



Appeal Decision

Site visit made on 11 November 2025

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2025

Appeal Ref: APP/F3545/W/25/3371807

6 Southgate Green, Bury St Edmunds IP33 2BL

- 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 Robert Corfe against the decision of West Suffolk Council.
- The application Ref is DC/25/0539/F.
- The development proposed is single storey two-bedroom house and extension of an existing garage.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the proposal is in a conservation area and relates to the setting of a listed building, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. Since its determination of the planning application, the Council has adopted the West Suffolk Local Plan 2025 (WSLP). I have determined the appeal in accordance with the policies of the current development plan.

Main Issues

4. The main issues in this appeal are:
 - whether the proposal would preserve Grade II listed building, no 6 Southgate Green, its features of special architectural or historic interest, and on-site archaeological remains, and whether it would preserve or enhance the character or appearance of Bury St Edmunds Town Centre Conservation Area;
 - the effect of the proposed development on highway safety;
 - the effect of the proposed development on priority or protected species; and
 - whether the biodiversity gain condition would be capable of being discharged.

Reasons

Heritage assets

5. The appeal site comprises an area of the rear garden of no 6 Southgate Green, a Grade II listed building¹. The site is within the Bury St Edmunds Town Centre Conservation Area (CA).

¹ List entry no: 1272184

6. The CA is a large area encompassing the historic town centre. Its significance is associated partly in its diversity and range of buildings that reflect the town's growth and changing roles and prosperity.
7. The host property is a prominent, three-storey dwelling, situated at the junction of Southgate Street and Beech Rise. The surrounding area predominantly comprises two-storey dwellings. Southgate Street is flanked by rows of terraced dwellings which abut the pavement edge. Beech Rise comprises a mix of house types of varying age and are typically set back from the highway by deep front gardens, providing a spacious, suburban character.
8. The host property dates from the early 19th century. It is one of a pair of semi-detached dwellings, built on the site of the medieval hospital and cemetery of St Petronilla. The building features white brick with slate roofs and a north end wall of random flint with red brick and stone blocks. The façade has three storeys and a four-window range with sash windows in cased frames, ground floor bay window with a moulded cornice and lead-covered roof, and fanlights, semi-circular arched surrounds, and large portico with fluted columns to the front entrance. Additionally, no 6 includes a substantial late-Victorian rear extension. Such features and characteristics contribute to the building's special architectural and historic interest.
9. A tall boundary wall built of flint and cobbles/stones with brick buttresses and brick top section encloses the host property's rear garden and is believed to date to the 18th century with ties to the 12th century medieval cemetery. Set within the wall is the two-storey garage building. The wall and garage meet the carriageway edge and comprise visually dominant features within the street scene of Beech Rise.
10. As structures within the curtilage of the listed building that have a principal and accessory relationship to the main building, the boundary wall and garage are also listed. Due to their age, architectural design, form, and materials, and their historic connection to former institutions on the site, the listed building and associated garage and wall contribute positively to the significance of the CA.
11. The appeal site is obscured from view from the street by existing buildings and structures, namely, the host property, neighbouring dwelling 1A, and the boundary wall and garage. Nonetheless, the site is within the listed building's setting and provides separation between the historic host property and modern development beyond the CA boundary to the south and west and thus makes a positive contribution to the CA and affords a spacious setting to the listed building.
12. The design and siting of the proposed dwelling is very similar to a scheme previously dismissed at appeal². However, the design has been altered to provide a very shallow roof, omit rooflights, and provide planting for screening.
13. As indicated by the elevation plans, the proposed dwelling's roof and chimney would project above the boundary wall. However, the wall would generally obscure the dwelling from view from the street, and the proposed planting would further screen views from the north. The previous appeal decision identified the proposed dwelling would be visible only from the host property and from the upper floors of the houses on the opposite side of Beech Rise³. Therefore, the proposed dwelling would be of limited visual prominence in the street scene.

