



Planning Permission and Listed Building Consent for the
development of a mobility lift and low-level boundary wall at
Dukes Head, Coddendam

Planning Statement and Heritage

Boyer

Report Control

Project:	Dukes Head Public House, High Street, Coddendam, Ipswich IP6 9PN
Client:	Blake Gorst of Clerks Well Properties Ltd.
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1. INTRODUCTION

- 1.1 Boyer has prepared this Planning Statement on behalf of Blake Gorst of Clerks Well Properties Ltd. in relation to the construction of a mobility lift to the rear of Dukes Head, High Street, Coddenham. The proposal also includes the construction of low wall to the front boundary of the site.
- 1.2 This planning statement sets out the planning justification for the proposed development in light of the National Planning Policy Framework (NPPF, 2023) and policies contained within the Mid-Suffolk Local Plan.
- 1.3 This statement should be read in conjunction with the following plans and documents submitted in support of the planning application:
 - Site Location Plan
 - Existing and Proposed Block Plan
 - Existing and Proposed Elevation
- 1.4 The statement will take the following structure:
 - Section 2: Site context and Planning History
 - Section 3: Description of Proposal
 - Section 4: Relevant Local and National Planning Policies
 - Section 5: Assessment of Proposed Development
 - Section 6: Conclusion

2. SITE CONTEXT AND PLANNING HISTORY

The Site and Surrounding Area

2.1 The Dukes Head Public House is located to the north side of the High Street in the village of Coddenham. Appendix 1 shows the application site, edged in red. It is a large pebble dashed timber framed building of charmingly simple form and fenestration, with a plain tiled roof and a distinctive red brick end chimney.

2.2 The Dukes Head is Grade II listed and the listing description is set below:

Public House, c.1600 with C18 and C19 alterations. 2 storeys and attics. Timber-framed and pebble-dashed. Plain tiled roof with one C20 casement dormer, and an end chimney of red brick. C19 sashes with large panes, and two C18 or early C19 casements at 1st storey. 4-panelled C19 entrance door, the upper pair glazed. Some late C16 or early C17 framing exposed internally; a blocked diamond-mullioned window, and heavy unchamfered floor joists (the latter may represent an earlier core). The left hand section was probably rebuilt in C18.

2.3 In the 2015 appeal decision for the Dukes Head (appeal reference: APP/W3520/W/15/3003144), the Planning Inspectorate stated that the 'High Street consists largely of dwellings; some of these are of considerable antiquity and exhibit an attractive individuality in terms of their form and style, but they are generally of modest cottage-like character and scale, positioned closely together, with many directly adjoining the street'. Features such as brick walls, timber fencing and gates, and ornamental hedgerows are noticeable in the street scene.

2.4 The application site is located within the Coddenham Conservation Area as identified in the Mid Suffolk District Council Coddenham Area Appraisal dated 2006. To the west of the site is a row of listed buildings which are Grade II and Grade II* listed. Due to the nature of the site and its surroundings, the character and appearance of the High Street has not changed significantly since the 2015 appeal decision.

2.5 Planning permission and Listed Building Consent were granted in October 2020 for the change of use of the Dukes Head Public House to a four-bed dwelling house (planning references DC/20/02460 and DC/20/02461).

2.6 The application site slopes to the rear where the land is held back by a retaining wall of approximately 2.6 metres in height. An external staircase can be seen leading from the car park up to the beer garden. The external staircase and the retaining wall were approved in May 1997 (planning reference 0243/97).

Planning History

2.7 The relevant planning history for the site is listed below:

- 0243/97 - Removal of existing wall and areas of bank to provide enlarged car parking area and beer garden. Construction of new retaining wall, timber palisade fences and freestanding external staircase to access rear garden. Granted in May 1997.
- DC/20/02460 - Planning Application. Change of use and conversion of former public house to dwellinghouse comprising ground floor infill, roof extensions and external cladding. Granted in October 2020.
- DC/20/02461 - Application for Listed Building Consent. Works to convert former public house (now disused) to dwellinghouse. Ground floor infill and roof extensions, replacement windows & doors, external cladding, internal remodelling and repairs. Granted in October 2020.

3. DESCRIPTION OF PROPOSAL

- 3.1 Full planning permission and Listed Building Consent are sought to construct a mobility lift in the garden of the former Dukes Head Public House. The proposal also seeks the construction of a low-level wall to the front boundary the site.
- 3.2 The proposed mobility lift will be positioned to the west side of the existing staircase, providing access from the lower garden to the upper garden area. The mobility lift itself will be approximately 1.4 metres deep x 1.1 metres wide with a height of no more than 6 metres when measured from ground level. Appendix 2 illustrates that the mobility lift will be contemporary in design.
- 3.3 With regard to the low-level brick wall, this will be erected between the flank wall of the Dukes Head and Oakwell Cottage to the east, and will partially enclose the existing tarmacked parking area. The low-level wall will be of 1.2 metres in height and set back from the highway as shown on Drawing No. 10 Revision G.
- 3.4 The low-level brick wall will be about 500mm in depth and will act as planters where soft landscaping can be introduced.

4. DEVELOPMENT PLAN POLICIES

National Guidance

- 4.1 Section 38(6) of the Planning and Compensation Act 2004 states that “(6) If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.” This is repeated in Sections 11 and 47 of the National Planning Policy Framework (NPPF, 2023) which advises that decision taking should be in accordance with an up-to-date development plan without delay unless material considerations indicate otherwise.
- 4.2 Within this section, planning policies at both the national and local level are identified which are considered relevant to the development proposed at the rear of Dukes Head and are therefore material considerations when considering this planning application.

