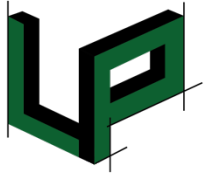


# PLANNING STATEMENT

Site: Pear Tree Farm, Chapel Road, Hinderclay, Suffolk IP22 1HY

Proposal: Full Planning Permission for Erection of 1 No. Dwelling with  
Associated Landscaping Following the Demolition of Existing Buildings

November 2023



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PLANNING

## REPORT INFORMATION

**Site:** Pear Tree Farm, Chapel Road, Hinderclay, Suffolk IP22 1HY

**Applicant/Client:** Mr. David Thorrold

**Date:** November 2023

**Local Planning Authority:** Mid Suffolk District Council

**Author:** James Platt, BSc (Hons), MRTPI - Director/Planning Consultant

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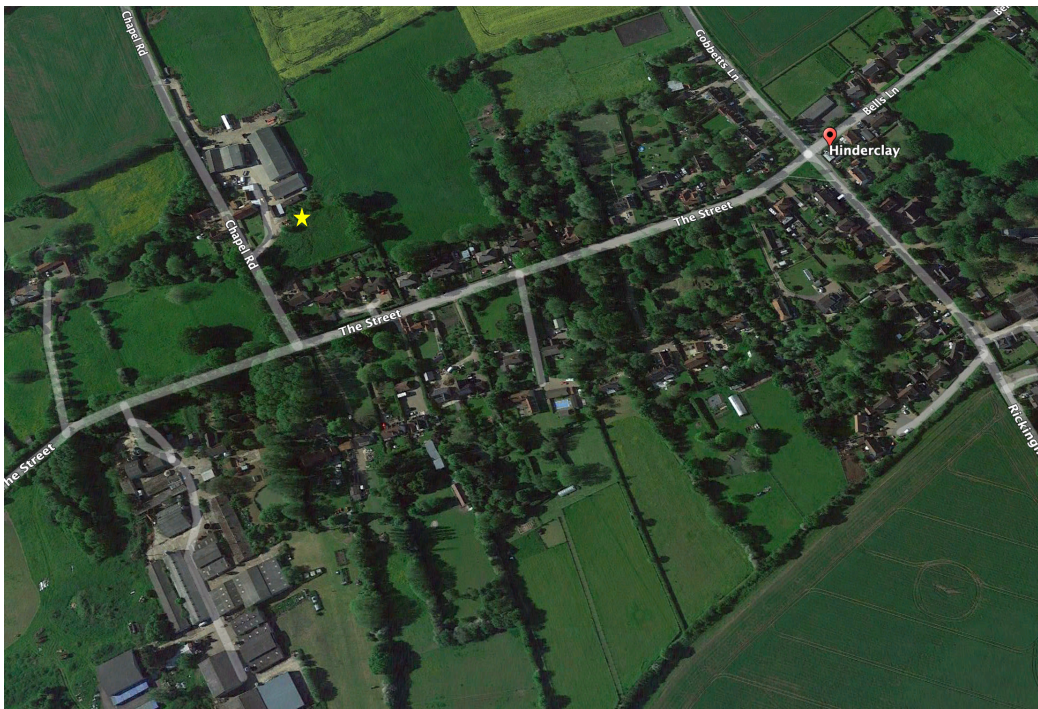
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## Introduction

- 1.0 This Planning Statement ('**Statement**') is prepared by Locus Planning on behalf of Mr David Thorrold ('the **Applicant**') in support of an application for full planning permission ('the **Application**') for development comprising *inter alia* the delivery of 1 no. dwelling ('the **Development**') at Pear Tree Farm, Chapel Road, Hinderclay ('the **Site**'). The Application falls to be determined by Mid Suffolk District Council ('the **Council**').
- 1.1 This Statement describes the Site and its surroundings; details the Development; and assesses the Application against local and national planning policy, and other material considerations that are relevant to its determination. It will be demonstrated that the Development is acceptable for reasons that include the significant material consideration presented by a fallback position for the development of the Site, and the betterment that would arise in that regard. On that basis, the Council is invited to grant planning permission.