² Appeal decision ref: APP/F3545/W/24/3339588

³ Paragraph 19 of appeal decision 3339588

14. The proposed dwelling would be set back from the main rear elevation of the host property and sited to the western end of the site. As indicated by the previous appeal decision, the size of the host property's remaining back garden would be adequate to reflect the dwelling's status⁴.
15. The proposal includes planting of trees and shrubs within the site to form a verdant west aspect from the host property. However, planting is unlikely to wholly obstruct views between the host property and proposed dwelling, for example, through seasonal changes in foliage cover. Therefore, within the site there would be some visual relationship between the host property and proposed dwelling.
16. Through its limewash exterior, omission of roof lights, and the low, green roof, the dwelling's design seeks to minimise its prominence. However, the proposed single storey dwelling, with its L-shaped plan form and a shallow, hipped roof appears to be of contemporary design and would differ significantly in scale and form from surrounding dwellings, including the host property. The proposal fails to demonstrate how the design has been informed by the site's historic context.
17. Furthermore, whilst modest in scale and height, the dwelling would occupy an elevated position relative to the host property. Therefore, through its unsympathetic design and prominent siting, the proposed dwelling would appear intrusive within the open, vegetated garden that forms the host property's setting.
18. No assessment of the curtilage listed outbuilding and boundary wall's significance has been provided. The proposal would involve rear and side extensions to the existing garage building, and would include widening of the opening, and demolition of sections of the rear and side wall. Whilst the garage has some sections of breeze block, the new openings would involve the loss of two large areas of historic flintwork which are visible within the street scene of Beech Rise. Therefore, the loss of historic fabric would harm the listed building's significance.
19. Whilst the proposal excludes any change to the boundary wall, the close proximity of the proposed garage extension to the wall would prevent maintenance access. Furthermore, the ground level of the surrounding garden would be raised. It is unclear what structural interventions to the garage and wall would be required, and what effect the changed ground level may have on the garage and wall's longevity.
20. Suffolk County Council's archaeological officer advises the appeal site has very high archaeological potential for significant below-ground heritage assets associated with a medieval hospital and cemetery. The archaeological officer indicates the site of St Petronilla's Hospital and associated cemetery should be considered as a non-designated heritage asset of equivalent significance to a scheduled monument.
21. The archaeological officer recommends that to establish the archaeological potential of the site, a programme of archaeological investigation should be carried out prior to the determination of the proposal to allow for preservation in situ. This should comprise a desk-based assessment and field evaluation including a walkover survey to record any extant features which might survive within the site, a minimum of a level 2 Historic Building Recording of the wall and garage building at the northern boundary, and a geophysical survey. Such archaeological investigation could not be secured through condition since the results may

⁴ Paragraph 8 of appeal decision 3339588

determine the suitability of the site for development. Therefore, assessment and evaluation should take place before the proposal is determined in order to predict the presence of remains and assess their potential significance and thus enable all relevant material considerations be taken into account.

22. In the previous appeal decision, the Inspector indicated that archaeological implications should be more firmly established before any planning permission is granted, concluding that in the absence of such an investigation the proposal would cause less than substantial harm to the significance of this asset⁵.
23. There is high potential for previously unidentified archaeological remains to be present. The proposed development would cause significant ground disturbance that has potential to damage or destroy any below ground heritage assets that exist. However, the proposal contains no archaeological investigation, and therefore the proposal fails to demonstrate that the proposed development would not harm below ground heritage assets.
24. As set out above, whilst the proposed development would be well-screened from public vantage points, the siting and design of the proposed dwelling would be unsympathetic to the host property and intrusive to its setting; insufficient evidence has been provided of the effects of the proposed development on the long-term conservation of the curtilage listed garage and wall; and the proposal would result in a loss of historic fabric from a listed structure and the street scene. Therefore, the proposal would fail to preserve Grade II listed building, no 6 Southgate Green and its features of special architectural or historic interest including its setting and would erode the character of the CA. In addition, the proposal fails to demonstrate that the proposed development would not harm below ground heritage assets.
25. Paragraph 212 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Given the above, I find that the proposal would fail to preserve the special interest of the listed building and the significance of the CA. Consequently, I give this harm considerable importance and weight in the planning balance of these appeals.
26. Paragraph 213 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. Given the proposed development would harm the setting and significance of the listed building and character and appearance of the CA, along with disturbance of non-designated heritage assets, I find the harm to be less than substantial in this instance, but nevertheless of considerable importance and weight.
27. Under such circumstances, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The appellant is of the opinion that the proposal would be beneficial because it would provide one additional dwelling and associated economic activity, such as employment in construction and production of materials. However, these benefits would not be of a scale sufficient to outweigh the harm that I have identified. The continued viable use of the host property as a residential dwelling is not dependent on the proposal as the building has an ongoing residential use that would not cease in its absence.