National Planning Policy Framework (NPPF, 2023)

- 4.3 The National Planning Policy Framework (NPPF, 2023) seeks to achieve sustainable economic growth, highlighting a principle of identifying and meeting housing, business and other development needs of an area in a sustainable manner.
- 4.4 Paragraph 8 of the NPPF states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. The three objectives are: economic, social and environmental.
- 4.5 Paragraphs 10 and 11 ensures that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. For decision-taking in this instance, development proposals that accord with an up-to-date development plan should be approved without delay.
- 4.6 Paragraph 47 of the NPPF advises that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the Applicant in writing.
- 4.7 Chapter 12 of the NPPF relates to well-designed places. Paragraph 126 within states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 132 within this chapter suggests that design quality should be considered throughout the evolution and assessment of individual proposals.

- 4.8 In terms of heritage, paragraph 199 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, irrespective of the level of harm to its significance.
- 4.9 Paragraph 202 of the Framework goes on to state that where a development proposal will 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 including, where appropriate, securing its optimum viable use.

Local Plan Policy

- 4.10 The Mid Suffolk Local Plan and Proposals Maps were adopted in 1998 and sets out the vision, objectives, spatial strategy and core policies that will guide development across the District. The 1999 local plan has since been superseded by policies from the Core Strategy (CS, 2008) and the Core Strategy Focussed Review (CSFR, 2012).
- 4.11 The following policies that are considered relevant to his case are:
- 4.12 Policy FC01 'Presumption In Favour Of Sustainable Development' states that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. This policy goes on to say that planning applications that accord with the policies in the Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise.
- 4.13 Policy FC1.1 of the CSFR requires development proposals to demonstrate the principles of sustainable development and will be assessed against the presumption in favour of sustainable development as interpreted and applied locally to the Mid Suffolk context through the policies and proposals of the Mid Suffolk new style Local Plan.
- 4.14 Policy GP1 refers to the design and layout of new developments in the district. The policy states that the Council will normally grant planning permission for proposals which meets design criteria such as the scale, style, density, materials, finishes, and landscaping.
- 4.15 Policy HB1 of the adopted local plan seeks the protection of historic buildings. The policy advises that particular attention will be given to protecting the settings of listed buildings.

- 4.16 Policy HB8 safeguards the character of conservation areas. The policy states that priority will be given to protecting the character and appearance of conservation areas and the Council will expect new building, alterations or other forms of development to conserve or enhance their surroundings. This includes, amongst other things, the design of development, the use materials, lighting, hard and soft landscaping etc.
- 4.17 In terms of protecting existing residential amenity, Policy H16 of the local plan states that to protect the existing amenity and character of primarily residential areas, the Council will refuse development that materially reduces the amenity and privacy of adjacent dwellings or erodes the character of the surrounding area.

Emerging Babergh and Mid Suffolk Joint Local Plan (November 2020)

- 4.18 The Babergh and Mid Suffolk Joint Local Plan (JLP – Part 1 and Part 2) will provide the strategy for the growth of Babergh and Mid Suffolk District. It will set out the strategy for development up to 2037, including land allocations. Once adopted, the Plan will replace the existing local planning policies for both Babergh and Mid Suffolk. In September 2023, the Appointed Inspectors published their Examination report. Their report concludes that the Joint Local Plan - with its recommended Main Modifications - is sound and capable of adoption. Part 1 of the Joint Local Plan will be considered for adoption at Full Council meetings in November 2023.

The following policies that are considered relevant to this development proposal are listed below:

- 4.19 Policy SP03 of the JLP relates to sustainable location of new development. Within this policy, it states that development will be permitted where, amongst other things, design is sympathetic to its surrounding and demonstrates high-quality design by having regard to the relevant policies of the Plan.
- 4.20 Policy LP06 of the JLP relates to Supported and Special Needs Housing states that development proposals, including extensions, conversion and new developments for supported and special needs housing, will be supported subject to policy criteria such as the provision of sufficient amenity standards including access to open space for the residents, that the proposal is well designed and will meet any special needs of the residents of the facility; and the designed and sited to respect, maintain and enhance landscape characteristics.
- 4.21 With regard to the historic environment, Policy LP19 of the JLP requires that all new development proposals need to ensure it responds to and reinforces the local distinctiveness of the area in scale, form, design, materials, and location.

4.22 In terms of design and residential amenity, Policy LP26 of the JLP advises that good design is a key aspect of sustainable development and has the potential to maintain and enhance existing environments. It can also have benefits in terms of the health of residents and community safety. The Plan provides a framework to promote high quality, well designed developments, and good quality housing. More importantly, dwellings should adapt to and accommodate the needs of the occupier over their lifetime can facilitate choice, help meet the needs of an ageing population and improve quality of life.

5. PLANNING CONSIDERATIONS

Principle of Development

- 5.1 The development proposal seeks the construction of a mobility lift for the future occupiers of the site to allow access to the rear garden. The proposal also includes the construction of a low-level boundary brick wall to the front boundary of the site.
- 5.2 National and local plan policies requires new development to be well designed and being able to adapt and accommodate the needs of the occupiers over their lifetime. Policies also seeks to ensure that new developments meet the aging population and to improve the quality of life of any future occupiers of the site. The proposal for a mobility lift is therefore acceptable in principle subject to other material considerations which will be discussed in this planning statement below.
- 5.3 The proposal of an entrance gate, subject to other material considerations, will also be discussed below.

