



Appeal Decisions

Hearing held on 1 October 2024

Site visit made on 1 October 2024

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 November 2024

Appeal A Ref: APP/D3505/W/24/3345608

Corn Hall, Sudbury Road, Bures CO8 5JP

- 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 and Mrs Robert Shelley against the decision of Babergh District Council.
- The application Ref is DC/22/05995.
- The development proposed is described as: 'Erection of two storey extension to north elevation with glazed veranda and part leaded roof to west with trellis porch to north, renovation of cellar, addition of part first floor to garage with dormer windows and part conversion to form ancillary accommodation, erection of weatherboard wall and new gate (stopping up existing), alterations to driveway and parking, other alterations all as per schedule of works'.

Appeal B Ref: APP/D3505/Y/24/3345609

Corn Hall, Sudbury Road, Bures CO8 5JP

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mrs and Mrs Robert Shelley against the decision of Babergh District Council.
 - The application Ref is DC/22/05996.
 - The works proposed are described as: 'Erection of two storey extension to north elevation with glazed veranda and part leaded roof to west with trellis porch to north, renovation of cellar, addition of part first floor to garage with dormer windows and part conversion to form ancillary accommodation, internal and external alterations all as per schedule of works.'
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Decision

1. *Appeal A*: The appeal is dismissed.
2. *Appeal B*: The appeal is dismissed.

Preliminary Matters

3. The appeal property, Corn Hall, is a Grade II listed building¹. I have had special regard to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. There are two other Grade II listed buildings nearby. These are referred to on the National Heritage List as: *Cottage About 70 Metres East North East of Corn Hall Including Wall and Dovecote Adjoining Northeast*² (Corn Hall Cottage), and

¹ List Entry Number: 1233356.

² List Entry Number: 1233414.

*Farm Building Range Including Adjoining Barns About 100 Metres East of Corn Hall*³ (Corn Hall Barns). I also have a statutory duty under section 66(1) of the Act to have special regard to the desirability of preserving these listed buildings and their settings. My decisions are on this basis.

5. The two appeals concern the same scheme under different, complementary legislation. I have dealt with both appeals together in my reasoning where appropriate to avoid duplication.

Main Issue

6. The main issue is the effect of the proposal on the special interest of the Grade II listed building Corn Hall, or any features of special architectural or historic interest which it possesses, and the effect on the setting of the nearby listed buildings.

Reasons

Special Interest and Significance

7. Corn Hall is a handsome gentleman's farmhouse, built in a neo-Classical style of red brick with a slate roof, in around 1840. This replaced an earlier house which lay to the east of the site, a fragment of which is said to be preserved within Corn Hall Cottage today. This earlier dwelling is understood to have formed part of a medieval manor complex with its origins in the thirteenth century or earlier. Unlike this earlier iteration, the current house was constructed away from Corn Hall Barns and Corn Hall Cottage with a degree of separation from the farmyard and working part of the estate, looking out over the access to the site and its parkland setting. This reflects a different historical moment when the residence of a prosperous farmer would be set away from the smell and work of the farmyard.
8. The house at Corn Hall today comprises of two distinct parts: the more polite, principal wing to the front, and the attached, functional, service wing to the north and rear. Both elements are constructed over two storeys, each with a hipped roof with a relatively shallow pitch and rectangular, almost square, plan.
9. The principal wing comprises of a symmetrical three-bay front, incorporating a central doorway, opening onto a central hallway and an elegant original open-well staircase with mahogany handrail. The four main rooms are arranged symmetrically and accessed from the hallway and landing to the ground and first floor. The service wing is more restrained with a markedly lower eaves and ridge height which corresponds to lower ceilings and window and door heads internally. The service wing includes the kitchen, utility, lobby, and WC on the ground floor with lesser bedrooms and bathrooms at first floor.
10. In 2000, listed building consent⁴ was granted for erection of entablature with three columns and two pilasters to a 1920s bay window extension on the west elevation. A separate listed building consent⁵ was also granted for internal alterations comprising new door openings and fitting out of the smaller rooms in the principal range and hallways in this and the service range.

³ List Entry number: 1365320.

⁴ Ref B/00/0652/LBC.

⁵ Ref B/00/0653/LBC.

