



Appeal Decision

Site visit made on 5 November 2024

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th November 2024

Appeal Ref: APP/W3520/D/24/3336356

Limes Cottage, Chapel Lane, Earl Stonham IP14 5HP

- 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 Hugh Cumberland against the decision of Mid Suffolk District Council.
 - The application Ref is DC/23/02976.
 - The development proposed is described on the application form as the erection of timber framed annexe.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal relates to an application affecting the setting of a listed building. In determining the appeal, in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have paid special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Main Issues

3. The main issues are:
 - whether the proposed development would preserve the setting of the Grade II listed building, Limes Cottage; and
 - whether the proposed development is tantamount to a self-contained dwelling.

Reasons

Heritage assets

4. Limes Cottage is a Grade II listed building¹, dating from the late 17th century with later additions and alterations. The main range is timber-framed with a plastered and colourwashed wattle and daub infill, with a thatched roof over. Despite its expansion and alteration over time, the listed building maintains a strong architectural form and presence here.
5. The special interest and significance of the listed building is largely derived from its historic and architectural interests. Important contributors in these

¹ List Entry Number: 1246208

regards are its traditional construction techniques and use of materials, together with surviving historic fabric.

6. Pertinent to the appeal, in relation to the settings of the listed buildings and the contribution they make to the special interest and significance of assets, I have had regard to the definition of setting within the National Planning Policy Framework (the Framework).
7. The garden plot within which the dwelling sits has an historic, visual and functional connection with the heritage asset. These grounds are defined by mature landscaping along the boundaries. These grounds form the asset's immediate setting and it is from here that the asset is best appreciated. This immediate setting contributes considerably to the asset's special interest and significance.
8. The established south-west additions to the building have introduced elements to the historic core of the building which project forward of its historic side and rear elevations. Whilst I accept that these later elements are somewhat at odds with the older core of the property, the predominantly linear evolution of the building, taken as a whole, nonetheless remains intact and a prominent feature.
9. The proposed annex would compromise this, being of a comparatively large scale relative to the existing extensions and historic core. Although single-storey, the arrangement of the annex, positioned at a right angle to the main dwelling and forward of its front elevation, would harmfully disrupt the modest scale and simple form of the existing property. The proposed development would effectively form a central yard area surrounded by buildings, including the small existing outbuilding to the south-east of Limes Cottage. This arrangement would be uncharacteristic of the site. The development would also harmfully erode the rural setting of Limes Cottage, diminishing the ability to appreciate the significance of the asset and weakening the contribution that the immediate setting makes to that asset's significance.
10. I acknowledge that the annex would be largely out of view from the surrounding area, albeit visible from some public vantage points, including the site entrance. However, listed buildings are safeguarded for their inherent architectural and historic interest, irrespective of whether public views of the building or any of their curtilage structures can be gained.
11. I acknowledge the reduced scale of the annex and other amendments made during the course of the planning process. I also acknowledge that no historic fabric would be altered in the existing building, that there is a change in levels and that alternative locations across the site are not deemed by the appellant to be appropriate for a development of this nature. However, for the reasons set out above, I have found the proposal would not preserve the modest scale and simplicity in form which contribute positively to the building's special interest, and those matters carry little weight in favour of the proposed scheme. The existence of a structure with a similar roof profile elsewhere in the village does not mean that this scheme should automatically be found to be acceptable, particularly where harm has been identified.
12. Overall, I conclude that the proposed development would fail to preserve the setting of the Grade II listed building, Limes Cottage, contrary to the

requirements of section 66(1) of the Act. Consequently, the proposal would harm the significance of this designated heritage asset.

