openings and a new side opening, below a hipped roof eaves. The multipaned window would utilise an existing 'Cart entrance' style opening in accordance with good conservation practice and could be glazed with electro chromic glass that reduces glare and can be darkened by tinting. Openings would result in some loss of historic fabric, but this building has been altered and inevitably, some new openings would be required to accommodate a new use. The building's extension would have a roof design reflecting a previous extension. Outside of the building, the amended site plan shows no garden area. For all these reasons, externally building G's development would maintain the agrarian character of the building from the PROW but this does not outweigh the adverse effects of the effect of extensions, detached building and vehicle parking areas on its setting and significance.

27. Erwarton Hall has established landscaping between it and residential unit 3, converted and extended from building B/A. There are limited views from the first floor of the Hall across to the site. Originally, the formal gardens of the Hall included the area to the south of the converted and extended building B/A as evidenced by the 1838 Tithe map and a 1903 Ordnance Survey Map. However, previous uses were related to the Hall as garden serving the Hall, or low-key rural uses within building B/A. The new residential use would be unconnected with the Hall and markedly independent of it.
28. In this regard, the dwelling and its garden amenity space, especially immediately outside of it would be visible and prominent above a historical wall separating it from the garden of the Hall. There is a noticeable drop in ground levels between the rear of building B/A, the garden and Hall. In place of an existing agrarian character, there would be a dominating residential presence due to the extent of openings, unsympathetic designed extension, activity from comings and goings of people in and around the new dwelling, and domestic paraphernalia. Restricting domestic paraphernalia would be unreasonable. Such intense residential use would compete with and adversely affect the understanding of the Grade II* listed Erwarton Hall as a country house in rural surroundings. In particular, the role that the farmyard buildings serve, in demonstrating that the Hall formed part of an estate, would be significantly eroded. Consequently, there would be harm to setting, significance and special interest of the Hall.
29. For the Gatehouse, the closest buildings C and D would be largely unchanged in outward appearance, with the extensions, additions and changes mainly to the internal courtyard. The external extensions and alterations to building B/A would be more distant and angled away. As such, the development would not adversely affect the important aspects of setting contributing to significance and special interest of this listed building.
30. In summary, the degree of harm to the significance of Erwarton Hall, as a designated asset, would, in terms of the National Planning Policy Framework (the Framework), be less than substantial. In accordance with paragraph 208 of the Framework, the harm to each NDHA should be weighed against the public benefits of the proposal, including securing the optimum viable use, for each of them.

Suffolk Coast and Heaths Natural Landscape (AONB)

31. The site lies within the Suffolk Coast and Heaths National Character Area (NCA82) 2012, of which a significant portion lies within the Suffolk Coast and Heaths Natural Landscape (AONB). Within the Council's Suffolk Landscape Character Assessment (SLCA)⁴, the site lies within the Ancient Estate Farmlands Landscape Character Type. It features flat areas of land with sloping sides, often dissected by river valleys, arable blocks with rectilinear field patterns and a network of parks and designated landscapes. Outside of the villages, this landscape is scattered with dispersed farmsteads, perhaps with a cottage/farmhouse associated them.
32. Under the Shotley Peninsula and Hinterland Landscape Character Assessment (SPHLCA) 2013, the site is within the Shotley Peninsula Plateau Landscape Character Area. It features elevated, open, exposed, gently undulating

⁴ The Suffolk Landscape Character Assessment, Suffolk County Council, 2008.

plateau/shoulder of land, drained by small shallow valleys, such as Erwarton; dispersed estate farmsteads are the predominate settlement pattern reflecting former medieval halls and parks, old lanes remain in the landscape as farm tracks and footpaths, and views to isolated properties giving rise to a settled and predominantly quiet back-water character.

