



Appeal Decision

Site visit made on 27 September 2024

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 November 2024

Appeal Ref: APP/D3505/W/24/3336381

Anchor Inn, Upper Street, Stratford St Mary, Suffolk CO7 6LW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Ray Anderson of Stratford Inns Limited against Babergh District Council.
 - The application Ref is DC/23/04143.
 - The development proposed is improvements to barns and outdoor areas to the front and rear of the pub, creation of additional WC facilities and new accessible WCs.
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Decision

1. The appeal is dismissed and planning permission for improvements to barns and outdoor areas to the front and rear of the pub, creation of additional WC facilities and new accessible WCs, is refused.

Preliminary Matters

2. The appeal has been submitted against the Council's failure to determine the planning application within the statutory timescales. Although the Council did not issue a formal decision on the application, its statement of case sets out potential grounds on which planning permission would likely have been refused. I have used these putative reasons to establish the main issues.
3. The site is within the Stratford St Mary Conservation Area (the CA). Accordingly, I have had special regard to the statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the area.
4. The site lies within the Dedham Vale National Landscape (the NL), formerly known as the Dedham Vale Area of Outstanding Natural Beauty (the AONB). While the development plan still refers to this area as the AONB, its provisions and those of the National Planning Policy Framework (the Framework) remain materially unchanged. Therefore, references to the NL and the AONB in this decision can be considered interchangeable.
5. At my visit I observed that certain aspects of the proposed development had been partially implemented, including the screening to the front outdoor seating area, which aligns with the submitted plans. However, several other elements of the proposed development had not yet been undertaken. I have therefore based my assessment on the plans under consideration by the Council.

Main Issues

6. The main issues are the effect of the proposed development on:
- the character and appearance of the area, having regard to the effect on the NL and the extent to which it would preserve or enhance the character or appearance of the CA;
 - the living conditions of the occupiers of nearby properties in terms of noise and disturbance;
 - ecology and biodiversity; and
 - highway safety, with particular regard to parking provision.

Reasons

Character and appearance

7. Policy LP19 of the Babergh and Mid Suffolk Joint Local Plan – Part 1, November 2023 (the JLP) provides that proposals resulting in any harm to designated heritage assets will require clear and convincing justification in line with the tests set out in the Framework. Policy LP24 of the JLP requires all development to be of high-quality design and to make a positive contribution to its context. Policy LP18 of the JLP states that proposals for non-major development in AONBs will be supported provided they align with certain criteria, including by integrating positively with the character of the area and reinforcing local distinctiveness. Proposals that support the provision and maintenance of local services, facilities and assets in AONBs will be supported so long as they are commensurate with the character and objectives of the AONB.
8. The appeal site is a public house fronting Upper Street, part of the principal route through the village of Stratford St Mary. Despite some significant alterations throughout its history, it retains a traditional design, appearing from the front as a single-storey building with small first-floor dormer windows. It features a rear projection with raised eaves providing a more conventional 2-storey appearance.
9. The CA primarily encompasses the areas adjacent to the main routes of Upper Street and Lower Street running through the village, and some limited areas stretching further back. Development along these routes is mainly residential, interspersed with some non-residential uses such as the appeal site, another public house, a service station, post office and community facilities. Buildings in the CA vary in age and design but are broadly characterised by vernacular architecture, including many traditional cottages sitting tight to the street. The CA's significance lies in its historic village character, the predominance of residential development along its main routes, and the generally traditional appearance of its buildings.
10. Although the Council's statement of case refers to the appeal building and its neighbouring property of Vale Cottage as non-designated heritage assets, no evidence has been submitted to substantiate this status. While both buildings positively contribute to the significance of the CA, I afford limited weight to their status as non-designated heritage assets.
11. The traditional appearance and road-facing frontage of the appeal site are typical of development in the CA. The building occupies a spacious section of

the Upper Street frontage, with its front and side elevations highly visible in views along the street. A modest outdoor seating area between the building frontage and the footpath has been enclosed by clear screening set within timber frames, with planters at the base.

