



Appeal Decision

Site visit made on 26 February 2025

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 March 2025

Appeal Ref: APP/D3505/W/24/3348561

Parsonage Green Farm, Parsonage Green, Cockfield, Suffolk IP30 0HB

- 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 P Beales against the decision of Babergh District Council.
 - The application Ref is DC/23/05157/FUL.
 - The development proposed is the change of use of agricultural building to light industrial (Class E).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024 and updated it on 7 February 2025. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

Main Issues

3. The main issues are:
 - Whether this is a suitable location for the proposed development, with particular regard to development plan policy;
 - The effect of the proposed development on the setting of nearby listed buildings; and
 - Whether the proposed development would make adequate provision for Biodiversity Net Gain.

Reasons

Whether a Suitable Location

4. The appeal site comprises a 0.6-hectare parcel of land, with a range of buildings, situated to the rear of Parsonage Green Farmhouse. The vehicular access to the site is via an unclassified single-width road off Howe Lane. The current use of the land and buildings within the appeal site is agricultural. The surrounding area is predominantly rural, and it is not disputed that the appeal site is located within the open countryside.

5. The proposed development would comprise the change of use of existing agricultural buildings to a Class E¹ use, creating approximately 480m² of light industrial floorspace². The application form indicates that the proposed use is earmarked for an existing local carpentry business Lavenham Joinery Ltd providing employment for seven employees. Some of the buildings on site are excluded from the proposed change of use, these would be retained as existing.
6. Policy SP03 of the Babergh and Mid Suffolk Joint Local Plan - Part 1, adopted November 2023 (the JLP) sets out the overarching development strategy for the plan area. Policy SP03 states that outside the settlement boundaries, development will normally only be permitted where; a) the site is allocated for development; or b) it is in accordance with a made Neighbourhood Plan; or c) it is in accordance with one of the policies listed in Table 5; or d) it complies with Paragraph 80 (now Paragraph 84) of the Framework.
7. I have not been provided with any evidence to indicate that the appeal site is allocated for development or that there is a relevant Neighbourhood Plan which covers the appeal site. Therefore, the proposed development would not comply with criterion (a) or (b) of Policy SP03.
8. In respect of criterion (c), Policies SP05 and LP09 listed under Table 5 of the JLP have been drawn to my attention in that they relate to the provision of employment land. Policy SP05 of the JLP establishes the strategic approach to employment land by directing new development to strategic employment sites and along strategic transport corridors, whilst also protecting other land already used for employment purposes.
9. The appeal site is not identified as a strategic employment site, nor is it located along a strategic transport corridor. Additionally, whilst its current use of the appeal site is for agriculture it is not an existing employment site for the purposes of this policy. Furthermore, the supporting text to Policy SP05 explains that the policy approach is based, in quantitative terms, on there being an adequate land supply through vacant land on strategic employment sites, together with designated and approved sites, to meet additional employment land requirements over the Plan period.
10. Policy LP09(1) of the JLP states that proposals for employment use must be sensitive to the surroundings, including any residential and other amenity, landscape and heritage assets; demonstrate a high standard of design; where necessary provide contributions to the enhancement of the digital infrastructure network; and demonstrate a safe and suitable access for all users, sufficient on-site parking and that it will not have a severe impact on the road network. The supporting text to the policy indicates that the purpose of this policy is to provide a planning framework which encourages development of employment uses of the right type, in the right place.
11. Whilst Policy LP09 sets out a framework for employment development, it does not provide specific guidance on the location of new employment uses, with the exception of the second part of Policy LP09 which relates to employment development within the curtilage of a residential property. However, this is not applicable to this case. On this basis, I find that it has not been demonstrated that

¹ The Town and Country Planning (Use Classes) Order 1987 (as amended)

² Use Class E(g)(iii)

the proposed development would be in accordance with any of the policies listed in Table 5 of the JLP and would not comply with criterion (c) of Policy SP03.

12. Finally, Paragraph 80 (now Paragraph 84) of the Framework relates to the development of isolated homes in the countryside, which is not relevant to this proposal. Therefore, the proposed development would not be in accordance with criterion (d) of Policy SP03.
13. The Framework is a material consideration and at Paragraphs 88 and 89 it recognises that sites to meet local business and community needs of rural areas may have to be found outside existing settlements and supports sustainable growth and expansion of all types of businesses in rural areas. Nonetheless, the above policies are contained within a recently adopted Local Plan and therefore can be afforded significant weight. The JLP does not prevent development in rural areas for employment purposes but seeks to direct development to the most sustainable locations and protect existing employment sites.
14. I have also had regard to the existence of permitted development rights³ in connection with the re-use of rural buildings for a variety of uses including commercial uses⁴. However, I have not been presented with any substantive evidence that these represent a realistic fallback position, and therefore attribute this limited weight.
15. My attention has been drawn to an appeal decision⁵ which relates to the development of new commercial buildings. However, although I accept that this appeal site was also located in the open countryside, it differs in that it relates to development within an existing commercial site, with existing buildings. It is not therefore directly comparable to the current appeal proposal.
16. For the above reasons, I conclude that the appeal site would not be a suitable location for the proposed development, with particular regard to development plan policy. Thus, the proposal would fail to comply with Policies SP03, SP05 and LP09 of the JLP, which require amongst other things, development to be located within the most sustainable locations by directing new employment development to strategic employment sites and along strategic transport corridors, whilst also protecting other land used for employment purposes.