13. Paragraph 205 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification.
14. With reference to paragraphs 207 and 208 of the Framework, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. Given the extent of the works relative to the listed building, I find the harm to be 'less than substantial' in this instance but, nevertheless, of considerable importance and weight. Under such circumstances, paragraph 208 advises that this harm should be weighed against the public benefits of the development, which includes securing the asset's optimum viable use.
15. Economic benefits would be brought about through the construction phase. However, the scale of those benefits is short-term and very limited by the extent and nature of the proposal. The primary outcomes of the proposed works, namely the increase to living accommodation, would be a private benefit to the appellant and their family that does not provide clear and convincing justification for allowing the appeal.
16. Overall, the weight that I ascribe to the public benefits that accrue from the development is not sufficient to outweigh the considerable importance and weight that I attach to the harm I have found. Accordingly, the proposed development would fail to preserve the setting of the Grade II listed building, Limes Cottage.
17. Accordingly, the proposed development is contrary to the requirements of section 66(1) of the Act. The development also conflicts with the relevant provisions of Policy LP19 of the Babergh and Mid Suffolk Joint Local Plan (LP, 2023), which in summary seeks to protect heritage assets.

Whether or not a self-contained dwelling

18. The proposed development comprises the erection of a single-storey structure to the front of the existing Limes Cottage. It would be physically separate from Limes Cottage and would contain three bedrooms, an open plan kitchen, living room, dining area and bathrooms. It is intended to use the building as accommodation ancillary to the main dwelling, in particular for family members to use.
19. LP Policy LP02 sets out that residential annexes will be supported where the proposal is ancillary and subordinate in scale to the host dwelling; does not involve the physical subdivision of the residential curtilage; and is designed to easily allow for the annex to be integrated later into the main building as a single dwellinghouse when the need no longer exists.
20. Whilst the building could be capable of independent residential occupation, by reason of the facilities provided within it, this is based on a hypothetical eventuality. There is no evidence before me that indicates that this is proposed. Moreover, although the building would be relatively large and

physically detached from the main house, it would be, on the whole, subordinate in scale to the host property, and would be positioned close to it. The proposal would not involve the physical subdivision of the existing curtilage and the existing garden areas and driveway would be retained and shared with the annex. Furthermore, a suitably worded condition, as supported by LP Policy LP02, would provide sufficient certainty to ensure that this would remain the case.

21. Overall, the proposed development would not be occupied as a separate self-contained dwelling, in accordance with the relevant provisions of LP Policy LP02. This policy, in summary, seeks to ensure that residential annexes remain as such. Nevertheless, the lack of harm identified under this main issue does not outweigh or overcome the harm identified under the first main issue.
22. In determining that the proposed development would not form a separate dwelling, referenced LP Policy SP03 is not relevant to this main issue.

Other Matters

23. My attention is drawn to a series of other annex schemes found to be acceptable. In the case of Walnut Farm, the Inspector found the scheme to be acceptable. However, despite there being limited information before me regarding that case, it is apparent from the appeal decision that the dispute related to the principle of the annex, not the effect on heritage assets.
24. I have no substantive information before me in respect of the Yaxley Hall, 42 Forest Road, Holly Bank House or Oak Lodge cases. However, from the limited information I do have, Yaxley Hall appears to relate to a much larger host property and 42 Forest Road appears to relate to an annex to the rear of the host building. Ultimately, the circumstances between the appeal scheme and those other cases are different. The existence of those other schemes has not led me to an alternative conclusion on heritage matters in this appeal.
25. I note that there are no neighbour objections to the proposed development and that the Parish Council did not object to the amended scheme. However, this is a neutral consideration.

Personal circumstances

26. The appellant has identified personal circumstances in that the proposed development would provide accommodation for family members who currently live away from the site, including a young person who requires daily care.
27. Accordingly, I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment, and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. From the evidence, my decision has the potential to affect a person with a protected characteristic for the purposes of the PSED. However, it does not follow that the appeal should necessarily succeed. The appellant has also referenced the rights set out under Article 3(1) of the United Nations Convention on the Rights of the Child, and I have taken the best interests of the child into consideration in making my decision.

28. I appreciate that in dismissing the appeal, individuals would be unable to derive the benefits of being located closer to family, having the potential to disproportionately affect them. Nevertheless, I have no substantive evidence before me to indicate that the accommodation proposed within the annex could not be provided either within the main house, in a smaller or less harmful location within the site, or that no other form of accommodation would be obtainable. For these reasons, I find that this factor is not sufficient to outweigh the harm that I have found.

Conclusion

29. For the reasons above, having had regard to the development plan as a whole and to all other relevant material considerations, I conclude that the appeal should be dismissed.

A Price

INSPECTOR