
Appeal Decision

Site visit made on 10 November 2025

by Jennifer Wallace BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2025

Appeal Ref: APP/D3505/W/25/3364130

Toll Cottage, Market Place, Lavenham CO10 9QZ

- 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 Mrs Warner against the decision of Babergh District Council.
 - The application Ref is DC/25/00390.
 - The development proposed is change of use of property to dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's reason for refusal refers to loss of employment premises. The cited policies of the Babergh and Mid Suffolk Joint Local Plan Part 1 (November 2023) (JLP) relate to employment land and change from employment uses.
3. The evidence before me indicates that the premises was last used as an estate agent, which would now fall within Use Class E. While Class E encompasses a wide range of uses, it does not remove the distinctions in the National Planning Policy Framework (the Framework) between employment and retail uses. An estate agent is a main town centre use as defined in the glossary to the Framework and so would be subject to policies designed to direct the location of retail uses. While retail uses do have employment benefits, they are not typically subject to the same policies as more traditional employment uses. JLP Policies SP05 and LP10 are therefore not of direct relevance to the proposal before me.

Main Issues

4. The main issues in this appeal are:
 - whether the proposal complies with development plan policies for the loss of retail space; and
 - whether the proposal makes appropriate provision for car and cycle parking and bin storage.

Reasons

Loss of Retail Space

5. Lavenham Neighbourhood Plan (July 2016) (LNP) Policy C9 seeks to protect the vitality and viability of Lavenham's retail core area, which the appeal site lies within. It is clear that changes of use from shops or services to retail at ground

floor will only be supported if the business has been marketed diligently at a fair market price and continuously for at least one year.

6. It is well established that *policy statements should be interpreted objectively in accordance with the language used, read as always in its proper context*¹. The requirements of LNP Policy C9 are readily capable of reasonable interpretation and application in the course of determining a planning application.
7. Marketing particulars have been submitted as part of the evidence before me. These are clear that the property lies within Use Class E. However, the appellant has not provided details of any period of time or the methods by which marketing has been undertaken. Nor do I have any comparator information to demonstrate that the price is a fair one.
8. There is no evidence before me to substantiate that the proposal would not have an adverse effect on the vitality and viability of the retail core area. It may be that there are other properties in residential uses at ground floor level within the Market Place. I have no reason to doubt that the appeal property could be brought into another use within Use Class E without the need for further planning permission. However, none of these considerations would outweigh the conflict with the development plan I have identified. Nor does the fact the proposal may be permitted development were the building not listed affect my assessment.
9. The proposal would therefore not comply with development plan policies for the loss of retail space. It is therefore contrary to LNP Policy C9 which seeks to protect and enhance the vitality and viability of Lavenham's retail core area.

Car and Cycle Parking and Bin Storage

10. The plans before me do not include a layout of Toll Cottage and any external space that is associated with the application. Consequently, I cannot be certain that there would be sufficient space for appropriate storage of cycles or bins and recycling. It therefore would not be appropriate for this matter to be addressed by condition as I cannot be certain that it could be complied with.
11. The appeal site lies within the Market Place of Lavenham and it is not in dispute that it could not provide any off-street parking for vehicles. At my site visit, I observed that Lavenham had a busy commercial centre and contained a good number of the services and facilities necessary for day to day living. I also did not note any parking restrictions, other than in a managed car park a short distance from the Market Place. There is no evidence before me of parking pressure within Lavenham which would mean the vehicles likely to be generated by one dwelling would have an adverse effect on highway safety, the vitality and viability of the centre or the living conditions of surrounding occupiers. While cars parked on the surrounding streets would not be visible from the dwelling, the surrounding streets appeared well lit with good levels of natural surveillance from the surrounding dwellings.
12. The Local Highway Authority (LHA) has put forward that Lavenham is not recognised as a sustainable location due to its limited public transport. I have been directed to Section 5 of the Suffolk Guidance for Parking (2023) to justify why it would not be appropriate to accept this site for car free development. However this

¹ Tesco Stores Ltd v Dundee City Council [2012] UKSC 13

section is titled 'Parking Guidance in Urban Areas' and identifies urban areas as being 'such as in the centre of major towns'. I have not been directed to any settlement hierarchy. However, I note that the Suffolk Guidance for Parking applies county wide and so covers a wide range of settlement types. It seems unlikely that Lavenham would constitute a major town.

