

Date: 20 February 2025
Enquiries to: James Cutting
Email: james.cutting@suffolk.gov.uk



Mr P Isbell
Interim Director of Planning
Babergh District Council

By email

Dear Mr Isbell,

Bentley Historic Core Proposed Conservation Area: Appraisal and Management Plan Consultation

I refer to the above consultation, Suffolk County Council's response in its capacity as Local Planning Authority is set out below. I also note that the Urgent Action Decision dated 2 December 2024 provided delegation of authority to you (in consultation with the Cabinet Member for Heritage, Planning & Infrastructure) to make any necessary amendments to the Draft Appraisal and Management Plan (henceforth the Draft Appraisal) following the consultation and to designate a new conservation area in the parish of Bentley. Given our shared roles with sustainable development and the Development Plan, I would hope to see a response to the below points before further action is taken.

Within the provisions under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990, both County and District Councils have powers to determine and review areas that have special architectural or historic interest, the character of appearance of which it is desirable to preserve or enhance.

An important element for Babergh District Council to justify is why such an expansive area is desirable to preserve or enhance when other policies and protections exist. This is particularly relevant to consideration of setting to the special interest because these could also be sufficiently protected by national designations or policies in the Development Plan.¹ Compared to many conservation areas, that focus on townscapes, the Draft Appraisal extends to include a very wide area and Babergh District Council will need to set out why such an area could include such wide variation.

Before formally designating this area, Babergh District Council should very carefully consider what has been the impetus for its creation and the true reasons for the designation. The County Council would expect that the area to not be confirmed until the planning application reference [SCC/0105/22B](#), a specific site allocation in the Suffolk Minerals and Waste Plan, has been determined. By considering this to be an urgent decision and the delegation down to officer level, the perception of influences other than

¹ Historic England (2019) *Conservation Area Appraisal, Designation and Management Second Edition*, Historic England Advice Note 1. Swindon. Historic England. Para. 75.

the conservation objectives will appear to be stronger. This is relevant to what is the “impetus” for this decision as well as the totality of the area being selected.

Given the lack of regard to all the adopted policies in the Development Plan, which includes the 2020 Suffolk Minerals and Waste Local Plan, the lack of justification for the extent of the area selected, and the lack of precision to assist decision making, means that Suffolk County Council must object to the proposed designation.

Development Plan

The Draft Appraisal is deficient in its review of local plan policies because it makes no reference to the adopted Suffolk Minerals and Waste Plan and, in particular, to the specific site allocation for the sand/gravel quarry (Policy MS3: Belstead). A conservation area, its appraisal and management plan, are not themselves part of the Development Plan but if these are to inform decision makers considering known allocations such as MS3 alongside policies concerned with the historic environment (such as LP19), then further consideration of the Development Plan is necessary.

Specific site allocations have the highest order of priority out of the three to maintain a steady and adequate supply of minerals.² A more accurate appraisal is necessary to consider this important allocation in the Development Plan and, in line with Historic England’s guidance, set out what design guidance is required.³ The management plan should provide further guidance and recognise the temporary nature of the site-specific allocation.

Without this, and given the very broad spatial nature of the proposed designation, decision makers have little guidance from the Draft Appraisal on how the special historic or architectural interest of the area and the character or appearance could be preserved or enhanced.

Either this deficiency is to be addressed or, by not considering this allocation, a decision maker could conclude that the assessment has not identified a linkage between the allocation and the preservation or enhancement of the proposed Conservation Area (taken as a whole).

Based on the current boundary, the “special attention” required by s.72 would be paid, for example, to the access road leading to the quarry within the specific allocation. There is insufficient detail included in the appraisal to define the character of the conservation area and then determine what design elements that this access road could incorporate to preserve or enhance the conservation area. If the appraisal had correctly identified this specific allocation, it could have provided applicants and decision makers with a means to address this element.

