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## Appeal Decision

Inquiry held on 4-5, 9-12, and 15-17 September 2025

Site visit made on 4 September 2025

by **H Butcher BSc(Hons) MSc PGDIP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15<sup>th</sup> October 2025

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### Appeal Ref: APP/W3520/W/25/3364061

#### Land at School Road, Elmswell IP30 9NL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
  - The appeal is made by Christchurch Land and Estates (Elmswell South) Ltd against the decision of Mid Suffolk District Council.
  - The application Ref is DC/23/05651.
  - The development proposed is the erection of a care village comprising 66 bedroom care home (C2 Use), 37 No. extra care bungalows (C2 Use), 3 No. almshouses (C3), management office (E(g)(l) Use), club house, community growing area, orchard, community bee hives and open space provision.
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#### Decision

1. The appeal is dismissed.

#### Preliminary Matters

2. The application is made in outline with only access to be determined at this stage. I have been provided with a Landscape Masterplan but this is marked as illustrative and I have treated it as such.
3. A revised description of development was agreed and the application was determined by the Council on the basis of the revised description. I have therefore used the amended description of development in the banner heading above omitting any words which are not a description of development.
4. A signed and dated Section 106 Agreement has been submitted with the appeal and contains various obligations. However, it is not necessary for me to look at this in detail given I go on to find that the proposal is unacceptable for other reasons.

#### Main Issues

5. The Council are no longer pursuing reasons for refusal 2, 5 and 6 following the submission of additional information. It is not necessary, therefore, for me to take these matters further.
6. The main issues are:
  - Whether the development would preserve the setting of the Grade II\* listed Church of St John, the setting of the Grade II listed almshouses at 1-3 Church Road, and the setting of the Grade II listed Elmswell Hall;

- The effect of the development on the character and appearance of the surrounding area, and;
- Whether the appeal site is a suitable location for development having regard to local planning policy.

## Reasons

### *The heritage assets and their settings affected*

7. It is agreed that the appeal site falls within the setting of three designated heritage assets. These are: the Grade II\* listed Church of St John<sup>1</sup>, the Grade II listed almshouses<sup>2</sup>, and the Grade II listed Elmswell Hall<sup>3</sup>.

### *The degree to which their setting makes a contribution to the significance of the heritage assets or allows significance to be appreciated*

8. The Church of St John is described in the list description as a medieval parish church. It was located on a high point in the landscape separate to the village of Elmswell, and it still retains a degree of separation from the village today. These factors contribute to it appearing as a landmark building in the local area. When viewed from the north in particular, its architectural significance as a landmark building can be appreciated as it occupies a prominent spot in the surrounding, largely open and rolling countryside.
9. Historic maps show the church has always had a predominantly open, agricultural, and rural setting to the north and this remains the case today. This setting points to the church's historic significance as the spiritual centre and focal point of a predominantly agricultural community. The same land provides a similarly agricultural setting to the adjacent almshouses and, further to the north, Elmswell Hall, allowing for an appreciation of the agricultural focus of this community. For instance, this land has broadly been owned and farmed in connection with Elmswell Hall for centuries. For these reasons this land contributes to the historic significance of these assets as well.
10. The setting to the church includes Elmswell Hall and the almshouses. There are strong historic connections between these three listed buildings which further demonstrates the importance of faith and the church in the local community historically. Sir Robert Gardener, who was Lord of the manor of Elmswell in 1590, and likely re-built Elmswell Hall around this time, also founded the almshouses for six widows in 1615 and was latterly buried at the church in 1620.
11. The church, Elmswell Hall, and the almshouses are intervisible in views from and across the land to the north of the church and this is important as it enables the historic significance of the church as a religious focal point for the local community to be appreciated through the historic buildings in its setting.
12. The intervisibility between this group of listed buildings also contributes to the individual historic significance of each as it allows for an appreciation of the various important historic and social connections between them. For example, historically the resident widows of the almshouses would have had sight of the home of their benefactor from their properties. Conversely, Sir Robert Gardener would have been

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<sup>1</sup> List entry number 1032468

<sup>2</sup> List entry number 1181926

<sup>3</sup> List entry number 1032472

able to see the church and his charitable work in the form of the almshouses from his home, and that was important to him as he returned to England to “*live out his days in piety, justice, and charity*”<sup>4</sup>. His final resting place at the church also has sight of his former home.