11. Both parties acknowledge that there have been some more recent insensitive alterations. These include the works carried out through the 2000 consents considered above, and some that occurred prior to the listing in 1988, such as the provision of a main entrance to the east side of the service wing, provision of new areas of brickwork here, and removal of a Doric porch to the principal elevation.
12. Internally, provision of a main entrance to the east side of the service wing has led to the creation of a new entrance hall within the service wing and loss of a former back hall staircase, which has somewhat disrupted the hierarchy present within the building. The provision of a decorative arched entrance from the new service wing hall to the original hall has added to this harm.
13. As noted in the list description, much of the original interior joinery and plasterwork appears to have been replaced, although I was able to view historic nineteenth century doors to the ground floor of both the principal and service wing. These include a much simpler design of door serving the kitchen that is referenced by the Council. I was also able to view an electrical bell system indicator board above the kitchen doorway, reflective of its former service use. The wooden threshold of this doorway was also well worn by traffic and clearly of considerable age.
14. Nonetheless, whilst the modern interventions have compromised the significance of the listed building, the building is still clearly legible as a polite house with distinct family and service rooms, exhibiting a clear architectural and functional hierarchy, as set out above. The historic plan-form and internal hierarchy of rooms remains clearly evident and offers an insight into the social history of this part of the nineteenth century.
15. The special interest and significance of the listed building are largely derived from its architectural and historic interest as an illustration of a gentleman's farmhouse dating to the early to mid-part of the nineteenth century. Important contributors in these regards which are pertinent to the appeals, are its polite architectural composition, the dominance of the principal wing, the resulting discernible functional and architectural hierarchy, and the legibility of its historic plan-form.
16. To the east of the appeal building, beyond the adjacent pond, lies Corn Hall Cottage, a modest red brick dwelling with a steeply pitched roof which, as set out above, is said to embody a small part of the former medieval manor house. This former house was replaced when the manorial group was reduced and the current Corn Hall constructed higher up the slope, away from the farmyard. The building was remodelled as a detached cottage in around the 1830s when the main part of the house was demolished. Its special interest and significance derive in part from its surviving historic fabric, reflective of the evolution of the farmstead over time.
17. Further to the east and sharing the same brick-walled farmyard, Corn Hall Barns comprise of two adjoining weatherboarded, brick and pantile barns of five bays and a later adjoining wing. Dating to the sixteenth century, the north barn is older, with the south barn dating to either the later part of the seventeenth or early part of the eighteenth century. The special interest and significance of the listed building derives in part from its considerable age, scale and its extensive historic fabric.

18. Pertinent to the appeals, the special interest and significance of Corn Hall and the two nearby listed buildings also stems, in part, from their value as a group and their historic and functional relationship as part of a former manorial complex and later, a prosperous farm. Moreover, the parkland around Corn Hall provides space within which to experience them and understand these important associations. The overlapping and reciprocal settings of these listed buildings thus contribute to their special interest and significance.

Proposals and Effects

19. The proposed two storey extension would be a substantial addition to the dwelling and would have a similar scale, form and architectural style to the existing principal wing. Attached to the service wing, and being markedly taller and wider, it would obscure the service wing's entire north elevation, diminishing its legibility as a service wing and dominating the listed building as a whole.
20. As a result of the proposals, Corn Hall would no longer be recognisable as a polite gentleman's farmhouse with a clearly discernible principal wing and modest service wing extending to the rear. Rather, it would appear as a much grander property with two dominant wings joined by a link comprising of the former service wing. Moreover, the proposal would relocate the existing entrance door to the east elevation to the position of the central window, adding to the more formal appearance of this elevation, at odds with its former service function.
21. I acknowledge that the appellants have sought to make the new extension appear subservient with a different roof pitch and slightly lower height as well as the lack of a plinth. However, given its scale, form, and design, the proposal would compete visually with the principal wing, diminishing its prominence and upsetting the clear visual and architectural hierarchy that exists across the range.
22. Moreover, the internal changes to the service wing would be significant. The kitchen and other service and lesser rooms would make way for a new grand entrance hall with a double height void and grand staircase accessing a first floor gallery. This would erase the compartmentalisation and service function of the wing that remains. The historic plan-form and legibility of this space as a service wing would be all but lost internally, resulting in significant harm. Overall, for the above reasons, the proposal would significantly disrupt and erode the legibility of the functional hierarchy that exists as a key component of the special interest and significance of the listed building.
23. The hard and soft landscaping proposed around the house would result in aesthetic improvements to the spaces around the building. However, this landscaping would reinforce the primacy and enhanced status of the entrance to the east elevation, adding to the harm described above.
24. Given that the dwelling at Corn Hall was a planned construction away from the farmyard, from which part of its significance derives, I do not consider that the provision of the extension, allowing for a closer relationship and connection with the barns and the rest of the building group, would represent an enhancement in heritage terms. Moreover, the heightened status of the east elevation would result in a new formal elevation facing towards the farmyard which would diminish the legibility of the historic architectural and functional