² [Planning Practice Guidance: Minerals. Paragraph: 008 Reference ID: 27-008-20140306](#)

³ Historic England (2019) *Conservation Area Appraisal, Designation and Management Second Edition, Historic England Advice Note 1*. Swindon. Historic England. Para. 83

Extent and justification of the boundary, distinctions between settings and landscape

Local Planning Authorities need to be very cautious about using conservation areas to place further controls on development if the area lacks the special qualities necessary to meet the requirements in s.69 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Once designated, conservation areas become designated heritage assets requiring a further level of detailed assessment. The NPPF, 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” (para. 213).

While the extent of effects confined to one part may or may not result in this test being breached,⁴ if there is harm, the “public benefits of the proposal” (NPPF, paras 214 & 215) can still outweigh the harm. If the extent of the area is continued, the Draft Appraisal needs much clearer evidence to justify its extent of the boundary. This appears to be recognised in the Draft Appraisal, which concludes that there are no definitive ‘character areas’ within the area (page 31).

In terms of spatial context, it is noteworthy that assessment considered the key features of interest to include the “historic core centred around the grade II* listed church” (page 3), which appears to be the initial “smaller area” that was rejected as it “failed to incorporate many of the ancient woods and historic and listed buildings that were scattered in the wider area” (page 47). This highlights that this wider area contains different characteristics and acts as a setting rather than having sufficient qualities for designation. The appraisal lacks detail reviewing evidence and justification for each area beyond the core being included and how, for example, including the Great Eastern Main Line meets Historic England’s guidance.⁵

Critically, a conservation area needs to be a coherent area of “special architectural or historic interest”. This can comprise different features, but the special interest must be clearly demonstrated to enable decision makers to assess the impact of proposals. A conservation area designation covering such a wide area does not follow national guidance from [Historic England](#) that states:

Conservation area designation is not generally an appropriate means of protecting the wider landscape (agricultural use of land falls outside the planning framework and is not affected by designation as a conservation area) but it can protect open areas particularly where the character and appearance concerns historic fabric, to which the principal protection offered by conservation area designation relates.

Without a much fuller appraisal, the extent of the area proposed is clearly engaging NPPF para. 204 that states:

⁴ [R. \(Irving\) v Mid-Sussex District Council \[2016\] P.T.S.R. 1365](#)

⁵ Historic England (2019) *Conservation Area Appraisal, Designation and Management Second Edition, Historic England Advice Note 1*. Swindon. Historic England. (E.g. para. 72)

*When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest.*⁶

Apart from listed buildings and the associated settings, this devaluation would apply to the key features of interest set out in the appraisal. A decision maker would be considering the conservation area as a whole and the devaluation of significance arising from such a broad boundary.

To provide applicants (and decision makers) with sufficient clarity to provide assessments of the impact on significance, and as the proposed boundary appears to include settings of buildings of architectural or historic interest, the Draft Appraisal needs to provide greater distinction between considerations of landscape and general amenity, from the settings of the features of special architectural or historic interest.⁷

The parish boundary provides much of the extent of the area and as important as it is to administration and can often be identified through landscape and historical features, this boundary cannot provide a justification for a conservation area. Babergh District Council will need to consider that the boundary following the parish boundary going through Old Hall Wood is justified given the purpose of conservation areas and specific guidance that the boundary will be defined by physical features.⁸

There is logic to including areas that have a clear relationship to heritage assets and a function as a setting, but this differs from consideration of the landscape even though there can be interactions.⁹ The Draft Appraisal makes no such distinction to justify the extent of the area apart from this being an “agrarian landscape” with historical associations through landownership; features that could apply to many areas. Some settings are mentioned such as the stream and fishponds of Bentley Hall, the churchyard and its relationship to the church, and the immediate agricultural and wooded areas of Bentley Old Hall (Figure 18) but how these have informed the boundary is not described.

