



Appeal Decision

Site visit made on 27 February 2024

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 March 2024

Appeal Ref: APP/W3520/W/23/3323104

Six Bells Inn, Church Road, Felsham, Suffolk IP30 0PJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Cordage 13 Limited against the decision of Mid Suffolk District Council.
 - The application Ref is DC/23/00640.
 - The development proposed is described as 'Erection of two detached dwellings and associated parking and landscaping on land to the rear of the public house, utilising the existing public house access'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council issued its decision, it has adopted The Babergh and Mid Suffolk Joint Local Plan – Part 1 (JLP). This document has superseded the Mid Suffolk Core Strategy and the Mid Suffolk Local Plan, which were referred to in the reason for refusal. It is incumbent upon me to base my decision upon the most up to date planning policy and this is what I have done. The appellant addressed the change in policy through their final comments.
3. A revised version of the National Planning Policy Framework (the 'Framework') was published in December 2023, but the alterations are not significant in the context of this appeal. In any event, the Council and appellant have had an opportunity to address the changes through their submissions.

Main Issue

4. The main issue in this appeal flows from the Council's reason for refusal and is the effect of the proposed development on the significance of the Felsham Conservation Area, which is a designated heritage asset.

Reasons

5. The Felsham Conservation Area (CA) encompasses the historic village core and incorporates a rich mix of period properties loosely focused on two greens, the village church and the Six Bells Public House. Plot sizes vary on account of the layers of organic growth, but there is harmony in the scale of buildings and the use of traditional local materials. In addition, cohesion is achieved through the simple vernacular styling of many of the buildings and the generous extent of landscaping within individual plots which, combined with the greens, front gardens and churchyard, provide an attractive rural character to the CA.

6. Another important characteristic of the CA is the plan form. Buildings tend to interact with and frame the public spaces, especially Upper Green. The plan form of the CA is therefore predominantly one of frontage development one plot deep with most properties positioned either close to the back edge of the road or behind a front garden. Where buildings in the CA are positioned behind the frontage development, they tend to be traditional barn style buildings such as those in the southwest corner of the CA. This is not to say that development in depth has not occurred in the wider village, such as at Meadow Close, Yewlands or Orchard Close, it is just not commonplace within the CA. The provision of verdant front and rear gardens, some of which are large, affords a spacious feel to the CA. The linear form also facilitates very pleasant views along the streets and across open spaces.
7. The Felsham Conservation Area Appraisal (CAA) identifies the importance of landscaping, access to the countryside, the agricultural setting, traditional buildings, local materials and the pattern of development as broad features that add to the quality of place. Unsympathetic new housing is specifically identified as a potential loss to the CA and its setting.
8. Accordingly, the CA has an attractive aesthetic value. It also demonstrates the evolution of an historic settlement and bygone lifestyles. This provides illustrative historic value. Moreover, the CA is a repository of period building styles and a traditional village form which affords evidential/archaeological value. The appellant's Heritage Statement outlines a broadly similar conclusion in respect of aesthetic and illustrative historic value. Overall, the CA has a notable degree of significance.
9. The appeal site is a parcel of land set behind the frontage development that faces Upper Green and Church Road. It does not currently appear to form part of the garden of the Six Bells Public House. Map regression in the appellant's Heritage Statement indicates that it may be the remnant of a field which became land locked from open countryside when Meadow Close was built. The site provides a pleasant open and spacious backdrop to the surrounding frontage development. In this respect it positively reinforces the pattern of development and the rural character of the CA.
10. The appeal scheme would involve the erection of two dwellings of a similar scale and layout in plots of comparable dimensions. In this respect they would reflect the rather uniform appearance of Meadow Close rather than the organic pattern of development in the CA, where the variety of plot sizes is a notable feature. Moreover, the two-storey scale of the houses would result in them being an overly conspicuous departure from the predominant frontage pattern of development in the CA. This would be apparent from Upper Green, Church Road, the pub garden and surrounding properties. The relatively large footprint and overall massing of the proposed houses when compared to some of the properties around Upper Green would further heighten the prominence and discordant presence of the scheme.
11. The position of garages in front of the properties would also result in a car dominated suburban layout that would jar with the defining rural character of the CA. The integral garage to Plot 1 would be an especially poor solution out of keeping with the vernacular style of many nearby buildings. The position of the garages in front of the houses would also result in a cramped and compact appearance to the plots despite space being retained for soft landscaping and

wrap around gardens. The proposal would therefore result in harm of a high order to the value and significance of the CA as a whole.