Setting of Listed Buildings

17. The appeal site is located immediately to the east of The Old Rectory⁶, a Grade II listed building. Rest Cottage⁷, also a Grade II listed building, is located to the northwest of the sit. There is no intervening-built development between the appeal site and these listed buildings. Section 66(1) of the Listed Buildings Act 1990 requires special regard to be had to the desirability of preserving the building, its setting, and any features of special architectural or historic interest which it possesses.
18. The significance of The Old Rectory is primarily derived from its architectural interest as a late C18th gault brick building which its within substantial landscaped grounds and has a (part) circular moat, noted as being evidence of the occupation

³ Town and Country Planning (General Permitted Development) (England) Order 2015

⁴ Schedule 2, Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015

⁵ Appeal Ref: APP/W3520/W/23/3328850

⁶ List Entry Number: 1037299

⁷ List Entry Number: 1351474

of the site dating back to the C16th or C17th. It also derives its significance from its historical interest due to its association with the Parish Church and the writer Robert Louis Stevenson, who stayed at the property.

19. The significance of Rest Cottage is primarily derived from its architectural interest as a C17th or C18th example of a local vernacular, timber-framed cottage. It is located on the opposite side of the road to the appeal site and The Old Rectory.
20. Both The Old Rectory and Rest Cottage are found within a rural setting, which is largely an undeveloped, agricultural landscape. The rural setting contributes to the significance of these buildings and part of their setting is the rural and tranquil environment in which they can be enjoyed.
21. Policy SP09 of the JLP requires development to support and contribute to the conservation, enhancement and management of the natural and local environment and networks of green infrastructure, including landscape, biodiversity, geodiversity and the historic environment and historic landscapes.
22. Policy LP19 of the JLP also states that all designated and non-designated heritage assets must be preserved, enhanced or conserved in accordance with statutory tests and their significance, including consideration of any contribution made to that significance by their setting.
23. The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3 (Second Edition), published 2017 and the PPG⁸ states that the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust, smell and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. It further states that the contribution that setting makes to the significance of the heritage asset does not depend on there being public rights of way or an ability to otherwise access or experience that setting.
24. Based on the evidence before me and my own observations at my site visit, the landscaped gardens associated with The Old Rectory contribute to the setting and significance of this heritage asset. The grounds are for the most part designed with ornamental features, water and an island, all of which contribute positively to the setting. The enjoyment of the garden areas is part of the setting in which the heritage asset is experienced, although private grounds, this does not diminish the contribution.
25. The appeal is supported by a Noise Impact Assessment⁹ which sets out the potential noise impacts of the proposed development and includes mitigation measures which seek to not only adhere to the BS 4142 guidance, but to reduce noise impacts to a minimum. The proposed mitigation measures would include provision of a straw bale barrier along the boundary with The Old Rectory to mitigate noise from vehicles and further noise mitigation measures are proposed in respect of the alterations to the existing buildings.
26. It is not disputed that the proposed change of use would be likely to result in some change to noise levels experienced within the vicinity of the site. However, I have had regard to the existing use of the site, which comprises a range of existing buildings, which could be used for a range of agricultural purposes without

⁸ Paragraph: 013 Reference ID: 18a-013-20190723

⁹ Prepared by Oakridge Environmental Services Limited (dated January 2024)

restriction. In particular, this could potentially include noisy vehicle comings and goings not dissimilar to that of the proposed light industrial use. Therefore, whilst I acknowledge that the proposed change of use would introduce a different type of activity, I am not persuaded that this would be likely to give rise to more intensive activity or noise disturbance than is currently experienced or likely to be experienced if the existing uses continued. For these reasons, I find that the proposed development would not result in a detrimental impact on the tranquil, quiet rural setting in which two nearby listed buildings are experienced.

27. Accordingly, I therefore find that the proposed development would preserve the setting of the nearby listed buildings and the contribution it makes to their significance. Thus, the proposed development would comply with Policies SP09 and LP19 of the JLP which seek amongst other things, to preserve designated heritage assets and their significance, including consideration of any contribution made to that significance by their setting.

Biodiversity Net Gain

28. The proposed development is exempt from mandatory Biodiversity Net Gain¹⁰ (BNG), as the application was submitted prior to the 12 February 2024. However, Policy LP16 of the sets out, amongst other things, that development proposals must identify and pursue opportunities for securing measurable net gains, equivalent of a minimum 10% increase, for biodiversity.
29. The application was accompanied by an Ecological Assessment and Preliminary Roost Assessment. Whilst no specific proposals for the delivery of BNG have been provided the Council is satisfied that this requirement could be secured by the imposition of suitably worded planning conditions. However, as I am dismissing the appeal for other reasons, I have not considered this matter further.

Other Matters

30. I have had regard to third party concerns including but not limited to highway safety, noise and ecology. These matters were before the Council when it determined the planning application and did not feature in the reasons for refusal. Based on the evidence before me, and from my own observations, I have no reason to disagree with the Council's assessment of these matters.

Conclusion

31. For the above reasons, although I have found that the proposed development would not cause harm to the setting of nearby listed buildings and that biodiversity enhancements could be secured through the imposition of planning conditions, the proposed development would not be in a suitable location having regard to development plan policy. Therefore, the development does not accord with the development plan as a whole and there are no material considerations of sufficient weight, including the Framework, which indicate that I should take a different decision other than in accordance with it and I conclude that the appeal should be dismissed.

K Lancaster

INSPECTOR

¹⁰ Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021)