



Appeal Decision

Site visit made on 11 August 2025

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 04 September 2025

Appeal Ref: APP/D3505/W/24/3357035

Land West of Mill Green, Edwardstone, Suffolk CO10 5PX

- 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 McCallum, STP (Anglia) Limited against the decision of Babergh District Council.
 - The application Ref is DC/24/04112.
 - The development proposed is erection of two dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development above from the planning application form, removing wording that does not form an act of development, in the interests of clarity.
3. The appeal site is adjacent to the Grade II Listed Building, Earls House. In considering whether to grant planning permission, I have been mindful of my statutory duties under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. The Council's fourth reason for refusal related to insufficient information regarding biodiversity net gain. The appellant asserts that the required information was submitted with the application but not taken into account. The Council has confirmed through the appeal that the information provided is sufficient. Consequently, the Council has confirmed that the fourth reason for refusal no longer stands. Therefore, biodiversity net gain will not form a main issue in my consideration of this case.

Main Issues

5. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - whether the proposed development would preserve the setting of the adjacent Grade II listed building, Earls House;
 - the effect of the proposal on the setting of the adjacent non-designated heritage asset, Poplar House; and
 - the effect of the proposal on highway safety.

Reasons

Character and appearance

6. The appeal site comprises part of a grass field. The wider field and adjacent access road are surrounded by substantial boundary hedgerows and vegetation which significantly screen the appeal site from the road. Views across the appeal site from the Public Right of Way (PRoW) to the rear of the wider field are more open.
7. To the south of the appeal site is Earls House, a Grade II listed building, with development beyond consisting of a mix of dwelling types which front onto both sides of Mill Green. The pattern of built form in this location amounts to that of a small rural settlement. Heading north along Mill Green, beyond Earls House, the character of the area becomes more spacious, open and rural in character with more sporadic development in the surroundings. The appeal site contributes positively to this more rural character and appearance.
8. Parking areas that serve dwellings within the vicinity of the appeal site are informal in terms of layout, being discrete in appearance. Soft landscaping is a key feature which softens and breaks up the presence of parking areas. Boundary treatments in the immediate vicinity of the appeal site are all distinctly rural in character with the significant majority being hedgerows and post and rail fencing.
9. Whilst I recognise that the design of the proposed houses in isolation would reflect the varied character and appearance of other built form in the local area, the provision of two dwellings on the appeal site along with the associated domestic paraphernalia, including the access, parking areas and boundary treatments would erode the distinctly rural character of the appeal site and as a result would have a harmful effect on the character and appearance of the surrounding area.
10. The proposal includes the provision of one access with a central area between the proposed dwellings laid out for parking and turning. The parking area would appear as one extensive block of hard surfacing. It would be situated directly behind the proposed front boundary hedgerow and would extend across the central area of the site between the proposed dwellings.
11. Given the positioning, the extent of the hard surfaced area and without any significant areas of relief such as soft landscaping within that central area, I find that it would result in a development which is more urban in character which would not be sympathetic to the character of the immediate surroundings. Whilst it would be screened in part by the front boundary hedgerow, it would be visible across the access point.
12. With regard to the boundary treatments to the northern and southern boundaries, I find that the close boarded fencing proposed would result in an incongruous feature that would not reflect the rural characteristics of the immediate surroundings. These fences would be discernible from the PRoW and from those using the adjacent access track and would appear as a dominant feature, at odds with the more rural boundary treatments present in the immediate surroundings.
13. Consequently, I find that the proposal would result in harm to the character and appearance of the area. It would be contrary to Policies SP09, LP17 and LP24 of the Babergh and Mid Suffolk Joint Local Plan – Part 1 November 2023 (JLP) and

Policy EDW3 of the Edwardstone Neighbourhood Plan Adopted November 2024 (NP). These policies seek, amongst other things, that developments support and contribute to the conservation, enhancement and management of the local environment, that local distinctiveness is reinforced, that it makes a positive contribution to its context including the individual characteristics of each hamlet and that boundary treatments should contribute to the rural character of the area.