## Site & Surroundings

- 2.0 The Site is formed by a range of modern agricultural buildings and associated land located at Pear Tree Farm, Chapel Road, Hinderclay. The Site lies to the east of the Grade II listed 'Pear Tree Farmhouse' and toward the south of the main complex of farm buildings. Access to the Site is provided via an existing entrance from the eastern side of Chapel Road, an unclassified highway that joins with Thorpe Street in the north and The Street in the south.



Courtesy of Google Earth (2021). Site marked by the yellow star.

- 2.1 Beyond the farmhouse and adjacent agricultural uses, housing lies to the south and west of the Site. Although designated as 'countryside' for the purposes of the development plan, the Site nevertheless lies within the village of Hinderclay. The settlements of Rickinghall and Botesdale are close by (circa 2 miles) where a range of services and facilities are located.
- 2.2 The Site is wholly within Flood Zone 1 of the Environment Agency Flood Maps, where there is a very low probability (less than 1 in 1000 annually) of flooding. The Site is not within or adjacent to a Conservation Area, nor is it within or adjacent to a National Landscape.

## The Proposed Development

- 3.0 The proposed development is for the erection of a single storey dwelling following the demolition of agricultural buildings located at the Site. The buildings in question are of modern construction, occupying a combined footprint of approximately 140 sqm. Access to the proposed dwelling is provided via the existing site entrance from Chapel Road whilst associated works include the formation of parking/turning areas and the provision of landscaping. An area of private amenity space is provided to the rear of the dwelling.
- 3.1 Informed by the Applicant's extensive pre-application discussions with the Council, the dwelling takes the form of a converted former agricultural building. The design response is reflected in the buildings narrower plan form, 'L' shape configuration, pattern of fenestration, and a choice of materials traditionally used in the construction of historic farm buildings, comprising, in this instance, red brick, timber boarding and clay tile.

## Relevant Planning History & Pre-Application Advice

- 4.0 Pursuant to Class Q of the General Permitted Development Order,<sup>1</sup> the agricultural building located toward the western extent of the Site benefits from an extant consent (Ref. DC/21/01769) for its conversion to a dwellinghouse. Access to the proposed dwelling is approved via the existing entrance from Chapel Road.
- 4.1 Subsequent to the grant of Class Q consent, the Applicant progressed pre-application discussions (Ref. DC/22/00336 & DC/22/05919) with the Council in regards of a scheme concerning the demolition of the consented building and the erection of a dwelling. The pre-application response provided by the Council confirmed the principle of the development was likely to be acceptable in the event a formal application was received. Through the proposed demolition the Council's Heritage Officer acknowledged the opportunity to remove a "crude" building that is incongruous and intrusive to the setting of Pear Tree Farmhouse. In this regard, through an appropriately designed dwelling, for which guidance was provided by the Heritage Officer, the Council agreed there was an opportunity for the development to provide an improvement over the approved conversion.
- 4.2 The Development now proposed incorporates the design guidance of the Heritage Officer whilst otherwise concordant with the pre-application advice provided by the Council.

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<sup>1</sup> The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

## Legislation & Decision Making

- 5.0 In determining an application for planning permission, Section 70(2) of the Town and Country Planning Act 1990 requires local planning authorities to have regard to the provisions of the development plan so far as is material to the application, and to any “*other material considerations*”. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications under the planning Acts be determined in accordance with the development plan unless material considerations indicate otherwise. Thus, the development plan is the starting point, but not the end point, for decision making.
- 5.1 It is for the decision-maker to decide whether a factor is a material consideration and “*it must be a factor which has some weight in the decision-making process*” and the test applied should be an objective one and the considerations chosen must be “*rationally related to land use issues*”.<sup>2</sup>
- 5.2 Beyond the development plan, the policies contained within the National Planning Policy Framework (‘NPPF’) are a material consideration and must be taken into account for decision making purposes in accordance with those duties as set out.

