



Appeal Decision

Site visit made on 4 September 2024

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th October 2024

Appeal Ref: APP/W3520/W/24/3337938

Land adjacent to 17 Brockford Road, Mendlesham, Suffolk, IP14 5SG

- 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 Mr and Miss M and A Moss and Humphrey against the decision of Mid Suffolk District Council.
 - The application Ref is DC/23/00305.
 - The development proposed is described as 'Change of use of land for grazing of horses, and erection of stables with new vehicular access'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant amended the scheme during the Council's assessment of the application by removing the proposed new vehicular access. I have considered the proposal on this basis despite the decision notice failing to reflect the change. The submissions describe the proposed stable as 4.4m tall. This figure is based on the written dimension on the drawings, which do not correlate with the scale bar. As drawn, the height of the building would be around 3.1m high. The appellant has confirmed this to be the accurate dimension and therefore I have considered the proposal on this basis.
3. The Council allege that the proposal would harm the setting of the Church of St Mary, which is Grade I listed. However, in reaching this view it failed to consult Historic England, which is a procedural requirement. I therefore asked the Council to remedy this oversight. Both the Council and appellant were invited to comment on the representations submitted by Historic England. The Secretary of State has recently made a Written Ministerial Statement in connection with proposed changes to the National Planning Policy Framework (the 'Framework'). As the proposed amendments are in draft and subject to change it has not been necessary to seek comments from the parties.

Main Issues

4. The main issues in this appeal are:
 - The effect of the proposed development on the character and appearance of the area; and
 - The effect of the proposed development on the significance of the Church of St Mary, which is Grade I listed, and Mendlesham Conservation Area.

Reasons

The effect on the character and appearance of the area

5. The appeal site encompasses a parcel of land at a prominent corner location to the immediate south of an extended graveyard. It is part of a verdant and open tract of undeveloped land which provides an important rural setting to the village and Church. Accordingly, the open, rural character of the appeal site contributes positively to the character and appearance of the area. Indeed, for this reason the appeal site is designated in the Mendlesham Neighbourhood Plan (NP) as part of a visual/important open space (VIOS) that stretches from a position north of the church to Brockford Road.
6. Moreover, important View 10 in the NP is taken from a position on the corner of Church Road and Brockford Road and cuts across the appeal site. This should not however be interpreted as a static view, it being a general representative view as confirmed in Supporting Document SD19. View 10 is categorised as being of 'high significance' in Figure 6.7 of the NP. Supporting Document SD19, which dates from 2017, explains that this is a key entrance gateway to the village and finds the visual sensitivity at this location to be 'high'.
7. In response to the findings outlined above, Policy MP10 of the NP states that visually important open spaces will be protected because of their contribution to the character or appearance of their surroundings. The policy further explains that development proposals must address the effect they will have on the VIOS and demonstrate they will not significantly affect the views of these spaces. This is not a prohibition of development and visually important open spaces do not have the same level of protection as Local Green Spaces such as the graveyard. Nevertheless, I take 'protected' to mean doing no harm.
8. The appeal scheme would introduce into the appeal site a stable block around 22m in length surrounded by a large yard area. The yard would be hard surfaced, enclosed by fencing and incorporate paraphernalia, include parked vehicles such as a muck trailer. The development would fill much of the space between the graveyard and the hedge along Brockford Road and, due to the position of the access, the proposal would effectively read as a continuation of the residential development it adjoins. This would compound the negative impact the erection of these houses has had on the VIOS.
9. As a result, the proposal would represent a significant built incursion into the VIOS that would harmfully erode its existing verdant character. This would in turn diminish the open rural setting of the village that resulted in the designation of the land as part of a VIOS. The appeal scheme would also have a negative visual impact on the gateway into the village because the proposal would be directly visible in views from the graveyard, Glebe Way, the site access and, to a lesser extent, through the hedge along Brockford Road. Views from the latter would be more apparent when the hedge is not in leaf.
10. The appellant suggests that landscaping could be used to screen the visual impact of the scheme, but landscaping takes time to mature, may fail in the future or become subject to a different management regime. As a result, it would be imprudent to rely on landscaping to hide otherwise unacceptable development. In any event, I have reservations about obscuring View 10 in this way and even with additional landscaping the openness of the VIOS would be eroded to the detriment of landscape character.

11. Stable blocks often appear rural in character because of their function. That does not however mean they will be acceptable at any location in the countryside. This is especially so in this instance given the VIOS designation and the position of View 10. The location of the development would not have adequate regard to View 10 as it would be in the immediate foreground. Indeed, the Parish Council unanimously agreed that the proposal would negatively impact View 10 because of this. Moreover, the low height and black finish of the stables would not address the harm flowing from the position and length of the building and the extent of the associated yard.
12. When having regard to View 10 as photographed in 2017 (as shown in SD19), it is apparent that landscaping has matured and therefore the once very open view is less pronounced, at least in the summer months when the trees are in leaf. As a result, the sensitivity of the view may not be as high as it once was. That said, the VIOS is still an important open area that contributes positively to the rural setting of the village and the appeal scheme would harmfully erode this for the reasons given.
13. There appears to be a stable building across the road from the appeal site. However, this is not located in a VIOS or an important view. The massing is broken up and it is not surrounded by a yard. As a result, its presence does not justify the appeal scheme. The appellant has suggested that they could erect a 2m high fence around the appeal site but there is nothing to indicate this is anything more than a hypothetical fall-back position. It therefore carries only limited weight in my considerations.
14. In conclusion, the proposal would significantly harm the character and appearance of the area. It would therefore be at odds with Policies LP17 and LP20 of the LP and Policy MP10 of the NP, which seek to protect the VIOS and secure development that integrates with, and respects, landscape character.

