



Appeal Decision

Site visit made on 19 March 2025

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 April 2025

Appeal Ref: APP/X3540/W/24/3350413

Agricultural Land Between B1121 and River Fromus, Saxmundham

- 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 William Notcutt (William Notcutt Estates Ltd) against the decision of East Suffolk Council.
 - The application Ref is DC/23/3360/FUL.
 - The development proposed is the change of use from agricultural land to dog walking/exercise facility.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In accordance with the statutory duty set out in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have given special regard to the desirability of preserving Hurts Hall or its setting or any features of special architectural or historic interest which it possesses.
3. My attention has been drawn to another dog walking/exercise facility at Pettistree which has been permitted. I viewed that facility unaccompanied from outside of the site during my visit to the area and was able to observe the type of fencing proposed to be used at the appeal site, a similar entrance arrangement and car park to that proposed and an example of a field shelter.

Main Issues

4. The main issues are the effect of the proposed development on (i) the setting of Hurts Hall and (ii) the setting of the Saxmundham Conservation Area (CA).

Reasons

Listed building

5. Hurts Hall is a substantially sized country house dating from 1893 which is listed at grade II. It sits to the south of Saxmundham and retains some of its surrounding parkland. Whilst the appeal site formerly was also parkland associated with the hall, it is understood to have come under different ownership in 1957. It is now in use as farmland on which arable crops are grown. Nonetheless, its undeveloped form allows vision across it towards Hurts Hall, including from a number of gaps in the existing hedgerow. This contributes to key views of the hall taken from the south of the settlement. In this context, I am satisfied that the appeal site falls within the setting of the listed building.

6. The proposal would change the land to mown grassland and would include a wildflower planting strip. When considered in isolation this would be, in visual terms, a reversion, back more towards the historic appearance of the appeal site when it was in use as parkland. However, the use would also necessitate elements of operational development, which are shown on the plans submitted. This would be perimeter fencing and the formation of both a new access onto the B1121 and a car parking area. In order to provide the necessary visibility splays, a substantial length of the existing hedge along the B1121 would need to be removed and a new hedge line planted.
7. Although there is already some fencing of the type proposed present on the appeal site and the wider parcel of land of which it forms part, this provides separation between the land in agricultural use and a recently planted woodland. It does not enclose a larger area of the field as such, is set well away from the public highway and on a lower ground level than Hurts Hall. The additional fencing proposed is not low in height, would be constructed from steel and be of a mesh design. It is not a type of fencing that would be typically expected to enclose fields in rural locations. What is proposed would therefore be materially different in terms of its impact in comparison to what already exists. The car parking area would be an entirely new feature on the appeal site. Both would have an impact on land which is within the setting of Hurts Hall and would cause harm to its significance due to their appearance and visual relationship to the hall.
8. The new hedge line would screen the fencing from the B1121 and thus in many views towards Hurts Hall, but this would be reliant on the hedge reaching the same height as the fence and being retained in perpetuity. If it were not retained as such, it would appear in the foreground of views taken from this road towards Hurts Hall. Even if those stipulations could be achieved this would only reduce the harm but not totally remove it, and the impact on the setting of the listed building is not defined solely from public viewpoints. For example, the impact on the setting of Hurts Hall would be readily apparent from nearby properties such as the Long House. The block plan provided also suggests that the replacement hedging would not extend the full length of the appeal site frontage and would stop short of the southern edge of the settlement. Views towards Hurts Hall would therefore be likely to remain in that area.
9. In conclusion, the proposed development would cause harm to the setting of Hurts Hall. Consequently, it would not accord with Policy SCLP11.4 of the Suffolk Coastal Local Plan 2020 (LP) where it seeks to ensure that proposals do not cause harm to the settings of listed buildings. There would also be a conflict with the aims of the National Planning Policy Framework (the Framework) in the same respect and with the statutory duty set out in the Planning (Listed Buildings and Conservation Areas) Act 1990.

