



Appeal Decision

Site visit made on 22 October 2024

by A Caines BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th October 2024

Appeal Ref: APP/W3520/W/24/3336868

De Felbrige, Laxfield Road, Fressingfield, Suffolk IP21 5TD

- 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 Sargent against the decision of Mid Suffolk District Council.
 - The application Ref is DC/23/02511.
 - The development proposed is erection of new stables, implement and hay store.
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Decision

1. The appeal is allowed and planning permission is granted for erection of new stables, implement and hay store at De Felbrige, Laxfield Road, Fressingfield, Suffolk IP21 5TD in accordance with the terms of the application Ref DC/23/02511, subject to the conditions in the attached schedule.

Preliminary Matters

2. The Babergh and Mid Suffolk Joint Local Plan (JLP) was adopted by the Council in November 2023. As such, the local policies cited in the Council's decision notice have been replaced and have no weight. I have therefore determined the appeal against the relevant JLP policies now in force.
3. The Council made its decision on the basis of amended plans. I have considered the appeal on the same basis.

Main Issue

4. The main issue is whether the development would preserve the setting of Chippenhall Hall, a Grade II listed building.

Reasons

5. The appeal site is an area of enclosed rough grassland approximately 95m to the south-west of the historic farm complex of Chippenhall Hall, which contains the former farmhouse and a range of now-converted residential buildings to the west.
6. The National Heritage List for England entry for Chippenhall Hall describes it as a Manor farmhouse of 16th and 17th century origin thought to have been constructed in 3 or 4 phases. For the purposes of this appeal, I consider that its significance lies largely in the physical fabric of the building itself, and its development over time. The spatial relationship of the farmhouse to the converted buildings to the west also contributes to the significance of the asset, demonstrating the historic relationship between the farmhouse, those buildings and the wider landscape.

7. In determining this appeal, I have a duty to have special regard to the desirability of preserving the setting of the listed building. The National Planning Policy Framework (the Framework) recognises that development within the setting of heritage assets can affect their significance. Policy LP19 of the JLP requires all designated heritage assets to be preserved, enhanced or conserved in accordance with the statutory tests and their significance, including consideration of any contribution made to that significance by their setting. Policy LP20 of the JLP specifically relates to equestrian development and requires the siting, size, scale, design, and materials of any building to be suitable/appropriate for the proposed use and its surroundings.
8. The glossary to the Framework defines the setting of a heritage asset as the surroundings in which it is experienced. In this case, the significance of Chippenhall Hall can be most readily appreciated from the land immediately surrounding the building, particularly the spacious garden on its northern side, and to a lesser extent the collection of converted buildings to the west. A substantial belt of mature trees largely obstructs views from the south, and together with existing boundary treatments, provides functional and visual separation between the historic farm complex and the appeal site. I therefore consider that the appeal site has a neutral role in the significance of the asset.
9. In 2018 the Council granted planning permission for a stable block of the same size and design, albeit a few metres to the south of the current proposal. While foundations were subsequently laid, the appellant acknowledges that the works were not carried out in the correct position, but rather in the position of the current proposal. I therefore agree with the Council that the previous permission is no longer extant. Nevertheless, the previous permission is still a relevant consideration and serves to indicate what the Council has recently deemed to be acceptable at the site. Despite the change in the development plan, the relevant policy considerations remain very similar and I am not aware of any material change in the site context. On the evidence before me, it is difficult to understand how the Council has reached a different decision in this case.
10. Indeed, in the planning officer's report it states that "*the proposed design, materials, form and scale are considered to respect the character of the setting of the adjacent buildings, not constitute overdevelopment and not harm local distinctiveness*". It goes on to say "*with the application having now been amended, this has reduced the height of the proposed building, omitting the upper storey elements. This allows the building to correspond much better with the size and scale of stables and similar buildings which appear in the countryside. On this basis, the proposal is acceptable. The design of the elevation is sympathetic to the surrounding historic farm buildings, continuing a pattern of black stained weatherboard appearance*". I concur with this assessment, and would add that the minor change in the siting has been beneficial to the retention prospects of the nearby trees and their screening effect.
11. Overall, the development would be of an appropriate scale and design for its proposed use and the context in which it is located. It would not be a dominant structure that would visually compete with the listed building given the obvious contrasts between their function, scale, form, appearance, as well as the limited intervisibility and degree of separation involved. Details of the external

materials and hard and soft landscaping can all be suitably controlled by planning conditions.

12. Given the above, I find that the development would have a neutral effect on the setting of Chippenhall Hall and its significance, and would not harm the character or appearance of the area more generally. The development would therefore preserve the setting of the listed building, in accordance with the statutory duty, the Framework, and policies LP19 and LP20 of the JLP.
13. Because I have found the proposed development would not harm the heritage asset, it is not necessary for me to engage the balancing exercise as required by paragraph 208 of the Framework.

Other Matters

14. A range of other concerns have been raised by interested parties, including in relation to the suitability of the access and effects on wildlife. However, the Council did not identify any harm in these regards, and based on the evidence before me, I have no reason to disagree. Issues relating to rights of access, ownership, and restrictive covenants are civil or legal matters so do not have any bearing on my assessment of the planning merits of the case.
15. There has been some speculation that the developer has other intentions for the use of the development, but I can only consider the proposal that is currently before me. Any change of use would require separate planning permission and would need to be considered on its own merits.

Conditions

16. I have considered the conditions put forward by the Council against the provisions of the Framework and the Planning Practice Guidance, and have made amendments where necessary to ensure they meet the relevant tests.
17. As the proposed development has already commenced, a time limit condition is not necessary. I have imposed a condition specifying the approved plans for certainty. Conditions relating to external materials, landscaping, and lighting are necessary in the interest of visual amenity. A drainage condition is necessary in order to ensure the proper treatment of foul and surface water from the development. A condition requiring a management plan for the storage and removal of manure is necessary to protect the living conditions of neighbours. Finally, a condition limiting the use of the stables for private purposes is necessary in the interests of highway safety and to protect the living conditions of neighbours.

Conclusion

18. I have found that the proposal complies with statutory requirements, the Framework, and the relevant provisions of the development plan. Therefore, the appeal should be allowed, subject to the conditions in the schedule to this decision.

A Caines

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with drawing nos: location plan; 0199 02 C; 0199 01 A.
- 2) No development above ground level shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved samples.
- 3) Notwithstanding details on the approved plans, no development above ground level shall take place until a scheme of hard and soft landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include details of:
 - i) all existing trees, hedges, and other planting to be retained;
 - ii) a planting specification to include numbers, size, species, and spacing of any new planting, and the measures to ensure their successful establishment;
 - iii) all boundary treatments;
 - iv) any changes to ground levels;
 - v) the location and materials of the hard surfaced areas.
 - vi) a programme for implementation.
- 4) The landscaping scheme shall be carried out in accordance with the approved details and programme of implementation; and if any trees or plants die, are removed, or become seriously damaged or defective, they shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
- 5) No development above ground level shall take place until a detailed foul and surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The approved drainage works shall be carried out before the development is brought into use and maintained as such for the lifetime of the development.
- 6) No development above ground level shall take place until a management plan for storage and disposal of horse manure has been submitted to and approved in writing by the local planning authority. The approved management plan shall be adhered to for the lifetime of the development. No burning of manure shall be carried out on site.
- 7) No external lighting shall be installed except in accordance with details that have first been submitted to and approved in writing by the local planning authority.
- 8) The development hereby permitted shall only be used as private stabling and shall not be used for any commercial riding, breeding, training or livery purposes.

****End of schedule****