

Proof of Evidence.

Evidence of Laura Garcia.

Land at Grove Farm and East of Railway Line, Bentley

On behalf of Green Switch Capital Ltd.

Date: December 2025 | Pegasus Ref: P25-O480

LPA Ref: DC/23/O56656

PINS Ref: APP/D3505/W/25/3370515

Author: Laura Garcia BA (Hons), MCIfA



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1. Author's Background

- 1.1. My name is Laura Cassandra Garcia. I am a Senior Director and Deputy Head of the Heritage team at Pegasus Planning Group. I am a member of the Chartered Institute for Archaeologists (CIfA) at Member level and a Specialist Assessor for the CIfA Validation Committee and I also sit on the interview panel assessing ethical competency of applicants for Member level of the CIfA.
- 1.2. I have practised in the heritage sector since 2002, working as a heritage consultant since 2004. I have been a member of the Chartered Institute for Archaeologists (MCIfA) since 2004. I have a Bachelor's Degree with Honours in Ancient History and Archaeology and I have over 21 years of experience working within the heritage consultancy sector.
- 1.3. I have presented cultural heritage evidence at a number of renewable energy public inquiries and at hearings. I have worked on a wide-range of development projects throughout the UK, including residential, power generation, commercial, industrial, and leisure and recreation schemes. I have gained significant experience in the renewable energy sector, preparing the heritage elements of Environmental Impact Assessments, Heritage Statements, providing feasibility and optioneering advice, and in the management of mitigation works during the construction phase of all types of renewable energy schemes.
- 1.4. I, and the other heritage consultants within the Heritage Team at Pegasus Group, undertake our work in accordance with the Chartered Institute for Archaeologists Code of Conduct.
- 1.5. The evidence which I have prepared and provided for this appeal in this Statement is true and has been prepared and given in accordance with the guidance of my professional institution. I confirm that the opinions expressed are my true professional opinions.

My Role in this Appeal

- 1.6. I became involved in this project following the refusal by Babergh District Council and the decision by the Appellant to Appeal. I have undertaken my own assessment and Site visits to familiarise myself with this Appeal Scheme and site. The conclusions within this Proof of Evidence are my own, true, professional opinion.

2. Appeal Background

- 2.1. This proof of evidence has been prepared on behalf of Green Switch Capital Ltd (the 'Appellant') following the refusal by Babergh District Council ('the Council') to grant planning permission for a full application for the construction and operation of a solar farm with all associated works, equipment, necessary infrastructure, biodiversity net gains, and new access track (the Appeal Scheme) at land at Grove Farm and east of the railway line, Bentley, Suffolk (the Appeal Site).
- 2.2. A full narrative of the consultation responses and planning background is given at Appendix 1, however a summary is provided below.
- 2.3. The Application (ref: DC/23/05656) was submitted to Babergh District Council accompanied by a Heritage Impact Assessment (HIA) prepared by AOC (CDA8) in July 2023¹. The conclusions of this report identified less than substantial harm to the Grade II* Church of St. Mary and the Grade II Maltings House. No harm was identified to the Grade I listed Bentley Hall Barn. Grade II* Bentley Hall, the Grade II* Meeting Hall Stables, Bentley Hall Approximately 30 Metres South of Bentley Hall, and the Grade II Pump in front of and approx. 7 metres east of Maltings House. The assessment did not set out where on the scale of less than substantial harm the harm would lie.
- 2.4. The Assessment also found harm to the non-designated assets of Falstaff Manor (low), Red Cottages and Potash Cottages (medium). No harm was found to the non-designated assets of Little House, Bentley House, Uplands Farmhouse and Glebe Cottage.
- 2.5. Historic England provided two initial consultation responses in December 2023 and January 2024 (CDB12a, B12b) which raised concerns with specific mention of the Grade II* Listed Church of St. Mary. Within these responses, Historic England also mention Bentley Hall and the associated buildings and raise issues of historic association, though ultimately only the Church is assessed by Historic England as experiencing harm, with that being less than substantial.
- 2.6. The final Historic England response from 17th July 2024 (CDB12c) reiterates their conclusion that the Church of St. Mary could experience less than substantial harm which they put at the middle to lower end of the range. Historic England do not object to the application, nor do they allege harm to any other heritage asset.
- 2.7. The Council's Heritage Officer (HO) provided two consultation responses in January 2024 (CDB18a) and in September 2024 (CDB18b). The summary of the final consultation response stated:

"I consider that the proposal would cause a medium level of less than substantial harm to the significance and setting of designated and non-designated heritage assets due to the change of character of the site from rural to industrial."
- 2.8. In July 2024, the Appellant submitted a response to consultee comments (CDA39). This included a Supplementary Heritage Assessment carried out by AOC responding to points

¹ AOC 2023, Grove Solar Farm Heritage Impact Assessment (CDA8)

made in the initial round of consultation. The conclusions of this Supplementary Heritage Assessment affirmed the conclusions of the original HIA

- 2.9. The Committee Report (**CDA40**) recommended refusal of the Scheme. The Report incorrectly reports the Historic England consultation response as an objection. The assessment of the Scheme at §6.14 of the report sets out that the public benefits of the Scheme were not considered to outweigh the identified less than substantial harm to a range of heritage assets, designated and non-designated.
- 2.10. The Decision Notice (**CDA42**) was issued on 6th February 2025 with two Reasons for Refusal. Heritage formed reason 1:

“The proposal would conflict with policies SPO9, LP19, LP25 and consequently SPO3 of the Babergh and Mid Suffolk Joint Local Plan (2023), policies BEN 11 and BEN 12 of the Bentley Neighbourhood Plan (2022) and paragraphs 212, 213, 215 and 216 of the NPPF (2024). The proposal would result in a low to medium level of less than substantial harm to a number of designated and non-designated heritage assets; the most notable and highly graded of which include the Grade I listed Bentley Hall Barn and Grade II* listed Bentley Hall, Bentley Hall Stables and Church of St Mary. Whilst significant weight is afforded to the public benefits of renewable clean energy, this benefit is not considered sufficient to outweigh the harm to a range of heritage assets, which are matters of considerable importance and great weight. The setting of these assets and thus their significance would be eroded and undermined by the proposed development as it would introduce an industrial incongruous character to the current traditional agricultural character and historical landscape of the area.”

Matters arising during the Appeal process

- 2.11. Following the refusal of the application in February 2025, the Bentley Conservation Area was formally approved and designated on 23rd April 2025.
- 2.12. Within their SoC, the Council set out that due to the designation of the Conservation Area, this was now a material consideration and as a result, they wanted to update the first reason for refusal. The Appellant did not object to this change and as a result of this, the Reason for Refusal is now:

“1. The proposal would conflict with policies SPO9, LP19, LP24, LP25 and consequently SPO3 of the Babergh and Mid Suffolk Joint Local Plan (2023), policies BEN 11 and BEN 12 of the Bentley Neighbourhood Plan (2022) and paragraphs 212, 213, 215 and 216 of the NPPF (2024). The proposal would result in less than substantial harm (at the upper end of the scale) to the character and appearance of the recently designated Bentley Historic Core Conservation Area; less than substantial harm to the following listed buildings: Church of St Mary (Grade II*) (middle range LTSH), Bentley Hall (Grade II*) (lower end LTSH), Meeting Hall Stables (Grade II*) (lower end LTSH), Bentley Hall Barn (Grade I) and Maltings House (Grade II) (lower/bottom end LTSH); and, harm to the following Non-Designated Heritage Assets: Falstaff Manor, Grove Farm, Red Cottages, Potash Cottages, and Church Farm House and Barn. Whilst significant weight is afforded to the public benefits of renewable clean energy, the public benefits of the development are not considered sufficient to outweigh the harm to a range of heritage assets, which are matters of considerable importance and great weight (where they relate to designated heritage assets). The setting of these assets and thus their significance would be eroded

and undermined by the proposed development as it would introduce an incongruous industrial character to the current traditional agricultural character and historical landscape of the area. The Appellant has further failed to provide evidence to convincingly demonstrate that there are no reasonable alternatives available for the proposal in light of the designation of the Site within a Conservation Area.

- 2.13. There are key changes between the two RfRs – the updated RfR has included more assets than simply the Conservation Area. Now, harm is alleged to Maltings House Grade II, and the non-designated assets where harm is alleged are specifically identified.
- 2.14. At the CMC, the Rule 6 party in their SoC identified two further buildings which they considered to be heritage assets with the potential to be harmed from the Appeal Scheme: Glebe Cottage and Bentley House.
- 2.15. Following CMC, the Inspector issued her note which set out the heritage assets that she considered to be an issue of this Appeal. These are the heritage assets discussed in the text below.
- 2.16. As part of the Appeal, an updated Landscape Masterplan has been submitted for consideration as an Amended Scheme. As I was not the author of the original heritage application documentation, the assessment presented in this Proof is my own, professional judgment. In this, I have considered the Refused Scheme and the Amended Scheme submitted as part of this Appeal. I consider that the Amended Scheme offers further landscape enhancement, however the Amended Scheme does not result in a changed position from a heritage perspective or conclusions from the Refused Scheme.

3. Key Issues

3.1. The key issues are considered to be the following:

- What is the significance of the following heritage assets:
 - Bentley Hall – Grade II*;
 - Meeting Hall Stables, Bentley Hall Approximately 30 Metres South of Bentley Hall – Grade II*;
 - Bentley Hall Barn – Grade I;
 - Church of St. Mary – Grade II*;
 - Maltings House – Grade II;
 - Falstaff Manor – non-designated;
 - Grove Farm – non-designated;
 - Potash Cottages and Red Cottages – non-designated;
 - Church Farm House and barn – non-designated;
 - Bentley House – non-designated; and
 - Glebe Cottage.
- What is the setting of these assets and what contribution does this make to their significance?
- Whether the Appeal Scheme forms part of the setting which contributes to significance?
- Whether the Appeal Scheme would cause harm to significance through impact to setting and if so, to what extent?
- Whether the Appeal Site holds special architectural or historic interest, the character and appearance of which it is desirable to preserve;
- What contribution the Appeal Site makes to the special interest of the Bentley Conservation Area;
- To what extent would the Appeal Scheme cause harm to the special interest of the Bentley Conservation Area as a whole; and

3.2. The Planning Proof of Evidence of Mr. Burrell will consider matters of planning balance.

4. Summary of My Case

- 4.1. My evidence has presented a robust and objective assessment of the identified heritage assets, their significance, contribution made by their setting and any contribution made by the Appeal Site. The potential harm arising from the Scheme has then been assessed.
- 4.2. It is agreed that archaeological impacts are not a matter before this Appeal. Archaeology did not form a reason for refusal and the Senior Archaeology Officer for Suffolk County Council was content to put a condition on any consent securing further works.
- 4.3. Historic England did not object to the application. They raised concerns over the potential harm to the Church of St. Mary and identified less than substantial harm in the middle or lower region. My evidence concludes that the Scheme would result in less than substantial harm at the low end of the scale to the significance of this asset and therefore my conclusions accord with that of Historic England on this application.

Bentley Conservation Area

- 4.4. It is accepted that the Bentley Conservation Area was designated in April 2025 with the CAAMP (CDF1) adopted in December 2025. However, my evidence has pointed out a number of concerning aspects around the designation and inclusion of the Site within the Conservation Area boundary. It is these concerns which form part of the basis of my evidence about to what extent the Appeal Site contributes to the architectural and historic interest, the character and appearance of which it is desirable to preserve of the Conservation Area as a whole.
- 4.5. The Conservation Area, as designated, covers an area of 588ha and is the largest in the District. The area contains 11 listed buildings, including Grade I and II* listed assets and six buildings of local significance as identified within the Bentley Neighbourhood Plan. The Conservation Area contains a mix of agricultural land, woodland, Ancient Woodland, modern roads and railway, farmhouses, residential dwellings ranging from the medieval to the 21st century and a large amount of power infrastructure in the form of pylons and overhead lines which criss-cross the areas. There is a rare survival of a grouping of Tudor buildings around Bentley Hall including the Grade I Bentley Hall Barn. This grouping also provides a rare survival of a group of manorial buildings.
- 4.6. The boundary of the Conservation Area broadly follows the parish boundary to the northwest, north and east broadly and the A12 to the west. The southern boundary is formed by the southern boundary of the western portion of the Site. This boundary does not follow the parish boundary, but follows Potash Lane, a post-medieval road not shown on mapping prior to 1805. The justification for this boundary is weak and at odds with the wider special architectural and historic interest and reason for the Conservation Area designation.
- 4.7. The Conservation Area identifies 36 key views, seven of which looking into the western portion of the Appeal Site – which does not contain any historic built form, nor is the Site of intrinsic heritage interest. Analysis of these key views has found that the majority are repetitious and do not illustrate the architectural or historic interest of the Conservation Area. They are landscape views. There are views included from Potash Lane towards the tower of the Church of St. Mary, however in some of these views the tower is not visible. It is accepted that the tower is visible in some views, however this is, at best, a glimpsed view

of the pinnacles of the tower which demonstrate nothing of the topographical location, location in the historic settlement pattern of anything of architectural interest.

4.8. The special architectural and historic interest is summarised in the CAAMP (CDF1) as:

“The special interest of the Bentley Conservation Area is predominantly derived from its ancient manorial structure and its associated connection with the Tollemache family who consolidated four manors at Bentley in the 16th century, enlarging an estate which they had held since 1200.

This resulted in the development of a relatively large rural settlement of scattered hall houses, farmsteads, cottages, church and associated structures.

- ***The historic core centred around the grade II* listed church***
- ***open fields and manorial land***
- ***dispersed farmsteads***
- ***ancient woodland***
- ***high quantum of highly graded manor houses and high-status houses,***
- ***largely set in their historic settings***
- ***modest railway interventions that have resulted in attractive publicly***
- ***accessible routes, bridges and cottages***
- ***the ancient tracery of footpaths that criss-cross the conservation area.”***

4.9. Taking this into consideration in terms of the southern boundary of the Conservation Area, it is the case that as demonstrated in my evidence, the southern boundary cuts through the holdings of Falstaff Manor and does not include any of the land of Dodnash, the fourth Bentley Manor.

4.10. The Tollemache connection is a point considered through my proof, given the weight this family connection is given in the Conservation Area material and in consultation responses to this Appeal. The Tollemache family owned the Bentley Hall estate from at least the 13th century however by the early 16th century, through marriage, the family had acquired Helmingham Hall, c. 20km north-northeast of Bentley and had moved the principal seat of the family to here by 1510, when the new hall was complete. Bentley Hall continued to be held by the family, but the main seat had shifted. After this, Lionel Tollemache acquired the manors of Dodnash and Bentley Old Hall. By the 1540s, Lionel had acquired the Falstaff Manor lands, within which the Site is located. However, by 1662, all three of the newly acquired manors had been sold and were no longer in the hands of the Tollemache family. As such, the Tollemache had a connection through ownership with Falstaff Manor for no longer than 133 years and the other two for no more than around 150 years. These manors have been out of the ownership of the Tollemache family far longer than they were within it. Bentley Hall Manor itself was sold in 1668 – though it was repurchased in 1895 by the Tollemaches. It is again sold and is no longer in the hands of the Tollemache family – they hold no manors in this area.

- 4.11. It is the case then that the inclusion of the lands of the Site, within Falstaff Manor (or any of the lands of Falstaff Manor) is based on a fleeting land-ownership that has no tangible remnant outside of documentary material. The southern boundary of the Conservation Area is entirely arbitrary. At §6.43 – 6.46
- 4.12. When considering the contribution Appeal Site, paragraphs 204 and 220 of NPPF are relevant along with the guidance set out in paragraph 72 and 73 of HEAN Historic England Advice Note 1 (HEAN1) (2nd Ed 2019 **CDF6**) *Conservation Area Appraisal, Designation and Management* set out in my evidence below at §6.43 – 6.46.
- 4.13. My evidence has shown that the Site has no intrinsic special architectural or historic interest, the character and appearance of which it is desirable to preserve. The word 'special' is important here as it means something above ordinary. It has to be unusual, distinct, superior, extraordinary etc. The Site does not demonstrate these characteristics. Any historic interest through the association with Falstaff Manor is firstly, not considered to be special for the purposes of S69 of the 1990 Act and secondly, is not experienced through its character or appearance. The Site does not form an essential component of a wider historic area
- 4.14. It is agreed the Site has seen all its internal boundaries removed and is a modern agricultural landscape. It does not contain and ridge or furrow or any other remnants of an earlier field system. The connection to the Tollemache family is, at best, ephemeral.
- 4.15. Whilst it is acknowledged that the Site falls within the Conservation Area boundary, it is my contention that this area does not contribute to the significance of the asset in the same way as other areas. This is because when drawing the boundaries of the Conservation Area, areas of land which would have been more appropriate outside the boundary as they do not hold intrinsic special architectural and historic interest, rather forming part of the setting of the area which holds such interest, have been included within the boundary.
- 4.16. The negligible contribution made is as an area of open agricultural land with an historic association with a non-designated heritage asset (Falstaff Manor) which is understood primarily through documentary research. It forms a part of setting which contributes to the significance of some other assets and there are glimpsed views of the tower of the Church of St. Mary across the western portion of the Site.
- 4.17. In consideration of the Impact of the Appeal Scheme it is important to consider that decisions within the boundaries of Conservation Areas must be taken in consideration of the level of harm to the Conservation Area as a whole.
- 4.18. To summarise the position on impact of the Scheme the following statements are made:
- The Appeal Site makes a negligible contribution to the significance of the Conservation Area as a whole;
 - When considering the Conservation Area as a whole, given the vast area covered by the designation, the spatial area subject to temporary change will be minimal;
 - When considering the Conservation Area as a whole, the Appeal Scheme would not remove the last agricultural field with Tollemache associations, and temporary change will be minimal;

- When considering the Conservation Area as a whole, the Site would not remove the last area of 'Manorial Farmland';
- The association with Falstaff Manor is an element only appreciated through documentation and is not experienced through the character or appearance of the Site. The ability to understand this connection will sustain with the Scheme in place;
- When considering the association with Falstaff Manor (a non-designated heritage asset), the majority of the Site is no longer in the same ownership and even then, the Site does not represent the entirety of the land associated with the estate – not all of the Falstaff manor land will be occupied by the Scheme; and
- Any harm identified is temporary.

4.19. It is considered that the Appeal Scheme would result in a low level of less than substantial harm to the significance of the Conservation Area when considered as a whole.

4.20. This harm arises from slight, temporary change in a key view towards St. Mary's Church over the Site from Potash Lane and from the temporary change in character from agricultural fields to energy generation in an area which makes a minimal contribution to the special interest of the Conservation Area

4.21. The Rule 6 party have indicated that it is their case that the Scheme would cause substantial harm to the significance of the Conservation Area. This is not a conclusion which find support in the reality of a Scheme which is temporary, reversible, and on a very small portion (5%) of the entirety of a Conservation Area in an area which makes no more than a minor contribution to the overall significance. In particular, considering the test for substantial harm is something which seriously affects a key element of the significance of the asset – it cannot be said that the Scheme would give rise to this level of harm.

Church of St. Mary – Grade II*

4.22. The church has 12th-century origins with a 14th-century tower and 19th-century restorations. It is now located far away from the settlement of Bentley but in proximity to the grouping of listed buildings at Bentley Hall to the north.

4.23. The asset is quite secluded. It is not a visible presence in long-distance views and views on the approach along Church Road from the north and south do not have the church as a presence whilst travelling along. It is best viewed from Church Road directly to the east and from within the churchyard.

4.24. There are glimpses views of the very top of the church tower from certain locations along Potash Lane. However, these views are distant, glimpsed and do not allow an understanding of the topographical position. The location of the asset in relation to the historic settlement pattern or any of the architectural details. It is an incidental view which is visible from one or two locations. It is noted, the view is not directly ahead of the viewer: Potash Lane is not a route to the church. One has to be looking for this in a long-distance view to find it. This is a point well illustrated in the CAAMP (CDF1) which at figure 115 includes a zoomed-in image of the church tower – the image needing to be zoomed in order to identify its location.

4.25. As Grade II* listed building, this asset is of the highest significance as defined by the NPPF.

- 4.26. The significance of the asset is primarily demonstrated in its built fabric which demonstrates its architectural and historic interest.
- 4.27. The setting of this asset also contributes to its significance, although this contribution is clearly less than that made by its physical fabric. The principal elements of the setting which contributes to heritage significance comprise:
- The churchyard within which this asset is located, defined by its boundary. This area forms the location from which the architectural interest of the asset can be best appreciated;
 - The dwellings and settlements surrounding the asset from which the congregation has historically been drawn;
 - The route of Church Road which has historically been the approach to this asset – though there are no longer-distance views of the church along this route due to the vegetation surrounding it;
 - The buildings once associated with the church located to the north comprising Bentley House, the former vicarage and Glebe Cottage;
 - The land to the west of the church which tithe mapping indicates was at that time glebe land associated with the church – this association is no longer extant;
 - The surrounding landscape which has an association with this asset and from which there are clear views of the church which contribute to or allow an understanding of the key elements of the significance of this asset
- 4.28. The Site has no known historic connection with the asset. The glimpsed views of the asset across the Site and the ability to glimpse a small portion of the Site – though an area which may not contain panels – from the churchyard are considered to make a negligible contribution. The views from the churchyard are heavily filtered through tree-planting in the churchyard, and in the garden plot beyond. The foreground of these views will not experience any change.
- 4.29. There will be no harm to the physical fabric of this asset, from where it derives the majority of its significance.
- 4.30. There would be no harm to the elements of the setting which form the key contributors to the significance of the asset, for example the views of the asset from within churchyard would not experience any change from the Scheme nor would the views of the church from Church Road experience any change.
- 4.31. The views of the Appeal Site from within the churchyard would experience change as a result of the Appeal Scheme. This change in character would cause a lower level of harm to the significance of the asset. This harm arises from the change from a glimpse of an agricultural field to one of energy generation.
- 4.32. The Appeal Scheme would change the character of the small number of locations along Potash Lane from where there is a glimpsed view of the top stages of the church tower. These views are considered to be matters of amenity. The view does not show the topographic situation of the church, any architectural detailing or how the location of the

church in relation to the historic settlement pattern. They do not help to understand the significance of the asset and given how little can be seen, it is not a landmark or waymarker visible in the landscape. It is also the case that the views of that area available of the church tower would, in the most part, be still available with the Scheme in place. The top of the church tower is at a higher level than the panels would be and therefore, although the view would change, the views of the tower itself would be retained.

- 4.33. The Appeal Scheme would result in less than substantial harm at the lower end of the scale. The identified harm is temporary and would be removed entirely following the decommissioning of the Scheme.

Bentley Hall – Grade II*, Meeting Hall Stables, Bentley Hall Approximately 30 Metres South of Bentley Hall – Grade II*, Bentley Hall Barn – Grade I;

- 4.34. This is a grouping of assets located 350m north of the Site which form a rare survival of an associated manorial group of Tudor buildings. The Barn is on the Heritage at Risk Register.
- 4.35. There are no views of these assets from within the Site, or vice-versa. The existing vegetation and topography ensure that all views are screened. The historic approach to these assets, from the north will not contain any views of the Site or the Site as a backdrop to views of the asset.
- 4.36. This grouping forms the Bentley Hall Manor and was in the hands of the Tollemache family for a number of centuries. It is no longer in Tollemache ownership. The land of the Site has never formed part of the land-holdings of this manor.
- 4.37. These are all assets of the highest significance in accordance with NPPF.
- 4.38. The significance of all three assets is principally derived from their built fabric which demonstrates their architectural, historic and artistic interest. They derive significance from the survival of each of the buildings in the group.
- 4.39. The setting of all three assets is broadly the same, formed of:
- The immediate plot and surrounds in which the assets are situated and from which the architectural and artistic interest can be best appreciated;
 - Other historic buildings within the grouping. These provide information on the original layout of the manor buildings and their hierarchy;
 - Designed approach from the north along Capel St. Mary; and
 - Immediate surrounding landscape insofar as there is any historic association and it provides areas from which the key elements of the significance can be appreciated within key views. This does not include the Site.
- 4.40. The Appeal Site does not form part of landholdings of these buildings. There is an historic association connected with the Tollemache family for a period of 133 years, this being severed in 1662. This association is discernible through documents and mapping and will perpetuate with the Scheme in place. The lands of the Site have been out of the Tollemache ownership for longer than they were ever held.

- 4.41. The Appeal Site is considered to make no contribution to the significance of these assets.
- 4.42. In consideration of setting in terms of historic association where other elements such as visibility are limited, the *Catesby Estates v Steer* 2018 Court of Appeal decision might be of use to consider².
- 4.43. There will be no harm to the physical fabric of these assets, from where they derive the majority of their significance.
- 4.44. The Site does not form an area from which these assets can be experienced or where their significance can be experienced.
- 4.45. Whilst it is the case that the Site was once historically associated with these assets through land ownership, this element is long since severed and can only be appreciated through historic records. The lack of historic association, coupled with the lack of visual change resulting from the Scheme to these assets means that the conclusion is reached that the Appeal Scheme would not result in any harm to the significance of these assets.

Maltings House – Grade II;

- 4.46. This is a 16th-century house located to the east of the railway line. The substation is the nearest element of the Scheme to this asset, located 2745m southwest, adjacent to an existing pylon. The asset is not as recorded within the NHLE – a large two-storey extension was added around the time of listing in 1990 and is not described in the List Entry. The views of the asset from the east are of the modern two-storey extension. Views of the Substation location would principally be from windows within the modern extension and as such, have no heritage interest.
- 4.47. The asset is located directly adjacent to an overhead power line with a line of towers, with another power line and a line of pylons un the distance. This is a landscape already influenced by power generation.
- 4.48. There would be views of this asset and the substation location from Church Road looking west. A traveller along the PRoW west from the asset would be able to see the substation, but the asset would be behind the viewer. Similarly, views east along the PRoW, the substation would not be visible when looking towards the asset. Views from the north, from the railway bridge along the proposed access and the diverted PRoW will contain the Substation and Maltings House as a peripheral element. These views are already characterised by power lines and pylons and the level of change arising from the substation, which will be surrounded by vegetation to soften views, will be so minimal that it would not begin to reach a level of harm.
- 4.49. The significance of this asset is primarily formed by its physical fabric which best represents its architectural and historic interest.
- 4.50. The setting of the heritage asset also contributes to its significance, although this contribution is clearly less than that made by its physical fabric. The principal elements of the setting which contributes to its heritage significance comprise:

² *Catesby Estates Ltd v Steer* [2018] EWCA Civ 1697 (CDH8)

- The plot and gardens within which this asset is situated;
- The grouping of the other listed structures and buildings in the immediate surroundings;
- The route of Church Road, the only location from which the historic element of the building can be appreciated within the modern extension, and from where all three Maltings buildings can be viewed as a loose grouping;
- Immediate agricultural surrounds insofar as there is any historic association and these provides areas from which the key elements of the significance can be appreciated within key views.

