
Appeal Decision

Site visit made on 4 August 2025

by **P Terceiro BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 AUGUST 2025

Appeal Ref: APP/F3545/W/24/3356119

Ducks Hall, Ducks Hall Lane, Cavendish, Suffolk CO10 8AL

- 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 and Mrs Geert and Margaret Willemsen against the decision of West Suffolk Council.
 - The application Ref is DC/24/0463/FIL.
 - The development proposed is described as a. three dwellings with demolition of existing steel barns
b. associated access.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr and Mrs Geert and Margaret Willemsen against West Suffolk Council. This application is subject to a separate decision.

Preliminary Matters

3. In the banner heading above, I have used the description of development in the appeal form as this more accurately describes the development. However, I have removed any wording which does not relate to acts of development.
4. During the appeal the West Suffolk Local Plan 2025 (LP) was adopted by the Council. The Council has subsequently provided details of those relevant development plan policies, and the appellant has had an opportunity to comment on them and so has not been prejudiced. I will duly refer to the new policies in the determination of this appeal.

Main Issues

5. The main issues are:
 - whether the proposal would be in a suitable location for housing, having regard to the development strategy for the area; and
 - the effect of the proposal on the setting of the nearby Grade II listed building, Ducks Hall.

Reasons

Suitability of location

6. The appeal site is not located within a settlement boundary, and it therefore falls within the countryside for the purposes of planning policy. LP Policy SP21 sets out that proposals for new dwellings will be permitted in the countryside subject to satisfying the criteria listed.
7. The appeal site accommodates two detached barns which form part of a small group of properties positioned in a broadly linear pattern along the eastern site of Ducks Hall Lane, a narrow rural lane which is predominantly characterised by open fields with sporadic development. There are less than seven dwellings within the group and development is loose knit with gaps between the buildings. Therefore, the proposal would not satisfy criterion a of LP Policy SP21.
8. While the appeal site adjoins Ducks Hall, it borders open countryside to the south. As such, the proposal would not consist of the infilling of a small undeveloped plot and therefore would not satisfy criterion b of LP Policy SP21.
9. The site lies within a remote location, and I am unaware of public transport accessibility from near to the site. Ducks Hall Lane is a narrow lane which does not have a separate footpath, nor street lighting. It is therefore unlikely that walking would be a realistic option for future occupants of the proposal, particularly during the winter, due to the weather and shorter days. Cycling from the appeal site would likely be limited to confident adults used to rural roads. As such, it is unlikely that future residents would walk or cycle as a matter of routine. The proposal would fail to satisfy criterion c of LP Policy SP21.
10. LP Policy LP16 relates to the residential use of redundant buildings in the countryside. Since the proposal seeks to replace an existing building, it would not benefit from support under this policy.
11. LP Policy LP26, concerns the replacement of buildings in the countryside. It states that buildings which have become so derelict, that they have been abandoned or are otherwise incapable of adaptation or reuse will only be considered suitable for replacement in exceptional circumstances. However, the evidence indicates that this policy refers to the replacement of buildings for employment purposes. As such, the proposal would not be supported under this policy.
12. Therefore, the proposal would not be in a suitable location for housing, having regard to the development strategy for the area. It would therefore be contrary to LP Policies SP21, LP16 and LP26, which amongst other things seek to protect the countryside from inappropriate development.

Setting of listed building

13. Ducks Hall, a Grade II listed building, is adjacent to the appeal site. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty upon me to have special regard to the desirability of preserving the building or its setting.

14. Ducks Hall is a substantial, detached dwelling that turns its side elevation to the road and is set within expansive grounds. The listing description¹ describes Ducks Hall as 17th century timber-framed and plastered house, with two storeys and tiled roof. The west end is gabled, with a slightly projecting upper storey and two window range, whereas the front elevation has a six-window range.
15. The dwelling fronts an area laid to lawn, beyond which the space is laid to hardstanding for parking purposes. Opposite the dwelling there is a large single storey barn which the Council finds to be curtilage listed. The appellant has provided limited evidence to demonstrate otherwise, and on this basis, I have considered the barn to be curtilage listed. Insofar as it is relevant to this appeal, the significance of the listed building derives from the traditional connections with the agricultural surroundings and manner of construction.
16. The site is a large parcel of land comprising a significant amount of hardstanding as well as two detached barns. Their modern design detracts from the historic appreciation of the listed building to some extent. This is however tempered by the agricultural appearance of the outbuildings and sitting within a landscape that is rural in character.
17. The proposed development would result in the substantial erosion of the rural character of the site through the introduction of three detached dwellings, each with their associated domestic garden, driveway and parking arranged in a formal layout. The residential character of the scheme, together with its scale and assertive design, would be harmful to the setting of Ducks Hall in which it is appreciated. The proposal would have a visual linkage with Ducks Hall given the physical proximity between both sites, and the scheme would be experienced in the same context as the listed building, particularly on approaching it while travelling north along Ducks Hall Lane.
18. As such, notwithstanding the appearance of the existing barns, the proposal would fail to enhance the experience of the listed building within its setting through the loss of agricultural context and formation of a modern housing development. the use of planning conditions to restrict permitted development rights would not successfully overcome this harm. Consequently, the proposed development would fail to preserve the setting of the listed building and result in a medium level of less than substantial harm.
19. The National Planning Policy Framework (the Framework) advises that where proposals would lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
20. In terms of public benefits, the proposal would deliver new housing and would improve the local housing mix. Some economic benefits would be accrued during the period of construction and once the dwellings are occupied, since new residents would likely support local services and businesses. The dwellings would be energy efficient, fully accessible and the proposal would deliver ecological enhancements. The proposal would be an effective use of land. Taken together, these benefits would be minor owing to the small size of the scheme and would not be sufficient to outweigh the great weight I must attach to the harm I have identified to the designated heritage asset.