relationship with Corn Hall Cottage and Corn Hall Barns, adversely affecting how they are experienced. This would diminish the value of the three listed buildings as a group and, in that regard, the proposals would fail to preserve the settings of the nearby listed buildings to the detriment of their special interest and significance.

25. For the reasons set out above, the proposal would fail to preserve the Grade II listed building, Corn Hall, or any features of special architectural or historic interest which it possesses. Through the effect on their settings described above, the proposal would also fail to preserve the Grade II listed Corn Hall Cottage and Corn Hall Barns. This would be contrary to the requirements of sections 16(2) and 66(1) of the Act. As such, the proposal would cause harm to the significance of the listed buildings.

Heritage Balance

26. With reference to Paragraphs 207 and 208 of the National Planning Policy Framework (the Framework), in finding harm to designated heritage assets, the magnitude of that harm should be assessed. Given the extent and nature of the proposal, I find that the total harm in this instance would be at the upper end of 'less than substantial' harm. Nonetheless, in all circumstances, less than substantial harm carries considerable importance and weight. Paragraph 208 advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing the asset's optimum viable use.
27. There would be collective positive effects arising from the proposal. The provision of the Doric porch, subject to details, would re-instate a feature of the original building that has been lost. The removal of the harmful elements approved through the 2000 consents and replacement with a brick bay and extension would be more reflective of the architectural integrity of the building. It is also proposed to remove unsympathetic internal modern finishes and replace with more appropriate materials, subject to details. These elements would likely represent an enhancement.
28. The Planning Practice Guide (PPG) sets out that '*sustaining or enhancing the significance of a heritage asset and the contribution of its setting*' amounts to a public benefit. On this basis, the enhancement considered above would amount to a public benefit. However, those works and development are not dependent upon those aspects of the proposal that I have found to be harmful. I am therefore not persuaded that the only way of securing such benefits would be via the particular scheme that is before me. On this basis, I give these benefits limited weight.
29. The appellants argue that the proposal includes extensive works of landscape improvement incorporating biodiversity net gain, constituting a public benefit. In that regard, the application has been supported by a Landscape Plan. This includes the whole of the wider estate and identifies hedgerow and tree planting as well as habitat creation through land management techniques, sowing seed mixes to field margins and creation of water bodies. I am not provided with a detailed assessment of the existing habitat, which limits my ability to ascertain the extent of any enhancement.
30. Furthermore, biodiversity net gain is a requirement of Policy LP16 of the Babergh and Mid Suffolk Joint Local Plan (Part 1) (2023) (the LP) for any

similar scheme. Most of the landscaping relates to areas a considerable distance from the appeal site, whilst it is understood that the creation of one of the water bodies has already been granted planning permission. As such, the landscaping is not dependent upon the construction of the extension as proposed and I am therefore not persuaded that the appeal scheme would be the only means of securing these benefits. Therefore, whilst the landscaping and biodiversity enhancement measures constitute a public benefit, I give them limited weight.