33. The appellant's Landscape Statement (LS)⁵, updating a previous Landscape Visual Impact Assessment⁶, indicates proposals would result in a moderate beneficial effect on character; minor beneficial effect for SLCA; Ancient Estate Farmlands and SPHLCA: Shotley Peninsula Plateau; negligible effect for settlement character of Erwarton and moderate beneficial effect for the Suffolk Coast and Heaths National Landscape on completion year 15.
34. The scheme would ensure the retention, repair and restoration of these rural buildings and the layout seeks to mirror that previously established through the subdivision of the yard. Many of the new residential units would face into an internal courtyard like traditional farmyards, and modern utilitarian buildings would be removed. Landscaping would take place around the complex of buildings. Lighting would be in accordance with Environmental Zone 1 (appropriate for dark skies) of the Dedham Vale National Landscape Lighting and the Coast and Heaths Design Guide (2023), with the provision of sensitive lighting, including no direct upward lighting and use of electro chromic glass. There would be limited low level light spill.
35. However, greater weighting needs to be given to the designated heritage assets, especially the Hall, in sensitivity of 'character' landscape type, because of its Grade II* listing. Under the SPHLCA, farmsteads reflecting medieval halls and parks are a feature of the landscape character area. The magnitude of change would also be greater for the landscape receptors given the adverse urbanising effects resulting from the layout of the site, extensions and additions, and the overly domesticated nature of the south part of residential unit 3 (building B/A). As such, the adverse effects on these landscape receptors would be small, albeit localised in year 15. Visually, the effects would be neutral from the agreed viewpoints given the generally inward looking design of the scheme and revised landscaping strategy.
36. For all these reasons, there would be harm, at a small level, to the character of the area, including the landscape and scenic beauty of the Suffolk Coast and Heaths Natural Landscape (AONB).

Accessibility to services and facilities

37. The rural parish of Erwarton has only a church and the nearest village with facilities is Shotley, split into Shotley Street and Shotley Gate. The closer Shotley Street contains a repair garage/petrol station, a take-away, a shop, GP's surgery, public house, village hall and has a number of local groups in Shotley Street. Shotley Community Primary School is located in open countryside between Shotley Street and Shotley Gate. There are local bus stops approximately 0.5m away including at Erwarton church.
38. The village shop, including the post office and store, GP's surgery and take-away are within 10-15 minutes walking distance. From the site, the distances

⁵ Landscape Statement, Landscape Partnership, 18 August 2023

⁶ Landscape and Visual Impact Assessment, Erwarton Hall Farm Yard, Erwarton, Suffolk, James Blake Associates, December 2020.

to the village hall and primary school are at the very limit of generally acceptable distances. However, of far greater importance is the quality of footways. For a significant distance to Shotley Street, there is no lighting or designated footway on a 60 mph road. Although the Highway Authority consider the road to be lightly trafficked, the overall quality of pedestrian connections would still be poor discouraging future residents to walk to facilities, especially during inclement weather and the winter. Sustainable transport opportunities will vary between rural and urban areas but in this instance, the accessibility to services and facilities by sustainable transport means would be poor causing a heavy reliance on the private motor vehicle.

39. In Tattingstone, an Inspector allowed an appeal⁷ for a dwelling and acknowledged that private motor vehicle use would play the greatest part in journeys but they would, for the most part be small. Alternatively, an Inspector dismissed an appeal⁸ for a dwelling in Erwarton where the appeal site was not considered suitable given the poor accessibility to services and facilities. Such decisions demonstrate that every proposal has to be considered on its merits and in making a decision, a balanced judgement has to be made taking into account different considerations. Since these decisions, the Council also has a new local plan and in this proposal, sustainable transport opportunities are poor, even taking into account the rural nature of the area, and there would be a heavy reliance on the private motor vehicle.

Other matters

40. There have been changes to the scheme and support from Historic England, Place Services and the Council's Heritage officer has been cited. Irrespective of whether this summary of these bodies' views is right, the proposal has been determined on its planning merits based on the evidence before me.
41. Under the Framework, national policy at paragraph 84 states that planning decisions should avoid development of isolated homes in the countryside. There are exceptions, including whether the development would re-use redundant or disused buildings and enhance immediate setting. Irrespective of whether the buildings are redundant or in dis-use, the proposal would not enhance setting under this exception, having regard to the effects of the creation of a residential unit within building B/A. Various planning permissions have been granted for the re-use of redundant or disused buildings in other parts of the district. Nevertheless, there is no evidence contained within the appellant's case summaries that there are similarities in terms of setting of a Grade II* listed building and NDHAs in these examples.

Heritage and planning balance

42. The proposal would result in the creation of five 3 bedroom dwellings. The Council has a surplus 5 Year Housing Land Supply (5YHLS) but housing requirements are set as a minimum and the proposal would boost housing supply. Ecological enhancements would result in biodiversity net gain. There would be benefits to the economy through construction, associated employment and patronage of local businesses in the builders' trade, and residents financial spend, increasing the vitality and viability of local services and facilities in communities. There would be heritage and landscape benefits

⁷ Appeal Ref: APP/D3505/W/21/3286431 1 Coxhall Cottages, Coxhall Road, Tattingstone, Ipswich, IP9 2NP.

