

Application for Planning Permission

OFFICER'S REPORT AND RECOMMENDATION

CASE OFFICER: Owen Fayers

CASE REFERENCE: DC/25/01110

The Openness of Local Government Bodies Regulations 2014

The national regulations on openness and transparency in local government require certain decisions to be recorded where they are taken by officers acting under powers delegated to them by a council. The written record should include the following: The decision taken and the date the decision was taken; the reason/s for the decision; any alternative options considered and rejected; and any other background documents. When read as a whole, this report and recommendation, alongside the accompanying decision notice, constitute the written record for the purposes of the regulations.

PROPOSAL: Planning Application. Erection of toilet building and relocation of existing shed.

LOCATION: St Nicholas's Church, Church Lane, Bedfield, IP13 7JJ

PARISH: Bedfield.

WARD: Hoxne & Worlingworth.

APPLICANT: ASB Planning

SITE NOTICE DATE: 21/03/2025

PRESS DATE: 26/03/2025

PLANS, DOCUMENTS AND SUPPORTING INFORMATION

The application, plans and documents submitted by the applicant can be viewed online at:
<https://www.midsuffolk.gov.uk/w/application-search-and-comment>

SUMMARY OF CONSULTATIONS

Bedfield Parish Clerk

No comments received.

Heritage Team Comments Received 22/04/2025

In my pre-application response I advised that the position of the building could be supported if it were demonstrated to be both feasible and the least harmful position. The building itself was satisfactory in terms of design and materials. I acknowledged that continuing use of the church building will depend to a degree on provision of such facilities, which might also encourage visits from tourists; these amount to a benefit in heritage terms.

In the application now submitted, the proposed position and design of the building are revised, changing the impact of the proposed development but achieving the same benefits as the pre-application scheme. The building is now to be slightly smaller. Instead of the open area to the north shown at pre-application stage, hedge screening is proposed. The position is slightly to the east of the position at pre-application stage, opposite the church's south door. These factors will make it less obvious in views from the churchyard past the tower. The plan now shows the building standing under the canopies of trees on the south boundary, so you should take advice from the Tree Officer on potential impact on the trees.

At pre-application stage the roof was proposed to be in reclaimed pantiles, although this might have caused some difficulties given the irregular shape of the roof. The present proposal is for Marley Acme clay double camber plain tiles in antique colour. Marley's online brochure does not seem to include precisely this product. I would expect a handmade tile in such a sensitive location. I am also slightly concerned that at 30' the roof pitch is the lowest pitch recommended for Marley's Acme tiles. It might be prudent to reconsider the roof material and/or the pitch. For instance the roof pitch is probably well within acceptable pitch ranges for natural slates, which would be supported by Heritage team. If you consider it appropriate, I would be happy to review details of roof materials under a 'Notwithstanding ...' condition.

In summary, in my view the proposal as now submitted reduces the likely level of harm to the setting and significance of the listed church and monument from low (pre-application scheme) to very low, in the 'less than substantial' range. Taking in consideration the likely heritage benefit to the listed church in supporting its continuing use, I am able to support the proposal subject to conditions.

Historic England Comments Received - 19/03/2025

Proposals for providing a WC for the grade I listed church of St Nicholas, Bedfield, have been the subject of pre-application discussion with Historic England in our role as advisor to the Church of England under its Faculty system.

We accept the need for this essential facility for visitors to the church as a way of continuing the use of the building. We have looked at different possible locations for the proposed WC cubicle and support that proposed as it would set it away from the listed building, towards the churchyard boundary but still allow relatively easy access for those inside the church. The National Planning Policy Framework (NPPF) states that the purpose of the planning system is to achieve sustainable development and that protection and enhancement of the historic environment is an overarching objective in this (paragraphs 7 and 8). The significance of listed buildings can be harmed or lost by alteration to them or development in their setting.

We have considered this application in terms of this policy and do not consider it would result in harm to the significance of the listed building and would provide an essential facility for users of the building.

Recommendation

Historic England has no objection to the application on heritage grounds. We consider that the application meets the requirements of the NPPF, in particular paragraph numbers 7, 8, 212, 213 and 215. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. Your authority should take these representations into account in determining the application.

Environmental Health - Land Contamination Comments Received - 17/03/2025

No objection.

Environmental Health - Noise/Odour/Light/Smoke Comments Received – 27/03/2025

No objection.

