



Appeal Decision

Site visit made on 8 October 2024

by Sarah Manchester BSc MSc PhD MIEEnvSc

an Inspector appointed by the Secretary of State

Decision date: 1st November 2024

Appeal Ref: APP/D3505/W/23/3336008

Hill House Wades Lane, Shotley, Ipswich IP9 1EW

- 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 Peter Webb against the decision of Babergh District Council.
 - The application Ref is DC/23/01607.
 - The development proposed is erection of outbuilding for storage of land maintenance machinery, winter livestock and boating equipment.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the proposal relates to a listed building I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. On 21 November 2023, after the planning application was determined but before the appeal was made, the Council adopted the Babergh and Mid Suffolk Joint Local Plan Part 1 (the JLP). The JLP is the development plan for the purposes of the appeal and it supersedes the Babergh Local Plan and Core Strategy policies cited in the Council's decision notice. As both parties are aware of the relevant JLP policies, I am satisfied that the interests of neither party would be prejudiced by my determination of the appeal on this basis.

Main Issue

4. The main issue is whether the proposal would preserve the setting of a Grade II listed building, "Hill House, Wades Lane" (ref: 1036856) (the LB) and any of the features of special architectural or historic interest that it possesses.

Reasons

5. The LB is a C18/C19 dwelling house with later extensions. It is a 2-storey detached building of gault brick with a hipped slate roof, shuttered sliding sash windows and an elaborate tented porch. The LB is set back from Wades Lane, accessed via a long private driveway that passes through the mature woodland belt that separates the LB and its garden from agricultural land to the west. The LB was historically used as a farmhouse in association with the agricultural farmstead at the end of Wades Lane to the north east, this being at a lower ground level and well separated from the LB. The semi-detached estate cottages to the north of Wades Lane are non-designated heritage assets by virtue of their historic association with Hill House.

6. The 1880 map illustrates the LB, its farmstead buildings and field patterns. It also illustrates woodland belts to the west of the LB and between it and its agricultural buildings. There have been changes since then including to the agricultural farmstead, the construction of Hill House cottages and the woodland belt has been breached near to the residential annex building to the west of the LB. However, the arrangement of buildings and landscape features to the south of Wades Lane remains largely unchanged. The historic functional relationship between buildings and land remains legible, despite changes in ownership. Insofar as relevant to the appeal, I find that the layout and juxtaposition of buildings, woodland landscape features and open agricultural land, which comprise its setting, contribute positively to the special interest of the LB as a fine country house and former farmhouse.
7. The proposal would be a substantial detached building finished in soft red facing brick with black timber doors, black aluminium windows and a hipped red clay tile roof. The building would be sited in the open agricultural land to the west of the LB, beyond the mature woodland belt that separates the dwelling and its garden from the wider rural landscape. While its design and materials would resemble a traditional rural building, there appears to be no historic precedent for a building in this location. Moreover, it would not be physically or visually related to the former agricultural farmstead on the far side of the LB. As such, it would erode the legibility of the historic farmstead.
8. The building would be closer to the LB than to the former agricultural buildings. Even so, by virtue of its size and appearance and its siting and access on the far side of the woodland belt, the proposal would be widely separated from and poorly related to the LB. Notwithstanding the gap in the woodland belt, it remains a strong landscape feature that separates the LB from Wades Lane and the adjacent farmed land. The proposal would extend the envelope of built development and leach residential use and activity into the historically undeveloped farmed land beyond the woodland.
9. The ground level would be lowered so the building would sit some 80cm below the level of the field. However, at roughly 22.2m by 6.5m, with a ridge height of over 4.6m, the building would nevertheless introduce a substantial quantum of development into the previously undeveloped open landscape.
10. Photographs have been provided to illustrate the visual impact of the proposal from the road. These are annotated to indicate the height of the ridgeline. However, at roughly 8 feet this does not appear to correspond to the 4.6m ridge height on the elevation plans, even allowing for the lowering of ground levels. Even if the photographs accurately represent the height of the building in the landscape, they serve to illustrate that, by virtue of its height and scale, the building would be conspicuous in the visual context of the undeveloped farmed land and against the backdrop of the verdant woodland belt.
11. The appellant is planting a mixed native species hedgerow along the new boundary that subdivides the agricultural field to the west. This is expected to reach a height of 8 to 10 feet within a decade. The new boundary, which appears to disrupt the historic field pattern, could help screen the proposal from views along Wades Lane. However, vegetation is temporary and it cannot be relied upon to screen permanent development from view.
12. The hedgerow would not in any case screen the building from views around the highway access or along the driveway. From these locations, the woodland belt

encloses the LB and there are channelled and filtered views through the trees towards the dwelling. There are no other buildings or features to distract attention away from the LB on this approach and it is experienced in an apparently isolated and secluded woodland setting. This would be disrupted by the proposal and its associated parking yard, which would be prominently sited and visually obtrusive in the foreground on the approach. The proposal would diminish how the LB was experienced, undermining its primacy and detracting from the sense of physical and visual seclusion.