Conservation area

10. The Saxmundham Conservation Area Appraisal 2016 (SCAA) states that the setting of the CA is much enhanced by private parks, with Hurts Hall providing expansive attractive rural character before entering the density of the town. Upon crossing the CA boundary, an abrupt change between the open countryside and the town is noted in the SCAA. Key views as outlined in the Saxmundham Neighbourhood Plan 2023 (NP) are found in this area, in particular looking towards the east and south.

11. The appeal proposal would alter the relationship with the edge of the settlement and thus affect the setting of the CA. The introduction of fencing, the parking area and the repositioning of the hedge line would alter the appearance of the site from both public and non-public views, in much the same ways as I have described with respect to the first main issue in this appeal. They would lessen its current form as open countryside. Given the noted importance of the open land to the south of the settlement, this would cause harm to the setting of the CA.
12. For these reasons, the proposed development would fail to accord with Policy SCLP11.5 of the LP, where it seeks to protect the setting of CAs. There would also be a conflict with the aims of the Framework in that regard.

Other Considerations

13. The Council does not dispute that fencing of the same height as proposed could be erected in the same location as permitted development under The Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO). Reference is also made by the appellant to the formation of a car parking area under permitted development rights, but no specific details have been provided to support this
14. In order to establish whether a fallback position is a material consideration, the courts have set out there should be a greater than a theoretical possibility that the alternative development might take place, or in other terms a real prospect of the fallback being implemented.
15. In this instance, the appeal site is currently in use as an arable field. Therefore, it would be highly unlikely that the appellant would seek to enclose it with mesh fencing or to construct a car park of the size proposed. Accordingly, I do not weigh the matter relating to the provision of fencing and car parking as permitted development in favour of permitting the appeal proposal.
16. It is also suggested that the whole of the appeal site could be planted with trees, however this would negate the ability to grow crops on it and therefore it is not clear why this option might be pursued. This consideration too does not therefore weigh in favour of the proposed development.
17. I acknowledge that a woodland strip has been planted to the east of the appeal site and that this could have the potential to affect views of Hurts Hall. However, at the present time the trees are not tall and do not impair views. I am not able to establish with any reasonable certainty whether those trees will affect the visibility of Hurts Hall in the future, and to what extent. I have therefore based my assessment on the surroundings as they exist at the present time.

Planning Balance and Conclusion

18. I have found that the proposed development would cause harm to the setting of both Hurts Hall and the CA. Given the nature of the proposed development and that the harm would be localised, I consider that less than substantial harm to the listed building and CA would arise. However, in light of the statutory duty that relates to listed buildings, the harm that would be caused with respect to Hurts Hall carries considerable importance and weight in the planning balance of this appeal.
19. Paragraph 215 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage

asset, this harm should be weighed against the public benefits of the proposal. In that respect, the appellant highlights that there would be benefits with regard to biodiversity gain and social benefits from a secure dog walking/exercise area within easy walking distance of the town.

20. The Ecological Assessment sets out that biodiversity enhancement measures would be delivered in the form of the new native rich hedgerow and through a wildflower grassland with wildflower nectar mix in a six metre wide margin. The extent of the biodiversity enhancement is not however quantified in the assessment, and overall I afford this consideration moderate weight in favour of the appeal proposal.
21. In terms of the social benefits, it is intended that the proposed use would be limited to one customer at any one time. That said, there would be benefits to members of the public who wish to walk their dogs away from other dogs, for whatever reason. However, I have not been made aware of any pressing concerns that exist with regard to existing options for dog walking that are available in Saxmundham and its surrounding area. This consideration therefore carries limited weight in support of the appeal proposal.
22. In conclusion, the proposal would be contrary to the development plan and the harm caused to the setting of the listed building, which carries considerable importance and weight, alongside the harm to the setting of the CA, would not be outweighed by public benefits. Therefore, having regard to the development plan, the statutory requirements set out in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to paragraph 215 of the Framework, the appeal should be dismissed.

Graham Wraight

INSPECTOR