12. In coming to this view, I have carefully considered the aspects of the design advanced in an attempt to soften the impact. In this respect the proposed dwellings would replicate the height of nearby buildings and would have a simple rectangular plan to their core. In addition, period detailing would be employed in the fenestration and through the use of quoins and chimneys. However, these positive aspects of the scheme would not overcome the harm identified above, especially the inherent limitation that two storey dwellings would appear out of place at the appeal site.
13. When looking towards the appeal site from Upper Green it is possible to see the properties in Meadow Close, which are set behind the building line of Church Road. The new dwellings would be viewed in this context. However, the housing in Meadow Close does not respond to the special character and appearance of the CA. Indeed, the estate is a clear departure from the characteristics of the CA due to the uniform suburban form and position behind the development that fronts Church Road. This is presumably why the estate is excluded from the CA and identified as a negative feature in the CAA. The appeal scheme would have a similar impact to the houses in Meadow Close, although it would be with the CA and closer to Upper Green. This serves to reinforce my concerns that the scheme would appear incongruous.
14. The appellant submits that the appeal scheme would not encroach into any important vista or green area identified in the CAA. This is debateable in respect of the former, as the CAA identifies an important vista looking east towards Upper Green that the appeal scheme would be in the backdrop of. In any event the document states that it is not intended to be prescriptive. Instead, it seeks to provide a general overview of the quality of the place rather than being a comprehensive listing. Accordingly, the omission of a feature, such as a view or any direct reference to the appeal site, does not mean it is unimportant. For the reasons given the appeal site currently contributes positively to the CA whereas the appeal scheme would not.
15. I am aware that the Council's Conservation Officer did not object to the proposal. However, in the comments I have seen they failed to grapple with the significance of the CA, and this undermines their conclusion. Nor did they refer to the CAA. Accordingly, I afford little weight to their findings. In any event, I have come to my own conclusions for the reasons given.
16. Relatedly, an Inspector in a decision made in 2011¹ likewise did not articulate the significance of the CA and the decision predated the CAA. The findings are therefore of limited weight. In a more recent appeal decision² another Inspector did set out what she considered the significance of the CA to be and then concluded that two large two storey homes at the appeal site would be harmful. This is a finding that is material to my assessment. That said, the scheme before me is dissimilar because the homes now proposed would be smaller and more reflective of the local vernacular. Nevertheless, the appeal scheme would still harm the significance of the CA for the reasons set out.

¹ APP/W3520/A/11/2155965

² APP/W3520/W/21/3289197

17. Policy LP19 of the JLP states that harm to a designated heritage asset such as a conservation area requires clear and convincing justification in line with the tests in the Framework. The harm to the significance of the CA would not be severe and would therefore be less than substantial within the meaning of the Framework. Accordingly, the harm needs to be weighed against the public benefits of the proposal.
18. The Framework states that designated heritage assets are an irreplaceable resource that should be conserved for existing and future generations. Any harm to their significance is therefore an important matter. Indeed, the Framework states that great weight should be given to an asset's conservation. Conservation in this context means sustaining, and thus not harming, an asset's significance. This chimes with the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area³, which is a matter that must be given considerable importance and weight. This is not an instruction to dismiss a proposal that would harm a conservation area, but it nevertheless provides a strong presumption in favour of preservation.
19. The public benefits of the scheme involve the provision of two homes within the village. This would provide a modest short-term benefit to the construction industry and a small boost to the vitality of Felsham and its surroundings. The occupants may also spend locally including at the pub or village shop. However, the contribution in this respect would not be of a high order. The highway access into the Six Bells may also be upgraded, although it is unclear why the slight increase in traffic would necessitate this. Overall, the benefits would be some way off the level required to outweigh the permanent less than substantial harm that would occur to a irreplaceable resource.
20. Accordingly, there would be a conflict with Policy LP19 of the JLP because harm to the significance of a designated heritage asset would not have clear and convincing justification. The character and appearance of the CA would not be preserved. I therefore find that the proposal would not adhere to Policies SP09 and LP19 of the JLP.

Other Matters

21. Various concerns have been raised by interested parties, including reservations regarding the impact on highway safety, the living conditions of neighbours and community assets. However, given my findings above it has not been necessary for me to address these matters further as the appeal has failed on the main issue. Similarly, as the appeal has failed there will be no impact on the setting of the Six Bells, which is a Grade II listed building. Accordingly, there is no need to consider this matter any further.

Conclusion

22. The appeal scheme would be contrary to the development plan taken as a whole and there are no other considerations which outweigh this finding. Accordingly, for the reasons given the appeal has been dismissed.

Graham Chamberlain
INSPECTOR

³ See Sections 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990