4.51. There is a small level of visibility of this asset from the eastern portion of the Site, but these views are not publicly accessible and are primarily of the modern extension. The Appeal Site has an historic association with the asset through once being part of the Tollemache Estate holdings. This association is at best, ephemeral and only discernible through documents and mapping and will perpetuate with the Scheme in place.

4.52. It is considered that the land of the Site – limited to the land of the substation and the former single field in the western portion of the Site makes a negligible contribution to the significance of the Appeal Site through the historic connections which are, ultimately, long severed.

4.53. There will be no harm to the physical fabric of this asset, from where it derives the majority of its significance.

4.54. The DNO substation would be visible from this asset and in views along PRow which also contain the asset. Change in the surroundings of a heritage asset or change to views is not necessarily harmful. It is the case here that I consider that change is to elements of the setting which make a negligible contribution to the significance and will be retained through documentary evidence. I also consider that the level of change to those elements is of such a small magnitude that it does not constitute harm.

4.55. The Appeal Scheme would not result in any harm to the significance of this asset.

Falstaff Manor – non-designated;

4.56. This is an 18th century manor house, the principal house of the Falstaff Estate and likely a later replacement for an earlier building.

4.57. This asset is well-screened from the Site by existing vegetation along its northern boundary which screens views into the eastern part of the Site and by vegetation and agricultural buildings to the west which screens views of the western site portion.

4.58. There are no views of this asset available on the approach along Church Road or Potash Lane. To gain any clear views of the asset, one must go onto private land up the access drive

4.59. The significance of the asset is best demonstrated by its physical fabric which demonstrates its architectural and historic interest.

- 4.60. The setting of this asset also contributes to its significance, although this contribution is clearly less than that made by its physical fabric. The principal elements of the setting which contributes to its heritage significance comprise:
- The extensive and well-defined plot of land within which the asset is situated including the gardens to the south and east and pond;
 - The grouping of the historic agricultural buildings to the west which allow an understanding of the historic layout of the farm complex and some, understanding of the hierarchy of the buildings within;
 - Church Road, from which the asset has historically been approached; and
 - The surroundings agricultural land of the Falstaff manorial estate which has an historic association with the asset and also forms areas from where key views of the asset can be gained of the content of key views from the asset.
- 4.61. The Appeal Site has an historic association as part of the lands of Falstaff Manor. The majority of the Site has, however, been sold and only a small portion, 10% remains in the Falstaff Manor holdings. It is the case that the Site does not form the sum total of the Falstaff Manor holdings.
- 4.62. The Appeal Site is considered to make a minor contribution to the significance of the asset through the historic association as part of the wider Falstaff Estate. It is the case that this association is diminished through the sale of most of the land within the Site from the Falstaff estate.
- 4.63. There will be no harm to the physical fabric of this asset, from where it derives the majority of its significance.
- 4.64. The elements which make the biggest contribution to the significance would not experience any change and it has been established that there would be no change that would be harmful to views to or from this asset. The asset is not experienced in any approaches particularly in the approach south along Church Road. As such, any views of the Scheme to the west or east along this road would not be harmful to this asset.
- 4.65. The Appeal Scheme would result in low harm to the significance of this non-designated asset. This harm arises from the change in character of the land within the site to energy generation and the slight reduction that would cause to the ability to appreciate the historic connection with the asset. The Scheme would not remove the last element of agricultural land associated with this asset. This harm is temporary and would cease on the decommissioning of the Scheme.
- Grove Farm – non-designated;**
- 4.66. This is a late 18th early 19th-century farmstead with farmhouse and associated agricultural buildings located to the southwest of the Site, 150m east of the nearest element of solar panels.
- 4.67. There are possible views available from the upper floors of the asset but given the setback from Potash Lane and Pond Hall Lane, these would be distant and oblique. There are no

views on the approach from the east or west or along Pond Hall Lane where the Site and the asset would be viewed together.

- 4.68. This asset is considered to have a significance commensurate with a non-designated heritage asset.
- 4.69. The significance is primarily formed through its physical fabric which best demonstrates the architectural and historic interest of the building.
- 4.70. The setting also contributes to its significance, although this contribution is clearly less than that made by its physical fabric. The principal elements of the setting which contributes to heritage significance comprise:
 - The farmhouse plot and garden within which the asset is located which provides the area from which the architectural and historic interest of the asset can be appreciated;
 - The surviving historic barns and outbuilding which allow some understanding of the historic layout of the farm complex and some, limited, understanding of the hierarchy of the buildings within;
 - The route of Potash Lane which the asset was located at the end of and from which there are views of the asset looking south; and
 - Agricultural surrounds insofar as these hold an historic association and provide areas from which key views which illustrate the significance of the asset.
- 4.71. One portion of a field within the Appeal Site has an historic association with this asset only appreciated through historic mapping which will be perpetuated with the Scheme in place. This is a relationship long since severed and only appreciated through historic documentation.
- 4.72. The Site is partially visible from the asset and as such forms part of a wider understanding of the agricultural function of the asset.
- 4.73. These elements are considered to make a minor contribution to the significance of this asset.
- 4.74. There will be no harm to the physical fabric of this asset, from where it derives the majority of its significance.
- 4.75. The Appeal Scheme would result in low harm to the significance of this non-designated asset as a result of the temporary change in character of the Site affecting the ability to appreciate the historic association and the temporary change to glimpsed views which would slightly reduce the ability to understand the agricultural connection with the land. This harm is temporary and would cease on the decommissioning of the Scheme.
- 4.76. As a non-designated heritage asset, this harm must be balance against the significance of the asset. This must also take into account that there is no statutory provision for the consideration of setting in relation to non-designated heritage assets.

Potash Cottages and Red Cottages – non-designated;

- 4.77. These are two rows of terraced housing located south of Potash Lane dating from the late 18th or early 19th-centuries. These are domestic dwellings with no agricultural associations.
- 4.78. Whilst the Site is directly north of the assets, there is a generous set back of the Scheme here which means that the foreground of views north would not change. Nevertheless, there would be views of the Scheme from the upper floors of Red Cottages and lesser glimpses from Potash Cottages.
- 4.79. On the approach to the assets along Church Road, there are no areas where the Site and the assets are clearly visible in the same views. These are quite isolated dwellings, though this sense has been reduced in recent years by the construction of semi-detached houses to the northeast and detached dwellings to the east.
- 4.80. These buildings are considered to have a significance commensurate with a non-designated heritage asset.
- 4.81. The significance of the assets is primarily formed through their physical fabric. This best demonstrates the architectural and historic interest of the buildings.
- 4.82. The setting of the heritage assets also contributes to their significance, although this contribution is clearly less than that made by their physical fabric. The principal elements of the setting which contributes to their heritage significance comprise:
- The individual, well-defined plots within which these buildings are located and which provides the best location to understand and appreciate their architectural and historic interest; and
 - The route of Potash Lane which both groups were historically approached from and which still remains the case.
- 4.83. These assets are entirely domestic in their character. Whilst they may have housed agricultural workers they have no intrinsic link to agricultural land. As such, this is not considered to form part of the setting which contributes to significance.
- 4.84. There will be no harm to the physical fabric of these assets, from where they derive the majority of their significance.
- 4.85. The only contribution the Site is considered to make to the significance of these buildings is through the views north which provide an understanding of the. It is considered, therefore, that the Site makes a negligible contribution to the significance of these assets.
- 4.86. The Appeal Scheme would result in at the most, negligible to low harm to the significance of this non-designated asset through the slight reduction in the ability to understand the slightly separate location and rural character of these buildings. This harm is temporary and would cease on the decommissioning of the Scheme. As a non-designated heritage asset, this harm must be balanced against the significance of the asset. This must also take into account that there is no statutory provision for the consideration of setting in relation to non-designated heritage assets.

Church Farm House and barn – non-designated;

- 4.87. This asset is a late 19th-century dwelling located at the western end of a track running off Church Road. The track is not a heritage asset in its own right and as such, views of the Site that could be gained from here have no heritage significance. Furthermore, there are no views along this track where the asset is clearly visible on the approach. The asset is not experienced along this track.
- 4.88. There are glimpses of asset from the PRoW running from the disused railway line southwest to meet Pond Hall Lane. The Site is not visible as a backdrop to these views.
- 4.89. There would be views of the Scheme from the southern elevation of Church Farm. The Scheme here is pulled back and layers of landscape mitigation are proposed to soften and screen these views including a woodland belt and hedgerow along the northern edge of the panels.
- 4.90. This asset is identified on the Suffolk HER and is considered to have a significance commensurate with a non-designated heritage asset.
- 4.91. The significance of the asset is formed by its physical fabric which best demonstrates its architectural and historic interest.
- 4.92. The setting of the asset also contributes to its significance, although this contribution is clearly less than that made by its physical fabric. The principal elements of the setting which contributes to significance comprise:
- The plot of lands and garden within which the asset sits and from where the asset can be best appreciated;
 - The grouping of the buildings with the surviving barn to the northwest which provides an understanding of the historic layout and hierarchy of the buildings;
 - Views of the asset from publicly accessible areas which illustrate the isolation of the asset;
 - The private track along which the asset is accessed; and
 - The immediate surroundings which form part of key view which illustrate the significance of this asset.
- 4.93. The Appeal Site has no historic association the non-designated asset of Church Farm There will be no harm to the physical fabric of this asset, from where it derives the majority of its significance. However the views from the asset to the Site do contribute a minor amount to the understanding of the historic surroundings of the asset and of the separation of the location of this asset
- 4.94. There will be no harm to the physical fabric of this building and its barn nor will there be any change to the elements of setting which make the biggest contribution to significance.
- 4.95. The Appeal Scheme would result in a low level of harm, resulting from the temporary change in character of the field south resulting in a change in views which make a minor contribution in terms of understanding the historic surroundings and separation of this

asset. This harm would cease on the decommissioning of the Scheme. As a non-designated heritage asset, this harm must be balance against the significance of the asset. This must also take into account that there is no statutory provision for the consideration of setting in relation to non-designated heritage assets.

Bentley House – non-designated, Glebe Cottage – non-designated.

- 4.96. Bentley House was the former manor house of the Bentley Church House manor and is reported to have a medieval core surviving – an element not affected by the Scheme. Any medieval elements are obscured by 19th-centruy additions.
- 4.97. Glebe House is a late 19th-century dwelling.
- 4.98. Both are located to the north of the Church of St. Mary and with a very well-wooded plot. There are no views of the Site or vice-versa and no approaches to the assets where the Site would form part of the same view or a backdrop.
- 4.99. Bentley House and Glebe Cottage are identified as Buildings of Local Significance within the Bentley Neighbourhood Plan. It is considered they have a significance commensurate with a non-designated heritage asset.
- 4.100. The significance of both assets is formed primarily through their physical fabric which best demonstrates the architectural and historic interest.
- 4.101. The setting of the heritage assets also contributes to their significance, although this contribution is clearly less than that made by their physical fabric. The principal elements of the setting which contributes to their heritage significance comprise:
 - The individual plots within which they are situated which provide the best areas to appreciate and understand the historic and architectural interest;
 - For Bentley, the former associated manorial land insofar as this association can be experienced in conjunction with the asset and forms part of key views;
 - For Bentley, the association with the church to the south; and
 - The isolation and secluded surroundings formed by the dense vegetation of the Site boundary.
- 4.102. The only contribution made by the Site is through the ephemeral Tollemache link and a brief other period of conjoined ownership – ultimately, no part of the Site has an association with either of these assets. Any historic association is discernible through documents and mapping and will perpetuate with the Scheme in place. This contribution is negligible at best.
- 4.103. There will be no harm to the physical fabric of these assets, from where they derive the majority of their significance.
- 4.104. There are no views to or from the Site. Whilst there may be an ephemeral historic association, this will be sustained with the Scheme in place.

- 4.105. The Site does not form an area from which these assets can be experienced or where their significance can be experienced. As such, it is considered that the changes in the Site from the Appeal Scheme would not result in any harm to the significance of this non-designated asset.

Conclusion

- 4.106. It is acknowledged that the provisions of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are engaged here. Less than substantial harm at the low end of the scale has been identified to the significance of the Conservation Area as a whole. That level of harm is based on the minor contribution the Site makes to the significance of the Conservation Area.
- 4.107. All of the harm identified above is temporary and capable of being removed entirely on the decommissioning of the Scheme.
- 4.108. All harm identified to the other heritage assets is through changes to elements of setting which contribute to the significance.
- 4.109. The harm that is identified to the designated heritage assets must be considered in the planning balance as per paragraph 215 of NPPF.
- 4.110. The harm identified to non-designated heritage asset must be considered as per paragraph 216 of NPPF, with the significance of the assets balanced against the level of harm.

5. Legislation, Planning Policy & Methodology

- 5.1. Details of the heritage legislation and planning policies which are considered relevant to this Appeal are provided at **Appendix 5**.
- 5.2. The full Methodology utilised in the preparation of the assessments which are set out within this proof is provided at **Appendix 6**.
- 5.3. The key documents that have been used in the preparation of this Statement comprise:
- Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment (henceforth referred to as 'GPA 2') (**CDF2**);
 - Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (Second Edition), the key guidance of assessing setting (henceforth referred to as 'GPA 3') (**CDF3**);
 - Heritage Significance: Analysing Significance in Heritage Assets, Historic England Advice Note 12 (**CDF8**);
 - Commercial renewable energy development. Historic England Advice Note 15 (**CDF5**);
 - Conservation Area Appraisal, Designation and Management, Historic England Advice Note 1 (HEAN1) (2nd Ed) 2019 (**CDF6**); and
 - Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment (henceforth referred to as 'Conservation Principles') (**CDF7**).

6. Bentley Conservation Area

- 6.1. The Bentley Conservation Area was designated on 23rd April 2025. It is the first Conservation Area designated within the wider Babergh District Area since 2013 and is 588ha. The size of this Conservation Area makes it the largest by far of any other Conservation Area in the District, nearly double the size of the next largest (Long Melford). It is now the 31st largest Conservation Area in England (source of this figure is §4.3.6 of the Case Officer Designation Report **CDF10**), out of nearly 10,000 as set out on the Historic England website.
- 6.2. The decision was made under Delegated Powers granted under an Urgent Action Delegation of 2nd December 2024 from the Chief Executive of the Council which delegated the decision-making on this issue to the Interim Director of Planning rather than this being put before the Planning Committee which is the more usual way a Conservation Area would be designated, allowing Members to debate the proposals.
- 6.3. The record for the Urgent Decision Notice is found deep within the documentation on the Conservation Area Consultations page on the Babergh DC website ([Conservation Area Consultations – Babergh District Council – babergh.gov.uk / midsuffolk.gov.uk](https://babergh.gov.uk/midsuffolk.gov.uk)) under the heading Bentley Appendices and the record of the Decision Notice in in Appendix 3 (see Appendix 2 of my proof for screen shot of this). This provides no indication of why this step was necessary or why the decision needed to be taken with such urgency.
- 6.4. The Bentley Conservation Area Appraisal and Management Plan (CAAMP **CDF1**) by Babergh DC was adopted on 25th November 2025 with an updated version published on 19th December 2025 correcting two errors.
- 6.5. The background to the designation process and commentary on this and on elements of the wider Conservation Area is set out at **Appendix 2** of my proof.

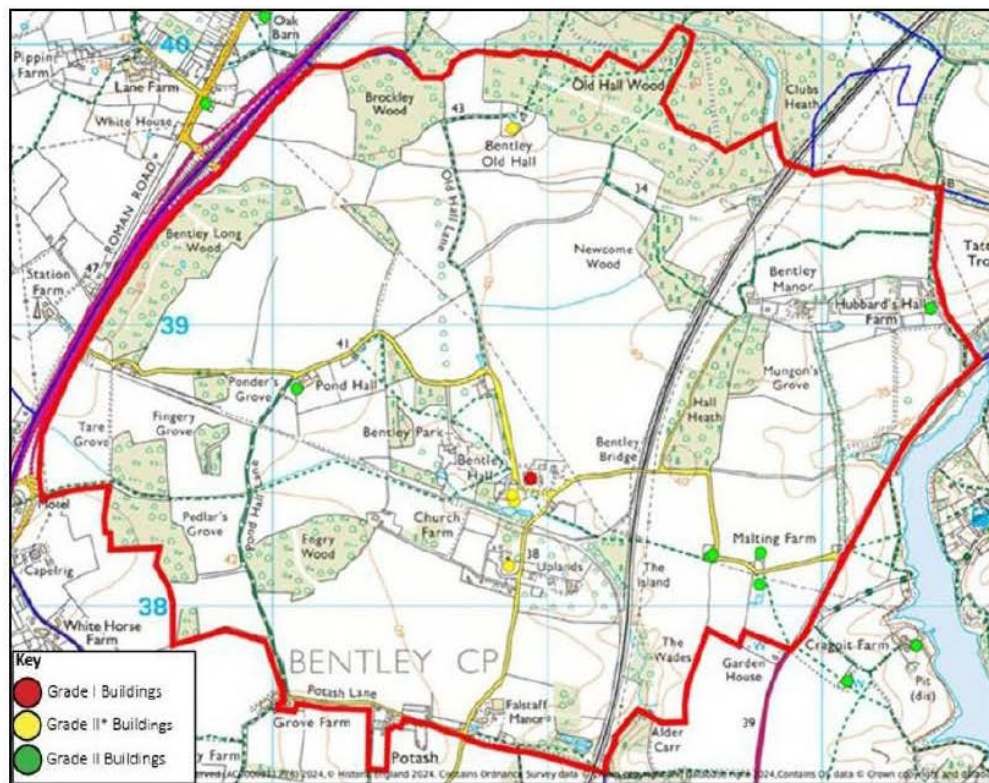


Plate 1 Designated Bentley Conservation Area Boundary

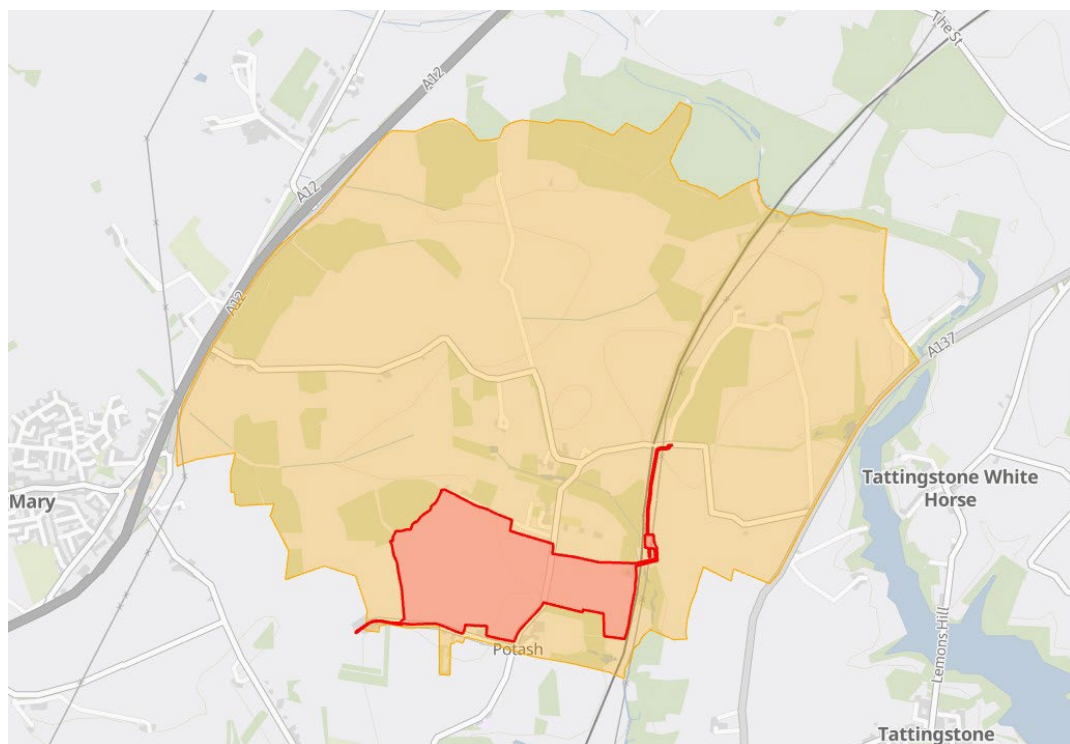


Plate 2 Site Location within the boundary of the Conservation Area

Description

- 6.6. The Conservation Area covers an area of approximately 588ha and contains 11 listed buildings, including Grade I and II* listed assets and six buildings of local significance as identified within the Bentley Neighbourhood Plan.
- 6.7. The Conservation Area contains a mix of agricultural land, woodland, Ancient Woodland, modern roads and railway, farmhouses, residential dwellings ranging from the medieval to the 21st century and a large amount of power infrastructure in the form of pylons and overhead lines which criss-cross the area.
- 6.8. The area contains a rare survival of a group of Tudor buildings around Bentley Hall, including the Grade I listed Bentley Hall Barn which is the largest surviving Tudor barn in England. These buildings also represent a notable survival of a manorial estate and with the proximity of the grade II* Church of St. Mary. This area, associated with the Bentley Hall estate, has special architectural and historic interest, which is clearly experienced through its character and appearance.
- 6.9. It is noted that although the Conservation Area is called Bentley, the actual settlement of Bentley as exists today is located south, outside of the Conservation Area boundary. Indeed, the Bentley village sign, illustrated on page 6 of the document is not within the Conservation Area boundary but is in the settlement to the south.
- 6.10. In reference to the boundary of the Conservation Area, page 8 of the CAAMP sets out the overarching rationale behind this:

“In terms of the chosen boundary itself, this is largely based on historic landholdings of the Tollemache family and/or natural and manmade boundaries. In summary, the northern part of the area follows the parish boundary, a considerable portion of which is dominated by Brockley Wood and Old Hall Wood, both originally Tollemache holdings. Although Old Hall Wood is contiguous with Baldrough’s Wood and Howe Wood (to the north), the latter were historically part of the Belstead Hall Estate and not owned by the Tollemaches. These woods were later bought in 1956 by the owner of Old Hall Wood and Newcombe Wood, John Sadd and Sons, and came under the same ownership and management regime then. These woods are also outside the parish boundary providing further justification for their exclusion from the conservation area.

The eastern side of the conservation area follows a well-used bridleway and footpath to the east of Grade II listed Hubbard’s Hall, and its adjoining stable yard before continuing southeast along the public footpath to the parish boundary line which runs along the A137, including the former Tollemache land holdings at Bentley Manor. The boundary turns west along the parish boundary allowing it to incorporate further listed buildings including Maltings Farmhouse, Maltings Cottage and Maltings House, all formerly part of the Bentley Manor estate. The railway line had been considered as a potential eastern boundary but was discounted because it would result in the exclusion of numerous listed buildings and historic Tollemache holdings. The railway line is also a relatively discreet addition in the landscape thanks to its location within a cutting.”

- 6.11. It is considered that there are issues with this justification for the wider boundary which are set out in Appendix 2 of this proof, particular given the assertion that the Conservation Area boundary considers the landholdings of the Tollemache family.

- 6.12. To all intents and purposes, the boundary of the area to the northwest, north and east broadly follows the parish boundary with the A12 forming a logical western limit. The southern boundary is a marked departure from this as it runs along Potash Lane, which is coincident with the southern boundary of the Site. This is not the parish boundary – that is some distance to the south. Given the repeated mentions of the area having a strong medieval character, Potash Lane is not medieval route. It only appears on mapping from 1805. The justification is set out in the CAAMP as follows:

“The southern boundary is one of the few parts of the conservation area that does not follow the parish boundary. Here it largely follows the line of Potash Lane and the footpath which extends from its junction with Church Road to the east to meet the railway line. The boundary runs to the south of historic Falstaff Manor and its farmstead, which is the original manor house of one of the four Bentley manors held by the Tollemache family, following its acquisition from the Falstaff heirs in the 1540s.

Potash Lane itself is an historic hedge and tree lined lane, fringed with numerous historic properties including estate cottages and Potash Farm, which has likely 17th century origins, with Grove Farm and its historic farmstead at its western end.

...

The land further to the south of Potash Lane starts to be more influenced by the modern settlement of Bentley along Station Road and there is no sensible alternative boundary south of Potash Lane and the footpath to the east.”

- 6.13. The southern boundary does not include all of the Falstaff Manor lands, one of the four manors of Bentley – these continue south of Potash Lane. Indeed, the field south of Potash Lane are of exactly the same character as those to the north. Potash Lane is an entirely arbitrary boundary.
- 6.14. The CAAMP does state that Potash Lane has been identified as possibly being the alignment of the Saxon route of the Hundred Way. The CAAMP offers no evidence to support this claim and it is not mentioned again within the CAAMP. No evidence to support this assertion has been found in the research for this proof. Potash Lane does not appear on mapping prior to 1805.
- 6.15. The Council’s Case Officer report for the designation of the Bentley Conservation Area (CDF10) acknowledges at §3.5.6: ***‘What is clear is that we do not have an original Medieval field system in Bentley...’***. It is the case that the majority of the Conservation Area is occupied by agricultural and open fields, with a network of lanes and dispersed buildings. However, the lanes are tarmacked roads with motoring signs adjacent. The fields are subject to modern agricultural practices and in the case of the Site, have seen all internal boundaries removed. The creation of the railway, both present and removed, has caused a division of the landscape and reorganisation of field patterns. Potash Lane to the south of the Site is a 19th-century road and there are large, modern agricultural sheds in association with a number of the buildings in this settlement. Simply being in largely agricultural use or being an undeveloped field does not imply that a particular site has a resonant medieval character given the complete difference in the way that that agriculture takes place, the crops grown and the way it is harvested.
- 6.16. Importantly, there are no areas of preserved ridge and furrow in the Conservation Area nor any visible field patterns that are truly reflective of medieval field systems. This would be

expected to present as curving or sinuous field boundaries, with the boundaries following the former strip-fields. The actual character of the area is one of piecemeal enclosure in the post-medieval period.

- 6.17. In discussing the Origins and Evolution of the area, the CAAMP states that it recognises there have been changes to the field patterns including field enlargements, but the underlying ancient structure remains. To illustrate this point, the CAAMP at page 20, section 4 uses the fields north of Potash Lane, the eastern Site parcel and another parcel to the west as an example. The report states:

“The aerial photograph and 1883 Tithe Map overlay demonstrate to good effect just how the structural network of fields can still clearly be seen and read. Many earlier fields have been amalgamated, presumably for ease of cropping with modern equipment but the basic jigsaw of shapes remains. What is shown on those pieces may be different but when put together the overall picture is similar such that no piece seems particularly out of place from hundreds of years before even with the arrival of a limited number of modern farm buildings.”