### The Development Plan

- 5.3 The development plan document of particular consequence to the Application comprises the following:
- Babergh and Mid Suffolk Joint Local Plan – Part 1 (2023) (‘JLP’)
- 5.4 The most important JLP policies for the determination of the Application are considered to be:
- SP03 – The Sustainable Location of New Development
  - LP15 – Environmental Protection and Conservation
  - LP16 – Biodiversity and Geodiversity
  - LP17 – Landscape
  - LP19 – The Historic Environment
  - LP24 – Design and Residential Amenity
  - LP29 - Safe, Sustainable and Active Transport

### The NPPF

- 5.5 The NPPF sets out the Government’s planning policies for England and how these should be applied. Paragraph 7 of the NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to state, however, that “*they are not criteria against which every decision can or should be judged*” (para. 9). The policy paragraphs, footnotes, and annexes to the NPPF should be considered as a whole. Nevertheless, lying at the heart

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<sup>2</sup> R (Kides) v South Cambridgeshire District Council and Others [2002] EWCA Civ 1370

of the Framework, paragraph 8 of the NPPF identifies three overarching objectives in order to achieve sustainable development. These objectives are interdependent and should be pursued in mutually supportive ways:

*“an economic objective – to help build a strong, responsive, and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation, and improved productivity; and by identifying and coordinating the provision of infrastructure;*

*a social objective – to support strong, vibrant, and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and*

*an environmental objective – to contribute to protecting and enhancing our natural, built, and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”*

#### Other Material Considerations

- 5.6 An important case in relation to whether a fallback position for the development of a site can be treated as a material consideration is summarised in the case of *Michael Mansell v Tonbridge and Malling Borough Council v Croudace Portland, the East Malling Trust* [2017] EWCA Civ 1314. In considering a fallback position the decision maker must properly identify whether there is a “real prospect” of such a fallback being carried out should planning permission for the proposed development be refused. In terms of the requirement for a “real prospect” it is clear that it does not have to be probable or likely and a possibility will suffice.
- 5.7 The Class Q consent at the Site for the conversion of the agricultural building to a dwelling is extant. Explained subsequently in this Statement, the permission is a fallback position and thus, a material consideration in the determination of this Application. It is the Applicant’s position that the development now proposed is to the betterment of the fallback position.
- 5.8 An assessment of the Development within the foregoing legislative framework now follows and in consideration of the planning matters material to the Application. It will be shown that material considerations, chiefly the fallback position presented for the development of the Site, and the betterment that would arise in that regard, warrant the grant of planning permission in this instance.

## Planning Assessment

### Principle of Development & The Fallback Position

6.0 The Site lies in the countryside, outside of the settlement boundaries defined by the JLP. In such locations, policy SP03 “normally” permits development only where at least one of the following criteria is met:

- (a) *the site is allocated for development, or*
- (b) *it is in accordance with a made Neighbourhood Plan, or*
- (c) *it is in accordance with one of the policies of this plan listed in Table 5; or*
- (d) *it is in accordance paragraph 80 of the NPPF (2021).*

6.1 The Development does not comply with any of the criteria identified and thus, remains in conflict with policy SP03. However, as noted in the preceding section of this Statement, the Site benefits from consent for the conversion of the existing agricultural building to a dwelling (Ref. DC/21/01769). Considering the possibility that exists, there is a “*real prospect*” that the agricultural building on the Site will be converted to form a new dwelling. It is therefore a fallback position that sets a baseline for the consideration of this Application. As such, both the fallback position and the Development would provide for an additional dwelling within the countryside that conflicts with policy SP03. The consequence being the Council need only turn its mind to the merits of delivering the dwelling through the construction of a new building, as proposed, rather than conversion, as approved.

6.2 With regards to the above, two important points arise: firstly, as noted by the Council’s Heritage Officer in their pre-application advice, the fallback position provides for the conversion of a building that is harmful to the setting of the adjacent listed building on account of its “*crude appearance*” in a “*prominent position in front of the listed farmhouse*”. Secondly, and with that borne in mind, the Application now before the Council provides an opportunity to locate the dwelling in a less prominent position and provide a traditional design which responds more favourably to the context of the Site. Whilst the proposed dwelling is evidently larger than the fallback position, the footprint of the proposal is broadly consistent with the extent of the existing agricultural buildings to be demolished. Equally, noting the statutory primacy afforded to the preservation and enhancement of the setting of a listed building,<sup>3</sup> the opportunity to secure a scheme which enhances the setting of the heritage asset should be afforded significant weight.

6.3 Taking the foregoing into consideration, the proposal now before the Council is to the betterment of the fallback position offered by the Class Q consent. Of itself, this is a material consideration that directs the decision maker to a grant of planning permission independent of other material considerations.