13. It was suggested at the Inquiry that such historic links would not be perceived or appreciated by members of the public, but this does a disservice to those who attended the Inquiry to speak. Furthermore, such information is readily accessible, and, in any event, this argument would not, even if true, diminish the significance of these heritage assets as appreciated through their setting.

*The effects of the proposed development on the significance or on the ability to appreciate it*

14. The proposed development would be on the agricultural land immediately to the north of the church and almshouses. The Illustrative Landscape Masterplan shows how the site could be developed with a large care home and numerous other new buildings across the northern end of the site.
15. The views of the church, as described above, can most readily be appreciated from the northern corner of School Road, Parnell Lane which is a tree lined lane that leads to Elmswell Hall, and the footpath along the northern edge of the appeal site. The development of the site as illustrated would sit in the foreground of these views and would obscure, impede, distract and/or diminish the landmark quality of the church as seen from here. It would also result in a significant loss of the agricultural setting of the church, almshouses, and Elmswell Hall. The development's siting in between Elmswell Hall, and the church and almshouses, would, furthermore, impede the clear intervisibility which currently exists between these three heritage assets, in spite of the fact that the development would sit at a lower level in the landscape.
16. Overall, therefore, the development would markedly reduce the ability to appreciate the architectural and historic significance of these three designated heritage assets as experienced through their setting.

*Explore ways to maximise enhancement and avoid or minimise harm*

17. The southern half of the site could be kept free from development as shown on the Illustrative Landscape Masterplan which shows mown paths through a wildflower meadow here. This would, however, do very little to overcome the harm to views from Parnell Lane and the footpath across the northern end of the site as the development would be in the immediate foreground of the views towards the church, blocking and detracting from these. Travelling south along school road the development would be visible in the immediate periphery of views from here and would consequently be a detracting feature cutting off wider views of the countryside surrounding the church.
18. Furthermore, the change of use of the southern part of the appeal site from agricultural land to a managed wildflower meadow with mown paths would still erode the agricultural character of the setting of the church, almshouses, and Elmswell Hall, and replace it with something which adds little to the historic significance of these listed buildings. It would keep the southern part of the site

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<sup>4</sup> Appendix C of Heritage Proof of Tim Murphy, Church Guide: St John the Divine, Elmswell

open and free from development, but the reduced size of this area of open space, and its change of use and association with a care village, would fundamentally and harmfully alter the character of this important part of the setting of these heritage assets.

19. There was discussion at the Inquiry that a line of sight between the church and Elmswell Hall could be retained. In principle, as this is an outline development, lines of sight between all three heritage assets could be incorporated into the final layout of the development. However, any such views that could be retained would be undermined by the distraction of major new built development in the foreground, and as a result would be a poor substitute to the largely unimpeded views which currently exist.
20. The appellant put forward at the Inquiry that there would be a heritage enhancement by reintroducing hedgerows throughout the site. This would do very little to counteract the harm that I have identified noting that there is little to link the hedgerows suggested on the Illustrative Landscape Masterplan with field markers shown on historic maps. Furthermore, additional hedgerow planting could, in any event, result in a further obstruction of views causing additional harm to the setting of these heritage assets.
21. It was also put to me that there would be new views and opportunities to see the heritage assets due to increased public access across the site. However, any new views created would not increase the significance or an appreciation of the significance of these assets, they would simply be new views within a radically diminished setting.
22. It is noted that three almshouses would be provided as part of the development. It was not put to me by the appellant that there was a specific heritage benefit from these. Rather they are provided as a public benefit, which I consider in the heritage balance below.