The effect on the significance of the Church and the Conservation Area

15. The Church of St Mary is a structure of medieval origins 'restored' in the 19th Century. It is a striking building which dominates the locality. As such, the Church is of high architectural, historic and aesthetic significance and is therefore listed Grade 1, which is the highest level. The open rural setting to the east and south of the building provides space to appreciate the structure and a surviving rural context that affords a semblance of the Church's setting when it was first constructed. Indeed, I share the view of the Council's Conservation Officer and a previous Inspector¹ in this respect. The setting of the building therefore contributes to its significance.
16. Mendlesham Conservation Area (CA) is focussed on the medieval core of the village. The function of the settlement as a market for the surrounding agricultural hinterland is still apparent in the pattern of development along Old Market Road. This tells us much about the evolution and economy of a rural settlement and social models in the past. The rich mix of period buildings also provides an attractive quality to the village. Thus, the CA has evidential, historic and aesthetic value.
17. The relationship between the historic form of the village and the rural agricultural landscape beyond is an important part of understanding the

¹ APP/W3250/W/19/3227306

settlement and appreciating its heritage values. This is still the case despite modern development to the north and south of the village core, as shown in the NP. Indeed, this makes the openness of the VIOS even more important. The open rural setting to the south and east of the CA, as marked in part by the VIOS, is therefore important to the significance of the CA.

18. For the reasons already given, the appeal scheme would be a built incursion into the VIOS. It would therefore erode the open rural setting of both the Church and CA and landscaping would not mitigate this impact. That said, the incursion would not cover an extensive area of their settings, would be away from the Church and set at a lower level. The adverse impact would therefore be very minor, albeit less than substantial harm.
19. In coming to this view, I have carefully considered the opposing views expressed by Historic England and the Council's Conservation Officer. It is unclear whether either have visited the site, but it is common ground between these experts that built development within the VIOS has the potential for some degree of harm to the setting of both the Church and CA. Historic England have not identified harm due to the timber clad nature of the stable and what they describe as a 'small area of surfacing'. I agree that there are mitigating aspects of the scheme, but the length of the stables, the prominent corner location and the extensive nature of the yard are problematic aspects of the proposal for the reasons already given. Overall, I find the views of the Council's Conservation Officer more persuasive.
20. Policy LP19 of the LP requires harm to designated heritage assets to be weighed against the public benefits of a proposal. In calibrating this balance, the Framework states that designated heritage assets are an irreplaceable resource that should be conserved for existing and future generations, that great weight should be given to an asset's conservation and the more important the asset the greater the weight should be. Conservation in this context means sustaining, and thus not harming, an asset's significance. This is synonymous with the considerable importance and weight that must be given to the statutory duty to pay special regard to the desirability of preserving a listed building's setting². This is not an instruction to dismiss a proposal that would harm a listed building's setting, but it nevertheless provides a strong presumption in favour of preservation.
21. The proposal would result in some minor public benefits to the economy from constructing the development and associated ongoing spending. There would also be a modest reduction in vehicle trips, and thus carbon emissions, if the appellant remained living in the adjoining house. Mention has also been made of the potential to install solar panels. The proposal would also result in a small net gain in biodiversity. Conversely, the harm, although very minor, would be to the setting of a Grade I listed building. This carries more than great weight given the building's significance. Additionally, the harm to the setting of the CA carries great weight. Thus, the public benefits would not outweigh the harm in this instance.
22. In reaching this view I have considered the heritage balance undertaken by Officers, but it is not clear they calibrated the balance correctly. In any event, when taking a step back it is difficult to envisage a situation where the

² See Sections 66(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990. Historic England have referred to s72(1) of the same act, but this is not relevant because the appeal site is outside the CA.

construction of private stables would justify harming the setting of a designated heritage asset, especially a Grade I listed building. As such, the proposal would be at odds with Policy LP19 of the LP, which seeks to secure development that preserves the setting of designated heritage assets.

Other Considerations

23. Consistency is an important aspect of the planning system. In this respect, I have considered an appeal decision³ allowing the erection of two houses next to the appeal site. It is important to note that in permitting this scheme, the Inspector identified harm to the VIOS. He also indicates that the proposal would not fall within any important vistas. This is unlike the scheme before me. It is also unclear if the Council raised a heritage objection and submitted an expert view on this matter from a Conservation Officer. The proposal was also for housing at a point in time when the Council had no five-year housing land supply. The 'tilted balance' in the Framework was therefore relevant. Accordingly, the circumstances are different and consequently there is no inconsistency between my findings and the previous Inspector's.
24. The Environment Agency have confirmed that part of the site is within Flood Zones 2 and 3 and evidence of localised flooding has been provided by Mendlesham Parish Council. The area covered by the flood zones appears to be more than just the site frontage and includes the proposed location of the stable building. As the keeping of horses has more similarities to livestock agriculture than outdoor sports (playing fields and such like), the proposed use could be categorised as 'less vulnerable'. As such, the indicators are that a sequential test should have been undertaken to ensure the building and other associated aspects of the proposal, including hardstanding and manure stores, would be positioned outside the flood zones. Nevertheless, as the appeal has failed for other reasons this is not something I have considered further.

Conclusion

25. The appeal scheme would harm the character and appearance of the area by encroaching into a parcel of land locally designated as an important open space. In doing so, it would also harm the setting of two designated heritage assets. The harm would not be of a high order but would result in a breach of development plan policies. The appellant alleges that in all other respects the proposal is acceptable. Even if that were the case, the proposal would be at odds with the development plan taken as a whole as the absence of harm in some respects would not outweigh harm in others.
26. Therefore, I find that the proposed development would be contrary to the development plan taken as a whole and there are no other considerations which outweigh this finding. As such, the appeal fails.

Graham Chamberlain
INSPECTOR

³ APP/W3520/W/17/3175489