31. The appellants argue that the provision of an outstanding design constitutes a public benefit. In isolation, the extension is well-designed in architectural terms and is a good interpretation of neo-Classical design. However, for the reasons set out above, it is harmful to the listed building to which it would attach. As it is harmful within its context, I do not consider that overall, the proposal is high-quality design that would constitute a public benefit.
32. The proposal would generate economic benefits arising from the carrying out of the works and development. These would be limited by the scale of the proposal.
33. In 1996 planning permission⁶ and listed building consent⁷ (the 1996 consents) was granted for the conversion of Corn Hall Barns to two dwellings. The works approved included numerous repair works. The appellants have provided a letter from a Senior Council Planning Officer which states: *'I write following our site meeting on the 5th July, 1996, and can confirm that the Council is delighted to see that the repairs and alterations have been undertaken to these important barns. In this respect I can confirm that in relation to planning permission B/95/1279 and B/95/1369LB a commencement has been undertaken in accordance with Section 56 of the Town and Country Planning Act 1990'*. The appeal has been supported by a unilateral undertaking (UU) which undertakes not to carry out the 1996 consents to Corn Hall Barns.
34. The appellants consider the UU and their commitment to not carry out the 1996 consents, which they consider to be a 'fallback', represents a significant benefit of the appeal scheme. Both parties agree that the works and development to convert Corn Hall Barns into two dwellings approved in 1996 would be harmful to the special interest and significance of this separately listed building. However, there is a dispute between the parties as to whether or not the 1996 consents were lawfully implemented. Both parties have provided me with case law in relation to these matters.
35. A considerable amount of time has elapsed since the granting of the 1996 consents and the date of the letter from the Council referred to above. The barns have not been converted to two dwellings and on the site visit I saw that they were generally empty and not in any regular use at present. The barns are generally reflective of their condition set out in the list description. Whilst I saw some evidence of the relatively minor works referred to by the appellants as being carried out in pursuant of those consents, I cannot be certain when they were carried out or that these are the works referred to in the Council Officer's letter.

⁶ Ref B/95/1279.

⁷ Ref B/95/1369/LB.

36. The 1996 consents also included conditions requiring the submission of details for approval prior to the commencement of the works and development. There is no record of any of these conditions been discharged. There is a dispute as to whether these conditions go to the heart of the planning permission and listed building consent or not. However, on the basis of the evidence that is before me, including the case law presented to me, I cannot be certain that the planning permission and listed building consent were lawfully implemented and consequently I am unable to conclude that they represent a realistic fallback. Furthermore, it is outside my remit to make a formal judgement on the lawfulness of another development. I therefore give the UU minor weight in favour of the appeals.
37. Paragraph 206 of the Framework is explicit in its requirement that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification, which, in all of the respects outlined above, I find not to be the case in the appeals before me. Whilst I give moderate weight to the recognised public benefits, including heritage benefits, these are not sufficient to outweigh the considerable importance and weight I attach to the identified harm to the significance of the designated heritage asset of Corn Hall and the nearby listed buildings.
38. I therefore conclude that the proposal would fail to preserve the Grade II listed building, Corn Hall, or any features of special architectural or historic interest which it possesses. The proposal would also fail to preserve the Grade II listed Corn Hall Cottage and Corn Hall Barns. Overall, the proposal would be contrary to the clear expectations of sections 16(2) and 66(1) of the Act and the provisions within the Framework which seek to conserve and enhance heritage assets.
39. The harmful impact would also conflict with LP Policy LP19 which requires any re-development of heritage assets outside of settlement boundaries to preserve the building, its setting and any features which form part of the building's special architectural or historic interest, with any harm to designated heritage assets requiring clear and convincing justification. Additionally, there would be conflict with LP Policies SP03 2c) and LP03 (1)(a) which, together, require new residential extensions outside of settlement boundaries to be of a high standard of design which maintains or enhances the character and appearance of the building, and LP Policy LP24 which, amongst other things, requires all new development to be of high-quality design that safeguards historic assets.

Conclusion

40. *Appeal A*: The proposed development would conflict with the development plan. There are no material considerations that indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, Appeal A is dismissed.
41. *Appeal B*: For the above reasons and having regard to all matters raised, Appeal B is dismissed.

Paul Martinson

INSPECTOR

APPEARANCES

Appellants:

Richard Humphreys KC	No5 Chambers
Martin Leay	Martin Leay Associates
Dr Paul Stamper	Paul Stamper Heritage
Andrew Derrick	Architectural History Practice
Jeremy Musson	Architectural Historian

Council:

Tom Cosgrove KC	
Natalie Drewett	Principal Heritage Officer
Teagan Chenery	Senior Heritage Officer
Lynda Bacon	Senior Planning Officer