

**OFFICER'S REPORT AND RECOMMENDATION**

**CASE OFFICER:** Thomas Pinner  
**CASE REFERENCE:** DC/22/05210

**The Openness of Local Government Bodies Regulations 2014**

The new national regulations on openness and transparency in local government require the recording of certain decisions 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. This report and recommendation constitutes the written record for the purposes of the regulations and when read as a whole is the reason for the decision.

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**PROPOSAL:** Application for Listed Building Consent - To remove clay lump walls previously identified for retention.

**LOCATION:** Siva Kennels, The Green, Monk Soham, IP13 7EZ

**PARISH:** Monk Soham.

**WARD:** Hoxne & Worlingworth.

**APPLICANT:** Mr R Stockman

**SITE NOTICE DATE:** 31/10/2022

**PRESS DATE:** 26/10/2022

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**BACKGROUND DOCUMENTS**

This decision refers to drawing number 300 301 (1) + Block Plan received 19/10/2022 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

The plans and documents recorded below are those upon which this decision has been reached:

Defined Red Line Plan 300 301 (1) + Block Plan - Received 19/10/2022

Floor Plan - Existing 300 302 (1) - Received 19/10/2022

Application Form - Received 19/10/2022

Supporting Statement Wall Removal Statement - Received 19/10/2022

Structural Survey - Received 19/10/2022

The application, plans and documents submitted by the Applicant can be viewed online at [www.babergh.gov.uk](http://www.babergh.gov.uk) or [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk).

**SUMMARY OF CONSULTATIONS AND REPRESENTATIONS**

**Monk Soham Parish Clerk – No Comments Received**

## **LOCAL REPRESENTATIONS**

None received.

## **PLANNING POLICIES**

NPPF - National Planning Policy Framework

FC01 - Presumption In Favour Of Sustainable Development

FC01\_1 - Mid Suffolk Approach To Delivering Sustainable Development

HB01 - Protection of historic buildings

HB02 - Demolition of listed buildings

HB03 - Conversions and alterations to historic buildings

## **PLANNING HISTORY**

<b>REF:</b> DC/21/06720	Householder Application - Conversion and extension of outbuildings to form annex and carport (following partial demolition of outbuildings)	<b>DECISION:</b> GTD
<b>REF:</b> DC/21/06721	Application for Listed Building Consent - Works to facilitate conversion and extension of outbuildings to form annex and carport (following partial demolition of outbuildings)	<b>DECISION:</b> GTD
<b>REF:</b> 0383/13	Demolition of single storey outbuilding and erection of annex structure	<b>DECISION:</b> PNR
<b>REF:</b> 0382/13	Demolition of single storey outbuilding and erection of annex to serve Siva House.	<b>DECISION:</b> GTD
<b>REF:</b> 3595/12	Conversion of existing outbuilding to annexe accommodation	<b>DECISION:</b> REC
<b>REF:</b> 2837/06	Demolition of external conservatory and lean to. Erection of conservatory and linked single storey extension.	<b>DECISION:</b> GTD
<b>REF:</b> 2054/06	Demolition of ex conservatory and lean-to. Erection of conservatory and linked single storey extension.	<b>DECISION:</b> GTD

## **ASSESSMENT**

From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations considered relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected. Where a decision is taken under a specific express authorisation, the names of any Member of the Council or local government body who has declared a conflict of interest are recorded.

## **Site and Surroundings**

Siva Kennels is a Grade II Listed C16 timber framed former farmhouse. Within the grounds is a single storey outbuilding that is considered potentially curtilage listed to the house. The oldest element of the outbuilding appears to be the small, rendered, clay lump, pitched roof building in the centre, which may have been a stable or similar originally. Its form is suggestive of a C18-C19 date, and it appears to be depicted on the 1<sup>st</sup> Edition OS Map of 1884. The age of this range, combined with the use of traditional materials reflective of the local area, are such that I consider it has some historic interest. However, other than the clay lump walls, much of this element appears to have been rebuilt in replacement fabric, likely in the latter part of the C20, meaning its significance is limited. It has then also been extended in the mid-later C20. The heritage concern relates to the potential impact of the works on the significance of Siva Kennels, including the contribution made by the outbuilding.

