

Date: 19 August 2025

APP/W3520/W/25/3364061: Lane at School Lane, Elmswell

Heritage Statement of Common Ground

Introduction

1. This Heritage Statement of Common Ground has been prepared by TCMS Heritage, on behalf of Christchurch Land & Estates (Elmswell South) Ltd. (the Appellant) in relation to the above appeal and agreed with Mid Suffolk District Council (the Council).
2. It has been prepared to provide additional detail regarding those heritage matters that are agreed, and those not agreed, between the parties and is supplementary to the main Statement of Common Ground which deals with overarching planning matters.
3. This SoCG specifically relates to heritage matters recited in Reason for Refusal 3. Reason 3 states:

Development of the site would result in the loss of an area of open countryside and the change in character of the land from agriculture this is considered to erode the historic setting of the Church of St. John which is listed at Grade II as well as the associated Grade II listed almshouses and Grade II listed Elmswell Hall. This harm extends to both the built form proposed within the site as well as the open space. Harm would also accrue as a result of the coalescence of the historic buildings with the built-up core of the village of Elmswell. A level of less than substantial harm to the heritage assets has been identified and the required balancing exercise has not been successful. As a result the development is contrary to policy LP19 of the Babergh and Mid Suffolk Joint Local Plan together with paragraphs 205, 206 and 208 of the National Planning Policy Framework.*

Matters of Agreement

Relevant Heritage Assets

4. It is agreed that the following heritage assets are relevant to this Appeal:
 - The Grade II* listed Church of St John (NHLE 1032468)
 - The Grade II listed Almshouses to the east of the Church of St John (NHLE 1181926)
 - The Grade II listed Elmswell Hall (NHLE 1032472)
5. It is also agreed that any harm to the significance of the heritage assets will be less than substantial, as defined by the NPPF. However, there is disagreement regarding the precise level of harm (see paragraph 19 below).
6. The finding of less than substantial harm engages paragraph 215 of the NPPF. This requires the harm to be weighed against the public benefits of the proposed development. Public benefits can include heritage benefits (as defined by Paragraph 020 Reference ID: 18a-020-20190723 of the PPG). Paragraph 212 of the NPPF is relevant to this inquiry and states:

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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

7. With regard to legislation, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the statutory duty for development that affects the setting of listed buildings:

“In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”
8. Case law¹ has clarified how the statutory duty is to be exercised when considering development affecting a listed building or its setting. The Courts have confirmed that, a decision maker should give "considerable importance and weight" to any harm to the setting and significance of a listed building and to the desirability of preserving that setting.
9. Any harm will arise due to changes within the settings of these heritage assets, with no physical changes to the assets themselves.
10. It is agreed that this harm will arise both due to changes in views to/from the heritage assets and changes to the character of these settings and existing land uses. There will be changes to how the significance of heritage assets are experienced.
11. It is agreed that the correct methodology to assess any such changes is the process set out by Historic England in *GPA3: The Setting of Heritage Assets* (2nd Edition; 2017).

Significance

12. The significance of the Church of St John is drawn from its architectural and historic interests as a medieval parish church, that has been subject to alteration and restoration in the 19th century.
13. The setting of the church also contributes to its significance.
14. In addition to other attributes, the isolation of the building, its prominence and rural setting all make an important contribution to the significance of the church.
15. The significance of the Almshouses is drawn from their architectural interest and historic interest.
16. The setting of the Almshouses, particularly their association with the neighbouring Church of St John also makes an important contribution to their significance. Elmswell Hall also makes a contribution to the setting and significance of the Almshouses.
17. The significance of Elmswell Hall is drawn from its historic and architectural interest as the former Manor House for the local Manor.
18. The setting of the building has undergone changes in the 19th and 20th centuries, which have included the construction of the railway line and additional residential development. The surviving elements of its rural setting still contribute to its significance.

Matters of Disagreement

19. There is disagreement regarding the level of harm that will arise from the proposed development.
20. The Council's case is as follows:

¹ Most notably *East Northamptonshire DC v SSCLG* [2014] EWCA Civ 137 (Barnwell Manor wind turbine case)

- Church of St John: less than substantial and medium
- Almshouses: less than substantial and low-medium
- Elmswell Hall: less than substantial and low-medium

21. The Appellant's case is as follows:

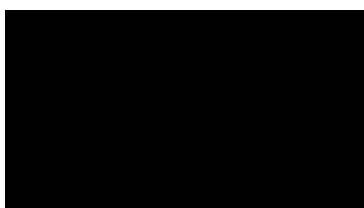
- Church of St John: less than substantial and low
- Almshouses: less than substantial and very low
- Elmswell Hall: less than substantial and very low

22. There is also disagreement regarding the impact of the proposed open space. The Council have confirmed that the development of the open space, from its current use as a field, will cause harm to the significance of the Church of St John.

23. There is disagreement that new public views, created by the development, would enhance the ability to appreciate the significance of the Church of St John.

24. The Appellant's position is that the proposed open space is in-keeping with the character of the listed building's setting.

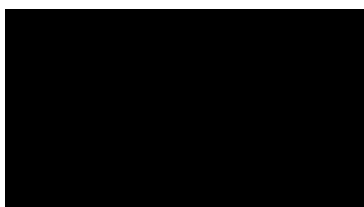
Signed on behalf of Mid Suffolk District Council



Name.....Tim Murphy....

Dated.....19 August 2025.....

Signed on behalf of the Appellant



Name...Thomas Copp.....

Dated.....19 August 2025.....