12. Front boundary treatments along the main routes vary, but where there is limited separation between the buildings and the street, such as at the appeal site, boundaries generally consist of low walls, fences or hedges. While the proposed screening does offer visual permeability, its height, solid structure and modern design appear as an uncharacteristic and intrusive feature of the Upper Street frontage. Despite the use of reasonable quality materials, the screening is incongruous among the site's traditional surroundings.
13. The rear of the building appears to have previously featured a large outdoor area which has been developed over time, now hosting a variety of contemporary extensions and projections set adjacent to older brick outbuildings. The current proposal seeks to enclose additional areas to the rear of the building, as well as extending an existing brick building and adding sheds on the opposite side of the Anchor Close access road. It also proposes a balcony with a glazed balustrade on an existing flat roof, along with an external staircase.
14. While I note the presence of existing contemporary extensions to the rear, the cumulative scale of the proposed development would lead to the area having a disproportionate sense of enclosure. Moreover, I am not convinced that its contemporary design, emphasised by an extensive palette of materials, would be appropriate to the traditional form of the host building. Additionally, the contemporary glazed balcony, prominently visible from Upper Street, would contrast incongruously with the building's characteristic traditional appearance.
15. Paragraph 205 of the Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to its conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. Based on my findings, I conclude that the proposal would harm the significance of the CA. While the harm is less than substantial, it is nevertheless of considerable importance and weight.
16. Under such circumstances, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The appellant argues that the proposals are essential to the public house's viability and would offer better enclosure to reduce the impacts of noise and disturbance to neighbouring properties. It is also stated that the screening to the front will protect customers from stones and debris kicked up by vehicles using the road.
17. I acknowledge that the public house is a valuable local community facility and its continued operation would provide meaningful public benefits, which are also supported by JLP Policy LP18 given its location within the NL. I also concur that reducing noise transmission to neighbouring properties would be of some public benefit, as would the provision of an accessible WC. However, the viability and noise reduction claims lack detailed support or formal

appraisals to confirm these benefits. In terms of the screening, Upper Street has a solid surface and a 30mph speed limit near the site, and I did not observe cars to travel at great speed along it. Aside from the appellant's statement, no compelling evidence supports the claim that debris from the road presents a risk to patrons. Therefore, I am not convinced that the screens are necessary for safety.

18. Given the great weight that must be given to the conservation of the CA, I find that the public benefits do not sufficiently outweigh the harm to its significance.
19. For the reasons given above, I conclude that the proposed development would harm the character and appearance of the area, including the NL, and would fail to preserve or enhance the character or appearance of the CA, resulting in harm to its significance that would not be outweighed by public benefits. In respect of this issue, the proposal would therefore conflict with Policies LP18, LP19 and LP24 of the JLP, and the provisions of the Framework, the aims of which have previously been set out.

Living conditions

20. In addition to the aims set out under the previous issue, Policy LP24 of the JLP seeks to ensure that all development protects the health and amenity of occupiers and surrounding uses. Policy LP15 of the JLP seeks to prevent, mitigate or reduce all forms of pollution. It also seeks to avoid significant adverse amenity impacts where a proposal is located adjacent to or close to existing uses, and for this to be convincingly demonstrated by impact assessments where appropriate.
21. The site is close to several sensitive noise receptors, including Vale Cottage and the dwellings within Anchor Close to the west and northwest. The appellant contends that the recent construction of the dwellings within Anchor Close – on land formerly associated with the public house – places undue constraints on the public house's continued operation, particularly in terms of noise.
22. While I recognise that the public house significantly predates the dwellings in Anchor Close, the lawful status of these dwellings requires consideration of their occupiers' living conditions. It would also be inappropriate for me to revisit past decisions regarding their approval.
23. The appellant suggests that the proposed development would internalise noise sources and reduce disturbances for neighbouring occupiers. While the proposal could indeed improve noise conditions, it is also likely to increase capacity and levels of activity within the premises. Limited information has been provided regarding soundproofing measures or other strategies to ensure that the development would not adversely affect the living conditions of nearby residents.
24. I note that several neighbouring occupiers have raised concerns about noise and disturbance, both existing and anticipated. The appellant's evidence on these matters is largely anecdotal and lacks technical detail. Given the site's proximity to residential properties, I am not convinced that the proposal would adequately protect the living conditions of nearby occupiers.