Design of Development

- 5.4 The Dukes Head is a Grade II listed building and was formerly a public house. It was granted planning permission in October 2020 for its conversion to a dwelling house (planning permission and Listed Building Consent reference: DC/20/02460 and DC/20/02461).
- 5.5 To the rear of the application site is a private garden area to the property where the site gradient is much higher level than the host dwelling and is currently accessed by an existing external metal staircase.
- 5.6 A mobility lift is proposed next to the existing staircase which accesses the garden area. This will improve access and make the area more user friendly.
- 5.7 The proposed mobility lift will measure approximately 1.4 metres deep x 1.1 metres in width with a height of no more than 6 metres when measured from ground level. In terms of the development, the slimline lift has been carefully designed and well thought out with the size, mass and height being kept to the minimum.
- 5.8 The proposed development will be sited to the rear of the site in an inconspicuous location and will not be visible from the public domain. While the mobility lift will be contemporary in design, it is considered that the juxtaposition between the old and new would create, not only visual interest, but the evolution of various developments within the historic environment.
- 5.9 External materials will be sourced and used in the construction of lift and therefore will be sympathetic to the Conservation Area and will not harm the setting of Dukes Head and adjacent listed buildings.

- 5.10 The proposal also includes the construction of a low-level brick wall to the front boundary of the site. The boundary treatment proposed will be similar to the existing boundary treatments that can be seen along the High Street. As such, the development proposed will not appear incongruous and the development will be in keeping with the street scene.
- 5.11 The development therefore accords with policy GP1 of the adopted local plan, policies SP03, LP19 and LP26 of the emerging local plan, and Chapter 12 of the NPPF relating to good designs in development.

Heritage

- 5.12 The application site is occupied by a Grade II listed building and is adjacent to listed buildings. The planning application therefore requires the Council to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 5.13 As the site is within the Coddenham Conservation Area, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 5.14 The above is read in conjunction with Paragraphs of the 199 and 202 of the Framework where it states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, irrespective of the level of harm to its significance. Where a development proposal will 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 including, where appropriate, securing its optimum viable use.
- 5.15 Due to the scale and nature of the development proposals, it is not considered that the development would result in significant harm on heritage assets. The benefits of the development proposals would enable the future occupiers of the site to maximise the use of the rear private garden on both ground and upper level.
- 5.16 The low-level boundary wall would further protect the privacy of the future occupiers of the site as well as enhancing the character and appearance of the Conservation Area as it seeks to contain and provide partial screening to the existing tarmacked car parking area. The historic fabric of the Dukes Head would not be affected by the new low-level wall as it will only be constructed next to it. The development is wholly reversible should the prospective occupiers of the site wishes to remove the wall in the future.
- 5.17 It is concluded that the development of a mobility lift and the proposed boundary treatment would accord with national and local plan policies and therefore should be viewed favourably.

Residential Amenity

- 5.18 With regard to residential amenities, it is proposed that the mobility lift will be enclosed and have no openings to allow users to overlook onto neighbouring land or properties. The development proposal would therefore not result in any adverse impact to the nearby residential properties to warrant refusal of this application. Additional information has been sought from the mobility lift company to confirm that there will be no noise or vibration during the operation of the lift. A copy of this response is attached as Appendix 3.
- 5.19 The boundary treatment proposed to the front of the site will provide some degree of privacy to the future occupiers of the site as well as improving the appearance of the car parking area when viewed from the public domain.