### Heritage Assets

<sup>3</sup> Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990



- 6.4 Noting the proximity, the Development has the potential to affect the setting of the designated heritage assets ‘Pear Tree Farmhouse’ (Grade II listed) and ‘Briarways’ (Grade II listed). A Heritage Statement accompanies the Application and is provided at Appendix A. The Heritage Statement demonstrates that no harm would be posed to the significance of the assets. Moreover, in relation to Pear Tree Farmhouse, the Application provides for the enhancement of the setting and thus significance of the asset. Accordingly, the Application satisfies the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, JLP policy LP19, and the heritage policies of the NPPF.

#### Design & Residential Amenity

- 6.5 Policy LP24 requires all new development to be of high-quality design that responds to and safeguards the existing character/context; creates character and interest; is designed for health, amenity, well-being, and safety; and meets space standards. Specifically in relation to amenity, policy LP15 seeks to avoid significant adverse impacts where a proposal is located adjacent to or close to existing uses.
- 6.6 The above policies remain consistent with the NPPF, whereby paragraph 126 of the Framework attaches great importance to the design of the built environment, confirming that good design is a key aspect of sustainable development. Equally, paragraph 130 of the Framework seeks to ensure *inter alia* developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and promote a high standard of amenity for existing and future occupiers.
- 6.7 The proposed dwelling is of a high-quality traditional design that responds positively to its setting and the character of wider the area. Noting the relationship between the Site and neighbouring properties, including separation distances and intermediary features, the proposed development would not pose an unacceptable impact on residential amenity. Likewise, the dwelling complies with space standards whilst there would be adequate private amenity space for the future occupiers of the Development with sufficient space for the drying of clothes, private sitting etc. Accordingly, the Application complies with above JLP policies and paragraphs of the NPPF.

#### Landscape

- 6.8 Policy LP17 requires development to conserve and enhance landscape character through the following measures:

- “a. Integrate with the existing landscape character of the area and reinforce the local distinctiveness and identity of individual settlements;*
- b. Be sensitive to landscape and visual amenity impacts (including on dark skies and tranquil areas) on the natural environment and built character; and*
- c. Consider the topographical cumulative impact on landscape sensitivity.”*

- 6.9 The development would not encroach into open countryside; instead, the proposal represents a positive change to a site which is already subject to existing buildings that do not contribute positively to the landscape. The traditional design of the proposed dwelling reinforces local distinctiveness whilst remaining sensitive to the rurality of the landscape and built character of the area. The Application therefore accords with policy LP17.

### Highways – Access & Traffic

- 6.10 Policy LP29 requires development to demonstrate safe and suitable access for all and confirms the impact of development on highway safety must be acceptable and the residual cumulative impacts on the road network must not be severe.
- 6.11 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.12 The proposed access is considered to be satisfactory to serve the Development, having an acceptable impact on the highway with respect to capacity and safety, with good visibility in both directions in accordance with relevant guidance. Sufficient parking and manoeuvring space is demonstrated on the proposed plans, in accordance with the local parking standards. Accordingly, the Application complies with policy LP29 and paragraph 111 of the NPPF.

### Land Contamination & Pollution

- 6.13 Policy LP15 requires development, where necessary, to include measures to remediate land affected by contamination and avoid unacceptable proximity to hazardous sources.
- 6.14 Paragraph 183 of the NPPF confirms that planning policies and decisions should ensure that:

*“a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation)”*

- 6.15 The application is supported by land contamination assessment and questionnaire. The historic use of the site indicates that there are unlikely to be sources of pollution or contamination that would pose an unacceptable risk or result in an adverse impact on future occupiers. The Application would therefore remain consistent with policy LP15 and paragraph 183 of the NPPF.

### Biodiversity

- 6.16 Policy LP16 requires development to follow the biodiversity mitigation hierarchy, conserve and enhancement of biodiversity interests, and protect designated sites. The policy confirms enhancements for biodiversity should be commensurate with the scale of development.
- 6.17 Paragraphs 174 and 180 of the NPPF requires *inter alia* that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.
- 6.18 The application is supported by both a Preliminary Roost Assessment and accompanying protected species surveys. Subject to the recommended precautionary and enhancement measure proposed, there would be no adverse impact upon priority

or protected species. Biodiversity net gains can also be secured. The Application therefore complies with policy LP16 and paragraphs 174 and 180 of the NPPF.