25. I therefore conclude, due to a lack of evidence to demonstrate otherwise, that the proposal would likely harm the living conditions of the occupiers of nearby properties through noise and disturbance. In respect of this issue, it would therefore conflict with Policies LP15 and LP24 of the JLP, the aims of which have previously been set out.

Ecology and biodiversity

26. Policy LP16 of the JLP states that development which would have an adverse impact on species protected by legislation will not be permitted unless there is no alternative and suitable measures have been taken to reduce disturbance to a minimum, to maintain the population identified on site, and to provide adequate alternative habitats. Policy LP16 also requires development to identify and pursue opportunities for securing measurable net gains, equivalent of a minimum 10% increase, for biodiversity.
27. The Council is concerned that, due to the age of the outbuilding involved in the proposal, the development could disturb roosting bats. The appellant, based on their own observations, contends that the building lacks bat roost potential. While the appellant's correspondence with the Council reflects a willingness to address this issue through a suitable study or survey, no such study has been provided with the appeal. Without substantive evidence to demonstrate that harm to bats – a protected species – would be avoided, I am not convinced the proposal would address the requirements of Policy LP16.
28. Furthermore, the proposal includes very limited detail concerning biodiversity, and I am provided with no compelling evidence that it would deliver a net gain in biodiversity. Therefore, I am not persuaded that the proposal would satisfy the requirements of Policy LP16 in this respect.
29. For the reasons above, I conclude that the proposal fails to evidence that it would avoid harm to protected species or deliver appropriate net gains in biodiversity. This would result in harm to ecology and biodiversity objectives and conflict with Policy LP16 of the JLP, the aims of which have previously been set out.

Highway safety

30. JLP Policy LP29 requires all development to demonstrate safe and suitable access, to be informed by relevant parking guidance, and for development that is expected to, or is likely to cause a significant increase in transport movements, to be supported by a suitable assessment.
31. I have considered the Suffolk Guidance for Parking, Technical Guidance, Fourth Edition – October 2023 (the SGP). Based on the SGP figures, the Council advises that the proposal should provide, inter alia, 67 standard vehicle spaces and 17 disabled spaces.
32. While the SGP indicates that car parking guidance is advisory, the Council notes that the site currently offers approximately 18 standard parking spaces. Although the proposal would likely increase the capacity of the public house, it would not do so substantially, and additional parking is proposed, although the layout is unspecified. While I understand the concerns from interested parties regarding parking provision, a more than three-fold increase, as suggested by the SGP figures, seems excessive.

33. Paragraph 115 of the Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Given this, and noting the local highway authority's lack of objection, I am not persuaded that the proposal would conflict with the provisions of the development plan or the Framework in respect of this issue.
34. For the reasons given above, I conclude that the proposal would not harm highway safety in terms of parking provision. It would therefore accord with Policy LP29 of the JLP and the provisions of the Framework, as previously set out.

Other Matters

35. I acknowledge the appellant's concerns regarding the Council's handling of the planning application and the perceived unfairness in the appeal process, particularly regarding the time allowed for the Council's response to the appeal submission.
36. This appeal has followed the standard timetable outlined in the Procedural Guide to Planning Appeals, which establishes standard timescales for the submission of an appeal and responses to evidence. This information was publicly available to the appellant when the appeal was lodged. I am therefore not persuaded that any party has been prejudiced in this appeal process.

Conclusion

37. Although I have identified no harm in respect of highway safety, the proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, to lead me to a decision other than in accordance with the plan. I therefore conclude that the appeal should be dismissed, and planning permission refused.

P Storey

INSPECTOR