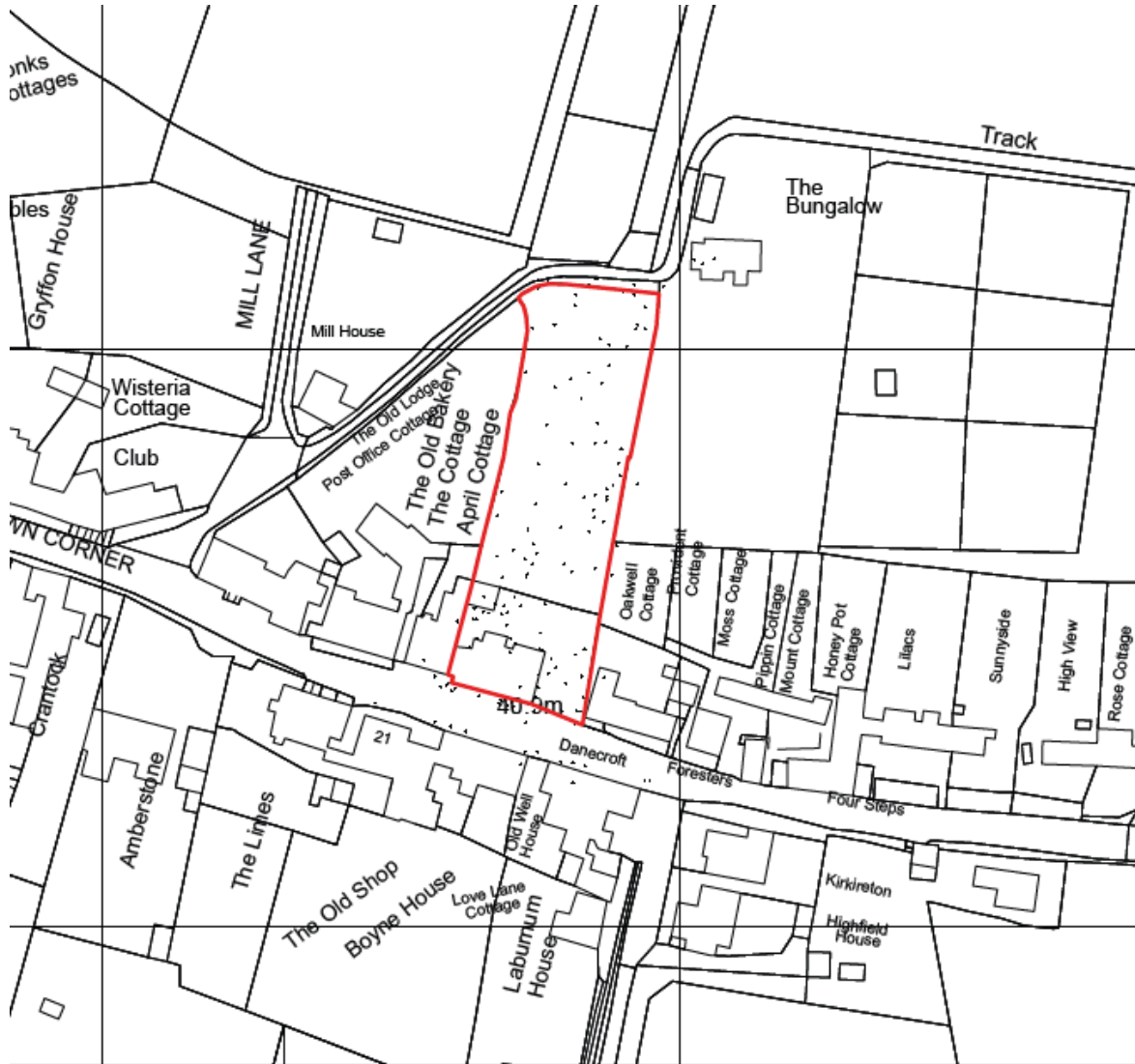
Off Street Parking

- 5.20 With regard to off-street parking, the application site is able to accommodate at least eight vehicles comfortably. This level of car parking was acknowledged by the Planning Inspectorate in Paragraph 3 of the appeal decision APP/W3520/W/16/3143123 dated 21 July 2016. A copy of this is attached as Appendix 4.
- 5.21 It is important to note that the current proposal will not affect the existing level of car parking spaces available for the future occupiers of the site. In this instance, it is considered that the proposal would meet the Council's policy requirement as set out in the Suffolk Guidance for Parking, 2019.
- 5.22 It has been noted that concerns have been raised by the local community regarding the development proposal and that the construction of a wall would obstruct an '*unofficial*' passing place outside the entrance to the Dukes Head car park. To compromise, the Applicant has taken on board the views of the local community and revised the height of the walls by lowering and repositioning them to ensure the passing place will continue to be available for all road users. Furthermore, the gate elements (originally proposed) have now been removed which allows the occupiers of the site to drive straight through to the car parking area at the rear of the site without causing obstruction to all highway users.
- 5.23 The wall has also been revised following advice from SCC Highways dated 3 October 2023. A copy of the consultation response is attached as Appendix 5.

6. CONCLUSION

- 6.1 This planning statement has been prepared by Boyer, on behalf of Blake Gorst of Clerks Well Properties Ltd. to support a full planning application for the construction of a mobility lift to the rear and the construction of a low-level wall on the front boundary of the former Dukes Head Public House, Coddenham, which has planning permission for conversion to residential use.
- 6.2 The principle of development in this location is considered acceptable and accords with policies in the adopted and emerging local plan and the National Planning Policy Framework. The presumption in favour of sustainable development should apply in this respect.
- 6.3 In addition, there will be no heritage impact caused by the location of the mobility lift as this is sympathetically designed to ensure there will be no harm to the historic environment. The low-level wall would not affect the historic fabric of the listed building and will be reversible should the wall be demolished in the future.
- 6.4 In terms of the brick facing wall, the benefit of partially enclosing the site will enhance and preserve the character and appearance of the area and its immediate settings. The boundary treatment proposed to the front will not be out of keeping in the Coddenham Conservation Area as such features are evident in the street scene and in the wider locality.
- 6.5 The planning application is accompanied by a suite of supporting documentation to demonstrate that there are no significant impacts that would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. There are no material considerations which indicate that planning permission should not be viewed favourably and granted.

APPENDIX ONE – SITE LOCATION PLAN



APPENDIX TWO – MOBILITY LIFT (FOR ILLUSTRATIVE PURPOSES ONLY)



Inva Euro Platform Lift



External Platform Lift

Up to 6 metres of travel, suitable for applications independent from a building.

The InvaEuro

The InvaEuro is a perfect 'mid range' solution available in three platform sizes which comes complete in its own solid or fully glazed enclosure (excluding drive side).

Platform Sizes

1400mm x 1100mm (space required 1550mm x 1320mm)
1400mm x 900mm (space required 1550mm x 1120mm)
1250mm x 900mm (space required 1400mm x 1120mm)



Standard Features:

- Travel heights up to 7M
- Internal or external use
- 3 Platform sizes available
- Available in 4 standard colours of – white, beige, grey and blue
- Single phase electrics
- Autodialler
- Emergency battery lowering
- Digital indicators, voice annunciation and arrival chimes
- Solid steel or glazed shaft
- Minimal building work required
- 2-3 days for a typical installation

Options Available:

- Intercom
- Key isolation
- Induction loop
- Centre opening doors
- Powered doors
- Fire rated doors
- Tinted glazing
- Swipe card control
- Cabin (3 sided cabin with light curtain)
- Alternative colours



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APPENDIX THREE – EMAIL CORRESPONDENCE FROM MOBILITY LIFT COMPANY

From: Michelle Kkoushis <michelle@invalifts.com>

Sent: 02 October 2023 16:11

To: Blake <blake@mirrorstoke.com>

Subject: SL14291 - Platform Lift Coddenham

Good afternoon Blake,

Thank you for your email. Sorry for the late reply.

We can confirm there will not be any noise or vibration during the operation of the platform lift.

Kind Regards,

Michelle Kkoushis • Sales

☎ 01827 286860 Mobile 07834 747875 🌐 www.invalifts.com



**APPENDIX FOUR - APPEAL DECISION
(REFERENCE: APP/W3520/W/16/3143123)**

Appeal Decision

Hearing held on 5 July 2016

Site visit made on 5 July 2016

by J Flack BA Solicitor

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 July 2016

Appeal Ref: APP/W3520/W/16/3143123

Dukes Head, High Street, Coddendam, Suffolk IP6 9PN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Clerks Well Properties Ltd against the decision of Mid Suffolk District Council.
 - The application Ref 2051/15, dated 10 June 2015, was refused by notice dated 13 August 2015.
 - The development proposed is change of use from public house with living accommodation to dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. Following the discussion of the proposal at the hearing, I consider that the main issues for my assessment are:
 - Whether the proposal would result in the loss of a valued community facility, and if so, whether that loss would be acceptable; and
 - Whether the proposal would preserve the Grade II listed building known as the Dukes Head (listed as the Dukes Head Inn), and whether it would preserve the character or appearance of the Coddendam Conservation Area.

