



Appeal Decision

Site visit made on 9 October 2025

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2025

Appeal Ref: APP/D3505/W/25/3367434

Land at Hightrees, Hadleigh Road, Elmsett, IP7 6NG

- 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 Alan Seager against the decision of Babergh District Council.
 - The application Ref is DC/25/01522.
 - The development proposed is described on the application form as "Retention of shed".
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Decision

1. The appeal is allowed and planning permission is granted for the retention of a shed on land at Hightrees, Hadleigh Road, Elmsett, IP7 6NG in accordance with the terms of the application, Ref DC/25/01522, subject to the following conditions.
 - 1) This permission shall only authorise the use of the subject structure for purposes of ancillary storage of materials whilst the dwelling under extant permission DC/18/04245 and DC/21/05077 is built. Once completed it will remain in use for storage of that principal dwelling only and does not permit the use of the subject shed for a separate household.

Preliminary matter

2. The description in the heading above is that given on the application form. The shed was in place at the time of my visit and reflects the details submitted. I therefore intend to treat the appeal as one for planning permission for development as originally carried out.

Main issues

3. The main issues are:
 - the effect of the development on the character & appearance of the area and the setting of the Grade II listed Eleys Cottage; and
 - whether the development is in an appropriate location.

Reasons

4. The appeal site is comprised of a small parcel of land containing a modest timber shed that falls within a grassed paddock enclosed by mature hedgerows and trees to its south-west and north-west boundaries. It does not fall within a defined settlement boundary and therefore falls within the open countryside for planning purposes. The site is accessed via a residential plot to the south-east that contains a new dwelling currently under construction.

5. Hadleigh Road fronts onto the appeal site and is characterised by grassed paddocks, open fields and a small concentration of residential dwellings on large spacious plots. Whilst I found it to have a countryside character, it was apparent that it was in the process of acquiring a more built-up residential appearance with new dwellings under construction on both sides of the road. To the north-west of the paddock lies Eleys Cottage, an attractive Grade II listed property topped with a thatched roof.

The effect of the development on the character & appearance of the area and the setting of the Grade II listed Eleys Cottage

6. The timber shed has a simple functional design and natural timber finish similar to that found on small equestrian and agricultural buildings commonly found in rural areas. It is not therefore out of keeping with the paddock in which it is sited or the wider countryside. Neither is it incompatible with the immediate local area which is already partly characterised by garages positioned beyond the front building line of new dwellings currently under construction on the south-west side of the road. The presence of the mature hedgerows and trees to the site boundaries has further reduced its visual impact.
7. There is a significant intervening distance between the shed and Eleys Cottage, which maintains the isolated agrarian context of the latter. Intervisibility between the two buildings is further reduced by the existing dense hedgerow and mature trees at the site boundaries.
8. In light of the above, I have determined that the shed does not intrude into the setting of Eleys Cottage or any key views of it and from it and as a consequence, it has a neutral impact on its setting and does not affect how it is experienced or its significance.
9. As a consequence, I am satisfied the development preserves the setting of the listed building known as Eleys Cottage. The result is that the duties under the Act to preserve the listed building or its setting¹, which I have given considerable importance and weight to, have been met.
10. I therefore conclude that the scheme accords with Policies SP09, LP19 & LP24 of the Local Plan² and Policies EMST11 & EMST12 of the Neighbourhood Plan³, which collectively seek, amongst other things, for development to; (1) be of a high quality design that responds to the existing character/context of Elmsett; (2) be compatible/harmonious with its location and appropriate in terms of scale, mass, form, siting, design, material, texture and colour in relation to the surrounding area; and (3) preserve, enhance and conserve designated heritage assets.
11. I also find that the scheme does not conflict with paragraphs 131, 135, 139, 212, 213, 214 and 215 of the Framework⁴ which collectively seek, amongst other things;- (a) to give great weight to the conservation of designated heritage assets; (b) to ensure that any harm to designated heritage assets is weighed against public benefits; (c) the creation of high quality sustainable buildings; (d)

¹ Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

² Babergh and Mid Suffolk, Joint Local Plan - Part 1, November 2023.

³ Elmsett Neighbourhood Plan 2017-2036, Made Plan, December 2019, Elmsett Parish Council.

⁴ National Planning Policy Framework, Ministry of Housing, Communities and Local Government, 12 December 2024 (as amended on 7 February 2025).

development that is sympathetic to local character; and (e) the refusal of permission for development that is not well designed.

Whether the development is in an appropriate location

12. Policy SP03 of the Local Plan states that development will only be permitted outside of settlement boundaries 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 of this Plan listed in Table 5; or (d) it is in accordance with paragraph 80 of the Framework (2021 version).
13. There is no dispute between the parties that the scheme does not fall within any of the categories where development would be permitted. As a consequence, it conflicts with Policy SP03 of the Local Plan.

Planning balance

14. Whilst there is some conflict with development plan policy in relation to the scheme's location, it is nevertheless important to recognise that a policy should not be applied rigidly or exclusively when material considerations indicate an exception may be necessary. It is for the decision taker to weigh any conflict between relevant policies in the light of material considerations, including local circumstances.
15. In this instance, given; (a) the shed's low-key storage use in connection with the adjacent dwelling; (b) its similar character to rural equestrian and agricultural buildings; (c) the local area proceeding to acquire a more built-up residential appearance; and (d) the development's compliance with the majority of local and national policies referred to, I am satisfied the benefit to the appellant of retaining the building outweighs the less important development plan policy conflict identified and that the scheme would not undermine the Local Plan's objective of protecting the open countryside from unsustainable development. I therefore conclude that other material considerations indicate that the proposal should not be determined in accordance with Policy SP03 of the Local Plan.

Conditions

16. I have considered the conditions referred to by the Council within its statement of case. A condition to ensure the scheme is carried out in accordance with the approved plans is not necessary as it has already been completed.
17. I have however imposed a condition restricting usage of the shed to the adjacent dwelling for the ancillary purpose it has been intended and am satisfied this complies with the relevant tests set out in paragraph 57 of the Framework given that the latter falls under the ownership of the appellant. In so doing, I have amended the application reference referred to by the Council which relates to a refused scheme for 2 dwellings and not the adjacent property under construction.

Conclusion

18. For the reasons given above the appeal should be allowed.

Robert Fallon

INSPECTOR