#### *Overall finding on heritage*

23. Having followed a staged approach to proportionate decision making as set out in Historic England guidance<sup>5</sup> I find that the development would not preserve the setting of the Grade II\* listed Church of St John, the setting of the Grade II listed almshouses at 1-3 Church Road, nor the setting of the Grade II listed Elmswell Hall. Section 66(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the setting of a listed building.
24. It follows that I find conflict with the relevant provisions of Policy LP19 of the Babergh and Mid Suffolk Joint Local Plan - Part 1 (JLP) which requires all designated heritage assets to 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.
25. Given I have found harm to the setting of multiple heritage assets, including the setting of a Grade II\* listed building which is in the top 5.5% of listed buildings nationally, and that it would be permanent harm, I find a high level of 'less than

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<sup>5</sup> The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3 (Second Edition)

substantial harm' using the terminology of para 215 of the National Planning Policy Framework (the Framework).

26. Whilst I acknowledge that both the Council and the appellant found lower levels of 'less than substantial harm' my finding is largely in line with advice provided by Historic England (HE). HE had regard to the plans submitted with the application and refer to all three designated heritage assets in their comments, specifically that the views across the land allow these three buildings to be appreciated as an attractive group, and their group value. That HE did not appear as a witness in the Inquiry or any conjecture that HE have carried out a less thorough assessment I give little weight given that HE are expert advisors on specialist heritage matters. I gave both of the main parties the opportunity to comment on these differing point of views at the Inquiry such that no one would be prejudice by my finding on this matter.

### *Heritage balance*

27. Where a development would 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 as set out in para 215 of the Framework.
28. The development would provide such benefits through the provision of a range of specialist elderly housing, some of which would be affordable, which would meet an identified and critical need. I appreciate the difficulties in delivering this type of housing and the Inquiry was told this is the only pending application of its type currently in the District. This development would also result in wider public benefits of better health and wellbeing and freeing up family housing. A minibus service, communal facilities and a healthcare facility could also be secured for the use of future residents. Such benefits carry significant weight having regard to the scale of development proposed.
29. The appellant has indicated an intention to donate the three proposed almshouses to charity. There is no clear justification for this donation other than as a gesture of goodwill. In any event, it is a modest public benefit to be taken into account in any planning balance.
30. There would be economic benefits stemming from the development through job creation, both short-term and long-term, and from additional spending to the local economy. The scheme could also secure a high level of environmental benefits through a secured biodiversity net gain. New hedgerows, as a heritage benefit, however, as discussed above, I give limited weight for the reasons already given.
31. Any public benefit arising from new views and the use of the newly created public open space to the south of the site would be offset by the fact that there are already various areas of public open space and public rights of way in Elmswell and no specific need for additional public open space has been identified. Furthermore, the harm to setting from the local area along existing routes would also offset any benefit in this respect.
32. A community building is proposed to be made available to the wider public but again there is no specific evidence of need for such a facility in the area which is already served by Blackbourne Community Centre, therefore, this carries only limited weight as a benefit.

33. Connectivity across the site I give limited weight as the footpath to the south, an aspiration of the Highway Authority, has already been secured as part of the Bloor Homes development in Elmswell.
34. Overall, I find that the totality of public benefits in this case, albeit significant, would not outweigh the high level of less than substantial harm to designated heritage assets that I have found, mindful as I am of the need to give considerable importance and weight to the desirability to preserve the setting of a listed building.