Reasons

Loss of community facility

3. The Dukes Head fronts directly onto High Street in the centre of Coddendam. Internally its trading area comprises two rooms on either side of an entrance lobby, a single bar serving both rooms. Two single storey rear extensions provide kitchen and toilet facilities. To the rear of the building is a surfaced yard area which provides parking facilities for about 8 cars. Beyond this, up a flight of steps, is a substantial rectangular area of land. At present this is overgrown with tall grass and brambles, but it forms part of the appeal site and the evidence before me is that it was formerly used in association with the public house use of the Dukes Head.
4. The Dukes Head closed in October 2014. It is the only public house in the village, but the appellant draws attention to the Coddendam Country Club (the

Club) which is located on High Street a short distance away from the Dukes Head. The Club was established many decades ago, and operates as a private members' club. It would not be as attractive as a public house for spontaneous or occasional use, but the evidence before me is that the Club is welcoming to new members, membership is in practice available to all in the village, and that membership fees are low. The private membership operation of the Club thus causes me only limited concern. I was told that the trading area of the Club is broadly equivalent to that of the Dukes Head, and it appears that various events take place there. However, the opening hours of the Club are limited, albeit that slightly extended hours have just been introduced for the summer, and there is no garden, the only outdoor facility being a very small verandah. Nor is there a kitchen, and this very severely restricts the ability of the Club to provide food.

5. The circumstances of the Club and the Dukes Head are such that, overall, I consider that the former would not provide an adequate substitute for the latter. Nor would the village hall or the very limited café facilities offered by the village shop. This is reflected by the concerns of local residents in response to the closure of the Dukes Head and the appeal proposal. I acknowledge that there have been a few supportive representations, but these are greatly outnumbered by objections. Moreover, although the objectors represent only a small percentage of the village's residents, it is to be expected that only a proportion of those who have views on a development proposal will express them by way of a formal representation. I consider therefore that the level of objecting representations is indicative of a considerable degree of local concern.
6. In addition, I note that village residents have formed the Save The Dukes Head Group (the SDHG). Although the SDHG does not yet have a formal constitution, the evidence before me of its activities to date demonstrates considerable commitment, determination and organisation in the furtherance of its aim of securing the retention of public house use of the Dukes Head. The SDHG has been instrumental in a successful application to include the inclusion of the Dukes Head on the Council's list of Assets of Community Value. Whilst this regime operates independently from planning, the list inclusion is nevertheless indicative of the Dukes Head's importance to the village. Furthermore, the SDHG has carried out a very comprehensive survey of local residents. The results show that a high degree of importance is attached by the 87 respondents to the retention of the Dukes Head as a pub and village amenity. The SDHG has also been active in pursuing attempts to purchase the Dukes Head, although no finalised business plan is yet in place.
7. Taking all of the above matters together, I conclude that the evidence before me provides an ample demonstration that the Dukes Head is a valued community facility.
8. Paragraph 69 of the National Planning Policy Framework (the Framework) emphasises the important role of the planning system in facilitating social interaction and creating healthy, inclusive communities, and paragraph 70 states that to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should guard against the unnecessary loss of valued facilities and services. Moreover, the objectives of paragraph 28 in supporting a prosperous rural economy include promotion of the retention and development of local services and community facilities in

- villages, including public houses. The Framework thus provides a high degree of support, albeit not absolute or unconditional, for the retention of public houses in rural communities. This is a matter of considerable importance to my assessment in the absence of any development plan policies which deal specifically with proposals which would involve the loss of community facilities.
9. Paragraph 70 of the Framework does not define the term “unnecessary loss”. However, assessment of this clearly requires a structured assessment of relevant factors. The parties concur that the Council’s Supplementary Planning Guidance (the SPG)¹ is a material consideration. Although the SPG is of considerable age, and the challenges facing rural public houses have probably become more severe, its structured approach of testing proposed changes of use of public houses against evidence of viability and other criteria seems to me fundamentally in accordance with the Framework. My attention is also drawn to the CAMRA public house viability test, and whilst this is not a planning document its criteria are also of some relevance to my assessment. However, and in any event, the acceptability of the proposal is to be judged on the evidence which is before me at appeal.
 10. The SPG requires that all reasonable efforts have been made to sell or let the property as a public house. Marketing of the Dukes Head, by a specialist agent, commenced in November 2014. Marketing activities prior to June 2015 include particulars on the agent’s website and various advertisements. Since that time the Dukes Head has continued to be on the market, although the appellant was unable to confirm specific details of marketing activities and the sale board was removed a few months ago. The period and intensity of marketing seem to me adequate, and I note that despite a large number of expressions of interest there have been few offers. However, the garden has been excluded from the sale. Although the garden is at present overgrown with tall grass and brambles, and accessed via a flight of steps, it forms part of the Dukes Head’s curtilage and the evidence before me is that was formerly used as a beer garden and for various village events. As such it has potential for providing an attractive and valuable facility. There is no obvious justification for its exclusion, and this would in my view have reduced the attractiveness of the Dukes Head to potential buyers.
 11. In any case, I have more substantial concerns as to the adequacy of the marketing. No asking or guide price has been provided, and in this context the basis on which the appellant has assessed the acceptability of the offers made by the SDHG and others is of considerable significance. At the hearing, the appellant stated a view that offers should be accepted or rejected on the basis of residential value, and that recovery of its acquisition costs was also a relevant consideration. I do not concur. The planning purpose of marketing in the context of the proposal is to establish whether there is demand for and interest in the building as a public house, and there is no planning permission for a purely residential use. Assessment of offers for the Dukes Head should therefore have reflected its current public house use, its condition and that it is not a going concern. Taking into account also that no valuation evidence is before me, I am unconvinced that the appellant’s rejection of the offers received to date has been reasonable and justified, and I conclude that the marketing conducted to date has been unacceptably deficient.