### Scheme Benefits

- 6.19 The development would provide for a new high-quality dwelling through the effective use of land, where housing is of itself an important benefit. The dwelling would provide for an enhancement to the significance of Pear Tree Farmhouse through the removal of building which presently detracts from its setting. There would be opportunities to secure net gains to biodiversity.
- 6.20 The construction phase of the development will stimulate the local economy through the employment of construction workers and sourcing of building materials. The occupation of the development will provide further spend within the locality and support the vitality of surrounding communities. As a small scheme, it is capable of being delivered quickly which is an important benefit recognised by the NPPF (at para. 69).
- 6.21 All of the above carry an important weighting in the planning balance.

## Planning Balance & Conclusion

- 7.0 At the heart of the balancing exercise to be undertaken is section 38(6) of the *Planning and Compulsory Purchase Act 2004* which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise. Section 70(2) of the *Town and Country Planning Act 1990* reinforces that due regard must be paid to such considerations.
- 7.1 In this instance, the Site benefits from a consent for the conversion of an agricultural building to a dwelling. The approved scheme presents a 'fallback position' for the development of the Site, a material consideration in the determination of this Application.
- 7.2 As detailed within this Statement, the proposal now before the Council is to the betterment of the fallback position. Of itself, this is a material consideration that directs the decision maker to a grant of planning permission irrespective of the Application's conflict with development plan policy SP03. The Application remains otherwise compliant with the development plan whilst consistent with the NPPF. On these grounds, the Council are respectfully requested to approve the Application.

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## APPENDIX A

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# Heritage Statement

## Introduction and Summary

- 1.0 This Heritage Statement ('**Statement**') is prepared by Locus Planning in support of an application for full planning permission ('the **Application**') for development comprising *inter alia* the delivery of 1 no. dwelling ('the **Development**') at Pear Tree Farm, Chapel Road, Hinderclay ('the **Site**').
- 1.1 The Statement is provided due to the proximity between the Site and the surrounding designated heritage assets; 'Pear Tree Farmhouse' (Grade II listed) and 'Briarways' (Grade II listed).
- 1.2 Following Historic England guidance and in accordance with paragraph 194 of the NPPF, the potential impact of the Development upon the significance of the heritage assets will be considered. It will be demonstrated that the Development would pose no harm to the significance of the aforementioned assets.

## Heritage-Based Legislation, Policy, and Guidance

### Legislation

- 1.3 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the listed buildings Act') states that in considering whether to grant planning permission for development which affects a listed building or its setting, the decision-taker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest that it possesses.
- 1.4 Case Law has indicated that this Section's statutory duty to "*pay special regard the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*", should be regarded as a "*strong presumption*" against the grant of planning permission (*South Lakeland District Council v Secretary of State for the Environment and Another* [1992] 2 AC 141, p. 146), with harm to the significance of listed building being given "*considerable importance and weight*" in the planning balance (as per *East Northamptonshire District Council v Secretary of State for Communities and Local Government* [2015] 1 W.L.R. 45 (at paragraphs 26 to 29), *Jones v Mordue* [2016] 1 W.L.R. 2682 (at paragraphs 21 to 23), and *Palmer v Herefordshire Council and Anor* [2016] EWCA Civ 1061 (at paragraph 5)).
- 1.5 A finding of "*no harm*" would equate to 'preservation' within the meaning of the listed buildings Act, as per *R (Forge Field Society, Barraud and Rees) v. Sevenoaks DC* EWHC 1895.

### Policy

- 1.6 The NPPF contains planning policies appurtenant to the historic environment under Section 16, 'Conserving and enhancing the historic environment'.