SCC Archaeology Comments Received 17/04/2025

No objection subject to conditions.

SCC Public Right of Way Comments Received 02/04/2025

No objection subject to informatives.

SUMMARY OF REPRESENTATIONS

Nineteen representations of support were received.

All individual representations are counted and considered. Repeated and/or additional communication from a single individual will be counted as one representation.

PLANNING POLICIES

Babergh and Mid Suffolk Joint Local Plan (JLP) (2023)

SP03 - The sustainable location of new development
SP09 - Enhancement and Management of the Environment
SP10 - Climate Change
LP15 - Environmental Protection and Conservation
LP16 - Biodiversity & Geodiversity
LP17 - Landscape
LP19 - Historic Environment
LP23 - Sustainable Construction and Design
LP24 - Design and Residential Amenity
LP27 - Flood risk and vulnerability
LP28 - Services and Facilities Within the Community
LP29 - Safe, Sustainable and Active Transport

NPPF - National Planning Policy Framework 2024
NPPG – National Planning Policy Guidance

PLANNING HISTORY

There is no relevant planning history for this site in relation to the current application.

ASSESSMENT

Site and Surroundings

The Parish Church of St Nicholas, a Grade I Listed Building, is positioned at the end of Church Lane in open countryside east of Bedfield. It is bounded by an area of mown grassland used for parking for the Church and by Bedfield Hall to the north, open arable fields to the east south and west, with farm buildings at Hall Farm to the northwest. The site boundaries comprise hedge and treed ditches with remnants of iron railings.

Within the graveyard, some 10m to the east of the Church, is a Grade II Listed War Memorial, a storage shed for ground maintenance at the southern boundary, an existing small shed containing a bucket toilet adjacent the porch on the southern side of the church and a free standing flag pole beyond the eastern corner of the church.

The site lies within Flood Zone 1 with a surface water risk currently low and projected to be very low between 2040-2060. The risk from rivers and the sea is presently very low and expected to be very low between 2036-2069. Flooding from groundwater and from reservoirs is unlikely.

Proposal

The application proposes the erection of a composting fully accessible toilet building together with the relocation of an existing shed.

The new pitched roof toilet building will be erected close to the southern boundary of the graveyard, 6m from the Church porch. The building will comprise an oak frame finished in black stained weatherboarding with a plain clay tiled roof. A resin bound gravel level pathway will extend from the Church porch to the building to allow for wheelchair access.

The existing shed building, adjacent the porch, which currently houses a bucket toilet for users of the church will be relocated close to the southern boundary, near an existing shed. The building is not suitable for full accessibility use and was installed as a temporary solution. The bucket toilet will be removed so that the shed can then be used for storage for the Church.

In addition, planting of a new hedge screen for the toilet is proposed, intended to be of native species such as hawthorn, blackthorn and dogwood to support wildlife. The applicant also intends to provide a bird box at the apex of the building.

Details of Amended Plans

The application was not in receipt of amended plans or other additional information during the course of determination.

Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 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, then that determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The assessment and balance made throughout this application is centred on the proposed development's level of accordance with the Development Plan, weighed against and relative to any material planning considerations.

The proposed development has been primarily assessed having had regard to the:

Babergh and Mid Suffolk Joint Local Plan (JLP) (2023)
National Planning Policy Framework (NPPF) (2024)

An integral material consideration in the determination of all planning applications is the National Planning Policy Framework (NPPF) which contains the Government's planning policies for England and sets out how these are expected to be applied.

The NPPF is supported and complemented by the national Planning Practice Guidance (PPG). The PPG provides advice on procedure and elaboration of existing NPPF policies and can also provide statements of new national policy. It is an online reference as a living document and is a material consideration alongside the NPPF.

The site is located outside of the settlement boundary. The principle of development is established within settlement boundaries in accordance with the relevant policies. Outside of the settlement boundaries, there are some exceptions for where development will normally only be permitted, including a development that “is in accordance with one of the policies of this Plan listed in Table 5”.

Policy LP28 (which is within ‘Table 5’) directly supports the provision of new or expanded facilities which meets the needs of the local community. In addition, it is detailed that developments of and improvements to facilities which would assist in safeguarding a viable community asset will be supported – subject to policy compliance. Requirements are also made that the development should be of a high standard of design and sympathetic to the surrounding environment.