- 6.18. This comment could be used to describe virtually any group of fields in England. The patterns of field here and their development is commonplace throughout England. This does not represent special interest (i.e. something more than ordinary or common place) for the purposes of Section 69 of the Planning (Listed Building and Conservation Areas) Act 1990. This is not a specific and unique characteristic that imbues historic interest and ignores the specifics of the area (Potash Lane not being medieval).
- 6.19. Much is made of the connection with the Tollemache family, indeed it is identified as the source of much of the special interest of the Conservation Area as a whole. With regards to the Tollemache association, this is referenced a number of times within my proof and is a theme I return to.
- 6.20. The Tollemache family owned the Bentley Hall estate and are first recorded in the 13th century. In 1487 John Tollemach married Elizabeth Joyce, whose family seat was at Helmingham Hall, and following the marriage of John’s son Lionel to another Joyce, the decision was made to move the family seat to Helmingham approximately 20km north-northeast. A new hall was erected and complete by 1510 so this provides a date for which it was sure that the principal seat of the Tollemache family was not at Bentley, but was at Helmingham Hall. Bentley Hall was still occupied by Tollemache’s, by the eldest sons or used as a Dower House but importantly, this was not the principal seat.
- 6.21. The Tollemaches still continued to run their estate at Bentley Hall and Lionel Tollemache was still interested in acquiring more property in the area. In the early half of the 16th century, Lionel acquired or was gifted the manors of Dodnash and Bentley Old Hall. By the 1540s, Falstaff Manor was also held by Lionel and so at that time, by the 1540s, all four Bentley manors were in the hands of the Tollemache family. However, by 1662, all of the estates bar Bentley Hall had been sold, and by 1668, Bentley Hall was also sold. It has been suggested that the estates were lost by a dissolute member of the family through gambling, but in any case, the estates were gone although they retained the holding of the woodland in the area. This was not uncommon. Woodlands were highly valuable commodities and would generate a significant income. It is the case that Stanhope Tollemache returned to purchase Bentley Hall in 1895 and some other land (none within the Site), however that too, is now sold.

6.22. Therefore, the principal connection in this Conservation Area of the Tollemaches is based on an association which lasted for around 130 years. It is not disputed that the lands of Bentley Hall were in their hands for a much greater period, but the Conservation Area is not confined to the lands of Bentley Hall manor.

6.23. In terms of how the Tollemaches' themselves viewed their time at Bentley, Lionel A. Tollemache, in his book *Old and Odd Memories* written in 1908 wrote this:

"About the same time (Lionel was speaking in the context of the end of the Wars of the Roses – 1485) there occurred another change of far greater moment, Helmingham Hall came to the Tollemaches by marriage; it was at once made their home, while thenceforward the interest taken in Bentley was little more than a sentiment.

Yet from a sentimental point of view, the woods of Bentley are still regards as the antique gem of the family property. But why do I speak only of the woods of Bentley? The cause of the limitation is this. A spendthrift ancestor after impairing his fortune by gambling, sought to recoup himself by a big bet, in which he staked all that part of Bentley property over which the plough could go. He lost; and the unploughable woods which still belong to the family, are the sole territorial relic handed down from its early days.

It must however be acknowledged that the victory won over Bentley by Helmingham was well deserved. It was to Helmingham that I alluded when I once wrote of 'an ancestral home which has been known from childhood, which stirs every feeling of pride and affection, while yet it reposes in majestic dullness, and has the vault where those who have been loved lie buried.' Indeed, to those whose home it has been, Helmingham seems a place quite apart."³

6.24. Bentley does not seem to hold any special or particular place in the memories or considerations of the Tollemache family and it is clear any sentiment is linked solely to the woodlands. It is noted that Engry Wood is no longer in the ownership of the Tollemache family, moreover it will not be impacted by the Scheme.

6.25. Further confirmation of how Bentley was not a key feature of the history of the Tollemache family or a part of any consequence comes in the words of Edward Devereux Hamilton Tollemache in his 1949 publication *The Tollemaches of Helmingham and Ham*. On page 35, Edward writes:

"Helmingham, since that day (1510), has been the home of the family. Bentley which had been their home for 350 years was used by the eldest son for a few more generations, until other houses and large estates were added to the Tollemache possessions; but the family interest in their ancient property gradually faded. Slowly, with the passing of time, Bentley was allowed to decay."

6.26. This shows that whilst Bentley might have been utilised by the family as another dwelling, the principal seat and "home of the family" was at Helmingham from 1510 onwards.

6.27. At Section 6: Assessment of Significance, the CAAMP includes a Character and Spatial Analysis Map (included at Appendix 4). This identified the different elements of the Conservation Area such as woodland, Ancient Woodland, hedgerows etc. This also

³ P2-3 Tollemache, L. A., 1908., *Old and Odd Memories*.

identifies 'Manorial Farmland'. The western part of the Site falls within an area identified as Manorial Farmland, but the eastern part is simply indicated as 'fields' according to the key. It is noted that this Character Map shows that vast areas are identified as Manorial Farmland. As such, it is clear that with the Scheme in place, there would still be very large areas of Manorial Farmland still within the Conservation Area that would be available to contribute to the special interest. Further, only the western portion of the Scheme is located on such land. More importantly, the Scheme would not permanently remove any of the identified Manorial Farmland – the Scheme is temporary and would lie on top of the land and would still be able to be appreciated as agricultural land beneath.

Views and Routes

- 6.28. The CAA identified 36 key views across the entirety of the Area. Seven of these are focussed on the western portion of the Appeal Site which, it must be noted, contains no built form, and nothing which could be considered as a heritage asset. These views are illustrated below.

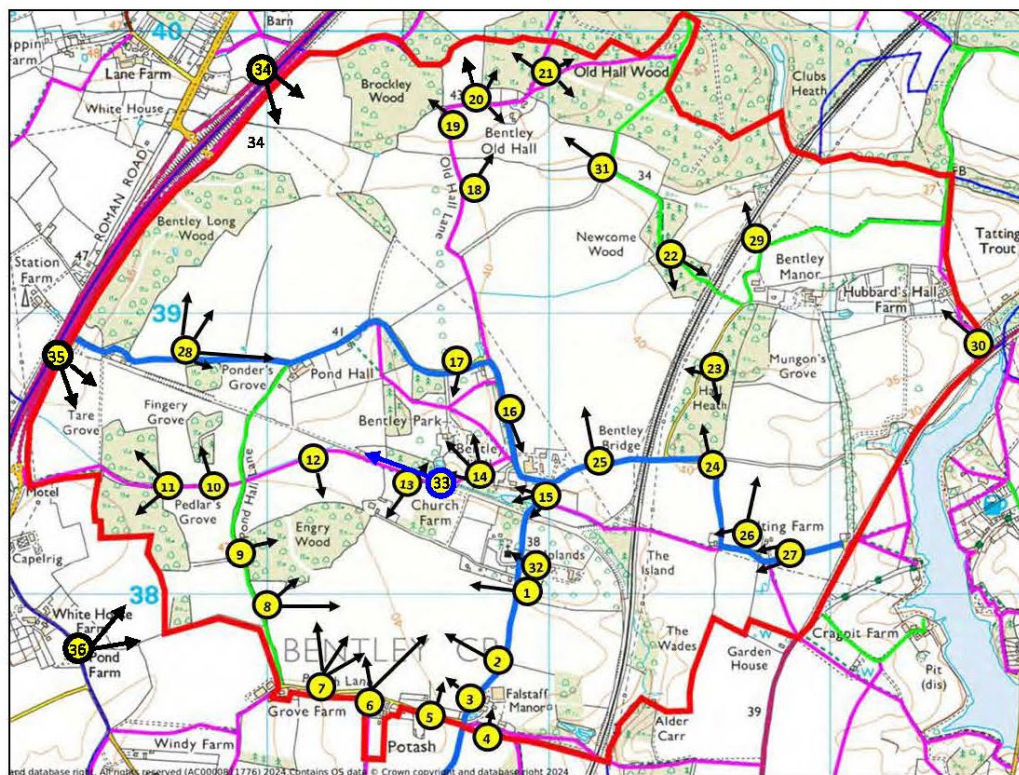


figure 57: Important views from Public Rights of Way and Rural Lanes within and of the Bentley Conservation Area. (blue are designated Quiet Lanes, pink are public footpaths and green are bridleways)

Plate 3 Figure 57 of the CAAMP showing all of the key views – note the volume around the western portion of the Site

- 6.29. As can be seen in the image, VPs 1-3 are virtually identical, and all illustrate the same thing. It is unknown why three VPs in close proximity which all show the same content of view are considered to be key views. These views are towards Engry Wood, an area of Ancient Woodland. Whilst potentially aesthetically pleasing, I contend it is virtually impossible for a lay person, with no specialist knowledge of trees, to be able to discern whether woodland is

an Ancient Woodland or simply an area of mature trees and thus to understand the contribution these make to the special historic interest of the wider area.

- 6.30. A more important point is these views do not illustrate the historic or architectural interest of the Conservation Area. This interest is not experienced through a view across an open field towards a woodland which contains no built form with any association with anything notably historic within this view.



Plate 4 VP1 – View to Engry Wood from the field entrance in Church Road next to Little Bush property



Plate 5 VP2 – View across to Engry Wood from the field entrance in Church Road



Plate 6 VP3 – View across to Engry Wood from the field entrance in Church Road next to Falstaff Cottages



Plate 7 VP5 – View of the upper parts of St Mary's Church tower from field opening in Potash Lane to the right of the track to Falstaff Cottages entrance (church tower not actually visible in this view – possibly glimpses in winter).



Plate 8 VP6 – Long views from wide field entrance in Potash Lane to Engry Wood and the Church tower



Plate 9 VP6 – as above (indicated with two arrows on Key Views figure)



Plate 10 VP7 – Long views from field entrance in Potash Lane to Engry Wood, Church Farm and the Church tower



Plate 11 As above

- 6.31. For Viewpoints 5–7 – key views in the CAAMP – it is acknowledged that there are glimpsed views across the western portion of the Site from Potash Lane looking towards the Church tower however there is no acknowledgement that some of these views are available in winter only. Further, it is uncertain why it was considered necessary to include three views as key, when the church is such a tiny part of the view and so difficult to discern that the CAAMP needed to provide a zoomed in images at figure 115 on page 59 of the report to show it. On this point of the zoomed in image, it is considered highly inappropriate for an objective document such as a CAAMP to provide zoomed images. This is not illustrative of what can be seen with the naked eye and is a manipulation of the information.



Plate 12 VP8 – Views towards Engry Wood and the distant landscape south of Engry Wood due east towards the plantations on the banks of the Orwell.



Plate 13 As above

- 6.32. Why view 8 is considered a key view is not clear. It shows no built form, nor does it illustrate any connection with historic built form in the view. This is a landscape view. It has no heritage interest. It does not illustrate the character and appearance of the special architectural and historic interest of the asset.
- 6.33. Of these views, it is considered that the views across the tower of St. Mary's Church across the west make a negligible contribution to the significance of the wider Conservation Area given their glimpsed nature. These views do not illustrate the topographic position of the church, the associated churchyard or any information with regard to historic settlement patterns.
- 6.34. It is noted, no key views are identified across the eastern Site parcel
- 6.35. The contribution of these views to the significance of the Conservation Area is limited and, in some cases, not considered to contribute at all. The identification of so many views as 'key', when they clearly do not illustrate any of the elements of the architectural or historic interest dilutes the value and status of these views.
- 6.36. Much is made in the CAAMP of footpaths and roads throughout the area. In relation to the Site, the most relevant routes are Pond Lane PRoW, Potash Lane, Church Road and, to a much lesser extent, the footpath across the railway line towards Maltings House. There are no PRoW which run through the Site.
- 6.37. What characterises the roads and Pond Lane mentioned above is their secluded and enclosed character. It is not disputed that there are gaps in hedgerows that do allow some glimpses but in general, these routes are well-enclosed by tall hedgerows meaning that the view is focussed on the road ahead. There are few areas where there are open expansive views from these routes.
- 6.38. It is acknowledged that the Scheme sits either side of Church Road and there is some potential for glimpsed views of the Scheme – however the Scheme is set back from the edges of the road and behind planting to bolster the already dense hedgerow planting along the lane (see Plate 23 for an example of the character of Church Road). It is acknowledged that the gap to create the access track between the two Sites is located along Church Road and will include the removal of an area of hedgerow. This will offer an opportunity for views of the Site when moving along this road. It is the case that the access will be lined with hedgerows and planting to limit these views. If stood looking directly left or right into the Site from that point, glimpses of panels will be possible, however these would not be in the context of views towards heritage assets and these are not easily available views. That is, one would have to deliberately stop and turn to look at a 90-degree angle across the road.
- 6.39. Moving along Potash Lane, there will be glimpses of the western portion of the Site when moving along this pathway. However, in general, these are views across a modern agricultural landscape and are views which have no heritage interest. The Scheme will change these views to one of energy generation. Where these views contribute to individual heritage assets, these are discussed where relevant below.
- 6.40. Moving south along Pond Lane, this is a very secluded pathway, though there are areas where glimpses of the Site will be obtained. However as identified by VP8 above, these views are of no intrinsic heritage interest. In addition, the Scheme is pulled back some

distance east from the route of Pond Lane and is set behind a new hedgerow and as such, the ability to understand the routeway within an agricultural context will be retained.

Statement of Significance

6.41. The CAAMP describes the special interest at page 5 as:

“The quantum of grade I, II* and II listed buildings in the area, non-designated heritage assets, their relationships with one another, their agricultural landscape and ancient woodland all make positive contributions to the special interest of the area, enhancing its rural character. The conservation has many fine examples of vernacular timber framed buildings of varying statuses.

...

The well-preserved medieval structures and field patterns are important landscape features which form a fundamental part of the character and appearance of the area. The area retains unique, quiet, intimate, small-scale rural qualities, characterised by a mosaic of fields and ancient woodlands, many of which are accessible via public footpaths/bridleways and often bounded by tall hedgerows and mature trees.”

6.42. The key features of special interest are set out in the CAAMP at page 4. These are noted as:

“The special interest of the Bentley Conservation Area is predominantly derived from its ancient manorial structure and its associated connection with the Tollemache family who consolidated four manors at Bentley in the 16th century, enlarging an estate which they had held since 1200.

This resulted in the development of a relatively large rural settlement of scattered hall houses, farmsteads, cottages, church and associated structures.

- ***The historic core centred around the grade II* listed church***
- ***open fields and manorial land***
- ***dispersed farmsteads***
- ***ancient woodland***
- ***high quantum of highly graded manor houses and high-status houses,***
- ***largely set in their historic settings***
- ***modest railway interventions that have resulted in attractive publicly***
- ***accessible routes, bridges and cottages***
- ***the ancient tracery of footpaths that criss-cross the conservation area***

Contribution of the Appeal Site to Significance

- 6.43. The Appeal Site lies within the boundary of the Bentley Conservation Area. It is important to take into consideration paragraph 220 of NPPF which states:

“Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 214 or less than substantial harm under paragraph 215, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.”

- 6.44. NPPF paragraph 204 offers policy guidance, stating:

“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.”

- 6.45. Further, Historic England Advice Note 1 (HEAN1) (2nd Ed 2019 CDF6) Conservation Area Appraisal, Designation and Management sets out at paragraph 73:

“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.”

- 6.46. The HEAN1 document also sets out why a Conservation Area might be special interest at paragraph 72:

“The different types of special architectural and historic interest which have led to designation include;

- ***areas with a high number of nationally or locally designated heritage assets and a variety of architectural styles and historic associations;***
- ***those linked to a particular individual, industry, custom or pastime with a particular local interest;***
- ***where an earlier, historically significant, layout is visible in the modern street pattern;***
- ***where a particular style of architecture or traditional building materials predominate; and***
- ***areas designated because of the quality of the public realm or a spatial element, such as a design form or settlement pattern, green spaces which are an essential component of a wider historic area, and historic parks and gardens and other designed landscapes, including those included on the Historic England Register of Parks and Gardens of special historic interest.”***

- 6.47. When looking at this list above and considering what attributes the Site displays, the only attribute which can be said to bear any relation to the Site is in the fifth bullet point, the underlined section of this text. It is agreed that the Site could be considered to be a 'green space', but it is not sufficient for the area to simply be green space. The text is clear in that the green space has to be '*an **essential** component of a wider historic area*'. The Site does not form an essential component of a wider historic area – it does not hold any characteristics which are unusual, unique or illustrative of an historic interest.
- 6.48. The essential component of a wider historic area element of the green space is included to ensure that any such area that is identified, the special historic interest of the green spaces in and of themselves must be experienced through their character and appearance in order to make these contribute. It is clear how elements of green space such as a designed landscape, gardens, sports area, park, historic field pattern with a clearly understandable historic form and layout (extent ridge and furrow, strip fields etc) would demonstrate special interest through the character and appearance. Undeveloped modern agricultural fields, such as those found within the Site, with no trace of historic layout do not hold these seem characteristics and therefore does not display any special historic interest through their character and appearance.
- 6.49. Taking the guidance offered in paragraphs 72 and 73 of HEANI into account then, it is difficult to see how the Site can contribute to the heritage significance of the overall Conservation Area when it does not meet the criteria of paragraph 72 of the HEANI.
- 6.50. Whilst it is acknowledged that the Site falls within the Conservation Area boundary, it is my contention that this area does not contribute to the significance of the asset in the same way as other areas. This is because when drawing the boundaries of the Conservation Area, areas of land which would have been more appropriate outside the boundary as they do not hold intrinsic special architectural and historic interest, rather forming part of the setting of the area which holds such interest, have been included within the boundary.
- 6.51. The Case Officer Designation Report for the Conservation Area (**CDF10**) states at §4.4.56 onwards the reasons why it is considered the Site has special interest sufficient for inclusion in the Conservation Area. The reasons set out are the association with Falstaff Manor and the Fastolf (different spelling to the Manor) Family (noting the manor was out of the ownership of the Falstofs' by the 16th century) and the proximity and effect of the ancient woodland of Engry Woods and the boundary with the Church of St. Mary to the north with one view from Potash Lane to the church and Church Farm also referenced. It also references the fact the Site is a self-contained pocket – this is not considered to be a matter of any special historic or architectural interest
- 6.52. None of the elements set out above are considered to be compelling reasons to state that the Site itself holds special architectural and historic interest, and contributes to the overall significance of the Conservation Area. In particular the Falstaff Manor connection highlights a difficulty in the Conservation Area. If this were a connection of such import that it has special architectural or historic interest the character of which it is desirable to preserve or enhance, then why haven't the entire Falstaff landholdings been included?
- 6.53. It is accepted that the land in the Site once formed part of the Falstaff Manor holdings, but this connection is largely no longer extant with the land now farmed by Grove Farm. It is accepted that the land has an historic connection with Falstaff Manor and does help to contribute to the understanding of the layout of the historic manor but in terms of

contributing to a wider Conservation Area, the land itself does not hold special architectural or historic interest. The word 'special' is important here as it means something above ordinary. It has to be unusual, distinct, superior, extraordinary etc. The Site does not demonstrate these characteristics.

- 6.54. The boundary with the church to the north is not considered to have sufficient special interest such that it makes this area of land important enough to be in the Conservation Area and the woodland, whilst attractive has no influence on the Site.
- 6.55. CAAMP identifies eight key views all of which look over or across the Site. This number of views is excessive. As demonstrated above, most of these views do not hold any heritage interest nor do they illustrate the special architectural or historic interest of the area. A view of Ancient Woodland is not of sufficient interest. Whilst the woodland itself may hold intrinsic historic interest, a view of it across a modern agricultural field is not of any special interest.
- 6.56. It is acknowledged that the views of the church tower make a negligible contribution to the heritage significance.
- 6.57. The Site does not contain any earthworks of medieval ridge and furrow or any other tangible remnants of or reflections of an earlier agricultural period and it is a matter of common ground that the Site has seen significant internal boundary loss and is a modern agricultural landscape.
- 6.58. Contrary to many of the assertions in the Bentley Parish Council consultation responses as set out in the Rule 6 SoC Appendices, Falstaff Manor was not in the hands of the Tollemache family and part of their estates for centuries. Evidence suggests that the Manor of Falstaff came into the possession of the Tollemache's by around the 1540s – in 1529, the manor was certainly not in the hands of the Tollemache family but by the 1540s/1550s Lionel Tollemache had acquired Dodnash and Bentley Old Hall Manors so it seems logical that this was added at around the same time. Certainly, it was owned by the Tollemache family by 1613. It is the case that by 1662, the Tollemache's had sold most of the land in their estates, keeping the woodland in the area in hand.
- 6.59. As such, Falstaff Manor was not part of the Tollemache estate for centuries. Using 1529 as a *terminus post quem* (even this is generous as it is known at this time to be in the hands of Robert Broke), as the estates were sold in 1660/1662 – this give a range of, at most, 133 years for this manor to have been in the hands of the Tollemache family. If the 1613 record was closer to the date of acquisition, the period of ownership of Falstaff Manor could have been as little as 50-odd years. What is without question is that the ownership and landholdings have been out of the hands of the Tollemache family for far longer than it was ever part of the estate holdings.
- 6.60. It is important to note that Falstaff Manor did not come into the ownership of the Tollemache family until after the Tollemache had moved to their principal seat at Helmingham Hall by 1510. As such, by the time Falstaff Manor and the lands associated with this (including the Appeal Site) came into the holdings of the Tollemaches, they were no longer considering Bentley as their principal seat and had moved to Helmingham Hall.
- 6.61. Given the limited time that the Falstaff Manor was part of the Tollemache holdings (133 years at most) it is the case that Falstaff Manor has been out of the Tollemache landholding and not associated with that family for a far longer period than it was ever part of the

Tollemache land. Accordingly, it is difficult to understand why such importance has been attached to the land associated with Falstaff Manor, including land within the Site. The connection with the Tollemache family is, at best, an interesting footnote in the wider history of this manor and not a major part of its history. Further, given the very brief amount of time the Falstaff estate and associated lands were part of the wider Tollemache estate, it is, again, difficult to understand why this land has been included in a Conservation Area boundary which is focussed primarily on the unifying characteristic of association with the Tollemache family.

- 6.62. It is noted that Stanhope Tollemache returned to Bentley in 1895 and purchased some of the previously owned land. The land of the Site was not part of this area.
- 6.63. The link and the continuing references to the land of Falstaff Manor is important to the understanding of the Site and the contribution it makes to the significance of the Conservation Area as a whole. It is not disputed that the land of the Site formed part of the manorial holdings of the manor of Falstaff. The inclusion of this Site within the Conservation Area is said to be because it forms part of the manorial farmland
- 6.64. It is the case that it perfectly reasonable to understand the link between Falstaff Manor and the Site (noting the modern agricultural character of the Site) and understand how the Site contributes to that asset as one part of a wider landholding, however in terms of this Site then being subsumed into a wider Conservation Area, that is questionable.

6.65. The question of the boundary is important here. As is shown on the plate of the 1897 sales particulars above with the CA superimposed, the holdings of Falstaff Manor (which can reasonably be assumed to have remained fairly steady) extend further south, south of Potash Lane and further west. The boundary fails then to either capture the entirety of the 'manorial' farmlands which were at one time held by the Tollemache's, or on a more fundamental level, fails to even capture the entirety of the Falstaff land holdings.

6.66. It is common ground that the Site has seen significant internal boundary loss and is now, essentially formed of one large field of the western parcel and one large field in the eastern parcel. The 1838 Tithe map shows the Site containing nine entire fields and a portion of another. It is now formed of one large parcel of the west and one large parcel on the east. Even if the field boundaries on the Tithe mapping of 1838 are reminiscent of an earlier field layout (but still post-medieval) this layout simply does not exist within the Site today. Indeed, the layout on the tithe mapping for the Site could not even have existed previously for the western portion of the Scheme because of the construction of Potash Lane along the southern boundary, cutting across and requiring the redrawing of field boundaries and for the eastern part, the railway has had a similar effect.

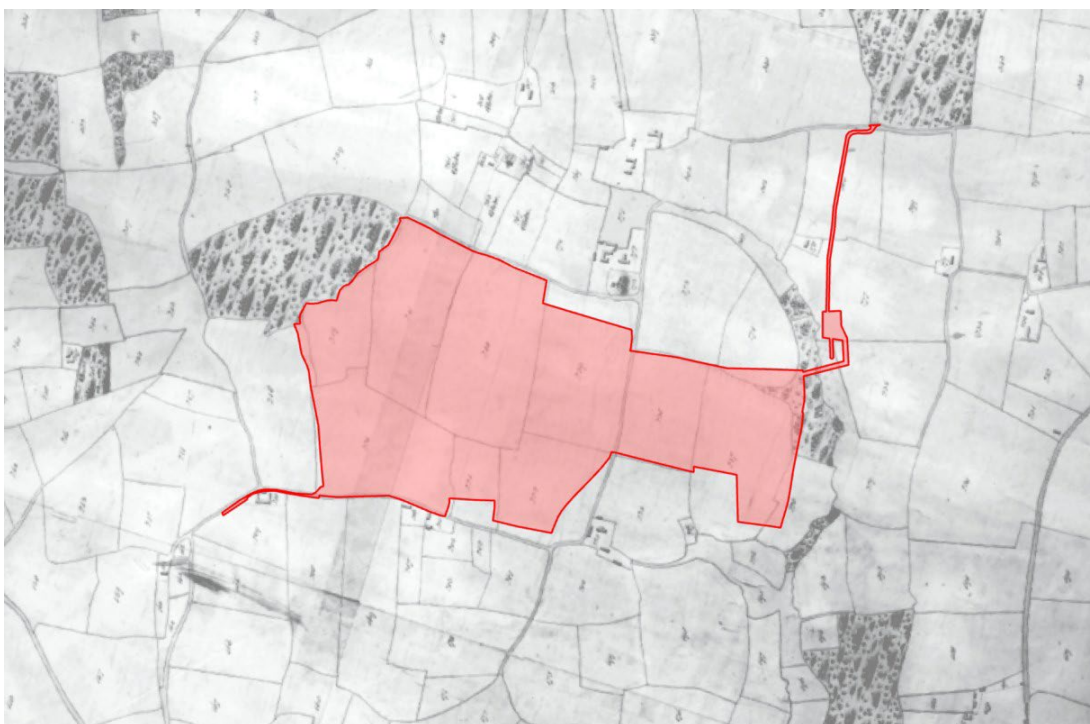


Plate 15 1838 Tithe Map showing the Site containing nine whole fields and a portion of one more

- 6.67. It is said in the CAAMP that the underlying structure or medieval framework of the field boundaries are in place, but this is simply not the case. The “framework” of the external field boundaries is only as it is because of immovable elements – Engry Wood and Pond Lane, Church Road, Potash Lane, the property boundary of Uplands and Falstaff Manor. It is not a fossilised survival of a medieval landscape.
- 6.68. Importantly, there is no evidence found in the preparation of this proof to demonstrate that Potash Lane is medieval. It is not shown on mapping until the tithe of 1805. The construction of Potash Lane in the late 18th early 19th century has created the field framework for the western part of the Site that is seen today with the railway dictating the eastern parcel. This is not a medieval layout.
- 6.69. In terms of the medieval framework of the Site still being visible, it is considered that the field patterns as shown on the Tithe map was established through formal enclosure by agreement which generally took place in the later post-medieval up to the mid-18th century and took place when landholders within a parish formally agreed to subdivide the open fields between them. This process generally led to slightly sub rectangular fields which is what is present here. The field system seen on the Tithe is post-medieval in date and not medieval. More importantly, it is entirely removed within the Site in any case.
- 6.70. It is concluded that the Appeal Site has no intrinsic special architectural or historic interest, the character and appearance of which it is desirable to preserve. Any historic interest through the association with Falstaff Manor is firstly, not considered to be special for the purposes of S69 of the 1990 Act and secondly, is not experienced through its character or appearance. It contributes to the wider Conservation Area as an area of open agricultural land with an historic association with a non-designated heritage asset which is understood primarily through documentary research. It forms a part of setting which contributes to the significance of some other assets.