- 1.7 The NPPF defines 'heritage assets' (of which listed buildings and conservation areas are designated heritage assets under the listed buildings Act) as being: *'A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).'*
- 1.8 'Significance' is defined by the NPPF as: *'The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site's Statement of Outstanding Universal Value forms part of its significance.'*
- 1.9 'Setting' is defined by the NPPF as: *'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.'*
- 1.10 Paragraph 194 of the NPPF states that, when determining applications, local planning authorities should require applicants to proportionately describe the significance of the heritage assets affected and any contribution made by their setting. That is the basis upon which this Statement has been produced.
- 1.11 Paragraph 199 transposes the requirements of the listed buildings Act and 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. It does, however, emphasises that such weight should be proportionate to its significance. The great weight should be given irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 1.12 Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 1.13 Paragraphs 201 and 202 address the balancing of harm against public benefits, whether that be 'less than substantial harm' (para. 202) or 'substantial harm' (para. 201). Given the very high bar set by what is considered to be 'substantial harm' and that no key elements of the significance of any heritage asset are affected by this development, only paragraph 202 is considered directly relevant to the assessment of impact which this development poses. Paragraph 202 states that where less than substantial harm will arise as a result of a proposed development, this harm should be weighed against the public benefits of a proposal, including securing its optimum viable use.
- 1.14 Development plan policy LP19 requires all development to maintain and enhance the environment of the district, including the historic environment, and retain local distinctiveness of the area.
- Historic England Guidance
- 1.15 The document *Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment* (2008) predates the current policy framework applicable to this application and a revised version remains outstanding

following consultation in 2017 and 2018. Its aims and objectives do, however, remain extant and it is helpful to recognise significance as falling within four, distinct categories of value: evidential, historical, aesthetic, and communal. It also defines “harm” as being: ‘Change for the worse, here primarily referring to the effect of inappropriate interventions on the heritage values of a place.’

1.16 Since 2008, Historic England has produced a number of Good Practice Advice Notes (GPA), including:

- GPA2, *Managing Significance in Decision-Taking in the Historic Environment* (2015)
- GPA3, *The Setting of Heritage Assets* (2nd Edition, 2017).

1.17 GPA2 makes clear that the first step for the preparation or determination of any application affecting heritage is to understand the significance of any affected heritage asset and the contribution of its setting to its significance. It also advises that:

‘Change to heritage assets is inevitable but it is only harmful when significance is damaged. The nature and importance of the significance that is affected will dictate the proportionate response to assessing that change, its justification, mitigation and any recording which may be needed if it is to go ahead’.

1.18 It is therefore clear that the identification of change within a heritage asset’s setting must not be confused with harm to that asset. Instead, the question which should be asked is whether the change would result in a diminution of its significance as a heritage asset.

1.19 GPA3 is applicable in this instance as the development poses no direct physical impacts upon heritage assets; given proximity it might be the case that their setting is impacted. The guidance within GPA3 is consistent with the NPPF and the two documents share the definition of ‘setting’. GPA3 also emphasises that “setting” is not a heritage asset, nor a heritage designation. Its importance lies in what it contributes to the significance of the heritage asset. It therefore follows that one cannot harm a setting; rather, inappropriate development might alter the setting of an asset such that its significance is affected.

1.20 For decision-taking purposes in assessing the indirect impacts and consequent effects that a development might pose to a heritage asset, GPA3 sets out a clear and methodical five-step process:

- i. Step 1 – Identify which heritage assets and their settings are affected;
- ii. Step 2 – Assess the degree to which these settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated;
- iii. Step 3 – Assess the effects of the proposed development, whether beneficial or harmful, on that significance or on the ability to appreciate it;
- iv. Step 4 – Explore ways to maximise enhancement and avoid or minimise harm;
- v. Step 5 – Make and document the decision and monitor outcomes.

- 1.21 The Court of Appeal has recently stressed the importance of visibility when assessing setting but acknowledged that other factors should also be considered, with Lindblom LJ stating at paragraphs 25 and 26 of the judgment (referring to an earlier Court of Appeal judgment):