The proposed development to allow for the creation of toilet facilities at the Church – which currently does not benefit from these facilities – is considered to provide a necessary facility which would be accessible for the local community. As such, it is considered that the proposed development would positively respond to the aims of the above policies, which actively seek to support developments of this nature.

As such, subject to the above, the principle of development would be supported. Other policy and material considerations are detailed under the relevant headings below.

Heritage

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest which it possesses.

The practical effect of those legal duties is that the decision-taker is presented with a strong presumption against a grant of permission where harm is identified, as the asset’s conservation is a matter of considerable importance and weight.

Irrespective of the level of harm identified to the significance of a designated heritage asset (including from its setting), great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be.

Policies SP09 and LP19 of the JLP and paragraphs 212, 213, 214 and 215 of the NPPF are consistent with the above duties.

The site is occupied by the Parish Church of St Nicholas, listed at Grade I. The Church’s nave and chancel have a core of the 1100s with alterations and additions of later centuries including south porch, south aisle, and west tower. Also listed, at Grade II, is the War Memorial to the east of the Church.

The Church stands towards the south side of a rectangular churchyard. It is approached from the lane by a public footpath entering by a gate at the west end of the north side of the churchyard. The path skirts the west tower and passes along the south of the church exiting at the south end of the east side of the churchyard where it joins a footpath in the lane running north/south to/from Bedfield Hall. The Hall stands to the north east of the Church in a moated site in a striking example of the isolated co-location of Church and manorial hall.

The north side of the churchyard is open allowing wide views of the original Norman doorway and masonry over the gravestones. Trees to the south side create a more enclosed, secluded area. Set close to the south boundary of the churchyard and screened by trees is a simple storage shed.

The Council's Heritage Team consider that the proposal would result in a very low level of less than substantial harm to the setting and significance of the listed church and monument. Taking in consideration the likely heritage benefit to the listed church in supporting its continuing use, support is given to the proposal subject to conditions.

Whilst the Council's Heritage Team are supportive of the proposal, subject to conditions, given the very low level of less than substantial harm raised, paragraph 208 of the NPPF is engaged. It is considered that the proposal would provide an additional, accessible local facility, which would meet the needs of the local community and support the Church as a community asset. As such, it is considered that the very low level of less than substantial harm raised would be outweighed by the public benefits of the proposal.

Historic England considers that the proposal would cause no harm to the significance of the listed building and would provide an essential facility for users of the building. The design of the toilet building is unobtrusive, using vernacular materials and finishes. It is small in scale, reflective of its use. The relocation of the small shed and the proposed toilet, taken with their positioning close to established yew trees at the southeastern boundary of the churchyard away from the open views of the Church from Church Road to the north, ensure that the visual impact of the proposal would be minimal and does not materially impact the significance of the heritage asset. The relocation of the shed would enhance the appearance and historic integrity of the listed Church.

The proposed development is therefore acceptable from a heritage perspective.

Design and Layout

In respect of policies SP09, LP23 and LP24 of the JLP and paragraphs 131, 135 and 139 of the NPPF, the importance of attaining a good standard of design, which harmonises with the locality, and securing sustainable construction methods in development is imperative.

For the reasons set out in the Heritage section above, the proposal is deemed acceptable in terms of design, layout, siting, form and scale and does not give rise to any demonstrable adverse impact to the character of the locality.

Residential Amenity

Policy LP24 of the JLP and paragraph 135 of the NPPF seek to ensure development does not detrimentally affect the residential amenity of neighbouring residents and provides adequate amenity for future occupiers to achieve and maintain well-designed places and the health and wellbeing of communities.

There are no residential plots in the vicinity of the works area and therefore the proposal does not give rise to any material residential amenity harm to warrant refusal.

Highways

Policies LP24 and LP29 of the JLP and paragraphs 110, 115, 116 and 117 of the NPPF seek to ensure development promotes opportunities for improved connectivity and does not severely affect the highway network, including the safety of users, by securing safe and unobstructed access and egress, connectivity, parking and visibility.

The proposal would not severely affect the highway network and the safety of its users and is therefore acceptable.

Flood Risk and Drainage

Policies SP10 and LP27 of the JLP and paragraph 170 of the NPPF seek to secure sustainable drainage systems and steer development away from areas vulnerable to flooding and ensure development does not increase flood risk elsewhere now or in the future, taking account of all sources of flood risk.