- 6.71. The Appeal Site is considered to make a negligible contribution to the heritage significance of the Conservation Area.

Impact of the Appeal Scheme

- 6.72. As per paragraph 220 of NPPF (quoted above), whilst it is the case that the Scheme falls within the boundary of the Conservation Area, it is considered that the Site makes only a negligible contribution to that Conservation Area.
- 6.73. When considering impacts or harm within the boundary of Conservation Areas, *the Spitfire Bespoke Homes Ltd High Court 2020* judgment ⁴ is important to bear in mind. This judgment set out that when considering impacts of proposals within Conservation Areas, it is the whole Conservation Area and not just the application site that needs to be assessed. Andrews, J states:

“15: The Inspector then referred to policy HE2 (which he quoted) before quoting s.72 of the LBCCA. He said, at paragraph 21:

“Consideration here relates to the RLSCA, not to the fact that Huntley Lodge is a non-designated heritage asset in its own right. The proposal needs to be judged in the context of the RLSCA as a whole, not just the area in which the appeal site is located.”

This was an entirely proper approach.

...

21: “The current character and appearance of the conservation area is not confined to the character and appearance of the building or buildings on the development site, a point which the Inspector evidently had well in mind.”

- 6.74. In consideration of this, in terms of the spatial extent of the change, the solar panels will cover an area of approximately 33ha (noting the redline boundary is of a larger, with the substation covering an area of approximately 0.01ha. The Conservation Area covers an area of approximately 588ha. The Scheme will cause a temporary change to approximately 5.6% of the entire Conservation Area.
- 6.75. In addition to the spatial extent of change, the Site is currently agricultural, arable land, however given the vast extent of the Conservation Area boundary, there are numerous agricultural fields which also once had an historic connection with the Tollemache family which will remain entirely unaffected by the Scheme. It is not the case that the Appeal Scheme would result in the removal, even temporarily, of the last area of agricultural land within the Conservation Area or the last agricultural field with an historic association with the Tollemache estate (even though that connection is long since severed).
- 6.76. The Site would also not remove the last piece of Falstaff manorial lands nor would the Site affect the only or last remaining element of land identified as Manorial Lands as shown on the CAAMP Character and Spatial Analysis Map (included at Appendix 4).

⁴ Spitfire Bespoke Homes Ltd v SoSHCLG [2020] EWHC 958 (Admin) CDX.XX

6.77. It is accepted that the Appeal Scheme would represent a change in the character of land within the Site. The issue of change of character arising from solar schemes within agricultural land was discussed at paragraphs 63–67 of the Inspector’s decision in relation to *Land west of Thaxted, Cutlers Green Lane, Thaxted* (December 2023)⁵ (CDX.XX). This decision discusses and recognises the change of character of an agricultural field which was recognised as contributing to the significance of the listed building though setting. It was acknowledged that this would result in some harm, however the Inspector noted that the arrays will “sit on top of the land”, therefore it would still be apparent that they are located on former agricultural fields. As such, the former functional relationship of the listed building and its surrounding farmland would still be discernible. This is clearly directly relevant to this Appeal. The Inspector stated within this Appeal decision:

“65. There would therefore be a change in character of the surroundings from open agricultural land to land containing solar arrays and the experience of the approach to the asset from a number of directions would alter. This would cause harm to the setting and therefore the significance of the listed building.”

66. However, because the solar arrays would sit on top of the land, it would still be apparent that the arrays are located on former agricultural fields. Accordingly, the former functional relationship of the building with the surrounding farmland would still be discernible. Moreover, the sense of seclusion of the building and its isolated setting, away from other properties would be retained.”

6.78. The Inspector considered the issue of the visibility of panels from a distance across open views of fields and hedgerows and concluded at paragraph 35:

“35. When viewed in the wider context, parts of the site would be visible in some medium distance views. However, because the panels would sit on top of the land, the undulating nature of the surrounding topography would remain. The low-lying nature of the development would also mean that views would continue to be gained across the landscape of hedgerows and associated trees. The development would not therefore detract from the openness of the wider landscape.”

6.79. Taking these two extracts together, the Inspector considered that the solar panels would sit ‘on top’ of the land within which they were situated and that because of this, the understanding of the agricultural nature of the fields is retained, as would be the openness of the wider landscape.

6.80. In consideration of the change of character of the Site, it should be noted that the recent June 2025 Government publication by the Department of Energy Security and Net Zero (DESNZ) Appendix 2: Case studies and misconceptions (**CDD26**), they set out a number of matters that Government considers as general misconceptions with regards to solar development. Within this, they state:

“Solar is industrialising in the countryside – Solar farms are carefully designed to have a minimal visual impact. They can usually be easily screened by hedges and other vegetation, and visual impact is carefully considered during the planning process. They

⁵ APP/C1570/W/23/3319421 CD X.XX

operate almost silently, without pollution, and once operational generate very little maintenance traffic.”

- 6.81. It is the position adopted by Government that solar does not represent industrialising development in the countryside when carefully designed – as is the case here with a sensitive landscaping plan proposed to mitigate.
- 6.82. It is acknowledged that there may be glimpses of the Scheme available from Church Road, Pond Hall Lane and Potash Lane within the vicinity of the Site boundary. These routes are not considered to be heritage assets in their own right and so views from them are not considered to be heritage matter unless forming part of the significance or helping to better understand the significance of a heritage asset. Whilst it might be said that the key views identified in the CAAMP help to illustrate the special interest of the Conservation Area, it has been demonstrated that these are landscape views or views which do not illustrate the special architectural or historic character.
- 6.83. Whilst harm has been identified to other heritage assets that site within the wider Conservation Area (see below), the harm to these assets arises from changes to their setting (i.e. the Site) which contributes to their significance. There is no direct harm to the fabric of any of the buildings and the contribution that these individual buildings, designated or non-designated, makes to the significance of the wider Conservation Area will not experience any harm.
- 6.84. Taking together all of the elements set out above, it is clear that:
- The Appeal Site makes a negligible contribution to the significance of the Conservation Area as a whole;
 - When considering the Conservation Area as a whole, given the vast area covered by the designation, the spatial area subject to temporary change will be minimal;
 - When considering the Conservation Area as a whole, the Appeal Scheme would not remove the last agricultural field with Tollemache associations, and temporary change will be minimal;
 - When considering the Conservation Area as a whole, the Site would not remove the last area of 'Manorial Farmland';
 - The association with Falstaff Manor is an element only appreciated through documentation and is not experienced through the character or appearance of the Site. The ability to understand this connection will sustain with the Scheme in place;
 - When considering the association with Falstaff Manor (a non-designated heritage asset), the majority of the Site is no longer in the same ownership and even then, the Site does not represent the entirety of the land associated with the estate – not all of the Falstaff manor land will be occupied by the Scheme; and
 - Any harm identified is temporary.
- 6.85. It is considered that the Appeal Scheme would result in a low level of less than substantial harm to the significance of the Conservation Area when considered as a whole.

- 6.86. This harm arises from slight, temporary change in a key view towards St. Mary's Church over the Site from Potash Lane and from the temporary change in character from agricultural fields to energy generation in an area which makes a minimal contribution to the special interest of the Conservation Area.

Commentary on Rule 6 SoC

- 6.87. The Rule 6 SoC at §3.7 sets out that it is their case that the Appeal Scheme would result in 'substantial harm' to the significance of the Bentley Conservation Area. This is not the case of the LPA, as set out in their SoC, where they allege at §5.15 LTSH at the upper end of the range.
- 6.88. I do not consider that substantial harm is a credible conclusion when considering what a level of substantial harm actually consists of and then the level of change arising from the Appeal Scheme.
- 6.89. Guidance on this matter can be found within case law and National Planning Practice Guidance (NPPG). The issue of substantial harm was first considered in detail by the High Court in *Bedford Borough Council v. Secretary of State for Communities and Local Government & Nuon UK Ltd [2013] EWHC 2847 (Admin) (CDH19)*. Within this it was confirmed that significance could be lost through the 'destruction of the asset or, in a very extreme case, development within its setting.' (paragraph 18).
- 6.90. Jay J. described within paras. 24 and 25 how substantial harm was initially characterised and how he would describe it:

"24. "What the inspector was saying was that for harm to be substantial, the impact on significance was required to be serious such that very much, if not all, of the significance was drained away.

25. Plainly in the context of physical harm, this would apply in the case of demolition or destruction, being a case of total loss. It would also apply to a case of serious damage to the structure of the building. In the context of non-physical or indirect harm, the yardstick was effectively the same. One was looking for an impact which would have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced."

- 6.91. Following this, the NPPG was updated at paragraph 018 of NPPG (Reference ID: 18a-018-20190723) to sets out guidance as to how harm to a heritage asset can be assessed. It states:

"Whether a proposal causes substantial harm will be a judgment for the decision-maker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting."

6.92. The issue of substantial harm was considered more recently within the High Courts in *London Historic Parks and Gardens v. Secretary of State for Housing, Communities and Local Government* [202] EWHC 829 (Admin) (CDH14). Here, Thornton J. considered the approach of an Inspector regarding the concept of substantial harm. At the original Appeal, the parties used different approaches to substantial harm, one using Bedford and one using the wording of PPG, with the parties alleging that these approaches were different with Bedford importing a too high test for substantial harm. The Inspector disagreed with this approach, stating that, effectively, there was little to call between the two approaches with the Inspector equating both arguments with the key consideration being 'seriously affecting a key element of special interest' equating 'substantial' with 'serious'.

6.93. Thornton J found no fault with this approach, nor with the Inspector stating that substantial harm is a 'high test'. Thornton J went on to uphold the Inspector's finding that substantial harm would not be caused to the heritage assets affected by the Holocaust Memorial and made the following remarks at paragraphs 52-53:

"52. It is plain that Jay J saw the Inspector's approach as essentially the same as the approach that he (Jay J) endorsed in [25] as a correct basis for addressing the question, i.e. a decision maker would properly both interpret and apply the concept of substantial harm in the NPPF, if s/he assessed whether the impact of the proposed development was sufficiently serious in its effect that the significance of the designated heritage asset, including the ability to appreciate that asset in its setting, was (if not vitiated altogether) at least very much reduced. Jay J considered the reference to significance being "very much ...drained away" as no more than an alternative, metaphorical means of expressing the concept of substantial harm. In considering that "substantial" and 'serious' may be regarded as interchangeable adjectives in this context" [26], his judgment is consistent with the advice in the Planning Policy Guidance that, when considering whether or not any harm is "substantial", an important consideration would be whether the adverse impact seriously affects a key element of special architectural or historic interest

53. Accordingly, read as a whole and in context, Jay J's judgment does not import a test of 'draining away' to the test of substantial harm. He was not seeking to impose a gloss on the term. The judgment in Bedford accords with the approach stated by the Senior President of Tribunals at [74] in Bramshill. It is clear from cases like *Tesco v Dundee* [2012] UKSC 13; *R(Samuel Smith) v North Yorkshire County Council* [2020] UKSC 3; *Bramshill* and others, that a word like 'substantial' in the NPPF means what it says and any attempt to impose a gloss on the meaning of the term has no justification in the context of the NPPF. The policy framework and guidance provide a steer that relevant factors include the degree of impact, the significance of the heritage asset under scrutiny and its setting. It is not appropriate to treat comments made by a Judge assessing the reasoning of an individual decision maker, when applying the test of 'substantial harm' to the circumstances before him/her, as creating a gloss or additional meaning to the test."

6.94. It is difficult to reconcile this judgment and the guidance with an allegation of substantial harm being a credible conclusion in respect of the level of harm to the Bentley Conservation Area when considering this asset as a whole.

6.95. The Scheme is temporary and will be accompanied by landscape improvements which will leave a lasting benefit within the Site. The CAAMP does not seek to set out anywhere that it

is the fields of the Site which are the primary reason or a key reason for the designation of this Conservation Area. The Conservation Area has been designated, as set out in the CAAMP primarily due to the connection with the Tollemache family with a number of key interests set out within the page 4 of the CAAMP. The Site forms a small part of what is alleged as being 'Manorial Farmland'. Page 62 Figure 118 of the CAAMP labels the western portion of the Site as such, but also identifies another two, even larger fields also as Manorial Farmland. The Appeal Scheme will, therefore, cause a temporary change of character of one small element of alleged Manorial Farmland.

- 6.96. As such, it cannot be said that the Appeal Scheme would '*seriously affect a key element*' of the special interest of the asset and in accordance with the definition of what would constitute substantial harm as endorsed by Thornton J in the High Court, the Appeal Scheme would not seriously affect the reasons for the designation of the asset, that is its archaeological and historic interest.

7. Church of St. Mary Grade II* (NHLE Ref: 1193823)

- 7.1. The Church of St. Mary is a Grade II* listed building located approximately 135m north of the northern Site boundary. It was designated in February 1955.

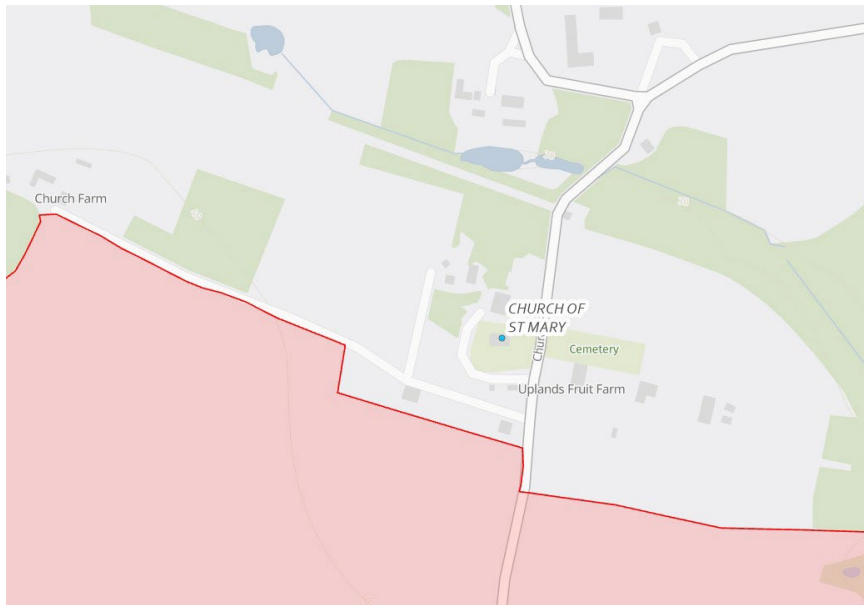


Plate 16 Location of Church of St. Mary in relation to Scheme boundary

Description and Development



Plate 17 Church of St. Mary looking northwest from Church Road

- 7.2. The full NHLE description of this asset can be found in Appendix 2. A summary is included below.
- 7.3. The church has 12th-century origins with a 14th-century tower and 19th-century restorations. It is now located far away from the settlement of Bentley but in proximity to the grouping of listed buildings at Bentley Hall to the north. This indicates that the building was previously near the core of the medieval settlement but eventually, this shifted southwards to where it is located today.
- 7.4. The 1882 Ordnance Survey map shows this asset located within its churchyards with the graveyard surrounding it. Some trees are depicted in the churchyard enclosure but to the south are a number of trees, with the access track to Bentley House running south of the churchyard boundary. This indicates that historically, the church has been set within an enclosed space with tree planting all around. This map shows three entrances into the churchyard from the west, south and east. The 1902 mapping shows again that whilst tree planting may have been thinned in the churchyard, there is a definite tree-belt hugging the southern boundary, along the access to Bentley House. Hope Lodge is shown to the south of the Church, set within its own plot of land.



Plate 18 1838 Tithe map showing the Church and Bentley House (marked with arrow)

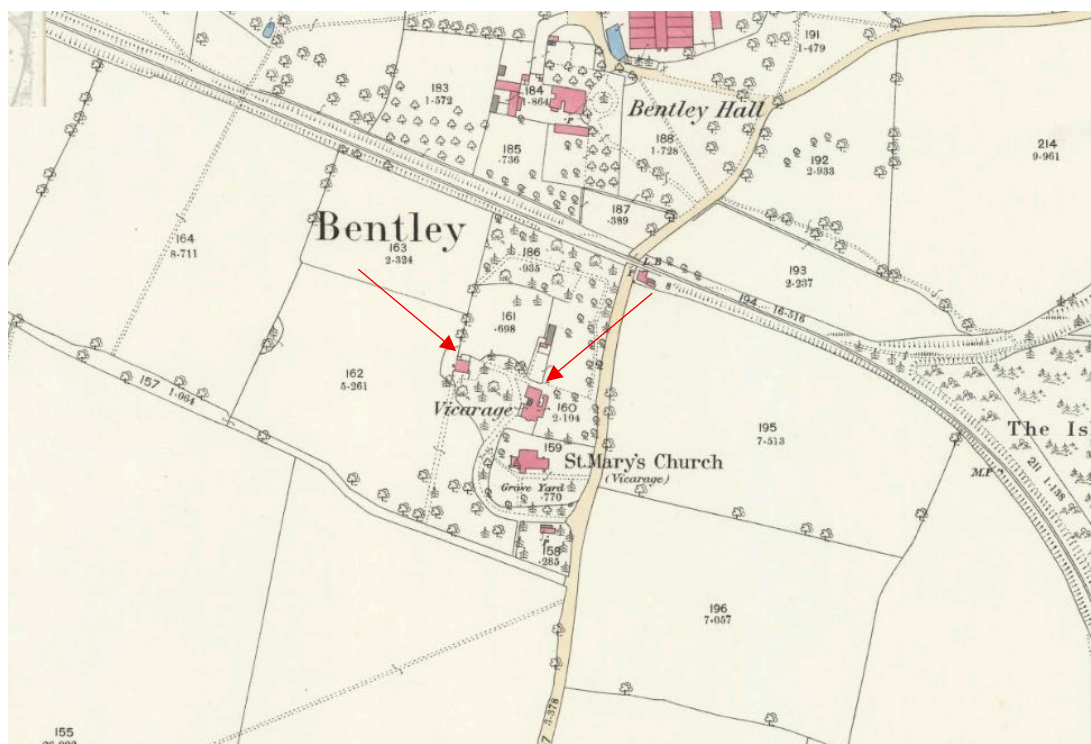


Plate 19 1882 Ordnance Survey map showing Church in a well wooded plot, Bentley House and Glebe Cottage to the north (marked with arrows)



Plate 20 1904 Ordnance Survey – note the woodland belt to the south of the Church – Bentley House and Glebe Cottage shown

- 7.5. The 1967 mapping shows little change within the churchyard and the continuation of planting around the periphery. This map also shows the construction of modern dwellings to the south of the church, south of the access to Church Farm, labelled Little Bush, which is set in its own grounds extending west, the boundaries of which are defined by vegetation which is now mature and dense.



Plate 21 1967 Ordnance Survey – woodland planting still shown and Little Bush added to the south with boundary planting. Bentley House and Glebe Cottage shown



Plate 22 Modern 2025 aerial image from Google Earth (© Google Earth). Note how well wooded the surrounds of all three asset are and the dense woodland along northern boundary of Little Bush plot to the south

Surroundings, Approaches and Views

- 7.6. The church is located within its churchyard which contains a graveyard. The churchyard has no boundary wall, but is surrounded by dense tree planting and vegetation on all sides which encloses the asset. The churchyard contains, as most do, a number of Yew trees, with these lining the main approach from the east and also lining the pathway from the south. Bentley House, the former vicarage is located to the north and the grounds of Uplands are located to the east, beyond Church Road. The line of the former railway can still be traced on the ground which once ran directly north of the church, severing the church from Bentley Hall.
- 7.7. The wider surroundings of the asset are formed of a mix of agricultural land and to the south, private residences and gardens and modern woodland.
- 7.8. The surroundings of this asset have recently undergone fairly significant changes with the removal of four historic Yew trees (though some comments from Bentley PC suggest at least one tree was not a Yew) from the church yard, directly south of the asset along the southern pathway. It is understood these Yew trees were removed for safety reasons, being proximate to the overhead lines in this location. I noted on my Site visit that at least two of the Yew trees that had been cut back were further away from the overhead lines than some trees that remain. The removal of these trees has had the effect of slightly

opening up views to the south of the church. It is noted from the historic mapping that there has never been a mapped example of an open aspect to the south of the church. It has always been mapped with tree planting within this aspect.

- 7.9. The view south from the church is foregrounded with the graveyard, Yew trees and then the access to Bentley House. Beyond this is an area of grassland with then a dense wall of vegetation along the northern boundary of Little Bush. Beyond this is the backplot of Little Bush within another dense, tall line of vegetation along the southern boundary. The Site is to the south of this. These views are not clear, unimpeded or distinct. It is also the case that the view along the southern entrance to the church is orientated away from the western portion of the Site, southeast. There would, therefore, be no views of the western portion of the Site directly down this approach and the views of the eastern portion are blocked by the dwelling of Little Bush.
- 7.10. Concerns with regards to tree felling on land outside the Appellants control and the opening up of more views have been raised by third party consultees. However, these concerns can be allayed now that the area is designated as a Conservation Area. This means that there can be no unauthorised tree felling of trees above a certain size without permission unless on proven safety grounds. As such, ad-hoc felling cannot take place.
- 7.11. The approach to this asset has historically been along Church Road which runs to the east of the building. There is another track to the south of the church which ran to Bentley House. There is an access into the churchyard along this lane, the principal exit and entrance have been from the east, from Church Road.
- 7.12. This church is quite secluded. There are no long-distance views on distant approaches – for example the church is not a feature located in views when travelling along Church Road northwards or southwards. The church is only really clearly visible when one is directly adjacent to it.
- 7.13. There are limited views of the asset when moving along Potash Lane at the southern Site boundary. It is the case that the church tower is not visible in every view from every gap on the hedge line along this route. It is not a constant feature in views when moving along the lane. Moreover, it is not directly in front of the viewer when moving along the lane. One has to turn away from the road and turn to deliberately locate the feature, rather than it be something which is readily visible. Potash Lane is not a feature contemporary with the church, but has been part of the landscape since the early 19th century. It is not, however, a direct route to the church.
- 7.14. When moving along the PRoW of Pond Hall Lane, there are no views of the church tower from this pathway.



Plate 23 View north along Church Road just passed Falstaff Manor – this image provides an indication of the enclosed nature of this road – no views of the Church or any long-distance views along the route or to either side of the road. There would be no cognisance of the Site either wide of this due to the existing vegetation, the set back of the Scheme and the proposed planting.



Plate 24 View northeast from southwestern corner of Site, opposite Grove Farm just north of the PRoW. Tiny glimpse of church tower – marked with red arrow. It is noted that the lighting conditions helped the visibility of the tower. The views are glimpsed and indistinct. It is ultimately not a view which illustrates the significance of the asset and is certainly not a landmark view.



Plate 25 View northeast through gap in the hedge and access into the field – the church tower is not visible, hidden even in winter leaf behind vegetation



Plate 26 View from halfway along Potash Lane, coincident with a field opening, church tower is distantly visible – marked with an arrow to allow the location to be identified. It is by no means clear, nor a distinctive landmark view.



Plate 27 View south from the church entrance looking towards Site. Arrow indicates the Site the paler area however it is noted that there is a significant set back of the panels from the northern edge of the Site and it is possible this area that is visible would not be occupied with panels in any case

Statement of Significance

- 7.15. As Grade II* listed building, this asset is of the highest significance as defined by the NPPF.
- 7.16. The significance of the asset is primarily demonstrated in its built fabric which demonstrates its architectural and historic interest. The architectural and historic interest is derived from the surviving historic fabric with potentially some 12th-century fabric retained internally. The church, like most throughout England, has seen significant changes over its lifespan and these changes contribute to the architectural interest. The historic interest is also formed with the association with the Tollemache family with memorials to the Tollemaches contained within the church. The asset has communal interest also as the parish church, built to serve a community and who's congregation is drawn from the surrounding houses and settlements.
- 7.17. The setting of this asset also contributes to its significance, although this contribution is clearly less than that made by its physical fabric. The principal elements of the setting which contributes to heritage significance comprise:

- The churchyard within which this asset is located, defined by its boundary. This area forms the location from which the architectural interest of the asset can be best appreciated;
- The dwellings and settlements surrounding the asset from which the congregation has historically been drawn;
- The route of Church Road which has historically been the approach to this asset – though there are no longer-distance views of the church along this route due to the vegetation surrounding it;
- The buildings once associated with the church located to the north comprising Bentley House, the former vicarage and Glebe Cottage;
- The land to the west of the church which tithe mapping indicates was at that time glebe land associated with the church – this association is no longer extant;
- The surrounding landscape which has an association with this asset and from which there are clear views of the church which contribute to or allow an understanding of the key elements of the significance of this asset.

7.18. With further regard to the last point, Historic England provides specific guidance on setting and church towers/spires which is applicable here:

“Being tall structures, church towers and spires are often widely visible across land- and townscapes but, where development does not impact on the significance of heritage assets visible in a wider setting or where not allowing significance to be appreciated, they are unlikely to be affected by small-scale development, unless that development competes with them, as tower blocks and wind turbines may. Even then, such an impact is more likely to be on the landscape values of the tower or spire rather than the heritage values, unless the development impacts on its significance, for instance by impacting on a designed or associative view.”⁶

Contribution of the Appeal Site to Significance

- 7.19. The Appeal Site has no known historic association with this church other than being located within the same parish. This is a connection which would not change as a result of the Appeal Scheme.
- 7.20. There are glimpsed views of the top stages of the church tower available across the Appeal Site along Potash Lane but it is noted these are really only visible when the trees are not in leaf. These views are also available from within the Site, however these are not publicly available. Ultimately, these views are incidental and glimpsed. They do not help to understand the key elements of the significance of the asset and in summer, these views are blocked. They also do not help to understand the topographic situation of the church, its churchyard or the location of the asset in relation to the historic settlement pattern.
- 7.21. The CAAMP contains a zoomed in view (figure 115 of that report at page 59) of the pinnacles of the church tower looking across the Site. Notwithstanding the fact that it is considered

⁶ Historic England, GPA:3, p. 7. CDF3

inappropriate to include a zoomed in image within a document such as a CAAMP as this is a misrepresentation of what can be seen with the naked eye, this photograph is helpful to this evidence. The photograph helps to illustrate just how little of the church can be seen in this view and indeed, the fact that the view has to be zoomed in to illustrate any visibility is further testament to the glimpsed, incidental and indistinct nature of this view and of how unrepresentative this view is of the asset in terms of illustrating the elements that contribute to its significance. The view does not show the topographic situation of the church, any architectural detailing or how the location of the church in relation to the historic settlement pattern.