Historic England acknowledge that “a conservation area is likely to include the settings of listed buildings and have its own setting”¹⁰ and consideration should also be given to whether this new “setting” is sufficiently protected by national and Local Plan policies.¹¹ However, it is illogical for settings of buildings that form the core of a conservation area to then be afforded an area protected for “setting” purposes within the designation boundary to then be afforded a further “setting” beyond the boundary, particularly if this is undefined on any adopted local plan.

⁶ [NPPF \(2024\), para. 204.](#)

⁷ Historic England (2019) *Conservation Area Appraisal, Designation and Management Second Edition, Historic England Advice Note 1*. Swindon. Historic England. Para. 58-60.

⁸ Ibid, para. 68

⁹ Historic England (2017) *The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3* (Second Edition). Swindon. Historic England. Para. 7 & 8

¹⁰ Ibid, Para. 7

¹¹ Historic England (2017) *The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3* (Second Edition). Swindon. Historic England. Para. 75

There is no statutory duty applicable to protect the “setting” of a conservation area although it is protected by local policies (e.g. SMWLP Policy GP4, BMSJLP Policy LP19) and the NPPF (para. 213).¹² While Historic England’s guidance does suggest that the conservation area’s relationship with its wider setting is mapped,¹³ which has not been attempted in this appraisal, a key element is how settings contribute to the special interest rather than an area defining the special interest itself.¹⁴ In considering the settings of the features of architectural or historic interest, a conservation area cannot extend this setting further by, as appears to be in this case, creating a wide boundary as an approximation of a “unique medieval landscape” (Draft Appraisal, page 47).

The area between Bentley Long Wood and Brockley Wood and running alongside the A12, for example, includes a ditch and evidence of post-medieval field boundaries identified by Tithe maps and former extractive pit as identified in Suffolk’s Historic Environment Record (HER ref: BTY 003).¹⁵ Even in landscape terms, which can be connected to defining a special characteristic, the former Special Landscape Area boundary did not include this area and the appreciation of the landscape is compromised by the traffic noise from the A12.

In terms of defining a boundary, the Draft Appraisal recognises that the western area “is largely influenced by the presence of the A12 which is contiguous with the parish boundary” (page 6) but the recognition that the appreciation of the setting is “detracted” by the A12 (page 38) or the “sharp contrast between the A12 slip road onto Bentley Hall Road onto this quite, single track narrow lane” (page 28) has not translated into a boundary with clearly defined qualities.

The incorporation of the Great Eastern Main Line, areas of post-medieval farmland, and the areas affected by A12 traffic are examples of characteristics that are not contributing to architectural or special interest that should not be included within a conservation area.

Lack of structure and explanations to guide decisions

While the Draft Appraisal has referred to Historic England’s guidance, the structure, presentation and explanation of significance could be better set out if it were in line with the same guidance. While the key features (page 3) appear to provide the statement of special interest;¹⁶ there is not a clear translation to the five characteristic building types to assist with interpreting the significance. Maps and photographs related to the character analysis have been included,¹⁷ but how these relate to a defining special characteristic is not sufficiently clear to aid decision making. The lack of identified sub-areas or zones¹⁸ for such a large area is a significant omission that will not aid decisions and only serves to devalue the elements that the assessment is seeking to conserve.

¹² [*Safe Rottingdean Ltd v Brighton and Hove City Council \[2019\] EWHC 2632 \(Admin\)*](#)

¹³ Historic England (2017) *The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3* (Second Edition). Swindon. Historic England. Para. 60

¹⁴ *Ibid*, para. 34 & 58.

¹⁵ <https://heritage.suffolk.gov.uk/Monument/MSZ27369>

¹⁶ Historic England (2019) *Conservation Area Appraisal, Designation and Management Second Edition, Historic England Advice Note 1*. Swindon. Historic England. Para. 39

¹⁷ *Ibid*, para. 30

¹⁸ *Ibid*, para. 61-63

Use of the Suffolk Historic Environment Record and other evidence

The appraisal does note that the Suffolk Historic Environment Record (SHER) identifies non-designated buildings of interest, but this appears to be the only element, when this resource could have been used further, such as with informing the western boundary, and in line with advice from Historic England.¹⁹

While dispersed farmsteads are identified as a key feature, much more could have been done to review the context and history of agriculture in the area that shaped the character and farmsteads.