Setting - Grade II listed building, Earls House

14. To the south of the appeal site is the Grade II listed Earls House, referred to as Earls Cottages on the official list entry provided by the Council. It comprises a detached two storey timber framed and plastered dwelling, with traditional window and door features, tiled roof and external and ridge level chimney stacks. Earls House is set within a large plot with mature boundary vegetation providing significant screening from both the road and from the appeal site.
15. The special interest and significance of the listed building is largely derived from its historical and architectural interest and the use of traditional materials. The significance of Earls House is also derived, in part, from its setting. The large, enclosed garden area that surrounds the building has an historic, visual and functional connection with the heritage asset and forms its immediate setting where it is best appreciated from. More modern development has occurred to the south of Earls House, which has altered its wider setting, however the surrounding area to the north, east and west is made up of open countryside meaning that the relationship between Earls House and the wider surrounding rural landscape remains legible.
16. The appeal site appears visually and physically separate from Earls House, given the extensive vegetative boundary in place. As a result, the immediate setting of Earls House would remain unaltered. Nevertheless, the development of the appeal site would alter the wider rural setting which is appreciated on the approach to Earls House, through the urbanisation of an area of land which is currently distinctly rural in its character and appearance. The connection with the wider rural landscape would be weakened as a result of the proposal.
17. I therefore find that the wider setting of Earls House would not be preserved. I find that the harm would be less than substantial, but nevertheless of considerable importance and weight. Given the separation and screening between the appeal site and Earls House, I find that the harm I have identified would be at the lower end of the scale of less than substantial harm.
18. Paragraph 215 of the National Planning Policy Framework (the Framework) requires that the less than substantial harm to designated heritage assets should be weighed against the public benefits of the proposal. In terms of public benefits, the proposal would result in two additional dwellings which would contribute to the housing supply. The Framework is supportive of small and medium sized sites, due to them often being built out relatively quickly. The proposal would also contribute to the local economy during the construction phase and through future occupants supporting services and facilities in the local area.
19. Nevertheless, these public benefits, due to the scale of the proposal, would be limited and also tempered by the fact there is an extant permission in place for a scheme that would provide four dwellings. The public benefits would not outweigh

the less than substantial harm to the setting of the designated heritage asset in this case.

20. As such, the proposal would be contrary to Policies SP09 and LP19 of the JLP and Policy EDW7 of the NP. These policies seek, amongst other things, that developments contribute to the conservation and enhancement of the historic environment and that designated heritage assets are preserved, enhanced or conserved in accordance with statutory tests and their significance, including consideration of any contribution made to that significance by their setting. It is also identified that an assessment in this regard should be carried out in line with relevant national policies. The proposal would also be contrary to Section 66(1) of the Act.

Setting – non-designated heritage asset, Poplar House

21. To the north of the appeal site is Poplar House, a two storey detached red brick building which appeared to be subdivided into two dwellings. The Council identify this building as a non-designated heritage asset, and I agree that it is of a traditional form which contributes positively to the rural character and appearance of the area. The significance of this asset is partly derived from its age, design and retained historic fabric. Views from the garden area, the road and the access into the small car park located opposite is where it is best appreciated from.
22. To the north of Poplar House is a public house, directly to the rear appeared to be a campsite with woodland beyond and opposite is the Millenium Green open space and playing field. To the south is the appeal site. A substantial vegetative boundary and an existing access track to the wider field separates the appeal site from the grounds of Poplar House. The spacious and open rural character in the immediate surrounding area, including the appeal site, contributes positively to the wider setting of Poplar House.
23. Paragraph 216 of the Framework states that the effect on the significance of a non-designated heritage asset should be taken into account and that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
24. The appeal proposal would urbanise the appeal site and would result in the erosion of the spacious and open rural character that contributes to the wider setting of Poplar House. I accept that given the separation in built form and the presence of intervening features including the access and the boundary treatment, that the effects on the wider setting of Poplar House would be limited, nevertheless, there would be some harm to the setting of Poplar House.
25. Consequently, the proposal would be contrary to Policies SP09 and LP19 of the JLP and Policy EDW7 of the NP. These policies seek, amongst other things, that developments contribute to the conservation and enhancement of the historic environment and that non-designated heritage assets are preserved, enhanced or conserved in accordance with their significance, including consideration of any contribution made to that significance by their setting.