## **Development Plan**

The proposed works to the listed building have been assessed against Local Plan Policies HB01, HB02 and HB03 relating to the historic built environment, and are considered acceptable. The proposed works to the listed building are also considered acceptable having regard to the principles of the NPPF (paragraphs 197, 199 – 202).

## **Listed Building (Designated Asset) and historic considerations**

The application proposes the removal of the clay lump walls of the outbuilding. These are considered the primary (remaining) element of historic interest of the outbuilding and the contribution it then makes to the significance of the listed building overall, and thus their removal would cause harm. Nonetheless, a Structural Report has been submitted that provides reasonable justification that the walls are in such poor condition that they could not be retained in situ long-term anyway. This also appeared to potentially be the case during my visual inspection for previous application DC/21/06721, although it was not proposed at that stage. Therefore, the harm from the loss of the clay lump walls is considered justified in this case, as the historic fabric is not retainable anyway. Furthermore, due to the limited significance of the outbuilding, that would be further eroded when the walls were removed, there is considered to be little to gain in heritage terms from requiring the reuse of any of the clay lump, and thus it is not considered warranted to request it. No further details are therefore required.

N.B. It is taken from the submitted documents that the intention is to implement the works currently proposed in addition to the approved works for the conversion of the outbuilding to an annexe and carport, under DC/21/06720 and DC/21/06721. The current application does not explicitly refer to any replacement of the walls to be demolished, though it is presumed to be intended, otherwise the conversion would not be feasible. Nonetheless, with the removal of the clay lump walls, the building would likely cease to have any element of pre-1948 construction, and thus could no longer be curtilage listed. Therefore, details of any replacement walls would not require Listed Building Consent. However, having discussed the proposal with the Development Management (Planning Department), it has been suggested that some form of regularisation of the change now proposed to Planning Application DC/21/06720 is required. Nonetheless, it has been suggested that a Non-Material Amendment may be sufficient in this regard, once Listed Building Consent is approved. For further clarification on this, please speak to the Development Management Team.

N.B. The additional alteration proposed now is not considered to alter my overall assessment of the proposed conversion under DC/21/06720 and DC/21/06721 in this case.

The duty imposed by s.16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to give special regard to the desirability of preserving the building and any features of special architectural or historic interest which it possesses, including its setting. To accord with the requirements of the NPPF, a finding of harm, even less than substantial harm, to the significance of a

listed building is a consideration to which the decision-maker must give “considerable importance and weight”.

The development causes harm to the heritage asset (albeit less than substantial harm within the meaning of paragraph 202 of the NPPF). Considerable importance and weight have been afforded to this harm to the Listed Building. However, the harm is considered to be justified because the clay lump walls could not be retained anyway, so it is not considered warranted to refuse this application.

## **Other Matters**

### **Ecology**

A preliminary Ecological Appraisal was submitted under DC/21/06720, dated February 2022, and identified no evidence of protected species. No objection was subsequently raised by Place Services Ecology, subject to securing mitigation and enhancement measures under that application.

Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (Implemented 30<sup>th</sup> November 2017) provides that all "competent authorities" (public bodies) to "have regard to the Habitats Directive in the exercise of its functions." It has been considered that no criminal offence under the 2017 Regulations against any European Protected Species is likely to be committed. There are no recordings of protected species or their habitats within the site or likely to be affected in the immediate area. It is highly unlikely that any protected species would be found within this site and as such this proposal is not considered to be harmful in terms of biodiversity issues.

## **CONCLUSION**

The proposal would result in demonstrable harm to a matter of planning substance. The proposal would result in a detrimental effect on the significance of the listed building. However, the harm is considered outweighed and justified by the need for the works for structural reasons. The proposal is therefore acceptable.

## **RECOMMENDATION**

*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.*

<b>RECOMMENDED DECISION:</b>
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Granted
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Case Officer Signature: Thomas Pinner	Date: 07/12/2022
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