Geology shapes agriculture and this, in turn, influences historical patterns of settlement as well as architectural features, some of which are of special interest protected as listed buildings. Evidence of the use of the bedrock red crag formation is present at Cragpit Farm to the east of the boundary, which was used between mid-late 19th century for fertilizers. Deposits of sand and gravel (the Lowestoft formations and Kesgrave catchment subgroup) are between this bedrock and clay soils that has supported agriculture in this area.

Historic England has used Natural England's National Character Areas as a basis for its Farmstead Character Statements. This area is included in Suffolk Coast and Heaths Farmstead and Landscape Statement²⁰ but the characteristics of farmsteads in the Draft Appraisal (pages 33-34) are reflected in the South Suffolk and North Essex Clayland.²¹ The sandy soils in the Suffolk Coast and Heath area are supported by irrigation whereas, in the South Suffolk and North Essex Clayland, arable land and wooded habitats are more prevalent. These Statements conclude that farmsteads in both areas tend to be formed by loose courtyards (these more typical in inland clayland areas) or dispersed (having no main yard area).

Suffolk County Council's Archaeology Service has produced an extensive report on Farmsteads in the Suffolk Countryside that could help provide more evidence for the significance of the four farmsteads identified in the appraisal.²² This research found that the regular Courtyard U-shaped plan is the most common plan type, but that Suffolk's farmsteads have faced a relatively high level of change in the late 19th century.²³ There is an opportunity for the Draft Appraisal to take better account of existing evidence to define the area's special interest – which appears to be historic core – or if a wider area is included, the character areas within it to inform future decisions.

¹⁹ Historic England (2019) *Conservation Area Appraisal, Designation and Management Second Edition, Historic England Advice Note 1*. Swindon. Historic England. Para. 25

²⁰ [Historic England \(2020\) *Farmstead and Landscape Statement: Suffolk Coasts and Heath*. Swindon. Historic England.](#)

²¹ [Historic England \(2020\) *Farmstead and Landscape Statement: South Suffolk and North Essex Clayland*. Swindon. Historic England.](#)

²² [Campbell, G and Antrobus \(2020\), *7863 Farmsteads in the Suffolk Countryside*. Suffolk County Council Archaeology Service.](#)

²³ *Ibid*, page 39.

Highway Considerations

Conservation areas do affect operations undertaken by Suffolk County Council as Highway Authority but, apart from this consultation, no engagement has been made by the Parish or District councils in drafting the designation and management plan, which is not in line with Historic England's advice.²⁴ In conservation areas, there is often an expectation for premium materials or those that prioritise short-term aesthetics over long-term maintenance. This can lead to risks of a degraded public realm if the cost of maintaining or sourcing premium materials becomes unsustainable, which is also relevant to conserving and enhancing the area. Premium and short-term aesthetic materials can increase costs for new schemes and subsequently raise maintenance costs. This could influence future decisions by the Highway Authority, given the pressures for maintenance and improvements across the county.

In terms of trees adjacent to the highway, for Suffolk County Council's works, these would only be removed on safety grounds which is the same whether in a conservation area or not. Where possible, and highway budgets permit, replacement trees can be provided but there is unlikely to be scope within future budgets to plant more trees within the highway.

Conclusion

I trust that the above provides a clear account of why Suffolk County Council must object to the proposed designation because of the lack of regard to adopted policies, the lack of justification for the extent of the area selected, and the lack of precision to assist decisions. Notwithstanding this objection, Suffolk County Council is considering this emerging conservation area as a material consideration for development management proposes.

Yours sincerely,

James Cutting MRTPI
Head of Planning
Suffolk County Council

²⁴ Historic England (2019) *Conservation Area Appraisal, Designation and Management Second Edition, Historic England Advice Note 1*. Swindon. Historic England. Para. 79