#### *Character and appearance*

35. Policy ELM2 of The Elmswell Neighbourhood Plan 2022-2037 (NP) outlines that any proposed development should not have a detrimental visual impact on the key landscape and built development features of important views identified in the Neighbourhood Plan Assessment of Important Views (IV).
36. Of particular interest to this appeal is View 4 of the (IV) which is from the north end of School Road looking south-west towards Woolpit. This is described as an outstandingly important view that demonstrates the prominence of the church looking out across the valley. Local residents also describe it as the '*best view in the village*'. I agree with these characterisations as described in the heritage section above.
37. View 4 advises that development in the foreground could have a significant detrimental impact on this view. As demonstrated by Viewpoint 5 of the Verified Views appended to the appellant's landscape expert's proof, the development would appear in the foreground, intruding upon, distracting from, and diminishing the quality of the wide-reaching view of countryside as seen from here, thereby reducing the prominence of the church as viewed in the landscape.
38. Whilst landscaping could be introduced to soften and screen the development this could, as already noted in respect of heritage, further obscure this important view. This would not, therefore, adequately mitigate this harm.
39. For these reasons I find conflict with Policy ELM2 of the NP. I also find conflict with the relevant parts of Policies LP17 and LP24 of the JLP, which, more broadly, seek to conserve and enhance landscape character and to safeguard natural and built features of merit.

#### *Suitable location for development*

40. There is no dispute that the development would be contrary to Policies ELM1 of the NP and SP03 and LP06 of the JLP. These policies outline a focus for development within settlement boundaries. The development would fall outside of the settlement boundary of Elmswell and is therefore in conflict with these policies.
41. These policies are worded to the effect that there is some flexibility in their application, as is usual under planning law, which requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. I undertake that exercise in my overall planning balance below.
42. It is also relevant that the settlement boundaries for the District have not been reviewed for a substantial period of time and will not be reviewed any time soon following the withdrawal of the Joint Local Plan Part 2. Given the Government's

objective of significantly boosting the supply of homes this affects the weight I afford these policies.

*Overall planning balance and conclusion*

43. I have found that the development would lead to less than substantial harm to the significance of three designated heritage assets through harm to their setting, and that this harm is not outweighed by the public benefits of the proposal. This provides a strong reason for refusing the development as set out in the Framework.
44. I have also found harm to the character and appearance of the surrounding area. Finally, I have found a limited amount of harm in terms of the conflict between the location of the development and the settlement boundary for Elmswell.
45. It follows, therefore, that I find that the development conflicts with the development plan as a whole. I have taken into account all of the benefits put forward in this case and all other material considerations. These include the appellant's efforts to work with the Council, the sustainable location of the site, and that other developments have been allowed outside of settlement boundaries, albeit each case must be determined on its own merits. Nevertheless, in this case, these do not indicate a decision other than in accordance with the development plan.
46. The appeal is dismissed.

*H Butcher*

INSPECTOR

**APPEARANCES**

FOR THE LOCAL PLANNING AUTHORITY:

Miss Ruchi Parekh

She called:

Ms Kim Howell

Mr Tim Murphy

Mr Daniel Cameron

Mr Jason Skilton

FOR THE APPELLANT:

Mr Paul Hunt

He called:

Ms Katharine Ellinsfield

Mr Thomas Copp

Mr Iain Warner

Mr Chris Patmore

**INTERESTED PERSONS WHO SPOKE AT THE INQUIRY:**

Patricia Kent

Clive Hewitt

Peter Dow

Scott Emberson

Carrol Sadler

Robert Dann

Stephen Govier

Paul Peachy

Kevin Sutterby

Lisa Goodridge

Sylvia Wilson

## **INQUIRY DOCUMENTS**

- ID1 Opening submissions on behalf of the appellant
- ID2 Opening submissions on behalf of Mid-Suffolk District Council
- ID3 Letter from local resident
- ID4 Landscape and Visual Response
- ID5 Submissions from a local resident
- ID6 Submissions from a local resident
- ID7 Photos from a local resident
- ID8 Photos from a local resident
- ID9 Submissions from a local resident
- ID10 An extract from the Bloor Homes S106
- ID11 Intended route Woolpit/Elmswell link
- ID12 Submissions from a local resident
- ID13 Closing submissions on behalf of Mid-Suffolk District Council
- ID14 Closing submissions on behalf of the appellant