- 7.22. There are glimpsed views of the Appeal Site from within the churchyard looking south. These are views of the northern portion of the western portion of the Appeal Site, but the Appeal Site is not directly adjacent to the south, it is separated by over 135m with rows of vegetation and fields and gardens in-between. At present, these views are of agricultural fields in the distance, beyond two garden plots.
- 7.23. The Appeal Site is considered to make a minor contribution to the significance of the asset through the glimpsed views that can be gained which provide an understanding of the wider agricultural surrounds of the asset. The views of the church tower are considered to make, at most, a negligible contribution.

Impact of the Appeal Scheme

- 7.24. There will be no harm to the physical fabric of this asset in which the vast majority of the significance of this asset lies.
- 7.25. There would be no harm to the elements of the setting which form the key contributors to the significance of the asset, for example the views of the asset from within churchyard would not experience any change from the Scheme nor would the views of the church from Church Road experience any change.
- 7.26. There is no experience or views from Church Road moving north between the Site parcels where the church is a visible presence. As such, no harm would arise from this.
- 7.27. The views of the Appeal Site from within the churchyard would experience change as a result of the Appeal Scheme. This change in character would cause a lower level of harm to the significance of the asset. This harm arises from the change from a glimpse of an agricultural field to one of energy generation. It is noted that this change will not reduce the ability to understand any of the key elements of the significance of the asset but will slightly reduce the understanding of the historic surrounds.
- 7.28. It is noted that the landscaping proposals include planting of hedgerows along the northern boundary which would screen the northern edge of the Scheme. I consider that it would not take much time for this planting to establish itself to the extent that it would entirely screen the views of the development
- 7.29. The Appeal Scheme would change the character of the small number of locations along Potash Lane from where there is a glimpsed view of the top stages of the church tower. In consideration of this, the guidance as set out above from the Historic England GPA 3 Setting document is helpful. These views are considered to be matters of amenity. The view does not show the topographic situation of the church, any architectural detailing or how the location of the church in relation to the historic settlement pattern. They do not

help to understand the significance of the asset and given how little can be seen, it is not a landmark or waymarker visible in the landscape. It is also the case that the views of that area available of the church tower would, in the most part, be still available with the Scheme in place. The top of the church tower is at a higher level than the panels would be and therefore, although the view would change, the views of the tower itself would be retained. This change is considered to amount to no more than a lower level of harm.

- 7.30. The Appeal Scheme would result in less than substantial harm at the lower end of the scale. The identified harm is temporary and would be removed entirely following the decommissioning of the Scheme.

8. Bentley Hall Grouping Grade II* (NHLE Ref: 1351964)

8.1. There are three highly graded buildings which make up this grouping at Bentley Hall:

- Bentley Hall –Grade II* (1351964);
- Meeting Hall Stables, Bentley Hall Approximately 30 Metres South of Bentley Hall (henceforth Meeting Hall Stables) – Grade II* (1033423); and
- Bentley Hall Barn –Grade I (1351965).

8.2. These have been grouped together here as they share the same history and many elements of the same significance and contribution made by the setting. It is noted that today, the Barn is in different ownership than the Hall and Meeting Hall Stables.

8.3. The grouping lies, at its closest, around 350m north of the nearest elements of the Scheme.

8.4. The Grade II* listed Bentley Hall was designated in May 1955.

8.5. The Grade II* Meeting Hall Stables asset was originally designated in February 1955 with an amendment made to the listing in October 1990.

8.6. The Grade I listed Barn was first designated in February 1955 and was subject to an amendment in April 2022. The 2022 amendment appears to have been when the asset was upgraded to Grade I. This asset is on the heritage at risk register.

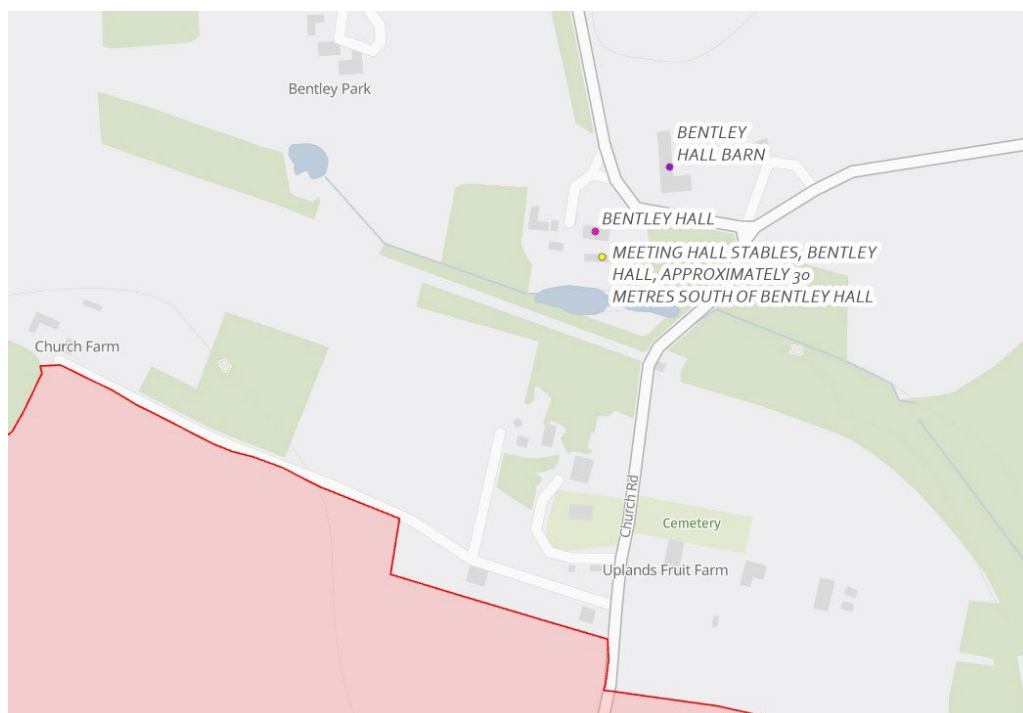


Plate 28 Location of assets in relation to Site boundary

Description and Historic Development

- 8.7. The full NHLE list entry is included at Appendix 2. A summary is set out below.



Plate 29 Oblique aerial image from Google Earth of Bentley Hall with Meeting Hall Stables directly in front – modernised surroundings clearly visible



Plate 30 View of southern elevation of Meeting Hall Stables with Bentley Hall visible behind from Church Road. Looking northwest



Plate 31 View of eastern elevation of GI Barn



Plate 32 Eastern elevation of Gl Barn

- 8.8. Bentley Hall is a 15th-century house with later additions. It was subject to renovation in the 20th century after years of neglect. It is a timber-framed building with brick herringbone nogging infill. There is a red brick 18th-century and early 19th-century east wing. The roof is red plain tile and the building has two storeys and attics. The building contains traces of the Tollemache family in decorations and carvings. Together with the Meeting Hall Stables and the Barn, this grouping of Tudor building represents a rare survival of the core of a manorial estate.
- 8.9. The function of this building is still in debate. It has been interpreted as a possible courthouse, a meeting place, but may have been a brewhouse, or it may have had a number of functions ancillary to the main Bentley Hall. It was converted into a stables before becoming derelict. It was subject to an extensive programme of restoration in the 1970s which saw the replacement of the roof and the back (south) wall.
- 8.10. Bentley Hall Barn is a 16th-century timber framed barn with later alterations. The barn is unusual in that it appears to contain a self-contained chamber at the southern end of the barn, the purpose of which is not known. There is significant survival of 16th-century fabric in this building and its survival nearly complete is rare.
- 8.11. The Hall and the other building in the grouping were in the hands of the Tollemache family and formed the Bentley Hall estate. This was the seat of the Tollemache family until the early 16th century when following the marriage of John Tollemach to Elizabeth Joyce, whose family seat was at Helmingham Hall, and the marriage of John's son Lionel to another Joyce decided to move the family seat to Helmingham. A new hall was erected and complete by 1510 so this provides a date for which it was sure that the principal seat of the Tollemache

family was not at Bentley, but was at Helmingham Hall. Bentley Hall was still occupied by Tollemache's, by the eldest sons or used as a Dower House but importantly, this was not the principal seat.

- 8.12. Following this move, the Tollemache family extended their estates through purchase or grants of other manors in the area. These other manors included Dodnash, Bentley Old Hall and Falstaff, acquired by around the 1540s. The land of the Site was in the Falstaff holdings and thus Bentley Hall only because associated with the land of the Site in the 1540s.
- 8.13. By 1662, the Tollemache's had sold these three estates (some sources say they were lost to a gambling debt) but did retain the ownership of woodlands. This is not unusual as woodlands were a primary source of income in this period and a valuable asset. So by 1662, Bentley Hall was no longer associated through land ownership with the Tollemache's. Furthermore, by the time these other manors were in the hands to the Tollemache's, they had moved their principal seat to Helmingham Hall.
- 8.14. In 1668, the Bentley Hall estate was also sold. Stanhope Tollemache did repurchase the property of Bentley hall and accrued some additional land in 1895 but the property is no longer in their ownership. The Barn is in separate ownership to Bentley Hall.
- 8.15. The 1838 Tithe map shows the building all owned by Eliza Deane and occupied by John Gosnal Esq. The footprint of the Barn on this mapping shows a projecting wing west of the northern portion of the Barn. This is no longer extant. The mapping also shows that at this point, the southern projecting west-wing of Bentley Hall has not been built. The approach from the north is shown, terminating at the boundary of the Hall which means at this time, there was no approach from the south towards this grouping.



Plate 33 1838 Tithe showing Bentley Hall (blue), Meeting Hall Stables (green), and Barn (red)

- 8.16. The 1882 mapping shows the Barn with numerous lean-tos and additions on both the east and west sides. The footprint of Bentley Hall is also altered with the southern west wing shown.

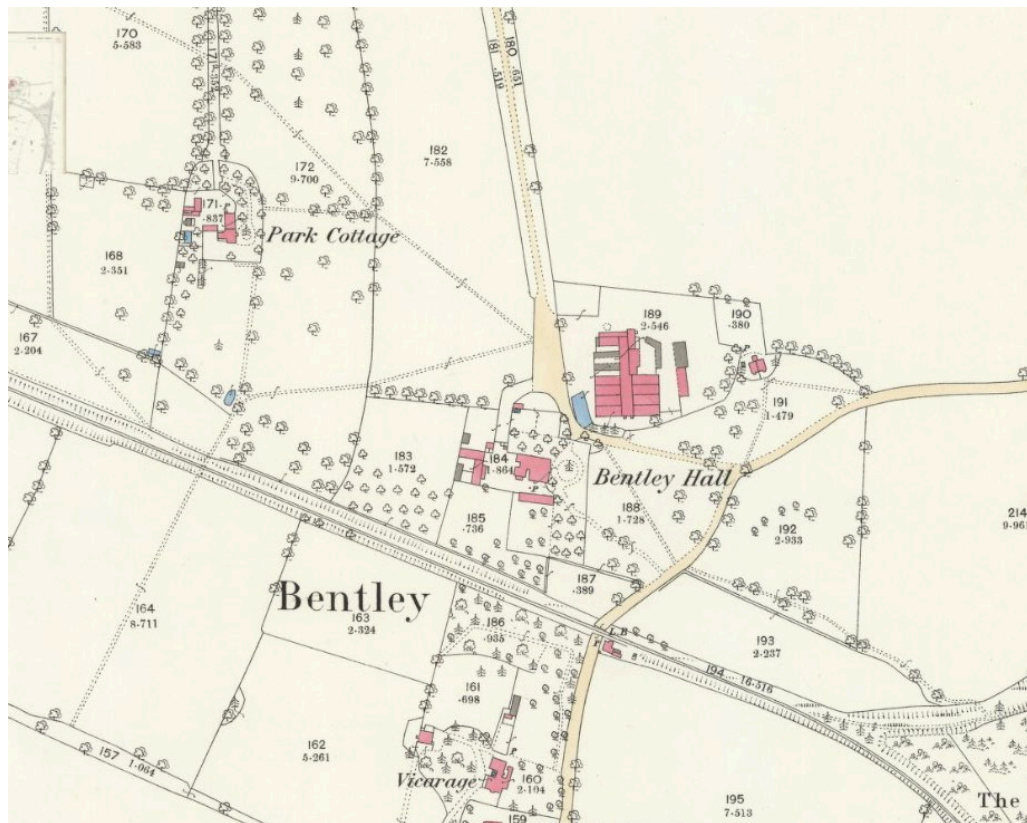


Plate 34 1882 Ordnance Survey map showing Bentley Hall grouping – note the extensive extensions to the Barn to northwest. Note the northern approach now extended to cut off the Barn from the other assets and the line of the railway to the south



Plate 35 1926 Ordnance Survey

- 8.17. By this time, the northern approach to the grouping has been extended and has severed the Barn from the other building in the group. The barn now stands isolated to the east. Church Road is extended to meet Capel St. Mary to the east of the Hall. To the south of the buildings, the line of the Hadleigh Branch Line is shown cutting through the landscape, cutting Bentley Hall off from the landscape to the south. The railway is shown in a slight cutting here, as was common when a line cut across an estate, to avoid views from the ground and property. The land around railway line is shown as wooded on this plan.
- 8.18. At this point, it seems that the principal elevation of the Hall was to the east, overlooking the turning circle. The northern elevation is screened with woodland planting.
- 8.19. The railway line was cut in the Beeching cuts of the 1960s and the line removed. The line is still extant as a PRow, though in the section that runs directly south of the Hall, there is no public access, instead diverting to the north of the Hall to meet the line further west.

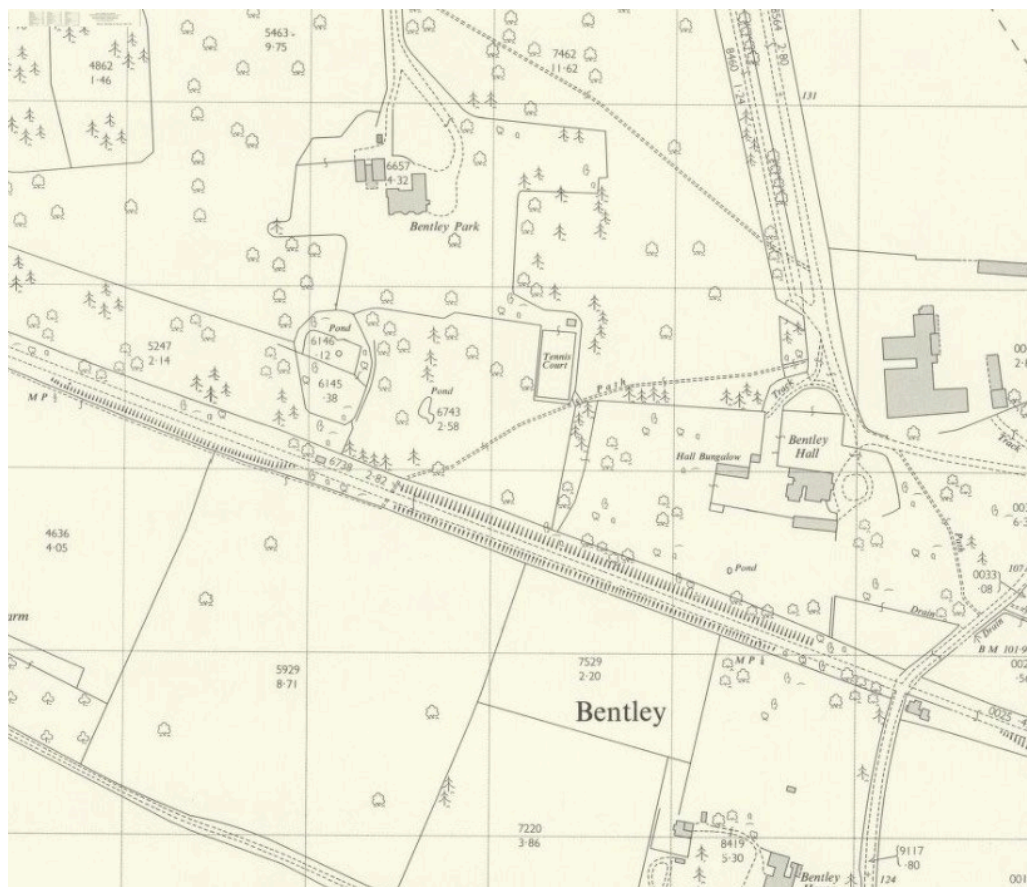


Plate 36 1967 Ordnance Survey

- 8.20. As late as the 1990s, there were still a number of extensions off the east and west sides of the Barn. Today, the extensions on the western elevation have been removed but a large extension is still extant on the eastern elevation.
- 8.21. In terms of changes to Bentley Hall and Meeting Hall Stables, the main change has been the manicuring of the grounds in the surroundings and addition of elements such as a swimming pool.



Plate 37 2025 image showing well-wooded surrounds of the assets and the complete separation of the Barn – though many of the extension have been removed at this point (© Google Earth)

Surroundings, Approaches and Views

- 8.22. Bentley Hall and the Meeting Hall Stables are located in their own plot surrounded on all sides by gardens. The grade II* Meeting Hall Stables is located immediately south of Bentley Hall and there is a courtyard-type area to the west where access and parking for the properties is located. The designed landscape associated with the buildings extends southward, with the land slightly falling away to a large pond. 70m south of this is the line of the now dismantled Hadleigh Branch Railway Line. This has had the effect of severing Bentley Hall from the landscape to the south and is a conspicuous linear element within this landscape.
- 8.23. To the northwest of the asset is an area of parkland, however this is associated with Bentley Park, not Bentley Hall.
- 8.24. A new dwelling has been constructed in the boundary of the historic plot of Bentley Hall, located to the west. This dwelling is named as Alyssa Two and is a separate entity, with its own separate plot and boundary. Other modernising elements have been added in the surroundings of this asset with a pool to the southwest.
- 8.25. The Barn is located in its own plot, east of Capel St. Mary. It is surrounded in all sides by a mix of agricultural land and woodland, with a thick band of woodland to the south. A large modern agricultural is located to the northeast of the asset.

- 8.26. The Hall and Meeting Hall Stables are approached from a private driveway leading off the road named Capel St. Mary (Plate 38). The approach along Capel St. Mary is an altered historic one. Originally, it was a driveway leading only to the Hall, Meeting Hall Stables and Barn. It was part of a designed approach lined with Lime trees. Later, the drive was extended to become the road Capel St. Mary and carried on turning to the east prior to reaching the Bentley Hall buildings and severing the connection between the Barn and the rest of the grouping. This original avenue is still a legible feature in the landscape and makes a positive contribution to the asset.
- 8.27. There are glimpsed views of the Hall and Meeting Hall Stables from Church Road looking northwest through the boundary planting on the approach from the south. These views are available just north of the disused railway line and in winter, and offer a fairly clear view of the Meeting Hall Stables with Bentley Hall glimpsed behind. What is clear from these views is that there are no views south from Bentley Hall – these being blocked by the Meeting Hall Stables. The Site is far behind the viewer at this location.
- 8.28. There is a PRoW which runs from Capel St Mary southwest-wards across Bentley Park to meet the line of the disused Hadleigh Branch Railway which is shown on the 1882 mapping. Whilst a parkland character is clearly discernible on this path, this is parkland associated with Bentley Park and not Bentley Hall. There are no views of the assets in the Bentley Hall grouping from this pathway, nor any views of the Site.
- 8.29. Views from the Hall asset southwards are largely blocked by the presence of the Meeting Hall Stables which is located directly adjacent to the asset. Furthermore, there are no openings on the southern gable ends of the two south projecting wings of the asset and the opening in the main range will likely have no long-range views south.
- 8.30. The principal façade of the asset faces north, along the former avenue. This overlooks a formal garden area with views of agricultural land beyond.
- 8.31. The views from the eastern side of the Hall are over an area of lawn and onto woodland. These are not long-distance views. Views west are dominated by the hardstanding area of parking and ancillary buildings as well as the new build of Alyssa Two. Beyond this is woodland and there are views of the parkland to the northwest of the asset from this elevation.
- 8.32. The views south for the Meeting Hall Stables are of the manicured grounds and the pond feature. Beyond that, the dense linear line of vegetation along the line of the disused railway blocks any longer distance views.
- 8.33. The Barn, whilst an imposing feature, was not designed to have extensive views out. The views of this asset can be appreciated along Capel St. Mary to the west where there are clear and open views. This asset is visible from points within wider landscape to the north, looking south. This aspect and views across the area are much more open north of the railway line. There are no views of it from south of the railway line.



Plate 38 View north along former avenue approach to Bentley Hall

Statement of Significance

Bentley Hall

- 8.34. As Grade II* listed building, this is an asset of the highest significance, as defined by the NPPF.
- 8.35. The significance of the asset is formed primarily through its built fabric which best demonstrates the architectural, historic and artistic interest of the asset. The architectural interest is formed through the surviving 15th-/16th-century fabric with the architectural interest also shown in the design and construction of the building reflecting the construction techniques of the period and the tastes and fashions of the changing periods. The historic interest is formed from the information the asset provides for the understanding of manorial seats in this area in the medieval and later periods and the evolution of this from manorial set to domestic residence. The asset also has historic interest in the association with the Tollemache family, and being one of the four manors of Bentley. The asset has artistic interest in its attractive half-timbered appearance.
- 8.36. The setting of the assets also contributes to its significance, although this contribution is clearly less than that made by its physical fabric. The principal elements of the setting which contributes to heritage significance comprise:
- The immediate plot and surrounds in which the asset is situated, comprising garden to the east and north, and courtyard to the west and south within which the

architectural and artistic interest of this asset can be best appreciated – these provide the only areas of clear views of the northern, principal elevation;

- Other historic buildings within the grouping including the Grade II* Meeting Hall Stables directly south and the Grade I listed Bentley Hall Barn to the northeast – not intervisible from this asset. These provide information on the original layout of the manor buildings and their hierarchy;
- Designed approach from the north along Chapel St. Mary; and
- Immediate surrounding landscape insofar as there is any historic association and it provides areas from which the key elements of the significance can be appreciated within key views. Immediate surrounding landscape insofar as there is any historic association and it provides areas from which the key elements of the significance can be appreciated within key views. This does not include the Site

Meeting Hall Stables

- 8.37. As Grade II* listed building, this is an asset of the highest significance, as defined by the NPPF.
- 8.38. The significance of the asset is formed primarily through its built fabric which best demonstrates the architectural, historic and artistic interest of the asset. The architectural interest is formed through the design and construction of the building bearing information on the variety of the uses which are recorded as a possible court, stables and meeting hall. This has involved alterations and restorations, but original fabric survives. The construction method and materials provide information on the techniques and methods of the period and this also demonstrates the historic interest of this building. The historic interest is also formed through the association with Bentley Manor and the Tollemache family, as part of one of the four manors of the estate. The artistic interest is formed by the decorative herringbone brickwork and timber framed exterior, with a wall jetty to the front elevation which faces north.
- 8.39. The setting of the assets also contributes to its significance, although this contribution is clearly less than that made by its physical fabric. The principal elements of the setting which contributes to heritage significance comprise:
- The immediate plot and surrounds in which the asset is situated, comprising the gardens and terrace to the south and the courtyard to the north. It is from these areas that the architectural interest of the exterior of the asset can be best appreciated;
 - Other historic buildings within the grouping including the Grade II* Bentley Hall directly north (rear elevation facing this building) and the Grade I listed Bentley Hall Barn to the northeast – not intervisible from this asset. These provide information on the original layout of the manor buildings and their hierarchy; and
 - Immediate surrounding landscape insofar as there is any historic association and it provides areas from which the key elements of the significance can be appreciated within key views. This does not include the Site.

Bentley Hall Barn

8.40. As a Grade I building, this is considered to be an asset of the highest significance, as defined by the NPPF.

8.41. The significance of the asset is formed primarily through its built fabric which best demonstrates the architectural, historic and artistic interest of the asset. The recent amendment to the listing in 2022 set out the reasons for this designation as:

“* it is substantially complete, which is rare for farm buildings of this period, and retains a significant proportion of its original fabric;

**** the plan form remains perfectly legible, illustrating its multi-functional purpose as a barn, stable and possible ‘court hall’, adding significantly to the increasing evidence that threshing barns originated from at least the C17 as combination barns;***

**** it is amongst the largest and most impressive Tudor structures in Britain and, although masonry barns of comparable scale survive, it may be the longest timber-framed barn of the period in the country;***

**** it is an unusual example of a barn with two tiers of clasped purlins in the roof structure and ventilation slots in the infill panels – important evidence of what may once have been a common practise in timber-framed barns;***

**** its high status is evident from the decorative treatment of the close studding and brick nogging, a striking use of local materials and techniques on a monumental scale;***

**** it played an important part in the well-preserved ‘seigneurial landscape’ of Bentley Hall; and***

**** it forms a highly significant group with the nearby Bentley Hall and the probable former court house, both C15/ C16 in date and listed at Grade II*, which altogether are representative of traditional forms of construction and farming practice on a prestigious C16 estate.”***

8.42. The setting of the assets also contributes to its significance, although this contribution is clearly less than that made by its physical fabric. The principal elements of the setting which contributes to heritage significance comprise:

- The immediate surrounds in which the asset is situated, comprising scrubland – it is from this area that the architectural and historic interest of the building can be appreciated, as well as the scale of the barn;
- Other historic buildings within the grouping including the Grade II* Bentley Hall and the Grade II* Meeting Hall Stables located southwest, beyond Capel St. Mary. These assets are not readily visible from the Barn; and
- Immediate surrounding landscape insofar as there is any historic association and it provides areas from which the key elements of the significance can be appreciated within key views. Immediate surrounding landscape insofar as there is any historic association and it provides areas from which the key elements of the significance can be appreciated within key views. This does not include the Site

- 8.43. The large, modern agricultural building located to the northeast of this asset is a detracting element of the setting as is the route of Capel St. Mary which has severed the barn from its associated grouping at Bentley Hall. It is noted that the architectural interest of the building can be appreciated from the road, however this was never an intended element of the surrounds of this asset.

Contribution of the Appeal Site to Significance

- 8.44. The Appeal Site does not lie within the same landholdings as the Bentley Hall grouping and historically, it never has – the buildings being part of the Bentley Hall estate and the Site being part of the Falstaff estate. There is an historic association in that the Site, along with Bentley Hall, formed part of the wider landholdings of the Tollemache family for a brief period of 133 years approximately. This association was severed in 1662 when the Tollemache's sold the Falstaff Estate, of which the Site was a part of. This association is discernible through documents and mapping and will perpetuate with the Scheme in place. It is the case that this historic association is linked entirely through the Tollemache land holdings and this link has not been extant for 263 years. The lands of the Site have been out of the Tollemache ownership for longer than they were ever held. The element of the link that is of interest will not change and will still be able to be understood with the scheme in place.
- 8.45. There are no views of the Site from any of the assets and no views of the assets from the Site. There are no areas where it is considered that the Site could form a backdrop to views or where the asset and the Scheme would be visible in the same view.
- 8.46. There are no approached through or adjacent to the Site where these assets are experienced.
- 8.47. The Appeal Site is considered to make no contribution to the significance of these assets.