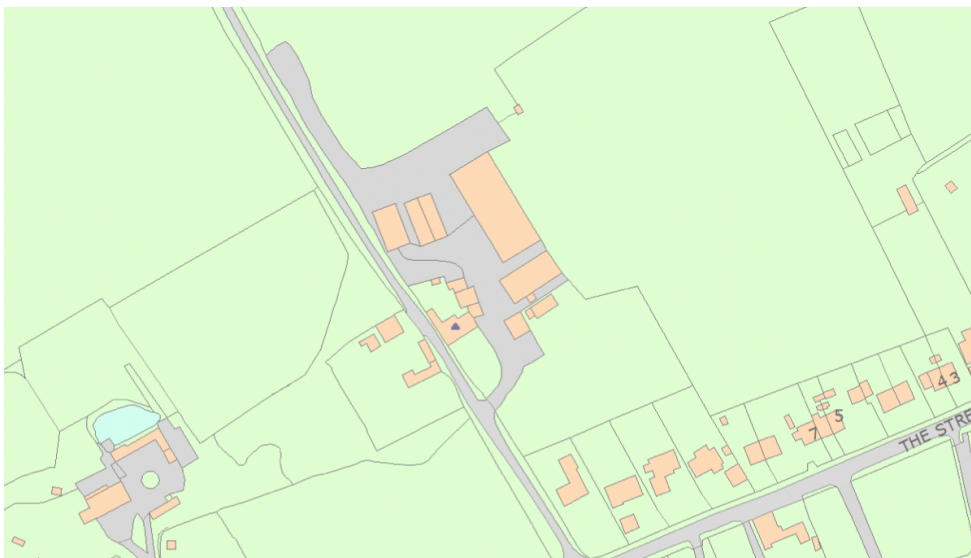
*'But – again in the particular context of visual effects – I said that if “a proposed development is to affect the setting of a listed building there must be a distinct visual relationship of some kind between the two – a visual relationship which is more than remote or ephemeral, and which in some way bears on one’s experience of the listed building in its surrounding landscape or townscape” (paragraph 56).*

*This does not mean, however, that factors other than the visual and physical must be ignored when a decision-maker is considering the extent of a listed building’s setting. Generally, of course, the decision-maker will be concentrating on visual and physical considerations, as in Williams (see also, for example, the first instance judgment in R. (on the application of Miller) v North Yorkshire County Council [2009] EWHC 2172 (Admin), at paragraph 89). But it is clear from the relevant national policy and guidance to which I have referred, in particular the guidance in paragraph 18a-013-20140306 of the PPG, that the Government recognises the potential relevance of other considerations – economic, social and historical. These other considerations may include, for example, “the historic relationship between places”. Historic England’s advice in GPA3 was broadly to the same effect.'*

- 1.22 What follows, therefore, is an assessment as to the likely impacts and effects that the Development would pose upon nearby heritage assets Pear Tree Farmhouse and Briarways.

### Assessment

Pear Tree Farmhouse (denoted by blue triangle)



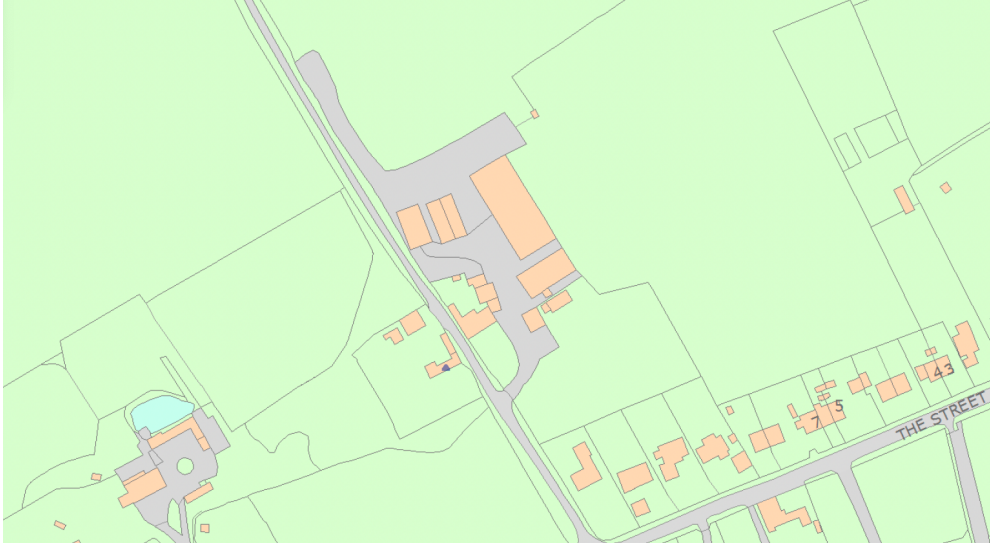


- 1.23 Pear Tree Farmhouse (Full list entry name 'Pear Tree Farmhouse With Attached Granary') is a Grade II listed building (entry number: 1039579) with the following list description:

*HINDERCLAY CHAPEL ROAD (NORTH EAST TM 07 NW SIDE) 1/41 Pear Tree Farm House with - attached Granary GV II Farmhouse. Early and late C16, raised early to mid C17, altered C19 and C20. Timber frame, roughcast. Steeply pitched corrugated sheet roof. 3 cell cross entry plan, originally possibly 3 bays with an open hall and storeyed bay to left, later stack and parlour to right. 2 storeys. Cross entry to left of centre, second entrance into parlour to right, half glazed 4 panelled doors, C20 3-light casements. Boxed eaves. Axial ridge stack to right of centre between hall and parlour, rebuilt rendered cap. Gable end casements, exposed plates and purlins. To rear a continuous brick and pantiled lean-to outshut with a 3-light casement, an entrance into a C20 addition and an C18 external kitchen stack behind which extends a lean-to outbuilding with 2 boarded doors. Interior: rebated section to post in hall possibly for original open truss, stop chamfered cross axial binding beams, storey posts in parlour. First floor: arched braces in walling, chamfered 4-centred arched fireplace to hall chamber, uniform early eaves, straight arched braces from posts to tie beams, inserted bar stop chamfered binding beams, clasped purlin roof. Attached to rear right is C18 granary; timber frame, plastered, pantiled roof, secondary date 1776 in gable facing house.*

- 1.24 As a Grade II listed building, Pear Tree Farmhouse has a greater significance than non-designated assets but less significance than those rated as Grade II\* or Grade I. It is of special interest but around 91% of listed buildings fall within the GII category of significance. It still warrants, however, every effort to preserve that significance and is afforded statutory protection under the listed buildings Act.
- 1.25 Pear Tree Farmhouse is situated within a generous plot whilst its orientation and architectural emphasis is focused to the wider southern prospect. The significance of Pear Tree Farmhouse is principally derived from its evidential, historic, and aesthetic value due to its historic fabric; its visual representation as a sixteenth-century farmhouse with specific features of architectural interest; and its historic, functional and legible relationship to agriculture. In that regard its immediate setting clearly has a southern emphasis, however, the attached granary and outbuildings, which formed part of the historic farmstead, also contribute to its significance in respect of how the asset is experienced. Over time, that context has changed considerably, most notably through the introduction of modern agricultural buildings to the north and east, including those buildings located within the Site.
- 1.26 There is high intervisibility between the Site and Pear Tree Farmhouse. The Development will therefore be read from within the immediate setting of Pear Tree Farmhouse and *vice versa*. The Application proposes a dwelling within part of the setting of the asset that has undergone a significant amount of change, including, most notably, the introduction of a modern agricultural building that is incongruous and intrusive to the setting of Pear Tree Farmhouse. That building having already been subject to consent for conversion to a dwelling which remains capable of implementation (in the event that this Application is not progressed). That of itself is an important consideration.
- 1.27 The Development provides for the demolition of the aforementioned building that would be otherwise capable of conversion to a dwelling. The removal of the building, and its replacement with a dwelling that is sympathetically designed and sited, stands to enhance the setting of Pear Tree Farmhouse. No harm to the significance of the asset would therefore arise.

Briarways (denoted by blue triangle)



1.28 Briarways is a Grade II listed building (entry number: 1277592) with the following list description:

*HINDERCLAY CHAPEL ROAD (SOUTH WEST TM 07 NW SIDE) 1/40 Briarways - GV II House, latterly 2 dwellings. Mid C16 or earlier, extended and altered late C16 or early C17, altered C20. Timber frame, plastered with some C20 brick casing. Steeply pitched machine pantiled roof. Originally probably an open hall with a storeyed lower bay, parlour and stack added to right. 1 storey and attic. Cross and lobby entrances, half glazed doors in open gabled trellised porches, 1 and 2-light glazing bar casements. Two 2-light gabled dormers with bargeboards to hall and parlour chambers. Ridge stack with rebuilt cap between hall and parlour. Taller ridge to later build to right which extends further to rear. Right gable end exposed plates and purlins. Left end added external stack, C20 brick casing. C20 brick to rear, 1 storey pantiled outbuilding to rear right. Interior: hall has a chamfered cross axial binding beam, close studding, parlour and first floor not inspected.*

1.29 The evidential, historical, and aesthetic value of the asset are unrelated to the Site. Likewise, there is limited visual relationship whilst there is no historical relationship or historic/present functional connection between the asset and Site. The Development would not alter the way that the asset is experienced in any way nor how its significance is derived. No harm to the significance of the asset would therefore arise.