¹ Retention of Shops, Post Offices and Public Houses in Villages, adopted February 2004

12. The appellant has provided some evidence as to the income and costs incurred by the previous tenant. However, none of the information is presented in the form of formal accounts, no information is provided for 2013/14 and only a bare summary is given for the year ended April 2015. The tenant at the time did not attend the hearing and the appellant was unable to tell me what items were comprised in the stated sales cost amounts, to explain the apparently high motor costs or widely varying income figures between some years.
13. These matters reduce the reliance I can place on the submitted figures, but they are nevertheless indicative of substantive losses during the relevant period. However, the attitude and skill of the operator is a significant factor in the success or failure of any public house. The unchallenged evidence of Mr Waters, an interested party, is that the operator of a free house would be able to achieve significantly higher margins on drinks sales than are indicated by the submitted figures. Moreover, no evidence has been presented to me to contradict the consistent picture emerging from the representations of local residents and the SDHG survey results that in the years immediately preceding its closure, the Dukes Head was unwelcoming and run down, and the tenant unenthusiastic. Moreover, no food was served, nor was the garden used, and in my view these are both matters which would offer substantive potential for developing the business. I acknowledge however that the trading area available for covers is not very large, and extensions of this would encroach into the limited car parking area and require careful consideration of the impact on this listed building.
14. Various other matters relevant to viability have been raised before me by the parties and interested persons, although no formal study or technical analysis has been provided. As a drinking establishment, the Club would present some competition to the Dukes Head, but the two co-existed successfully in the past for many years. Given the differences in opening hours and facilities which I have identified, there is clear potential for the Dukes Head to develop in ways which would differentiate its offer, and overall I do not consider that the Club would pose a compelling barrier to the viability of the Dukes Head. Although there are a number of other public houses within a short drive time of Coddendam, there are also nearby settlements which have no public house and would offer potential customers. As to the populations of Coddendam and nearby villages, the limitations of the settlement hierarchy provided by Policy CS1 of the Core Strategy² means that significant growth is very unlikely. However the SDHG survey respondent results are indicative of a wide range of ages within Coddendam and substantial interest in patronising the Dukes Head, and there is no convincing evidence before me that recent demographic and lifestyle changes would very substantially affect the potential for patronage compared to periods when the Dukes Head was trading successfully.
15. The Dukes Head car park is small and could not be expanded without very substantial works to the bank between it and the garden area. This diminishes the appeal of the Dukes Head to drivers, but only to a limited extent given that unrestricted, albeit limited, on street parking is available. It might be possible for the first floor to be converted to use for bed and breakfast or holiday accommodation, but I accord limited weight to this as potential operators other than the SDHG would be likely to require the upper floor for their own residential use, and the impact of conversion works on the listed building would

² Core Strategy Development Plan Document, adopted September 2008

be a significant consideration. Nor is there any realistic possibility of using the Dukes Head for additional community services such as a shop or post office, for the village already has these facilities. However, Coddendam is a very attractive historic village and lies on a busy B road. I was told that there are holiday cottages within the village, that the locality is popular with walkers and cyclists, and that visitors are attracted to village events. Although the Dukes Head currently has a neglected appearance both externally and internally, it still possesses clear historic charm which could readily be enhanced by redecoration and refurbishment, and it would have potential to attract trade from visitors to the village and surrounding area as well as from people driving through the village along High Street.

16. Taking account of all the matter raised before me, it is clear that re-establishing the Dukes Head as a successful public house would present substantive challenges. However, I am not convinced that these could not be overcome by an effective and enthusiastic operator who had acquired the premises at a reasonable price. I have identified trading potential in various respects and clear opportunities to improve it. There is thus a realistic possibility that public house use of the Dukes Head would be successful and viable, and I conclude overall on this main issue that the proposal would result in the unacceptable loss of a valued community facility.

Listed building and conservation area

17. The proposal amounts only to the change of use of the Dukes Head: any alterations or other works to the building necessary to implement this would be for future assessment. On this basis the Council did not refuse the application on the grounds of its effect on the subject listed building or conservation area, and its heritage officer considered that the impact would be neutral.
18. However, as this is a proposal which affects a listed building, it follows that section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the listed building or any features of special architectural or historic interest which it possesses. Similarly, section 72 of the Act requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. These are clear and important duties, and I consider that it would be inappropriate for me to simply assume that the absence of proposed works necessarily means that there would be no harmful impact on the listed building or the conservation area. That is instead a matter which should be carefully considered in the light of the individual qualities of these heritage assets, and a precautionary approach is appropriate given that, as paragraph 126 of the Framework reminds, heritage assets are an irreplaceable resource.
19. No assessment of the significance of the heritage assets and the impact of the proposal on them is before me. This is contrary to the expectations of paragraph 128 of the Framework, which states that, as a minimum, the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. The appellant has provided no information as to the history of the Dukes Head. However, it is stated to be a public house in the list description and Mr Waters, an interested party, states in his appeal representation that C19 census information indicates that it was a beer house in 1861. At the hearing, no one was able to give me any other information about the building's history, but it is

possible that it has been in public house use for a very significant part of its life. It is also possible that this may have materially influenced or contributed to the evolution of the building as an example of Suffolk vernacular architecture. It may be that, as the appellant suggested at the hearing, that there are no remarkable aspects or incidents arising from the building's public house use which would make it stand out from other historic buildings in that use. However, no one has investigated this.