Impact of the Appeal Scheme

- 8.48. There will be no harm to the physical fabric of any of the building in the grouping. It is accepted that the buildings form a rare survival of a Tudor grouping and a group of manorial buildings and the Barn in particular is a highly significant building, being one of the largest surviving Tudor timber-framed buildings in the country.
- 8.49. The ability to appreciate the historic relationship between the grouping, including the historic layout will not be affected.
- 8.50. The Barn is no longer in the same ownership as Bentley Hall, separating this asset even further from any historic associations.
- 8.51. It is acknowledged that there is an historic association with the Site through the Tollemache connection, however this is long severed and has been since 1662. Furthermore, the ownership was only in place for 133 years at most. Ultimately, this is a connection which is only appreciable through maps and documentary evidence.
- 8.52. Although setting is not a purely visual concept, the complete lack of any visual connection and the ephemeral nature of the historic connection is such that the Site does not form part of the setting which contributes to this asset and as such, the change in the Site would

not be harmful to the significance. The Site does not form an area where this asset is experienced.

- 8.53. In consideration of setting in terms of historic association where other elements such as visibility are limited, the *Catesby Estates v Steer* 2018 Court of Appeal decision might be of use to consider⁷. This case had similar issues of whether land remote from an asset, with no physical or visual connection but an historic association could be said to form the setting of that asset. In reference to an earlier judgment, Lindblom J stated at paragraph 25:

“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.””

- 8.54. It is understood that other factors can contribute to setting, such as historic association. Each case must be considered on the particular facts and circumstances of that case however, this case, the matters at hand are similar – consideration of a change to a parcel of land with no visual connection, quite physically separated from the asset where there was once an historic connection but this is no longer the case. In that case, the Court of Appeal found that the approach of the Inspector was correct. They set out at paragraph 39:

“the historic connection could not be the sole criterion for judging whether a site lay within the setting of the listed building. Land historically farmed within the estate as a whole, and belonging to that social and economic entity, might be so geographically detached from Kedleston Hall as to be “completely remote”. The historic connection between the farmland of which the site of the proposed development formed part was not, in the circumstances, sufficient to bring the site within the setting of the Hall.”

- 8.55. Whilst it is the case that the Site was once historically associated with these assets through land ownership, this element is long since severed and can only be appreciated through historic records. The lack of historic association, coupled with the lack of visual change resulting from the Scheme to these assets means that the conclusion is reached that the Appeal Scheme would not result in any harm to the significance of these assets.

⁷ *Catesby Estates Ltd v Steer* [2018] EWCA Civ 1697 (CDX.XX)

9. Maltings House – Grade II (NHLE Ref: 1033427)

- 9.1. This Grade II listed asset is located approximately 275m east of the substation elements of the Appeal Scheme and approximately 470m northeast of the eastern boundary of the solar area of the Site.
- 9.2. This asset was designated in October 1990. It is located far to the east of the main solar area, beyond the line of the railway. The nearest element of the Scheme is the DNO substation located to the southwest.

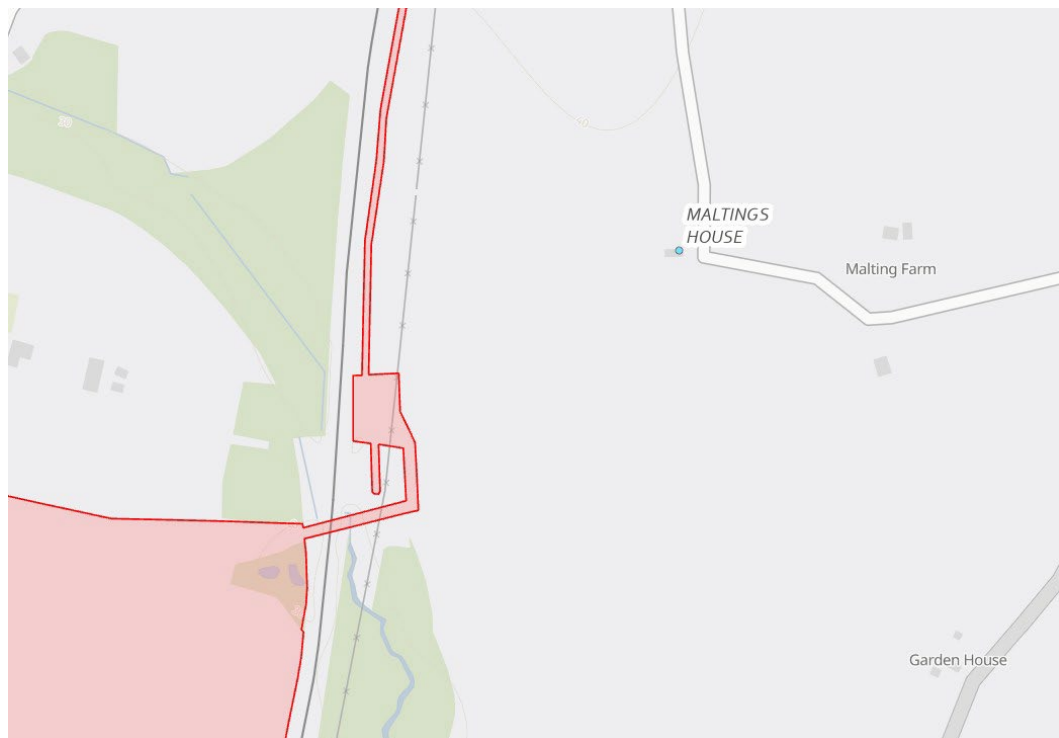


Plate 39 Location of asset in relation to Site boundary

Description and Historic Development



Plate 40 East facing elevation of Maltings House taken from the road



Plate 41 Oblique aerial view of Maltings House from Google Earth

- 9.3. The full asset NHLE description can be found in Appendix 2. However there appears to be a discrepancy between the NHLE description and the building as it exists today. The building was listed on 30th October 1990 with the following description:
- “House. C16 with later alterations and additions. Timber framed and plastered. Red plain tiled roofs of 2 levels. Left range has a central chimney stack with 3 attached, banded shafts, right range, external right stack with splayed base now issuing from right return single storey lean-to. 2 storeys to each range. 2:2 window range of C20 casements, door at rear. Stop chamfered bridging joists and flat section ceiling beams. Large chimney stack, now blocked with C19 fire surround and cupboards. Some vertically boarded doors with IL hinges.”***
- 9.4. Examination of the asset on Site and illustrated by the aerial image above, shows there is an additional range to the building which is not recorded in the listing, the range projecting west from the left range of the N-S orientated original building. Research into the planning history of this asset has identified a planning permission granted in February 1989 (Babergh DC Planning Ref: B//88/O1889) for a two-storey extension. It is this extension which can be seen today. The asset description must have been prepared before permission was granted and has not been updated since. It is the case that this range has obscured views from the western elevation of the building. Whilst there are windows in the western gable of the new range, these are entirely modern and have no heritage interest. Similarly, views of this building from the west looking east are now, primarily of the modern western extension rather than any historic fabric. Views from the southern elevation of this new range (towards the substation) are views from an entirely modern building with no heritage interest.
- 9.5. This is a 16th-century house with later additions. It has a timber frame with red plain tile roof and the building is plastered. It has a number of chimney stacks including an external right stack with splayed base. It forms one of a number of separate, dispersed dwellings scattered throughout this area and is possibly associated with other buildings to the east of this names Maltings Farm and Maltings Cottage. No harm is alleged to these assets by any party.
- 9.6. The building is shown on the 1838 Tithe map in the ownership of Nathaniel Whimper and occupied by Gosnall Page. It is noted that one field (of the nine in total) within the western Site, field 219 Ingrey Field just south of Engry Wood is also owned at this time by Nathaniel Whimper but not occupied by Gosnall Page. This wider landownership does provide a small historic association, though one which is ultimately no longer extant. It is also the case that Nathaniel Whimper owned 338 acres of land in the parish in 1838 and was the 4th largest landowner. Therefore, it is not uncommon for there to be an association here. The Tithe map also shows that the land of the substation was in the same ownership and occupation as the asset.
- 9.7. The asset was severed from the lands to the west in 1846 by the construction of the Ipswich to Colchester railway line which runs north – south, forming part of the eastern Site boundary.
- 9.8. The 1882 Ordnance Survey map shows the asset as a N-S range with associated buildings to the west though these buildings do not have the appearance of agricultural buildings – i.e. not large barns. The PRoW is shown running east –west to the south of this building across

the railway line. The mapping shows the asset located in a well-defined plot of land with the much larger Maltings Farm located to the east of the asset.



Plate 42 1838 Tithe map showing Maltings House



Plate 43 1882 Ordnance Survey of Maltings House – note the layout in comparison to the footprint today

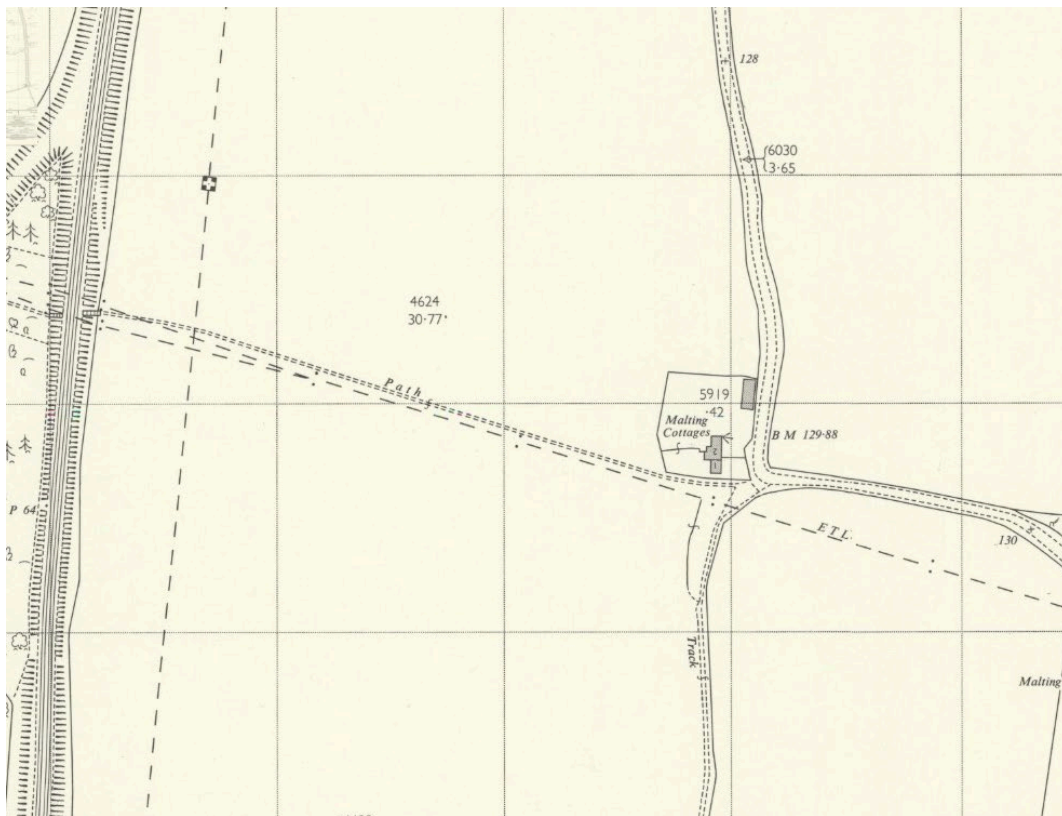


Plate 44 1967 Ordnance Survey showing overhead powerlines in the vicinity of the asset

- 9.9. The series of historic mapping shows little material change to the building or its plot. The main change is as discussed above with the addition of the very large two-storey extension to the western elevation of the building which altered the footprint of the building.

Surroundings, Approaches and Views

- 9.10. The asset is located in a well-defined plot on the western side of Church Road. The boundaries of the plot are formed by high hedgerows and the principal elevation faces east, along Church Road. The asset is surrounded by agricultural land on all sides. The asset has a real sense of separation, with this sense amplified by the construction of the railway in 1846 which severed the property from the rest of Bentley to the west.
- 9.11. A notable element of the surroundings of this asset is the electricity poles which run to the immediate south of the asset, but in a continuous line from east-west. These are not as tall as pylons but are much taller and visually intrusive than wooden poles. They are a visible and intrusive presence in the immediate vicinity of this asset. Furthermore, a line of pylons is visible running parallel to the railway line, again, a highly visible feature in views from this asset. It is the pylon located southwest of the asset into which the Appeal Scheme is to be connected.
- 9.12. The asset has historically been approached along Church Road from the north and from the east. The approach from the east passes by the other assets in the Maltings group which, at present have a uniformity of appearance with the pink colour of the plasterwork.

- 9.13. There is a PRoW which runs to the south of the asset leading west from Church Road then continuing in a north-westerly direction towards the direction of the railway line. It is noted that moving along this path, a viewer is accompanied along the entire distance between The Maltings and the railway line by Electricity Transmission Lines overhead and tall pylons. Another overhead line is visible when moving northwest parallel to the railway line, carried by even taller pylons. This walk is also subject to views and the noise of trains on the railway line directly ahead of the viewer. The PRoW approaching the asset from the east is on the road at this point.
- 9.14. There are opportunities from the PRoW as it runs along Church Road to gain a view of the eastern elevation of Malting and the pylon where the substation will be adjacent to (Plate 47). This view may experience a slight change due to this, but given the landscaping proposed and the fact that the pylon already visible is much more detracting presence in the view, this change is not considered to be at a level which causes harm. This view is identified in the Bentley CAAMP as key view 26.
- 9.15. It is important to note that when moving along this path to the northwest, the asset is behind them. When moving on the path towards the asset, the solar elements of the scheme are far behind the views and the substation is located some way to the south. The substation element is never directly ahead of or in the direct line of vision in any approach to this asset.
- 9.16. This PRoW is not a heritage asset in its own right. Recent permission has been granted to reroute the PRoW to avoid having to cross the railway line. This simply reroutes the path to run parallel, northwards along the line of the railway to cross Bentley Bridge, the road bridge over the railway line, before running south to rejoin the line of the pathway. It is noted that the rerouting of the pathway means that when moving south along this form the railway bridge to meet the original line, the substation would be directly ahead of the viewer and Maltings House would also be visible in the wider periphery of the view. It is noted that the journey along this path would be parallel to the line of pylons and overhead lines running parallel to the railway (Plate 48).
- 9.17. In terms of views from the asset, the principal elevation faces east along and directly addressing Church Road. These are the only unobscured views from the original, historic part of the building. There would be no views of the Site from this elevation. Views south from the historic element are at ground level only and are blocked by the hedgerow surround the plot boundary. Views north are available through one very small upper window and would be across agricultural land and Church Road towards the railway bridge.
- 9.18. There are some windows in the surviving elements of the western elevation of the historic part of the building. The views for the upper windows would be out along the PRoW across agricultural land and would be characterised by the power lines, pylons and towers. It is considered unlikely that there would be any clear views of the substation from these windows given the oblique nature of the view that would be required.
- 9.19. Views from the southern elevation of the modern extension are not considered to contribute to the heritage significance of this asset.
- 9.20. Whilst it is difficult to discern any element of the main Site from the asset, it is the case that Maltings House is visible from the eastern portion of the Site. This view is in the context of the railway lines, pylons and overhead lines. The pink colouring the asset makes it a noticeable feature however it is difficult to discern any of the architectural or historic

interest of the asset. Furthermore, this is not a publicly available view. It is an incidental, glimpsed view which makes no contribution to the significance. Whilst this view will change with the Scheme in place, this is not a change considered to be harmful. It is a view from an agricultural field from an asset with no agricultural function or association with that piece of land.



Plate 45 View east along PRoW across railway line (now diverted) showing Maltings House in the distance showing the context of views – note the overhead lines, towers and visibility of the railway line from the asset also note only visible element is modern extension.



Plate 46 View west along PRow south of Maltings House showing the line of towers and overhead lines that accompanies one on the walk. The substation is just left out of shot



Plate 47 View west from Church Road showing Gll Maltings House and approximate substation location marked with arrow- note the pylons, overhead lines and towers in the image



Plate 48 View south from just east of railway bridge near start of footpath diversion and road access to substation. Maltings House and location of substation marked with arrows

Statement of Significance

- 9.21. As Grade II listed building, this is an asset of less than the highest significance, as defined by the NPPF.
- 9.22. The significance of this asset is primarily formed by its physical fabric which best represents its architectural and historic interest. The architectural interest is formed through the surviving 16th-century fabric including the very large external chimney stack with splayed base which gives the asset an aesthetic interest. The historic interest is formed from the information the building provides on the local vernacular and the agrarian economy of this area from the 16th century onwards. The conversion to an entirely domestic use also provides evidence of the change of economic basis over the centuries.
- 9.23. The setting of the heritage asset also contributes to its significance, although this contribution is clearly less than that made by its physical fabric. The principal elements of the setting which contributes to its heritage significance comprise:
 - The plot and gardens within which this asset is situated;
 - The grouping of the other listed structures and buildings in the immediate surroundings;

- The route of Church Road, the only location from which the historic element of the building can be appreciated within the modern extension, and from where all three Maltings buildings can be viewed as a loose grouping;
- Immediate agricultural surrounds insofar as there is any historic association and these provides areas from which the key elements of the significance can be appreciated within key views.

Contribution of the Appeal Site to Significance

- 9.24. The Appeal Site has an historic association with the asset through once being part of the Tollemache Estate holdings. This association is no longer extant. The 1838 Bentley Tithe Map apportionment shows that at this time, the building was in the same tenancy and ownership as the field in which the substation and in the same will be located but no other association with any other field in the Site is set out here with the exception of one field (219) adjacent to Engry Wood, named Ingrey Field (sic), which is also owned by Nathaniel Whimper. In any case, these connections no longer exist. This association is discernible through documents and mapping and will perpetuate with the Scheme in place. Additionally, given this association is through the Tollemache estate holdings, and it has been established that the Tollemache family only held the land within the Site for at most, around 133 years, this link is, at best, ephemeral.
- 9.25. There is visibility of the asset from within the fields of the eastern Site, however these views are not publicly accessible. It is possible that the eastern portion of the Site is visible from this asset, however this land holds no historic or functional connection with the asset. The asset is entirely domestic in its function and had no agricultural function. Whilst name might infer an agricultural function, it is considered any agricultural activity took place at Malting Farm to the east and this was simply a dwelling associated with this.
- 9.26. It is considered that the land of the Site – limited to the land of the substation and the former single field in the western portion of the Site makes a negligible contribution to the significance of the Appeal Site through the historic connections which are, ultimately, long severed.

Impact of the Appeal Scheme

- 9.27. There will be no harm to the physical fabric of this building or any of the other buildings from which this asset derives a group value. The elements which make the biggest contribution to the significance of the asset will also not experience any change.
- 9.28. It is accepted that the DNO substation would be visible from this asset, however this is in the context of a view already occupied by pylons, electricity lines, the embankment of the railway and fences associated with this. The substation will introduce further change, but the distance from the asset, coupled with the proposed landscape mitigation ensure that this would not be harmful. It is also noted that the views from the asset towards the substation are from a modern extension to the building and not the historic core.
- 9.29. The DNO substation would be visible when walking along the PRow south of the asset moving west. This view is characterised by power infrastructure of pylons, towers and overhead lines. It is the case that the asset is behind the viewer when moving along this path therefore would not be in the same view as the asset either when moving west or east along the path.

- 9.30. The view from the diverted PRoW would potentially contain the substation and Maltings House in the same wider view when moving along this path. Whilst the asset is visible, it is not a clear view of the elements which contribute to its architectural or historic interest. This path would be undertaken alongside a line of pylons and overhead lines, with the horizontal plane occupied by the overhead lines and towers running east-west. The landscape is already characterised by power infrastructure. The landscaping proposed for the substation will soften these views and blend them into the backdrop of woodland here. This is not a change which is considered to reach a level of harm to the significance.
- 9.31. It is noted that the access road for the substation will be placed adjacent to and running parallel to the railway line. The introduction of linear infrastructure in this location has clear precedent with the railway line and it is not considered that the access track to the substation would be out of character, having the appearance of a farm track or similar.
- 9.32. In terms of the change from the wider solar scheme, it is considered that there may be glimpses of the fields in the eastern portion of the Site from the asset and vice-versa, however these views are glimpsed, indistinct and would be screened by the landscaping proposals. The asset is not agricultural in its function and never has been. Any contribution made by views of agricultural surroundings is retained as the fields that encircle this asset will not experience any change from the proposals. A change to a distant glimpse of a field which has no historic or functional association with this asset would not be harmful.
- 9.33. The change in character of the area of the substation from one of agriculture to power generation is not considered harmful here given the location of the substation directly adjacent to highly visible power infrastructure. This would not harm the significance of this asset, especially when this asset is already viewed and experienced within a landscape containing power generation infrastructure. Again, it is also the case that this asset is not agricultural and never had been. It is domestic and has no functional relationship with the Site.
- 9.34. Change in the surroundings of a heritage asset is not necessarily harmful. It is the case here that I consider that change is to elements of the setting which make a negligible contribution to the significance, and will be retained through documentary evidence. I also consider that the level of change to those elements is of such a small magnitude that it does not constitute harm.
- 9.35. The Appeal Scheme would not result in any harm to the significance of this asset.

10. Falstaff Manor – non-designated

- 10.1. Falstaff Manor is identified on the Suffolk Historic Environment Record (Ref: BTY 065) and is considered to have a significance commensurate with a non-designated heritage asset.
- 10.2. The nearest elements of the Appeal Scheme to this asset are located approximately 100m northwest of the asset.



Plate 49 Asset location in relation to Site boundary

Description and Historic Development



Plate 50 Southern elevation of Falstaff Manor taken from private land with landowners permission



Plate 51 Eastern elevation of Falstaff Manor (taken with landowners permission)



Plate 52 Northern elevation of Falstaff (with landowners permission)



Plate 53 Western elevation of Falstaff, the elevation which faces the Site (with landowners permission).



Plate 54 View northwest looking at agricultural buildings west of Falstaff – western Site is beyond these building



Plate 55 Barns and modern agricultural sheds to northwest of Falstaff Manor – between the asset and the Site.

- 10.3. Falstaff Manor is recorded in the Domesday survey of 1086 in the hands of Alan, Earl of Brittany. The manor was given to the de Holbroke family by Henry III and the manor passed down through the de Holbrokes until the early 1400s when, through marriage, the estate passed to the Fastolf family. The estate passed down the Fastolf (note the different spelling to Falstaff Manor) line until 1510, when George Fastolf sold the estate to his father-in-law, Sir Richard Broke. This was passed on to his son in 1529 and from there the ownership is not clear. The next firm evidence of ownership is found that in 1613 Field Survey of the Bentley Estates which records Falstaff Manor as being part of the land holdings held by Sir Lionel Tollemache. It is considered that the estate obviously was in the hands of the Tollemaches previous to this and given the date that and earlier Lionel Tollemache acquired Dodnash Manor in around 1553 and the Church House Manor at around the same time, it seems likely that either the Tollemaches were granted the estate at the same time, or they purchased the estate as it was a logical step given it lies between Dodnash and Bentley.
- 10.4. Contrary to many of the assertions in the Bentley Parish Council consultation responses and in the Conservation Area Appraisal, Falstaff Manor was not in the hands of the Tollemache family and part of their estates for centuries. Documentary evidence from the suggests that the Manor of Falstaff came in to the possession of the Tollemache's by around the 1540s – in 1529, the manor was certainly not in the hands of the Tollemache family but by 1540s/1550s Lionel Tollemache had acquired Dodnash and Bentley Church Hosue Manors so it seems logical that this was added at around the same time. Certainly, it was owned by the Tollemache family by 1613. It is the case that by 1662, the Tollemache's had sold most of the land in their estates, keeping the woodland in the area in hand.
- 10.5. As such, Falstaff Manor was not part of the Tollemache estate for centuries. Using 1529 as a *terminus post quem* (even this is generous as it is known at this time to be in the hands of Robert Broke), as the estates were sold in 1660/1662 – this give a range of, at most, 133 years for this manor to have been in the hands of the Tollemache family. If the 1613 record was closer to the date of acquisition, the period of ownership of Falstaff Manor could have been as little as 50-odd years. What is without question is that the ownership and landholdings have been out of the hands of the Tollemache family for far longer than it was ever part of the estate holdings.
- 10.6. It is very important to note that Falstaff Manor did not come into the ownership of the Tollemache family until after the Tollemache had moved to their principal seat at Helmingham Hall. John Tollemache married Elizabeth Joycein 1487. Elizabeth was the heiress to Helmingham and John's son, Lionel, also married a Joyce. John and Elizabeth moved to the Joyce family home of Creke Hall, but this was soon pulled down and Helmingham Hall was erected and complete by 1510. As such, by the time Falstaff Manor and the lands associated with this (including the Appeal Site) came into the holdings of the Tollemaches, they were no longer considering Bentley as their principal seat and had moved to Helmingham Hall.
- 10.7. A visual assessment of this asset has indicated that the oldest part of the building dates from the 18th century. Therefore, the building as it exists today, was not the manor house at the time of purchase by the Tollemache family. This dating evidence also casts doubt on the description of the asset set out within the BNP which states: ***'The house and its setting is clearly medieval.'*** It is the case that the surroundings of this asset are obviously not medieval in date. The grounds have been manicured and turned into an attractive (but not medieval) garden and the owner has undertaken a significant programme of tree-planting

within and around the edges of the property boundary. The very large, modern agricultural barns directly north and northwest of the asset also belie this description. In terms of the house itself, it is considered that the oldest elements date to the 18th century and are not medieval in date.

- 10.8. By the 1800s, the Keene family had purchased Falstaff with this clearly shown on the 1838 Tithe mapping which shows the vast majority of the Site in the same landownership and occupation. It is worth noting that although Benjamin Keene held the Lordship of this Manor, he did not occupy the building.
- 10.9. In 1897, the estate was purchased by Edward Quilter who held the lands until 1910 when they were sold to the Ipswich Co-operative Society. The Sales Particular below give an indication of the size of the Falstaff estate at this time. It is considered this is largely reflective of the historic extent of the land-holdings. They installed a land manager in the property and held it until 1935 when it was sold to John Rowland Smith. This is a significant date as for the first time in centuries, the Lord of the Manor actually occupied the Manor house. The current owner, also Lord of the Manor, purchased the estate in the 1970s.
- 10.10. The 1838 Tithe map shows Falstaff Manor with a barn located to the east. Interestingly, this map shows the route of Church Road on a slightly different alignment as at present. The route was further east, and ran adjacent to the long barn. By the 1882 mapping, the road alignment had changed to represent the layout it has today. A large number of additional barns are shown to the west of the Manor, with another U-shaped barn arrangement to the southeast. Further east, a dwelling labelled Frog Hall is shown. This is no longer extant. These additional barn buildings are directly between the asset and the western Site parcel. The footpath to the south of the building is shown, running south of the access, leading east to the railway line which cuts north-south through the landscape.