⁵ Paragraph 16 of appeal decision 3339588

28. Given the above and in the absence of significant public benefit, I conclude that, on balance, the proposal would fail to preserve the setting and special historic interest of the Grade II listed building and the character or appearance of the Bury St Edmunds Town Centre Conservation Area. This would fail to satisfy the requirements of the Act, paragraph 210 of the Framework.
29. The proposal would therefore conflict with WSLP Policies LP35 and LP37 which together require proposals altering a listed building or affecting its setting to demonstrate a clear understanding of the significance of the building including the contribution made by its setting, and contribute to the preservation of the building and not be detrimental to the building's character or any architectural, archaeological, artistic or historic features that contribute towards its significance.
30. In addition, the policies require proposals preserve or enhance the character or appearance of the conservation area, and retain important traditional features that contribute to the area's character or appearance such as boundary structures, and demonstrate a clear understanding of the significance of the conservation area and its setting, and demonstrate how the key characteristics of the character or appearance of the area have been addressed.

Highway safety

31. Beech Rise has a fairly narrow carriageway, a pedestrian footway on one side, on-street parking, and is subject to a 30mph speed limit. The host dwelling's garage adjoins the boundary wall and opens onto the street. The garage would be extended and the existing front opening widened to accommodate an additional car parking space. The proposed development would therefore intensify the use of this existing vehicular access.
32. The submitted plans indicate the minimum visibility splay standard of 59m would not be achieved in both directions. No traffic survey evidence has been provided to justify a reduced visibility distance.
33. In the absence of a footway on this side of the street, pedestrians exiting the proposed dwelling would step onto a narrow verge separating the carriageway and boundary wall. Due to the limited intervisibility and absence of safe refuge points, the proposed development would increase the likelihood of conflict between pedestrians and vehicles.
34. The proposal fails to demonstrate that safe and suitable access can be achieved for all users, particularly vulnerable road users. Therefore, I must conclude the proposal would harm highway safety.
35. The proposal would conflict with WSLP Policies LP9 and LP44, which together require development provide appropriately designed and sited car parking, consider the needs of pedestrians and cyclists before car users, and seek to create a safe and welcoming environment.

Protected species

36. The site lies within a buffer for priority and protected species, including west European hedgehogs, swifts, song thrush, house sparrow and bats. Notably, all UK bat species are European Protected Species protected by the Conservation of Habitats and Species Regulations 2017 (as amended) (Habitats Regulations).

37. The appeal site comprises a mature, vegetated area of garden land with many trees surrounding the site and historic structures including the garage building and boundary wall. In the previous appeal decision, the Inspector concluded there is a strong possibility that protected species would be present. However, no ecological surveys have been submitted with the proposal.
38. The appellant suggests the proposed dwelling would be sited where the garden is cultivated with lawn, flower beds, fruit bushes and young fruit trees, so as to exclude 'wild' areas. However, in the absence of survey information, it is unclear whether this would be sufficient to avoid harm to or disturbance of protected species, and their breeding sites or roosts/resting places.
39. At section 99, the ODPM Circular 06/2005⁶ requires the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, be established before permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. Section 99 continues that the need to ensure ecological surveys are carried out should only be left to coverage under planning conditions in exceptional circumstances. I have not been provided with any exceptional circumstances in this regard, and therefore, a condition to secure additional survey work after permission is granted would be inconsistent with OPDM Circular 06/2005.
40. Paragraph 193 of the Framework indicates that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. In the absence of ecological surveys, the proposal fails to demonstrate the proposed development would not harm priority or protected species.
41. The proposal would therefore conflict with WSLP Policies SP9 and LP13 which resist development that would have an adverse impact on protected or priority species unless there is no alternative, and requires proposals demonstrate that the mitigation hierarchy would be implemented.