13. Given the above, I find that the proposal would fail to preserve the setting insofar as it contributes to the special interest of the listed building. Consequently, I give this harm considerable importance and weight in the planning balance of the appeal.
14. Paragraph 205 of the National Planning Policy Framework 2023 (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets and that any such harm should have a clear and convincing justification. Given the scale and nature of the proposal, I find the harm to be at the lower end of less than substantial but nevertheless of considerable importance and weight.
15. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, Framework paragraph 208 advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimal viable use. In this case, the proposal would provide storage space including for gardening equipment and machinery, boats, logs, livestock shelter and hay. There would also be a car parking space. As the LB currently lacks outbuildings, except for its annex, the proposal would be a significant private benefit. However, while there would be some economic benefit during construction, the public benefits are not sufficient to outweigh the harm that I have identified. The continued viable use of the appeal property as a residential dwelling is not dependent on the proposal.
16. Given the above, I conclude that, on balance, the proposal would fail to preserve the setting and thereby the special interest of the Grade II listed building. This would fail to satisfy the requirements of the Act, paragraph 205 of the Framework and conflict with JLP policy LP19 that seeks, among other things, to ensure that proposals preserve, enhance and conserve the significance of designated heritage assets. As a result, the proposal would not be in accordance with the development plan.

Other Matters

17. The appellant purchased the LB together with around 6 acres of land including gardens, paddock and woodland and part of the neighbouring agricultural field, which he plans to use for a horticultural business and for small scale livestock. However, all outbuildings formerly associated with the LB were excluded from the sale. In order to manage the land, he needs a livestock shelter and feed store, potting table and equipment, fencing and irrigation materials, ride on mower and utility trailer, machinery, tools, wood cutting and chipping equipment. He also has boats and sailing equipment and may, in future, also have bee keeping equipment.

18. The Council's evidence notes that, while JLP policy LP22 allows agricultural buildings where there is a demonstrable need, there are no JLP policies that allow residential outbuildings outside of settlement boundaries. While the appellant takes issue with this, the Council has accepted there is a storage need in this case and it has engaged with the appellant in order to seek an acceptable solution. Wider consideration of whether or not the JLP prejudices householders outside of settlement boundaries is not a matter for the appeal.
19. The parties have explored alternative locations. Some of these have been discounted because they would not be accessible by vehicle. However, I am not persuaded that other locations should be discounted simply because they would require a longer access, taking into account that agricultural tracks are commonplace in the countryside. Moreover, while the neighbours might object to an alternative siting, there is little substantive evidence that a building could not be sited elsewhere without harm to the neighbours' living conditions or to protected trees. In this regard, I note the appellant's preference is for a single large building that consolidates the various storage requirements. However, it has not been demonstrated that smaller outbuildings, commensurate in scale and function, have either been considered or reasonably discounted.
20. The recent allowed appeal¹ for the erection of a 'cartlodge' relates to a domestic garage with first floor bedroom and office space. It replaces an outbuilding and outdoor pool very close and ancillary to the host dwelling, and the Inspector found it could be considered an extension for the purposes of planning policy. However, it is not directly comparable to the overly large appeal building which would be widely separated from its host and on historic agricultural land in the setting of a listed building. My attention has also been drawn to case law² which found that, for the purposes of the Framework policies that protect the Green Belt, an extension to a building could include structures that were physically detached from it. However, the appeal site is not in the Green Belt. Moreover, taking into account its use and degree of separation from the LB, the proposal would not be a normal domestic adjunct to a dwelling. Neither of these provide a justification for the appeal.

Conclusion

21. For the reasons set out above, I conclude that the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict.
22. Therefore, I conclude that the appeal should be dismissed.

Sarah Manchester

INSPECTOR

¹ APP/W3520/D/24/3336927

² Warwick DC v SSLUHC, Mr J Storer & Mrs A Lowe [2022] EWHC 2145 (Admin)