¹ List Entry Number: 1031777

21. The proposal would therefore fail to preserve the setting of the nearby Grade II listed building, Ducks Hall. It would thus conflict with LP Policy LP35, which requires development to respect the setting of the listed building, including how it is experienced and understood.

Other Considerations

22. The approved Class Q scheme allows for the change of use of the existing Nissen barn into three dwellings. In assessing the implication of this possibility and its likely effects as a fallback position, I have had regard to established caselaw, including the Mansell² judgement to which the appellant referred. In the absence of evidence to the contrary, there is a greater than theoretical possibility that the Class Q scheme might take place should this appeal fail. As such, the Class Q scheme is a realistic prospect and constitutes a fallback position. However, for weight to be afforded to this as a fallback position it would also need to be equally or more harmful than the appeal scheme.
23. The proposal before me would deliver a similar number of dwellings as the Class Q scheme. Therefore, the fall-back position would result in a similar level of harm in terms of conflict with the Council's spatial strategy, and the effect would be neutral in this regard.
24. The existing buildings, whilst large, are characteristic of the surrounding area and of the agricultural land use. The Class Q scheme would be a conversion of the building, and the plans provided show that it would largely retain its shape and form, so it would remain as a simple, unassuming structure. The external spaces around the building would also be largely unchanged and there would be minimal domestication of the site due to restrictions on the amount of land immediately beside or around the building being no larger than the land area occupied by that building.
25. While additional landscaping is proposed including trees, hedgerow and a wildflower meadow, the appeal scheme would spread development across the site, thereby extending much closer to Ducks Hall Lane and encroaching into the agricultural land to the rear. General domestic paraphernalia, fencing and parking would no doubt be more apparent than in the Class Q scheme. The site would take on a stronger residential appearance, with a more formal layout. The Class Q scheme would utilise the existing building and would result in a development that would remain more rural in character and appearance, less harmful to the listed building and to its surroundings than the appeal proposal. Consequently, the current proposal would not represent a benefit in this regard.
26. The appeal proposal would provide energy efficient dwellings. However, I have no detailed information about the extent of any overall betterment between the schemes, nor have I been provided with compelling evidence to demonstrate that energy efficiency could not be achieved within the Class Q scheme. Accordingly, I am unable to assign this any meaningful weight.
27. Drawing all the above together, I find that the fallback position would be less harmful than the appeal scheme. Accordingly, I afford it limited weight.

² Mansell v Tonbridge and Malling BC & others [2017] EWCA Civ 1314

Other Matters

28. The appellant has referred to other planning permissions granted by the Council, allowed appeals and planning permissions granted by other Councils. However, I do not have full details of the circumstances that led to those proposals being accepted. In addition, the schemes which are in other Boroughs would have been assessed against a different policy context. Consequently, I cannot conclude that the examples provided represent a direct parallel to the appeal proposal. As such, I have determined the appeal on its own merits.
29. While the site has been subject of some anti-social behaviour and fly tipping which may require address, and the existing buildings and concrete areas would be removed, I am not persuaded that the proposal before me is the sole means to achieve this. Further, I have no compelling evidence to demonstrate that the proposal would improve the living conditions of local residents.

Planning Balance and Conclusion

30. The proposal would result in a medium level of less than substantial harm to the setting of the listed building. In accordance with the Framework, I attribute great weight to this harm and so the public benefits, taken together, would be insufficient to outweigh the harm that would be caused to the setting of the listed building.
31. I have found that the alternative fallback option would result in a similar level of harm in terms of conflict with the Council's spatial strategy. However, this would not outweigh the harm to the setting of the listed building.
32. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

P Terceiro

INSPECTOR