Fallback position

26. The appellant has provided details of an extant planning permission¹ on the appeal site for four dwellings, which included two pairs of semi-detached dwellings. I accept that this provides for a realistic fallback position which could be implemented. The Council identify that whilst less than substantial harm to heritage assets was identified in the assessment of the consented scheme, this harm was outweighed by the public benefits at that time.
27. I accept that the proposed positioning of the dwellings in the appeal scheme before me now would be consistent with the consented scheme and I do not find that the current appeal proposal would be more harmful than the extant scheme in this regard. The appellant suggests that the appeal proposal before me sees the removal of garage buildings in the rear garden areas. However, I do not have the details of any such approved buildings before me.
28. Given that the consented scheme is for four dwellings, the amount of parking and turning space identified was more than in the case before me providing 10 parking spaces rather than 8. I therefore accept that the appeal proposal before me would result in 2 less parking spaces being provided and therefore there would be less hard surfacing overall and it would be more contained between the dwellings.
29. Nevertheless, on the block plan provided which identifies the layout of the consented scheme, it is clear that the parking areas were set back further from the road behind more clearly defined soft landscaped areas. Whilst there would be fewer parking spaces overall, the parking areas would not be broken up and screened by soft landscaping, in the same way as previously approved.
30. The appellant asserts that the same close boarded fencing as now proposed was approved as part of the consented scheme. However, the block plan provided at Appendix 2 of the Appellant's Statement only shows close boarded fencing along the southern boundary. Along the northern boundary it identifies post and rail fencing with hedging behind which would be more in keeping with the rural characteristics of the surroundings. Whilst the appellant suggests a condition could be attached to secure appropriate boundary treatments, given the details of the boundary treatments are provided in full on the drawings I am unable to attach a condition which would vary from this detail in this case.
31. Consequently, I find that the fallback position in terms of the effect on the character and appearance of the area, and the setting of the Grade II listed Earls House and the non-designated Poplar House, would be less harmful than the appeal proposal now before me. As such, the fallback position does not persuade me that I should take a different decision in this case.

Highway safety

32. The Council and the Highway Authority contend that there was previously a ditch along the frontage of the appeal site which provided a method of surface water drainage. It is also stated that the reinstatement of a ditch in this location, would potentially affect visibility splays and also cause the loss of additional vegetation

¹ Council Reference: DC/23/02128

and that without its reinstatement the prevention of the discharge of surface water onto the highway cannot be guaranteed.

33. The appellant highlights that this matter has not been raised in the numerous previous applications and has only been recently introduced. I find that there is a lack of evidence before me that demonstrates that there was such a feature previously. No substantive issues are raised by any party with regard to surface water flooding and the submitted Drainage Strategy (JPC Environmental Services) identifies that it would be possible to drain the site. For these reasons, I find that drainage matters could be adequately dealt with by planning condition.
34. In addition, given the information regarding visibility splays provided on the block plan and given what I witnessed during my site visit in terms of the visibility that could be achieved, I find that visibility splays could also be appropriately dealt with by planning condition.
35. I therefore find that a safe and suitable access could be achieved, subject to further information being required by planning conditions. The proposal would therefore not be likely to have a detrimental effect on highway safety as a result. The proposal would therefore comply with Policy LP29 of the JLP which seeks, amongst other things, that developments are required to demonstrate safe and suitable access for all.

Other Matters

36. The appellant asserts that the site is not at risk of flooding, that it is not subject to any landscape designations, that there are no issues of land contamination and that landscaping details can be appropriately dealt with by planning conditions. Even if I were to agree, a lack of harm or policy compliance in these respects would be a neutral consideration that would weigh neither for nor against the proposal.
37. I recognise that the appeal proposal is an amended scheme following a previous refusal for two dwellings issued by the Council in June 2024² and the amendments provided through the appeal proposal before me sought to resolve the issues previously raised. Nevertheless, I must deal with the appeal proposal before me, based on its individual merits.
38. I recognise that in the Officer's Report and Recommendation, the Council raised a concern about the dwellings being overly large and not responding to the needs of the village and local area. Nevertheless, this matter is not referred to in the Council's reason for refusal, nor is it expanded upon by either of the main parties in the appeal submissions. As such, I have not considered this matter further.

Conclusion

39. The proposal conflicts with the development plan and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

G Dring

² Council Reference: DC/24/02204

INSPECTOR