



Appeal Decision

Site visit made on 29 January 2024

by L Fleming BSc (Hons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 21st February 2024

Appeal Ref: APP/W3520/W/23/3320890

The Blue Boar, The Street, Walsham Le Willows, Suffolk IP31 3AA

- 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 Ms B Drewitt against the decision of Mid Suffolk District Council.
 - The application Ref DC/22/06056, dated 6 December 2022, was refused by notice dated 28 February 2023.
 - The development is described as a rear timber fence.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Babergh and Mid Suffolk Joint Local Plan, Part 1 (2023) (JLP) was adopted in November 2023. The revised National Planning Policy Framework (the Framework) was published in December 2023, both after the Council's decision. I am required to have regard to the development plan at the time of my determination and the revised Framework.
3. The JLP supersedes the Policies referred to in the Council's decision notice. I have not felt it necessary to consult the parties on the JLP or the Framework as the outcome of the appeal would have been the same irrespective of them because the aims of the relevant Policies are not materially different. I am satisfied no party has been prejudiced by my approach.
4. At the time of my site visit the development was already in place. I have considered the appeal on that basis and adjusted the description to reflect this based on that provided on the application form.

Main Issues

5. The effect of the development on:
 - The character and appearance of the area bearing in mind it would be within the Walsham le Willows Conservation Area and within the settings of the grade II listed The Boar Public House and the grade II listed The Beeches.
 - The living conditions of the occupiers of The Beeches with particular regard to outlook or privacy.

Reasons

Character and appearance

6. The development is a timber fence and gate within the beer garden of the grade II listed The Boar Public House (the Boar). It is close to the side elevation of the grade II listed The Beeches (the Beeches). The development and these listed buildings are within the Walsham le Willows Conservation Area (CA).

Significance of the Boar, the Beeches and the CA

7. The Boar is a two storey, early C15 public house, with significant, C16 and C19/C20 enlargements and alterations. It is timber-framed, encased in redbrick, with a tiled roof. It has sash windows with glazing bars. The main front eastern elevation is C19/C20 and has a decorative porch and cornice. It sits in a large plot with parking to its front and a large beer garden to its rear.
8. The Beeches, is a C16 timber-framed, two storey (with attics) dwelling with significant C19/C20 alterations. It has a variety of traditional internal and external traditional architectural details including, casement windows, bay windows and dormer windows. It is finished with ornamental ridge tiles, English bonded red brick and corbel details.
9. The CA covers the main village settlement focussed on the main street (The Street), and four connected hamlets, West Street, Four Ashes, Crownland and Cranmer Green. Between The Street and Four Ashes is an area of parkland with a river. There is evidence of occupation in the CA dating back to the Mesolithic and Neolithic periods, with many remaining buildings of medieval origin. Consequently, there is a rich variety of architecture with buildings of varying ages and there is a notable visual connection with the surrounding countryside.
10. Therefore, insofar as is relevant to this appeal the significance of the Boar and the Beeches is derived from their architectural interest. The Boar's significance is also founded on its historical use and interest as a public house. Insofar as is relevant to this appeal, I find the significance of the CA derives from the variety of traditional architecture, the layout of the buildings within it and the historical relationship of the settlement with agriculture.

Effect on significance

11. The fence is timber feather board topped with trellis, fixed to timber rails and timber posts. It also has a pair of timber gates. It adjoins a tall brick wall which extends in front of the Beeches. The fence is set off the boundary with the Beeches, but adjacent to its side elevation and rear garden until it meets a row of tall conifers.
12. I accept the development is well constructed from timber. I also accept it is some distance from the Boar public house building. I also note the comments that a tall hedge was removed necessitating the rapid installation of the fence for security reasons.
13. However, the fence is tall, mainly solid and of considerable length. It has a modern utilitarian appearance in contrast with the well weathered traditional boundary wall and vegetation marking adjoining boundaries. In my view, this

conflict within the beer garden and setting of the Boar, harms the setting and significance of the grade II listed building. Furthermore, through its height, positioning and overall stark and dominant appearance, it draws attention away from the traditional architectural detailing of the Beeches harming its setting and significance. Consequently, it follows the conflict and associated harm to the setting and significance of two traditional buildings within the CA would also harm the character, appearance and significance of the CA as a whole.

14. The harm to the listed buildings and the CA combined would be less than substantial and towards the lower end of any range. However, it is still of considerable importance and weight. In these circumstances, the Framework states that the harm should be weighed against the public benefits of the development, which includes securing a heritage asset's optimum viable use. I will return to this in my planning and heritage balance below.

Living conditions

15. Notwithstanding the harm I have identified, an alternative boundary treatment could be erected in the location of the fence of a reasonable height. Against this background, I do not find that the development harms the living conditions of the occupiers of the Beeches with particular regard to outlook.
16. The fence is set off the boundary with gates permitting access to a small strip of land between the fence and the Beeches. From this land there are open views towards the side elevation of the Beeches. However, at the time of my site visit the gates were locked and the main reason for the fence is clearly to secure the public house beer garden. The strip of land is so narrow that it would have extremely limited possible use other than more likely than not to allow maintenance of the fence. In any event, there is nothing to prevent the occupiers of the Beeches from erecting a suitable boundary treatment alongside it.
17. For these reasons, I find the development does not harm the living conditions of the occupiers of the Beeches with particular regard to outlook or privacy. In this regard the development accords with the aims of Policy LP24 of the JLP which seek to ensure development does not harm the living conditions of residents living nearby.

Planning and Heritage Balance

18. There is no substantive evidence to suggest the optimum viable use of the Boar would be prejudiced without the development. Although, the development clearly has the public benefit of making the beer garden safe and secure.
19. However, any public benefits there maybe are clearly modest and are insufficient to outweigh the great weight I must attach to the harm I have identified to the designated heritage assets. For the reasons given, the appeal scheme fails to preserve the character or appearance of the CA and harms the setting and significance of both the Boar and the Beeches. Thus, the scheme conflicts with paragraphs 205 and 208 of the Framework. In this regard it therefore conflicts with Policies LP19 and LP24 of the JLP, which taken together seek to safeguard the character and appearance of an area and heritage assets.

Conclusion

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

L Fleming

INSPECTOR