20. On the evidence before me, there is at least a possibility that public house use of the Dukes Head listed building makes a substantial positive contribution to its significance by serving to continue, reveal and make legible an important element of its special historic or architectural interest. I conclude therefore that the proposal would not preserve this listed building.
21. As one of a number of listed buildings in the centre of the village, the Dukes Head makes a substantial contribution to the conservation area. Moreover, the Council's Coddendam conservation area appraisal notes that the Dukes Head is the last of the three public houses which the village once had to survive in its original use, a process which has been mirrored by the diminution of the wide variety of the trades and businesses which the village once possessed. Whilst the relevant passages are statements of facts, their inclusion in the appraisal is indicative that they are material to the qualities of the conservation area, and I consider that public house use of the Dukes Head is of value through providing an ongoing manifestation of and linkage to earlier phases of the village's evolution and history. Moreover, I concur with the Council's view expressed at the hearing that public house use of the Dukes Head serves to create interest and variety in the street scene, and this would not be adequately continued by retaining the pub sign or other physical signifiers of the former use. I thus conclude that the proposal would not preserve the character or appearance of the conservation area.

Benefits of the proposal

22. The Council accepts that it cannot demonstrate the five year supply of deliverable housing sites demanded by the Framework. However, the proposal is for a single dwelling and the Dukes Head already provides a residential unit, albeit on the basis of accommodation ancillary to the public house use. The benefits of the proposal in addressing the shortfall of housing in the Council's area would thus be insignificant.
23. Provided planning permission and listed building consent were obtained for works necessary to implement to the change of use, the proposal would secure the future of the listed building. However, this does not amount to a significant benefit, as it could also be secured by continued public house use and I have concluded that there is a realistic possibility that this would be successful and viable.
24. The appellant contends that the reduced vehicular movements arising from the proposal would bring about road safety benefits, but although visibility from the access is limited, the benefits would be modest as movements arising from public house use would not be very numerous given the limited car parking. The proposal would remove the possibility of noise and disturbance to adjoining residential occupiers which may sometimes arise from a public house use, but such issues can be controlled by environmental health legislation and nothing in the evidence before me suggests that the Dukes Head has given rise to

concerns in this respect in the past. Overall, I conclude that the benefits of the proposal would be minor.

Policy and overall conclusions

25. The parties concur that given the absence of a five year supply of housing sites and the absence of development plan policies concerning the loss community facilities, the proposal should be considered on the basis set out at paragraph 14 of the Framework and Policy FC1 of the Focused Review³, this being that, unless material considerations indicate otherwise, permission should normally be granted unless adverse impacts significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework.
26. I have concluded on the first main issue that the proposal would result in the unacceptable loss of a valued community facility. It would therefore be contrary to the Framework's policies relating to community facilities, and also to the objectives of the SPG. Moreover, Policy E6 of the Local Plan⁴ seeks to recognise the importance of individual commercial sites in providing local employment opportunities. Whilst the Dukes Head is clearly a minor site with limited potential for providing employment, this potential would be permanently lost and the proposal would not provide the significant benefit for the surrounding environment which the Policy seeks. Paragraph 2.34 of the supporting text to Policy CS1 of the Core Strategy identifies that secondary villages will benefit from small-scale development to meet local needs, including housing and community facilities. The proposal would not make a significant contribution to meeting housing need, and would instead result in the unacceptable loss of a community facility. It would thus be contrary to the objectives of Policy CS1.
27. I have concluded on the second main issue that the proposal would not preserve the listed building or the character or appearance of the conservation area. The proposal would therefore conflict with Policy HB1 of the Local Plan, which aims to protect the character of buildings of architectural or historic interest, and Policy HB8, which gives priority to protecting the character and appearance of conservation areas. For the purposes of the Framework, the listed building and the conservation area are designated heritage assets. Within the overall context of these assets, the proposal would lead to less than substantial harm to their significance. However, paragraph 134 of the Framework requires that such harm be weighed against the public benefits of the proposal and paragraph 132 requires that great weight be apportioned to the assets' conservation. Although the benefits I have identified would be public in nature, they would be minor and insufficient to outweigh my findings of harm. The proposal would therefore be contrary to the historic environment policies of the Framework.
28. In my assessment of the proposal I have identified only minor benefits, whereas I have found that there would be conflict with the policies of the Framework relating to community facilities and the historic environment. The adverse impacts of the proposal would thus significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework for the purposes of paragraph 14, and there would be conflict with the equivalent

³ Core Strategy Focused Review, adopted December 2012

⁴ Mid Suffolk Local Plan, adopted September 1998

provisions of Policy FC1 of the Focused Review. Given also the conflicts I have found with other policies of the development plan relevant to the proposal, I conclude that the proposal would be in overall conflict with the development plan.