13. While the evidence before me indicates public transport provision in Lavenham is limited, paragraph 110 of the Framework notes that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Consequently in the context of a rural authority such as Babergh, it is likely that many settlements would have more limited access to public transport. The lack of off-street parking spaces is therefore not substantiated as a reason for refusal. However, this would not outweigh the harms that I have identified.
14. The proposal therefore does not make appropriate provision for cycle parking or bin storage. It would therefore be contrary to JLP Policy LP29 and LNP Policy D2 which require development to be informed by the relevant parking guidance and provide adequate storage space for bins, recycling and cycles.

Other Matters

15. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
16. Toll Cottage² is a Grade II listed building. It is a timber framed building dating from the 16th century and was historically occupied by the tollkeeper who would have collected tolls for the market. The evidence before me indicates it has most recently been in use as an estate agent. The significance of the building as it relates to this appeal lies primarily in its architectural importance as a vernacular building and historic interest as evidence of changing patterns of commerce and occupation. No alterations are proposed to the property as part of this application. The proposal would therefore preserve the special interest of Toll Cottage and would not harm its significance as a designated heritage asset.
17. There would be a heritage benefit from reuse of this currently vacant listed building. However, even in attaching considerable importance and weight to the desirability of preserving the building or its setting, this would not outweigh the harms and conflict with the development plan I have identified.
18. It also lies within the setting of a considerable number of listed buildings around Market Place. This includes heritage assets of the highest significance including the Grade I listed buildings The Guildhall³, 26 Market Place,⁴ and 27 and 28 Market Place⁵; the Grade II* listed buildings Little Hall⁶, The Great House⁷ and Angel Hotel⁸; and the Grade II listed building Pasha Picketts Cottage⁹ and Market

² List Entry Number: 1181093 Date First Listed: 23 January 1958

³ List Entry Number: 1037186 Date First Listed: 23 January 1958

⁴ List Entry Number: 1181069 Date First Listed: 23 January 1958

⁵ List Entry Number: 1351534 Date First Listed: 23 January 1958

⁶ List Entry Number: 1351533 Date First Listed: 23 January 1958

⁷ List Entry Number: 1181062 Date First Listed: 23 January 1958

⁸ List Entry Number: 1037184 Date First Listed: 23 January 1958

⁹ List Entry Number: 1181080 Date First Listed: 18 May 1977 Date of most recent amendment: 10 July 1980

Cross¹⁰. The significance of these buildings is largely derived from their archaeological, architectural and historic interests. As it relates to this appeal, significance is also derived, in part, from their group value and immediate settings in framing the historic market square of Lavenham. The proposal, with no alterations proposed to the building and a use with historical provenance, would have a neutral effect and so would preserve the settings of all nearby listed buildings and not harm their significance.

19. The site also lies within the Lavenham Conservation Area (CA) where s72(1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area. The significance of the CA with respect to this appeal is in its evidence of the historic evolution of Lavenham and the particularly high quality of largely unaltered buildings. It is characterised by a range of residential, community and commercial uses. Toll Cottage occupies a prominent central position in the Market Square and positively contributes to the character and appearance of the CA as a whole. As the proposal proposes no physical alterations, and is for a use found throughout the CA, the character or appearance of the CA as a whole would be preserved and its significance would not be harmed.
20. There would be an undoubted benefit from the delivery of an additional dwelling, irrespective of the Council's housing land supply position. However this would be a limited benefit given the proposal is for a single dwelling.
21. I have not been directed to any policies which require the installation of electric vehicle charging points, which in any event is a matter controlled by the building regulations.

Conclusion

22. The appeal proposal would conflict with the development plan when read as a whole. There are no material considerations of sufficient weight to indicate the decision should be taken otherwise. For the reasons given, I conclude that the appeal should be dismissed.

Jennifer Wallace

INSPECTOR

¹⁰ List Entry Number: 1037179 Date First Listed: 23 January 1958