Biodiversity net gain

42. Biodiversity Net Gain (BNG) is a mandatory requirement of Schedule 7A of the Town and Country Planning Act 1990 (TCPA) (as inserted by Schedule 14 of the Environment Act 2021). The Council assert the submitted BNG metric lacks competent input and omits enhancements shown on plans and indicates the development would result in a net change in biodiversity units of -17.82%. This would be a significant shortfall against the statutory requirement for development to provide a biodiversity value which exceeds the pre-development biodiversity value of the onsite habitat by at least 10%.
43. The statutory Framework for BNG involves the discharge of the biodiversity gain condition following the grant of planning permission. The determination of the Biodiversity Gain Plan (BGP) under this condition is the mechanism to confirm whether the development meets the biodiversity gain objective and development cannot commence until the BGP is approved. The Planning Practice Guidance indicates it would generally be inappropriate to refuse an application on grounds the biodiversity gain objective will not be met but indicates decision makers may

⁶ Government Circular: Biodiversity and Geological Conservation – statutory obligations and their impact within the planning system, Office of the Deputy Prime Minister, 16 August 2005

need to consider more broadly whether the biodiversity gain condition is capable of being successfully discharged⁷.

44. The appellant asserts the proposal will protect and enhance biodiversity through provision of a green roof and nesting sites at the eaves of the proposed dwelling, and measures on-site and at land associated with the host property, including diverse landscaping planting and provision of an above ground-level pond. However, DEFRA's Statutory Biodiversity Metric User Guide 2025⁸ notes that the post-development private garden has no public access and therefore biodiversity net gains cannot be legally secured.
45. In addition, the TCPA requires the post-development biodiversity value be maintained for at least 30 years. I have been provided no mechanism to ensure the site's biodiversity value would be secured for the long term.
46. For these reasons, there is uncertainty whether the proposal would achieve a net gain in biodiversity that would meet or exceed the relevant percentage, that the proposed biodiversity enhancement measures would be maintained and monitored over the long term, and that any habitat loss can be effectively enforced against. Therefore, the proposal fails to demonstrate that the biodiversity gain condition is capable of being successfully discharged.
47. The proposal would therefore fail to meet the requirements of WSLP Policy SP8, which include the provision of biodiversity net gain and enhancement in accordance with the biodiversity gain hierarchy.

Other Matters

48. The appeal site lies within the zone of influence (ZOI) of the Breckland Special Protection Area (SPA) and Special Area of Conservation (SAC). Residential development within the ZOI would have a likely significant effect on the integrity of the SPA & SAC.
49. Where a proposal is likely to have significant effects on European sites, Regulation 63 of the Habitats Regulations requires the competent authority carry out an Appropriate Assessment (AA). However, AA is only necessary where the competent authority is minded to grant consent for the proposal. Since I am dismissing the appeal on the basis of other identified harms, AA is not required.

Conclusion

50. The proposal would conflict with the development plan as a whole and there are no other considerations which outweigh this finding. Therefore, for the reasons given the appeal should be dismissed.

E Dade

INSPECTOR

⁷ Planning Practice Guidance, Paragraph: 019 Reference ID: 74-019-20240214

⁸ p56, Department for Environment Food & Rural Affairs, The Statutory Biodiversity Metric User Guide, last updated: 3 July 2025