29. For the above reasons, the appeal is dismissed.

J Flack

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Phil Cobbold	Planning consultant
Richard Buss	Appellant
Blake Gorst	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Stephen Burgess MRTPI	Planning Officer
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INTERESTED PARTIES:

Roger Waters
Elaine Thomas
Julian Hall
Nigel Smith
Ray Collins
Sue Wythe
Fred Garrard

DOCUMENTS SUBMITTED AT THE HEARING

(All documents submitted by the appellant)

1. Save the Dukes Head Questionnaire responses
2. Print of Coddendam Country Club Facebook pages
3. Print of Coddendam Village Website page – Country Club
4. Photographs of Country Club poster signs
5. Photographs of interior of Country Club

APPENDIX FIVE – SCC HIGHWAY RESPONSE

Your Ref: DC/23/04091
Our Ref: SCC/CON/3462/23
Date: 3 October 2023
Highways Enquiries to: Highways.DevelopmentControl@suffolk.gov.uk



All planning enquiries should be sent to the Local Planning Authority.
Email: planning@babberghmidsuffolk.gov.uk

The Planning Department
Babergh MidSuffolk District Council
Planning Section
1st Floor, Endeavour House
8 Russell Road
Ipswich
Suffolk
IP1 2BX

For the attention of: Nikita Mossman

Dear Nikita Mossman

TOWN AND COUNTRY PLANNING ACT 1990 CONSULTATION RETURN: DC/23/04091

PROPOSAL: Householder Application - Installation of a mobility lift to allow access to the rear garden and erection of a front boundary wall and 1.8m high gates.

LOCATION: Dukes Head Inn, High Street, Coddenham, Ipswich Suffolk IP6 9PN

Suffolk County Council as Highway Authority hereby recommends a **Holding Objection** is upheld until the information requested within this consultation response has been submitted for review, in the interests of providing safe and suitable access to the site for all users, compliant with Paragraph 110 (b) of the National Planning Policy Framework (NPPF) 2021.

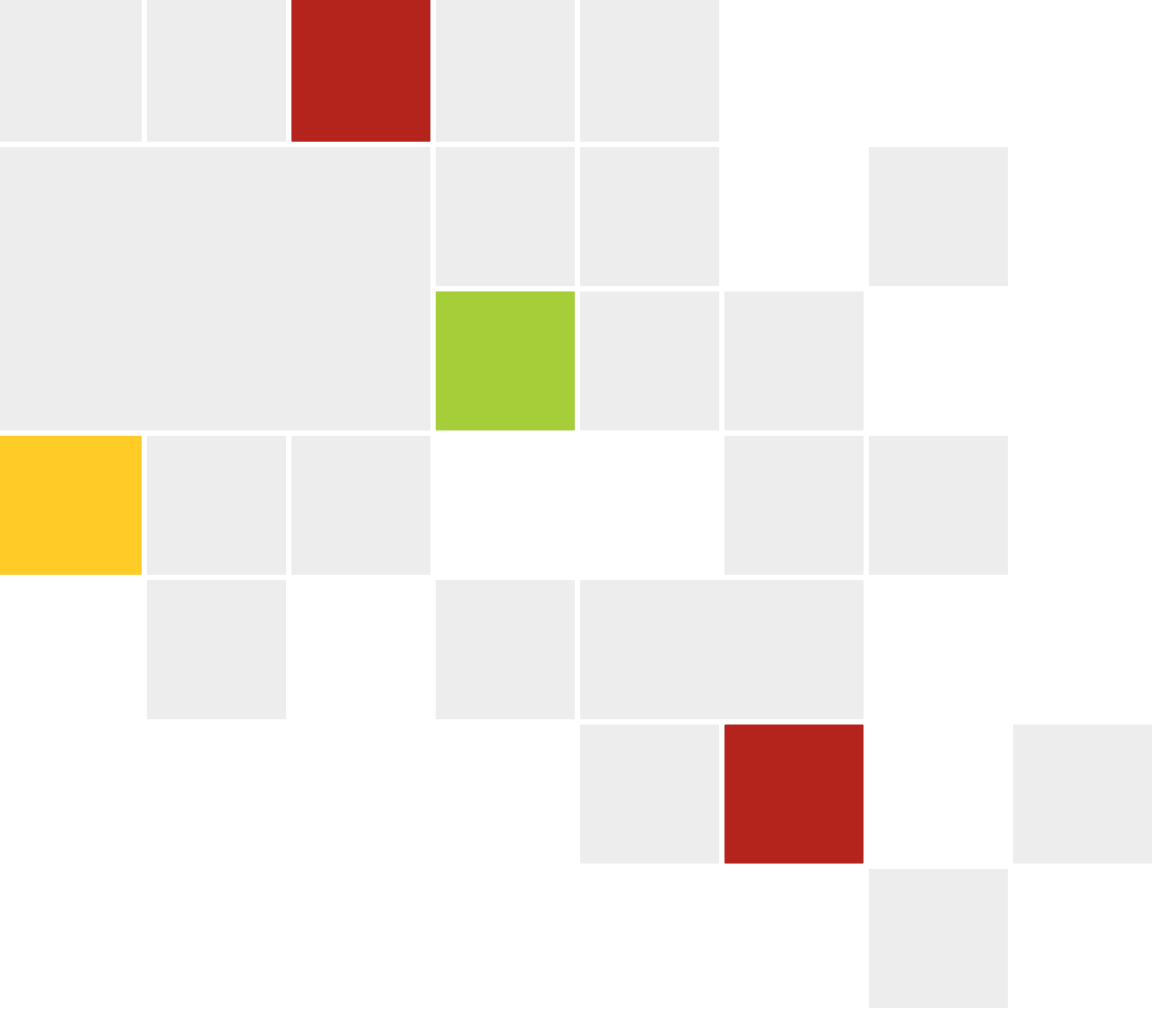
The documents provided have not been marked in a manner that makes it clear where the proposed front boundary wall would be located, it should be marked clearly in any revised plans.

The proposed 1.8m gates would seriously obstruct the vehicular visibility for highway users entering and exiting the existing access. Revised plans showing either gates no higher than 0.6m or the removal of the proposed gates entirely should be provided.

The proposed gates are also located <0.9m from the highway, this could lead to issues regarding queuing on the highway while entering the site, to mitigate this the proposed gates must be set back a minimum of 5 m, this should also be shown on revised plans if in line with the above.

Yours sincerely,

Cameron Hughes
Civil Engineering Degree Apprentice
Growth, Highways and Infrastructure



Boyer

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