Plate 56 1838 Tithe map – Falstaff Manor marked with arrow – note the route of Church Road on this map, closer to the buildings

- 10.11. By the 1904 map, Frog Hall is no longer shown, and further barns have been added to the west. By 1926, even more agricultural buildings are added to the surroundings of the asset, with these now forming an arc to the west and north. Four semi-detached dwellings are at the junction of Potash Lane and Church Road nearly opposite the entrance access to Falstaff Manor.

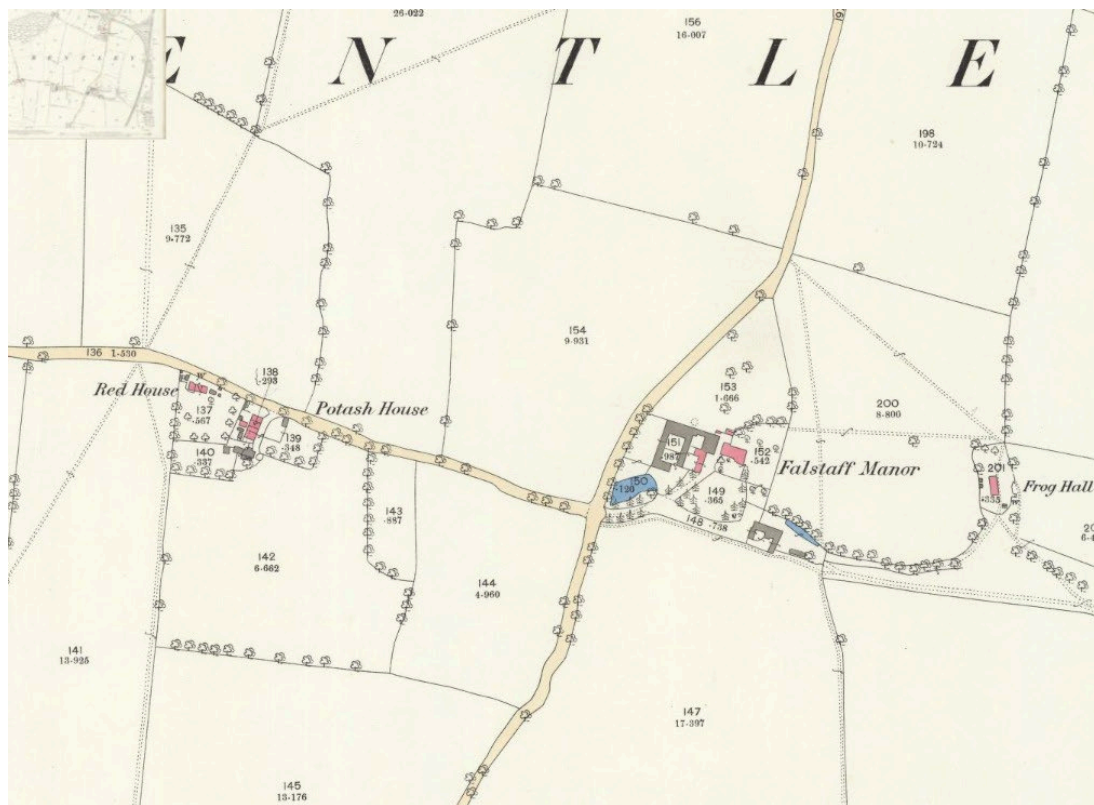


Plate 57 1882 Ordnance Survey map showing Falstaff Manor (marked in red on the map) -note the expansion in agricultural buildings to the west and the alteration of the route of Church Road to shift west



Plate 58 1904 Ordnance Survey showing Falstaff Manor

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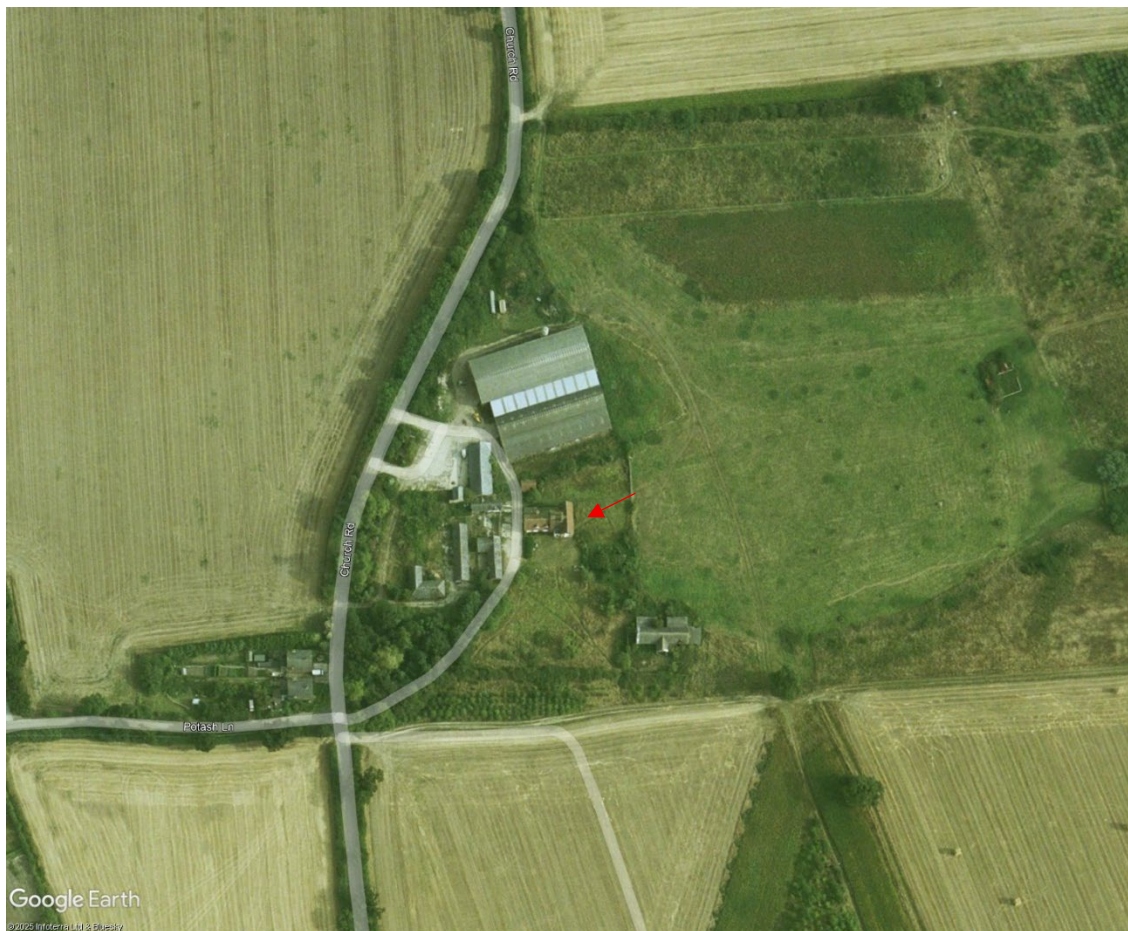


Plate 61 2000 Aerial image of asset noting removal of many of the agricultural buildings – Falstaff marked with arrow (© Google Earth) – note the lack of woodland compared to today when the entire boundaries are well-wooded

- 10.12. The 1968 map shows Falstaff now completely absorbed into a wider agricultural enterprise. A number of these buildings have been cleared by the 2000s though the asset is still very much hidden behind a mix of new and older agricultural buildings. the 2000 aerial image shows the ground beyond the agricultural buildings is fairly open with no tree planting. The current land-owner is responsible for the extensive tree planting in the surroundings of the asset which give it its enclosed feeling and screen views to and from the asset. The open aspect of this asset is focussed south and east, across the gardens and historic pond.

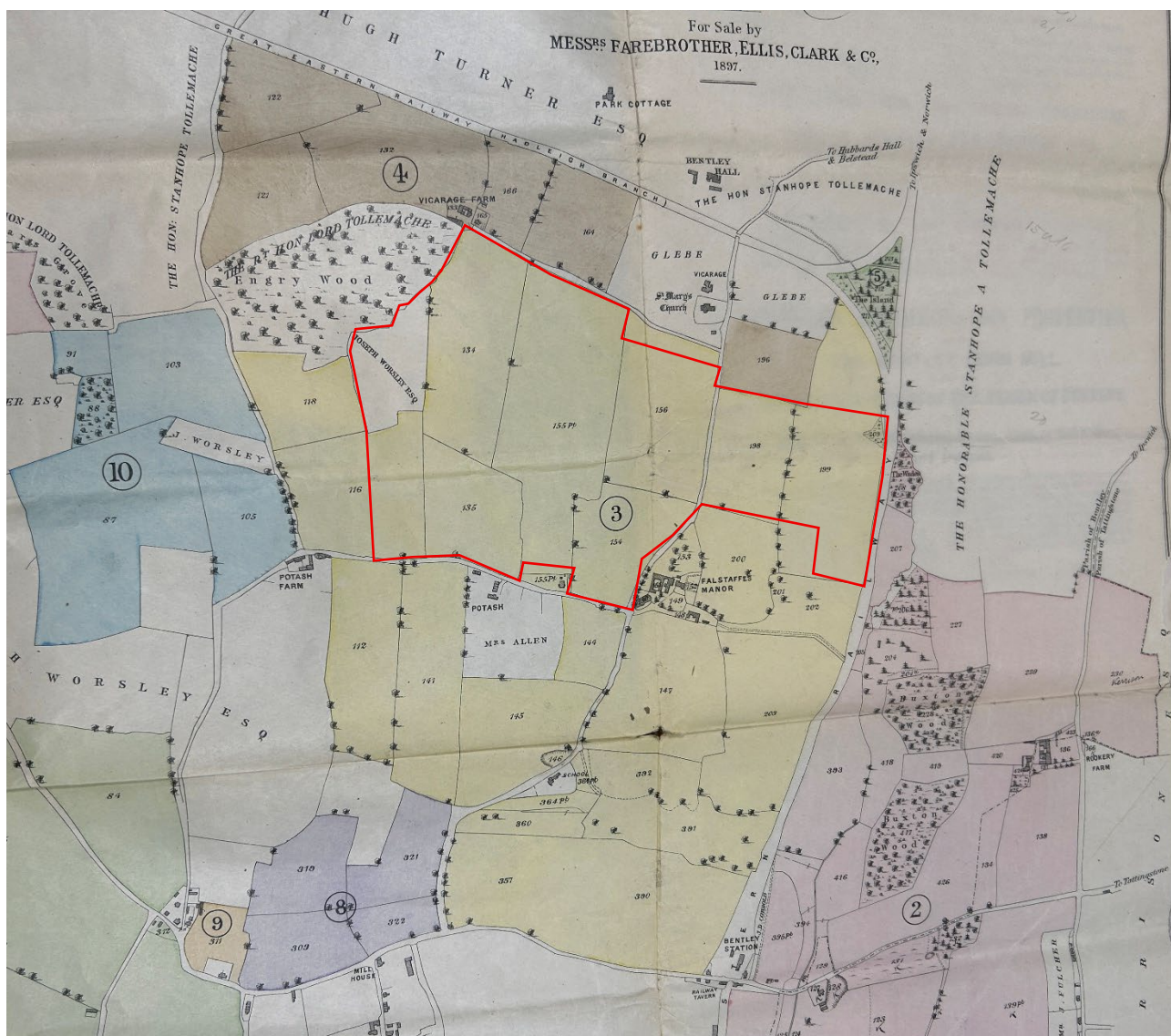


Plate 62 1897 Sales Particulars of Freehold Estates of Bentley – yellow shading is the Bentley Falstaffs Manorial land holding including Falstaff Manor, the brown shading is the holding of Vicarage Farm (now Church Farm). The Site is shown as an approximation in red (substation not annotated) (Suffolk Archives Ref: HE402/1/1897/69)

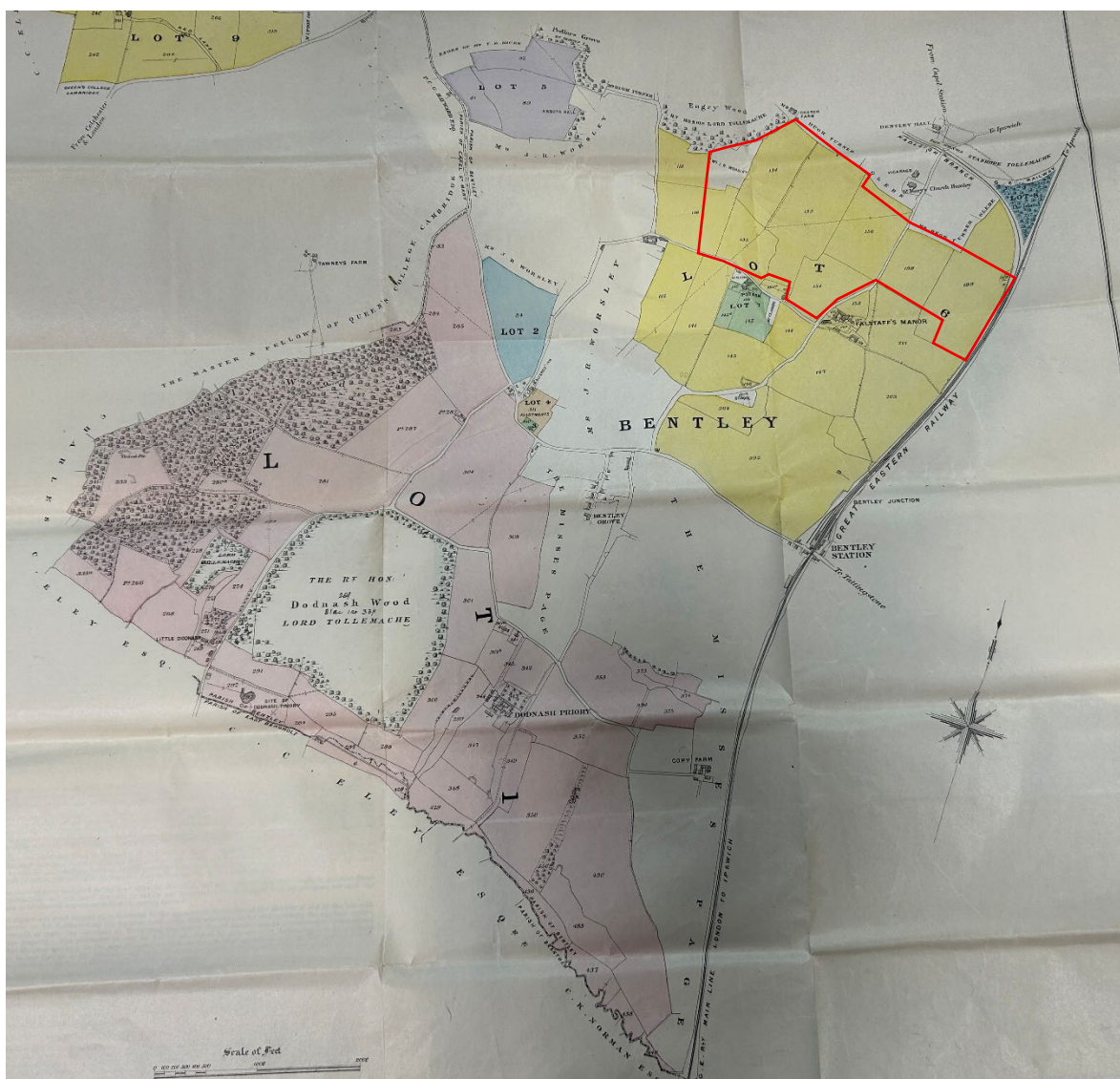


Plate 63 1910 Sales Particulars of land owned by E. Quilter Site marked in red. Land in yellow if the Falstaff lands, the green is Potash Cottages. Note the extent of the Falstaff land. (Suffolk Archives Ref: HE402/1/1910/50)

Surroundings, Approaches and Views

- 10.13. The asset is located within a large plot of land with gardens located to the south, east and north and agricultural buildings to the northwest and west. The agricultural buildings are a mix of older buildings and modern very large sheds. The building is set far back within its plot and from the edge of Church Road. The grounds are surrounded by tall and dense vegetation along the north, eastern and southern boundaries.
- 10.14. The asset has historically been approached along Church Road, with the access being east from this. Whilst moving north or south on approach to this asset along Church Road, there is nowhere where there are views of this asset available. Whilst it is acknowledged that Church Road bisects the two halves of the Site, it is the case that the Scheme is not directly abutting Church Road but is set back some distance. Further to this, planting is proposed to strengthen the existing planting along both sides.

- 10.15. It is acknowledged that the gap to create the access track between the two Site halves offers an opportunity for glimpsed views of the Site when moving along this road, it is the case that the access will be lined with hedgerows and planting to limit these glimpsed views. If stood looking directly left or right into the Sites from the point, glimpses of panels will be possible, however these would not be in the context of views towards heritage assets and these are not easily available views. That is, one would have to deliberately stop and turn to look at a 90-degree angle across the road.
- 10.16. A PRoW runs along the southern boundary of the asset, from Potash Lane then extending east to continue to cross the railway line. This footpath is shown on the 1882 Ordnance Survey Map. There are no views available of the Site in conjunction with the asset from this footpath.
- 10.17. There are limited views of the asset itself from Potash Lane or Church Road. In order to gain clear views of the asset, one has to enter private land along the access driveway. There are no clear views of the asset available from the roads with these being screened by either the agricultural buildings or the way the access road curves northwards.
- 10.18. The Site visit demonstrated that there are no views of the eastern part of the Site from the upper floors. The Site visit demonstrated a glimpsed views of a small part of the western portion of the Site, however this was a glimpse of an area which would not contain any built form. As such, whilst this is of the Site, the Scheme will not be visible from this asset.
- 10.19. The principal elevation of this building faces east, away from the Site. There are no views of the Scheme from anywhere within this elevation.



Plate 64 View northwest from upper floor of eastern elevation looking towards eastern Site. No visibility of the Site is possible.



Plate 65 View west from upper window within Falstaff Manor looking towards western Site – arrows indicated possible area of the Site visible, but it is noted, no panels would be located here. The glimpse is so small as to be barely perceptible



Plate 66 View of southern elevation of Falstaff from line of PRow as shown on Definitive Map – note the vegetation screening the view

Statement of Significance

- 10.20. This asset is considered to have a significance commensurate with a non-designated heritage asset.
- 10.21. The significance of the asset is best demonstrated by its physical fabric which demonstrates its architectural and historic interest. The architectural interest is provided by the survival of 18th-century fabric and the layout and extensions of the building, responding to fashions of the day. The building is also an attractive element within the wider surrounds. The historic interest is formed from being the manor house for the Falstaff estate, though it is considered that this is a later building on the site of an earlier, medieval predecessor. The association is also with the historic Falstaff Manor.
- 10.22. The setting of this asset also contributes to its significance, although this contribution is clearly less than that made by its physical fabric. The principal elements of the setting which contributes to its heritage significance comprise:
- The extensive and well-defined plot of land within which the asset is situated including the gardens to the south and east and pond;
 - The grouping of the historic agricultural buildings to the west which allow an understanding of the historic layout of the farm complex and some, understanding of the hierarchy of the buildings within;
 - Church Road, from which the asset has historically been approached; and
 - The surroundings agricultural land of the Falstaff manorial estate which has an historic association with the asset and also forms areas from where key views of the asset can be gained of the content of key views from the asset.

Contribution of the Appeal Site to Significance

- 10.23. The Appeal Site has an historic and partial current functional association with the asset. Until recently, the land of the Site was still in the ownership of Falstaff Manor, however now only approximately 10% of the lands within the Site is in the same ownership the landowner Mr. D. Baker informing me that the other 90% has been sold. This historic association, long held between Falstaff Manor and the land of the Site is, therefore, severed.
- 10.24. It is the case that the majority of the land of the Site has, historically, belonged to this asset – and not to Bentley Hall or any other of the manors. As such, when considering connections to the Tollemache's the only connection between the Tollemache's and the land in the site is the very brief period they held the manor of Falstaff before selling it in 1662 noting that it has been out of the Tollemache hands for longer than it was ever owned by them.
- 10.25. The Site has an historic connection as part of, but not the sum total of, the Falstaff estate landholdings.
- 10.26. In terms of views, it is demonstrated that there are very limited views indeed of the Site from the asset and where visible, it is in parts of the Site where no development is placed. There are no areas where the asset is experienced alongside the Scheme.

- 10.27. There are glimpsed views of the roof of the asset from the southeastern portion of the western Site parcel. Again, this is an area where no panels will be placed and as such, any such views (from private land) would remain unchanged.
- 10.28. The Appeal Site is considered to make a minor contribution to the significance of the asset through the historic association as part of the wider Falstaff Estate. It is the case that this association is diminished through the sale of most of the land within the Site from the Falstaff estate.

Impact of the Appeal Scheme

- 10.29. The Appeal Scheme would not cause any physical harm to the fabric of the asset.
- 10.30. The elements which make the biggest contribution to the significance would not experience any change.
- 10.31. It has been established that there would be no change that would be harmful to views to or from this asset. The asset is not experienced in any approaches particularly in the approach south along Church Road. As such, any glimpsed of the Scheme to the west or east along this road would not be harmful to this asset.
- 10.32. It is acknowledged that the Site was part of the historic manorial holdings of Falstaff Manor had had a brief association with the Tollemache family. The association with the Tollemache family is a connection only now understood through maps and documentary evidence. This will perpetuate with the Scheme in place.
- 10.33. It is the case that 90% of the land in the Site is no longer in the ownership of Falstaff Manor. The historic association can still and will still be appreciated through documents such as those included in this proof. The historic connection is acknowledged, however, and it is the case that the change in character of the land within the Site from agricultural to energy generation will result in a slight change in the ability to understand the former historic surrounds of the asset and the historic function of the land. The consideration of change of character of agricultural land to solar and how the understanding of the former association with nearby historic buildings is considered in the Thaxted Appeal Decision set out above in the Impact discussion for the Conservation Area.
- 10.34. The land to the south, southwest and east of the asset will not experience any change. Falstaff Manor still has agricultural land associated with this to allow this understanding to continue.
- 10.35. The Appeal Scheme would result in low harm to the significance of this non-designated asset. This harm is temporary and would cease on the decommissioning of the Scheme.

11. Grove Farm – non-designated asset

- 11.1. Grove Farm is identified on the Suffolk Historic Environment Record (HER) (Ref: BTY 066) and it is considered that this building has a significance commensurate with a non-designated heritage asset.
- 11.2. The nearest solar element of the Scheme is located approximately 150m east and is formed on the access road off Potash Lane.



Plate 67 Asset location in relation to Site boundary

Description and Historic Development



Plate 68 View south of Grove Farm looking into courtyard



Plate 69 View southwest looking at barn associated with Grove Farm



Plate 70 Large modern agricultural barn immediately northwest of Grove Farm

- 11.3. Grove Farm was recorded as part of the Farmsteads in the Suffolk Countryside Project in 2019 where it is described as a loose courtyard plan with the farmhouse attached to the agricultural range. It is located on the roadside in an isolated location. Buildings are shown in the same general location on the 1805 Mudge map and again on the 1838 Tithe map and described as owned by Nathaniel Whimper and tenanted by Nathaniel Whimper Junior. It is noted that the same people owned one field within the Site, Ingrey Field directly south of the woodland, now part of Area 1 of the Site. The 1838 Tithe map shows the farm as a U-shaped complex, with the opening to the north with a smaller building across the opening. By the 1882 mapping, the layout of the farm had changed with the eastern arm retained but the southern arm is slightly truncated and the western arm removed entirely. More buildings had been added to the western extent of the building at the northern arm of the courtyard. A large pond is shown just northwest of the complex, and the line of Pond Hall Lane can be seen to the north, partially lined with trees. It is notable that this farm is not named on this mapping, and indeed is not labelled until the 1926 mapping.



Plate 71 1838 Tithe map showing location of Grove Farm – but the footprint is very different than today. Rough indication of current farmhouse located with arrow

- 11.4. The 1902 Ordnance Survey shows that another long building has been added west of the eastern arm of the farmyard, but parallel to it. Further buildings are also seen added on and attached to the existing buildings.