Drainage and waste matters on minor developments are covered by Part H of Building Regulations 2010 and are not considered by the Local Lead Flood Authority or Environment Agency.

The site is not identified as being vulnerable to any form of flooding (fluvial, pluvial, reservoir, foul and groundwater) now or in the future as per the Environment Agency and Council's mapping systems.

The development would therefore be safe for its lifetime and not increase flood risk elsewhere.

Landscape

Policies SP09 and LP17 of the JLP and paragraphs 136 and 187 of the NPPF seek to protect and enhance the landscape and its key characteristics, both at a site-specific level and within the wider locality.

The toilet building will be positioned under the canopy of existing yew trees. To protect the trees, before any machinery or materials are brought onto site or stripping of soil commences, protective temporary barriers and ground protection will be installed commensurate with the extent of the canopies. They will be maintained during the development with no storage beneath or alterations to existing soil levels. Any excavation beneath the canopies will be "hand dig" to ensure that roots are not affected. These measures will ensure the protection of the yew trees, minimising landscape change.

The proposal would not result in any significant localised or widespread adverse landscape impacts and is therefore acceptable.

Ecology

Under Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended) and section 40 of the Natural Environment and Rural Communities Act 2006, the Council has a statutory duty to have regard to designated sites, protected and priority species and habitats in all decisions taken.

Policies SP09 and LP16 of the JLP and paragraphs 187 and 193 of the NPPF seek to protect, enhance and manage the natural environment, placing a specific emphasis on biodiversity.

The site consists of maintained land and there are no ponds, rivers, trees or buildings affected by the development which are likely to provide suitable habitat for species that are afforded legal protection as

outlined within the Council's statutory duties. As such it is anticipated that there would be no adverse ecological impacts arising from the development.

Policy LP16 specifically requires all development proposals 'to identify and pursue opportunities for securing measurable net gains, equivalent of a minimum 10% increase in biodiversity'.

Updates to the PPG on the 14th February 2024 clarified that it would be inappropriate for Development Plan policies to require biodiversity net gain (BNG) from developments that would otherwise be exempt under The Biodiversity Gain (Exemptions) Regulations 2024.

The development would be 'de minimis' and as such the development is exempt and does not need to deliver 10% biodiversity net gain in line with The Biodiversity Gain (Exemptions) Regulations 2024.

Separately from BNG, biodiversity enhancement measures are nonetheless required in order to deliver the objectives of Policy LP16. The application purposes a native hedge screen and a bird box at the apex of the building.

The proposal would therefore comply with policies SP09 and LP16 of the JLP and paragraphs 187 and 193 of the NPPF and enables the Council's statutory duties to be discharged.

Archaeology

This site lies in an area of archaeological potential recorded on the County Historic Environment Record (HER). St Nicholas's Church is a Grade I listed building of medieval date (National Ref. 1032340). The proposed site is within the churchyard and there is therefore a high potential to encounter graves and disarticulated human remains. In addition, the site is situated close to a medieval moated site (HER number BED 002) and metal detecting within the vicinity has identified finds of all periods. As a result, there is high potential for the discovery of below-ground heritage assets of archaeological importance within this area, particularly human remains, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist.

Following consultation with Suffolk County Council's Archaeological Team, there are no grounds to consider refusal. However, conditions are recommended and imposed to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

Public Rights of Way

There is a public right of way (PROW) within the site: Bedfield Footpath 27. Following consultation with Suffolk County Council's PROW Team, no objection has been raised subject to an informative that the PROW should remain open and unobstructed for the public at all times. Consent may also be required from the PROW Team for works that relate to the PROW.

Other Matters

The high level of support for the proposal as evidenced by the nineteen supporting submissions is acknowledged.

PLANNING BALANCE AND CONCLUSION

The proposal accords with the Development Plan and the recommendation is therefore to grant planning permission.

RECOMMENDED DECISION: <i>Granted</i>

I have considered Human Rights Act 1998 issues raised in relation to this proposal including matters under Article 8 and the First Protocol. I consider that a proper decision in this case may interfere with human rights under Article 8 and/or the First Protocol. I have taken account of exceptions to Article 8 regarding National Security, Public Safety, Economic and wellbeing of the Country, preventing Crime and Disorder, protection of Health and Morals, protecting the Rights and Freedoms of others. I confirm that the decision taken is necessary, not discriminatory and proportionate in all the circumstances of the case.