⁸ Appeal Ref: APP/D3505/W/20/3264822 Land adjacent to Parker Long House, The Street, Erwarton, IP9 1LL.

through the repair and refurbishment of existing buildings ensuring their future, continued contribution to the character of the site and area.

43. However, the housing, economic and ecological benefits would be modest given the scale of the proposal. There would be heritage and landscape benefits but there would be less than substantial harm to the setting of a Grade II* listed building, Erwarton Hall and conflict with s66(1) of the Planning (Listed Building and Conservation Areas) Act 1990. Consequently, the overall weight of public benefits, which accrue from the proposal, are not sufficient to outweigh less than substantial harm identified, for which considerable importance and weight must be attached. Conflict, therefore, arises with the historic environment policies of the Framework.
44. The proposals would result in significant harm to architectural and historical qualities and significance of each NDHA, building B, E and G, by reason of the extent and design of domestic extensions, additions and vehicle parking layout. In undertaking a balanced judgement for each NDHA under paragraph 209 of the Framework, there are benefits, as has been identified. However, they would not outweigh the harm, taking into account its scale, and the moderate significance attached to each NDHA.
45. In addition to the heritage harms, there would be small and localised harm to the character of the area, including the Suffolk Coast and Heaths Natural Landscape (AONB). There would be poor accessibility to services and facilities by sustainable transport and a heavy reliance on the private motor vehicle. Accordingly, there would be conflict with Policies SP03, LP04, LP17, LP18, LP19, LP24 and LP29 of the Babergh Part 1 Joint Local Plan (JLP) 2023. These policies, collectively and amongst other matters, require proposals to be of an appropriate scale and setting for the area, not to be more visually intrusive than the original building in sensitive areas, integrate with, respond and safeguard the character of the area, reinforce local distinctiveness of AONBs, support the re-use of a heritage asset, but where it would represent a viable use and preserve the building, have regard to heritage statutory duties, and prioritise sustainable and active transport.
46. There would be conflict with the development taken as a whole and there are no material considerations to indicate that the planning appeal should be determined other than in accordance with the development plan and planning permission refused. A mitigation payment has been made in respect of the SOESPA to address the relevant Habitats Regulations. As there are substantive reasons to dismiss this appeal, there is no requirement for me to consider whether these obligations meet the statutory tests of the Community Infrastructure Regulations 2010 (as amended). Similarly, there is no requirement to carry out an Appropriate Assessment under the Habitat Regulations.

Conclusion

47. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR

APPEARANCES

For Appellant

V Hutton	Barrister, 39 Essex Chambers
P Gajos	GHC, Archaeology and Heritage
S Neesam	The Landscape Partnership
M Clarke	Boyer
Y Jeffrey	Boyer
I Booth	Transport consultant

Local Planning Authority

J Barber	Barrister, Cornerstone Barristers
S Stroud	Babergh District Council
E Flood	Babergh District Council
S Wilson	Babergh District Council
A Quirlalte	Babergh District Council

Third Parties

B Mclean	Suffolk and Essex Coast and Heaths National Landscape
M Best	Peter Dann Chartered town Planning Consultants
Mr & Mrs Kyle	Local residents
T Hill, Kings Counsel	The Stour and Orwell Society
D Davis	Ward Councillor
Resident	Previous occupier of Erwarton Hall
R Eddis	Local resident

Documents submitted before, at and after Hearing

1. Recreational Disturbance Avoidance and Mitigation Strategy for Ipswich City Council, Babergh District Council, Mid Suffolk and East Suffolk District Council, Footprint Ecology, May 2019, submitted 15 January 2024.
2. Habitat Regulation Assessment (HRA) Record, Babergh District Council, 30 November 2022, submitted 15 January 2024.
3. Appellant's rebuttal letters/statements for planning, heritage and landscape, third party review and an Historic England letter, submitted 8 January 2024, accepted at hearing.
4. Third party cost application, Parker Dann, 18 January 2024, submitted at hearing.
5. Appellant's suggested condition for area adjacent to Unit 5 in converted farmstead, submitted at hearing.
6. Appellant's response to third party cost application, 39 Essex Chambers, 19 January 2024, submitted 19 January 2024.
7. Local Planning Authority details of SOESPA funding arrangements, including Annual Infrastructure Funding Statement, CIL and S106, 1 April to 31 March 2023.
8. Appellant's submissions, amended conditions list, landscape post hearing note, architectural statement (including Electro Chromic Product Data Sheet), statement from Mr Veenbaas refuting allegations at hearing, received 25 January 2024.