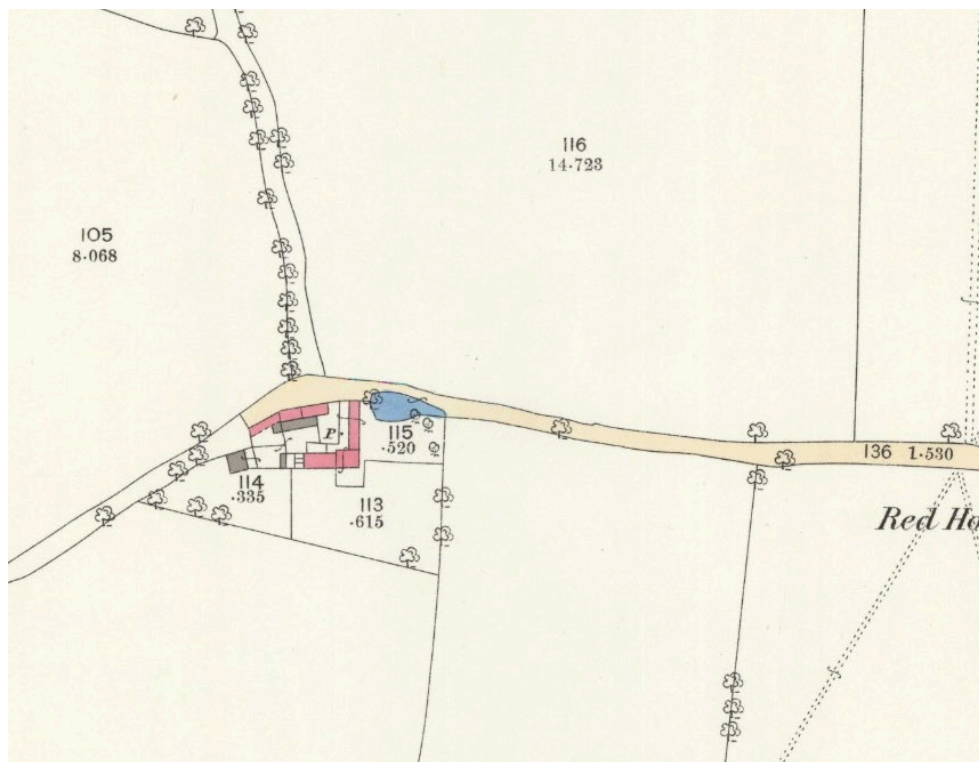


Plate 72 1882 Ordnance Survey Map showing a large change in footprint from the Tithe

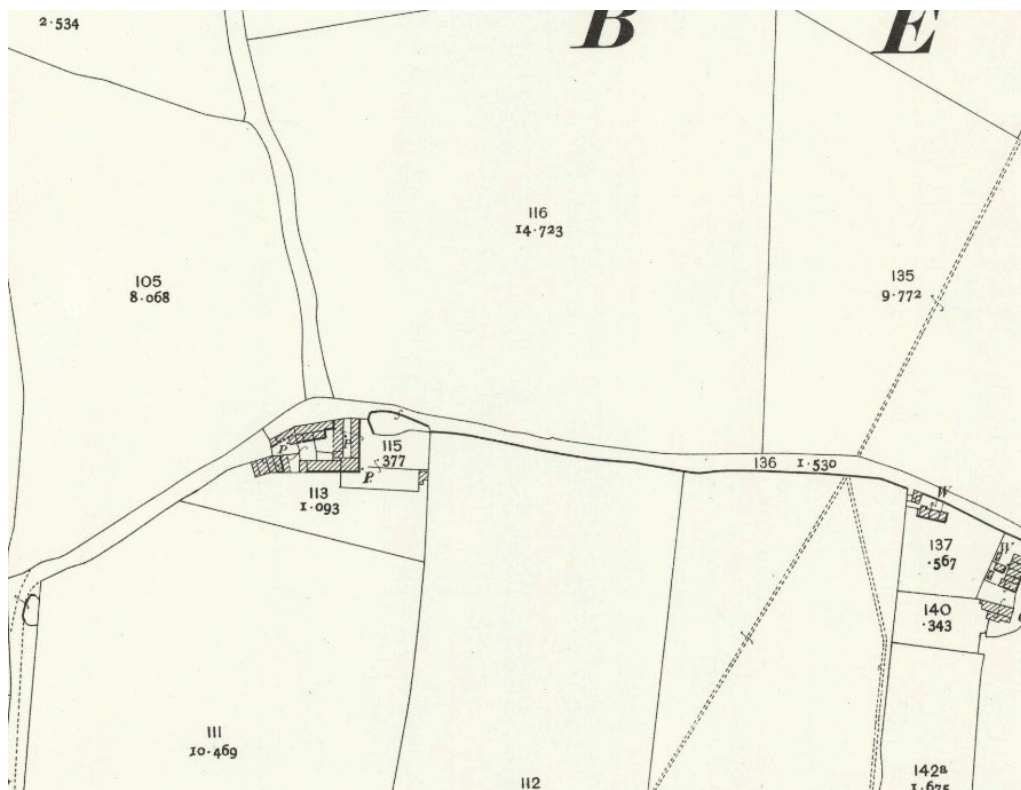


Plate 73 1902 Ordnance Survey map showing the additional N-S range added to footprint



Plate 74 2000 Aerial image showing Grove Farm indicated with arrow and removal of N-S range. Note the large agricultural buildings in the surrounds

- 11.5. The date of the demolition of the building added on the 1902 map is not clear but by the aerial images from 2000, that building has been demolished and the eastern arm of the courtyard has been shortened. Two large, modern agricultural sheds have been added to the northwest of the buildings and more farm building to the west.
- 11.6. The buildings retained in this unit have some historic origins, but they have been subject to fairly substantial changes. The core farmhouse in the southeast corner and the barn to the north do appear to be retained from the 1882 mapping.

Surroundings, Approaches and Views

- 11.7. The building is located within its own farmyard surroundings and is still a functioning farmyard. To the immediate south is a garden plot. It is surrounded on all sides by agricultural land, with tall and dense hedgerows forming field boundaries in the vicinity.
- 11.8. The building is situated at the western end of the vehicular access point of Potash Lane and has historically been on the southern edge of the road and junction of Pond Hall Lane and Potash Lane. Other approaches include from Pond Hall Lane which runs south towards the asset. This is now a PRow and Potash Lane continues to the east of the asset as a pathway.
- 11.9. When moving south on Pond Hall Lane towards the asset, there are no views or experience of this at all until one is nearly opposite the farmhouse. The pathway is heavily vegetated and the orientation of it is such that Grove Farm does not from a terminus to the views

along the pathway. It is also the case that when moving along the portion of Pond Hall Lane which is closest to the Site, the redline boundary is pulled back to the east with the elements of the Scheme over 210m from the edge of Pond Hall Lane. Furthermore, the western edge of the Scheme will see a hedgerow and tree-planting established here.

- 11.10. On approach to the asset from the west, along the PRow, it is not possible to see the Site due to the existing vegetation and the distance the Site is away from the asset.
- 11.11. On the approach from the east, it is the case that the Scheme, for the most part, is not adjacent to Potash Lane. There is a small section east of Grove Farm where it is closer to the Lane, however Grove Farmhouse is not visible in these views due to the slight curve in the road and the planting along the eastern boundary of the asset. Even so, woodland belt planting is proposed to bolster the existing vegetation to prevent views and the Scheme itself is set back. There would be no immediate views of panels when walking westwards along this Lane and no views of Grove Farm and the Scheme in the same view. The access into the Site is proposed east of Grove Farm, however this will not affect the approach to Grove Farm as it is not visible.
- 11.12. In views moving away from the asset along Potash Lane eastwards, it is the case that the asset is behind the viewer who will travel over 100m away from the asset before the access is reached. It is considered that by that distance, the experience of the asset is long behind the viewer.
- 11.13. There is the potential for there to be views of the scheme from the upper storey windows in the eastern gable elevation of the asset. It is noted this is not a principal elevation. Views from the northern elevation may be possible, however the western portion of the field directly opposite is not included within the Scheme. As such, it is the case that the Scheme may be too far east for there to be glimpses from this main elevation.
- 11.14. Any views from the eastern elevation would be glimpsed and filtered by the tall row of trees planted along the eastern elevation which, at present, are taller than the building.



Plate 75 View from front of Grove Farm looking towards Site – no views but accepted there would be views from the upper floor into the Site.



Plate 76 View east along Potash Lane approaching Grove Farm – no visibility of the Site

Statement of Significance

- 11.15. This asset is considered to have a significance commensurate with a non-designated heritage asset.
- 11.16. The significance is primarily formed through its physical fabric which best demonstrates the architectural and historic interest of the building. The architectural interest is held in it being a surviving, though much altered, 19th-century farmhouse with possible contemporary barn still in agricultural use. The historic interest is formed through the information it provides for the agrarian economy in this location.
- 11.17. The setting also contributes to its significance, although this contribution is clearly less than that made by its physical fabric. The principal elements of the setting which contributes to heritage significance comprise:
- The farmhouse plot and garden within which the asset is located which provides the area from which the architectural and historic interest of the asset can be appreciated;
 - The surviving historic barns and outbuilding which allow some understanding of the historic layout of the farm complex and some, limited, understanding of the hierarchy of the buildings within;
 - The route of Potash Lane which the asset was located at the end of and from which there are views of the asset looking south; and
 - Agricultural surrounds insofar as these hold an historic association and provide areas from which key views which illustrate the significance of the asset.

Contribution of the Appeal Site to Significance

- 11.18. One portion of a field within the Appeal Site has an historic association with this asset though former shared ownership and tenancy, only appreciated though historic mapping which will be perpetuated with the Scheme in place. This is a relationship long since severed and only appreciated through historic documentation – an element which would not change as a result of the Scheme.
- 11.19. The Site is partially visible from the asset and as such forms part of a wider understanding of the agricultural function of the asset. It is also understood that this asset now farms a large portion of the Site, lending this a current, functional association.
- 11.20. These elements are considered to make a minor contribution to the significance of this asset.

Impact of the Appeal Scheme

- 11.21. There will be no harm to the physical fabric of this asset, nor will there be any harm to the elements which form the key parts of the setting. The ability to view this asset from Potash Lane and its immediate surrounds will not experience change.

- 11.22. The matter of the change in character of a Site arising from a solar development is discussed in the Thaxted Appeal Decision which is discussed in the Bentley Conservation Area section above
- 11.23. There would be no ability to see the Site and the asset together on approaches from the north, west or east.
- 11.24. The temporary change in views from Grove Farm would slightly reduce the ability to understand the agricultural connection with this land, however the asset is surrounded on all sides by agricultural land and so this will only be a change to one very small portion of a view which is not considered to make any more than a minor contribution to the significance.
- 11.25. The temporary change in character of the wider Site will affect on small portion of an historically associated piece of land, however this association will perpetuate through historic mapping. It would change the character of land functionally associated with this asset, however this change is temporary and as set out in Thaxted, the ability to understand former relationships will not be affected.
- 11.26. The Appeal Scheme would result in low harm to the significance of this non-designated asset. This harm is temporary and would cease on the decommissioning of the Scheme. As a non-designated heritage asset, this harm must be balance against the significance of the asset. This must also take into account that there is no statutory provision for the consideration of setting in relation to non-designated heritage assets.

12. Red Cottages and Potash Cottages – non-designated

- 12.1. These building are not identified on the Suffolk HER but have been identified within the Bentley Neighbourhood Plan (NP) (CDE2) as Buildings of Local Significance. It is considered that these buildings have sufficient heritage interest to have a significance commensurate with a non-designated heritage asset.
- 12.2. The nearest element of the Scheme is located approximately 70m northwest of Red Cottage and 90m north of Potash Cottages.

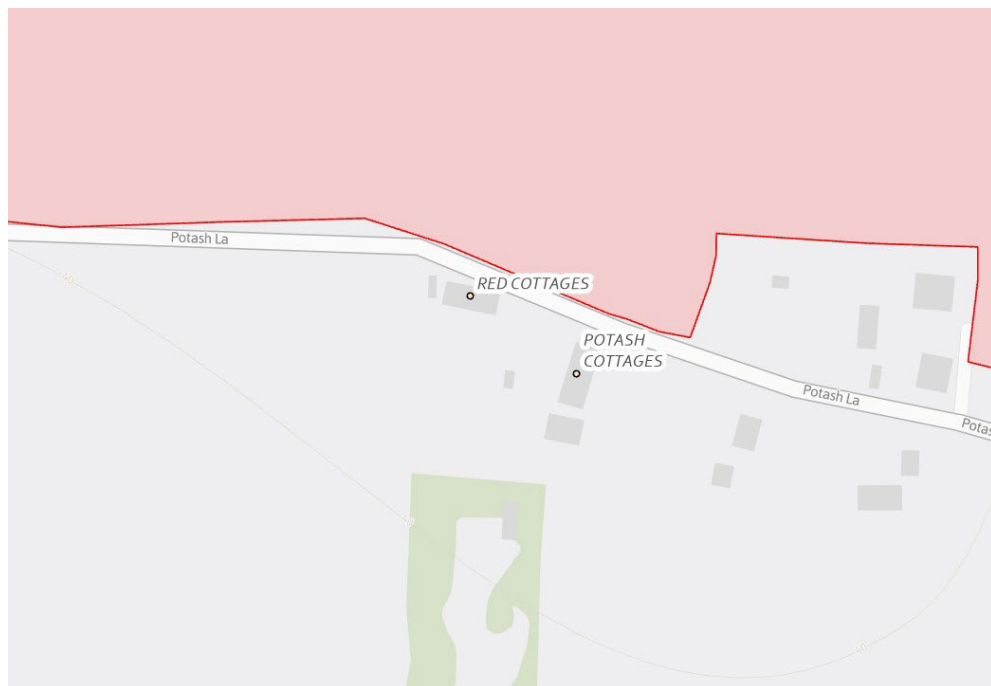


Plate 77 Location of assets in relation to Scheme boundary

Description and Historic Development



Plate 78 Red Cottages – looking east along Potash Lane



Plate 79 Potash Cottage, looking south from Potash Lane

- 12.3. These buildings area described in the BNP 2022 as ***“run of charming red-brick houses at right-angles to each other on Potash Lane, possibly attached to Falstaff Manor. Red Cottages were named for the startling colour of their new bricks, and the centre cottage has a brick dated 1818 in the fireplace. Potash Cottages are potentially earlier, 17thC, but have been much altered over the years.”***
- 12.4. Whilst it is considered that Potash Cottage had an historic association with Falstaff (evidenced through the sales particulars shown in the Falstaff Manor section), it is the case that on all of these sales notices, Red Cottages have always been shown in separate ownership.
- 12.5. Both of these building groups are shown on the 1838 Tithe map. Red Cottages was described as Yard and Garden, owned and occupied by Nathaniel Clarke. No part of the Site is associated with Nathaniel Clarke. Potash Cottages at this time is recorded simply as Cottage Garden owned by Joseph Allen and occupied by Joseph Woolard. Again, there is no association with the Site. The Tithe shows both of the buildings as a run of terraces.



Plate 80 1838 Tithe map showing Red Cottage (red) and Potash Cottages (blue)

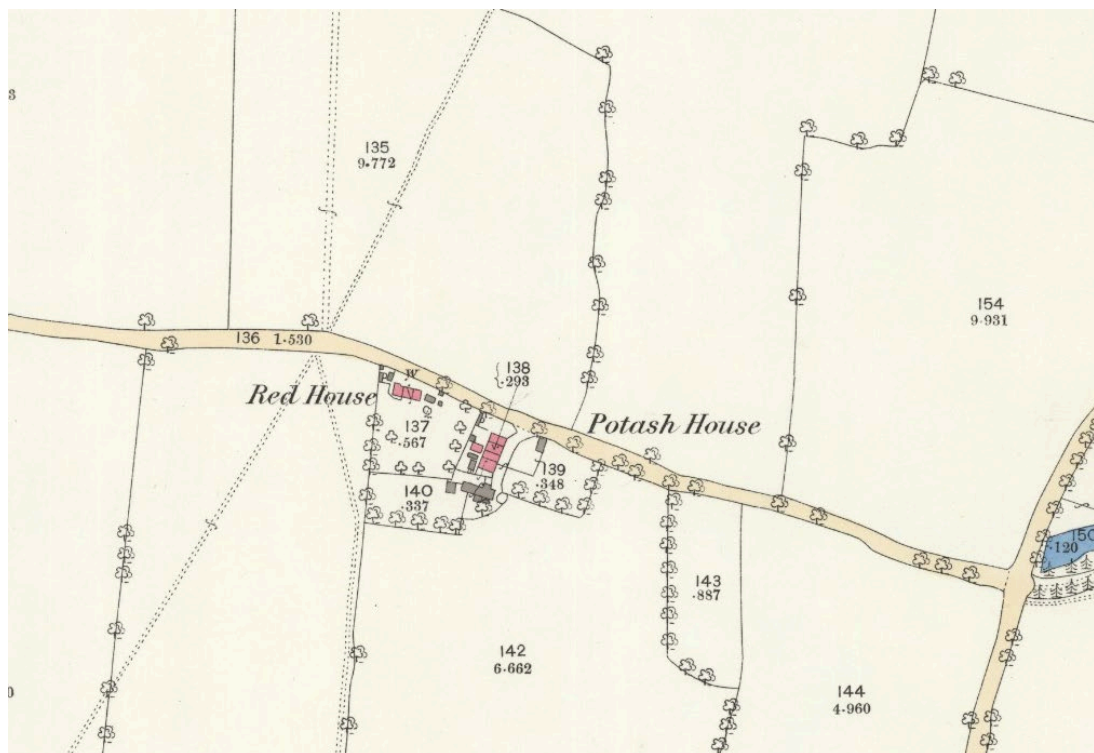


Plate 81 1882 Ordnance Survey map



Plate 82 1904 Ordnance Survey map



Plate 83 1968 Ordnance Survey map showing extension of plots to south and emergence of detached and semi-detached modern dwellings to the northeast and southeast



Plate 84 2025 Aerial image showing the well-wooded surroundings including the boundary to the north

- 12.6. The 1882 Ordnance Survey map shows the assets in more detail. Potash Cottage was labelled as Potash House and was made up of four cottages. Red Cottages was labelled Red House and comprised three dwellings. The grounds of both groups are well-defined with tree planting along the edges of the plots and along the frontage, along Potash Lane.
- 12.7. The 1904 mapping does not label Red Cottages, and Potash Cottages are labelled here as just Potash. They are not labelled separately until the 1968 mapping. Analysis of the historic mapping shows relatively little change to these assets. By 1968, another cottage has been added to the end of Potash and this mapping also shows a number of large, detached dwellings have been constructed on the south side of Potash Lane to the east of these assets. Aerial photographs show the density of the vegetation along the northern edge of Potash Lane directly north of these dwellings.

Surroundings, Approaches and Views

- 12.8. The buildings are located within their own plots, directly south of Potash Lane. The plots are well-defined and are surrounded by mature vegetation which gives these assets a secluded character. They are not prominent in views along Potash Lane.
- 12.9. The assets are surrounded by agricultural land to the north, south and west and by garden plots of modern detached dwellings to the east.

- 12.10. The approach to these building has historically been along Potash Lane. The buildings directly responds to this route, however as stated above, they are only really visible when directly adjacent to them.
- 12.11. Historic mapping shows two footpaths approaching from the south, converging at Potash Lane to the west of Red Cottages. Only one footpath remains and the course has been altered. Given the heavy vegetation around the boundaries of the plots of both groups of assets, there are no views of these whilst walking this PRoW and there would be no ability to view the Scheme as a backdrop even if there were views.
- 12.12. Approaches from the west do not contain any visibility of Potash Cottages.
- 12.13. Approaches from the west along Potash Lane have glimpses of the western gable of Red Cottages but these are heavily filtered by vegetation. The Scheme would be closer to Potash Lane at this point, however the Scheme proposed the infilling of existing gaps in the hedgerow and planting of a treebelt to limit views. It is the case that there would be potential glimpses of the Scheme when in close quarters to the asset, but the views of it at this point are glimpsed and do not reveal anything of the heritage interest.
- 12.14. Approaches from east along Potash Lane contain a mix of hedgerow and modern development. Passing along Potash Lane, one needs to pass by modern housing on the northern side, wooden poles, telegraph poles and overhead lanes as a constant presence and mature and tall vegetation on either side before Potash Cottage are reached. There are no long-distance views along this Lane where the elevation of the Potash Cottage is clear to see. The Scheme is not located directly north of Potash Lane along the extent of the Lane one travels eastwards to reach Potash Cottages. There is a generous setback along this portion and even then, hedgerow and tree planting is proposed. It is considered that in views moving west along Potash Lane, the Scheme would not be a feature in views towards Potash Cottages.

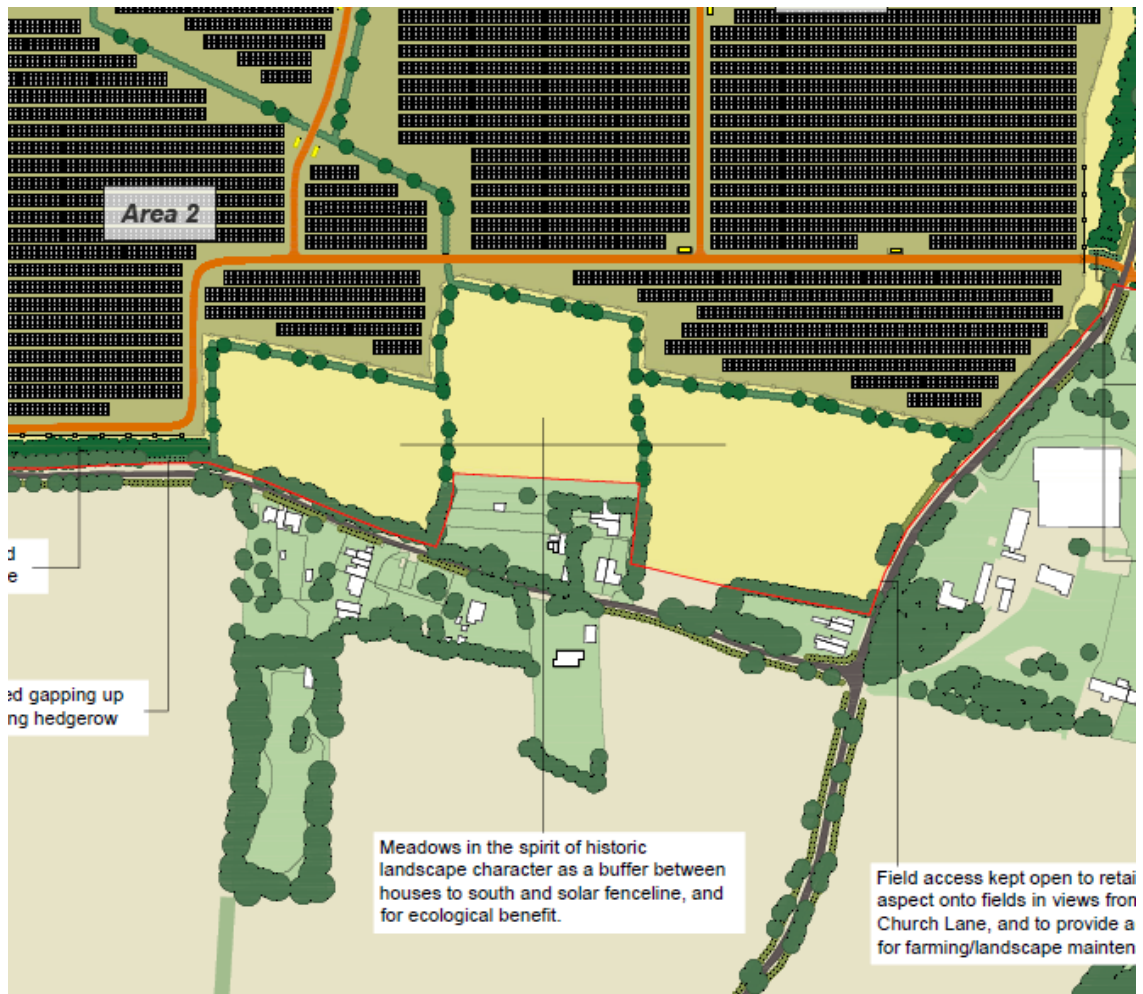


Plate 85 Extract from Landscape Proposals Rev A (CDC5) showing generous set back of open space north of Red Cottage and Potash Cottages

- 12.15. Moving further west to meet Red Cottages, there are views of the eastern gable elevation. The Scheme is not located directly opposite this asset and therefore in views moving west, there is no real opportunity for the Scheme to be visible in views of Red Cottages from Potash Lane.

Statement of Significance

- 12.16. These buildings are considered to have a significance commensurate with a non-designated heritage asset.
- 12.17. The significance of the assets is primarily formed through their physical fabric. This best demonstrates the architectural and historic interest of the buildings. The architectural interests the vernacular form of the early 19th-century dwellings and for Red Cottages, the distinct red bricks which is how they got their name. The historic interest lies in the survival of the buildings and their entirely domestic function and the ability to appreciate them as a group, albeit this has been compromised in recent years through the conversion and division into individual plots.

- 12.18. The setting of the heritage assets also contributes to their significance, although this contribution is clearly less than that made by their physical fabric. The principal elements of the setting which contributes to their heritage significance comprise:
- The individual, well-defined plots within which these buildings are located and which provides the best location to understand and appreciate their architectural and historic interest; and
 - The route of Potash Lane which both groups were historically approached from and which still remains the case.

- 12.19. These assets are entirely domestic in their character. Whilst they may have housed agricultural workers they have no intrinsic link to agricultural land. As such, this is not considered to form part of the setting which contributes to significance.

Contribution of the Appeal Site to Significance

- 12.20. Neither of the buildings have any historic or current association with the Site. The buildings are and have always been, entirely domestic in their character.
- 12.21. There will likely be views of the western portion of the Scheme from the upper storey of Red Cottages. Views from Potash Cottages may be possible from the upper floors of the eastern elevation though these would be filtered by existing vegetation. It is noted that the Scheme has been pulled back from the southern edge of the Site and there is a generous buffer of open space directly north of Red Cottage and Potash Cottage and all along the eastern extent of Potash Lane, the Scheme is set back 90-120m from the edge of Potash Lane. These views would change from open fields to one of energy generation. These views, at present, contribute to a slight sense of isolation and general rural character.
- 12.22. It is noted that the views from the upper storey of Potash Cottages would be in the context of the back gardens and modern dwellings along the northern side of Potash Lane. These form the foreground of the view and any views of the Scheme would be over and beyond these modernising, non-agricultural elements.
- 12.23. The only contribution the Site is considered to make to the significance of these buildings is through the views north which provide an understanding of the slightly separate location and rural character of these buildings. This sense of isolation has already been diminished by the modern dwellings constructed to the north and east of these assets but the sense of rural character provided partially by the views towards the western portion of the Site remains. It is considered, therefore, that the Site makes a negligible contribution to the significance of these assets.

Impact of the Appeal Scheme

- 12.24. There will be no harm to the physical fabric of the buildings of Red Cottages or Potash Cottages and no harm to the elements which form the key elements of their setting.
- 12.25. The Site has no historic association with these assets and the assets have no agricultural function. Therefore, the intrinsic change in the character of this Site would cause no harm.
- 12.26. There will be views from the assets north, northwest and northeast which would include the western portion of the Site and would cause a change to the content of these views. It is

the case that these views are glimpsed and would be of the Scheme at some distance, with agricultural land in the foreground from Red Cottages and across domestic dwellings and gardens from Potash Cottages. These views would be filtered by the existing vegetation north of these assets which is tall and mature.

- 12.27. Whilst it is the case that views of the Site may slightly reduce the ability to understand the separated rural location of these assets, this will be preserved by the buffer of space north of Potash Lane and in the fields south and west of these assets and thus this understanding will not be removed.
- 12.28. The Appeal Scheme would result in negligible to low harm to the significance of this non-designated asset. This level of harm has been identified as a precautionary measure and is the highest level of harm these assets would be capable of experiencing given the only connection with the Site is proximity. This harm is temporary and would cease on the decommissioning of the Scheme. As a non-designated heritage asset, this harm must be balance against the significance of the asset. This must also take into account that there is no statutory provision for the consideration of setting in relation to non-designated heritage assets.

13. Church Farm House and Barn – non-designated

- 13.1. Church Farm (as it is recorded) is identified on the Suffolk Historic Environment Record (HER) (Ref: BTY 064) and it is considered that this building has a significance commensurate with a non-designated heritage asset.
- 13.2. The nearest element of the Scheme is approximately 90m south of the asset, behind a proposed woodland belt extending from Engry Wood and a proposed hedgerow planting north of the Scheme. A new hedgerow would also be in place running north-south creating a smaller field pattern.



Plate 86 Location of Church Farm in relation to the Site

Description and Historic Development



Plate 87 Google Earth aerial image of Church Farm House and Barn.



Plate 88 View southwest from PRow running along former railway line looking towards Church Farm. The Site would not be visible in this view

- 13.3. Church Farm and Barn do not appear on the 1838 Tithe map. It is first shown on the 1882 Ordnance Survey map with the line of the railway shown to the north. Over the historic mapping, the barns to the west of the asset are shown as changing in their footprint slightly with only the northern and western arm of the barns surviving.

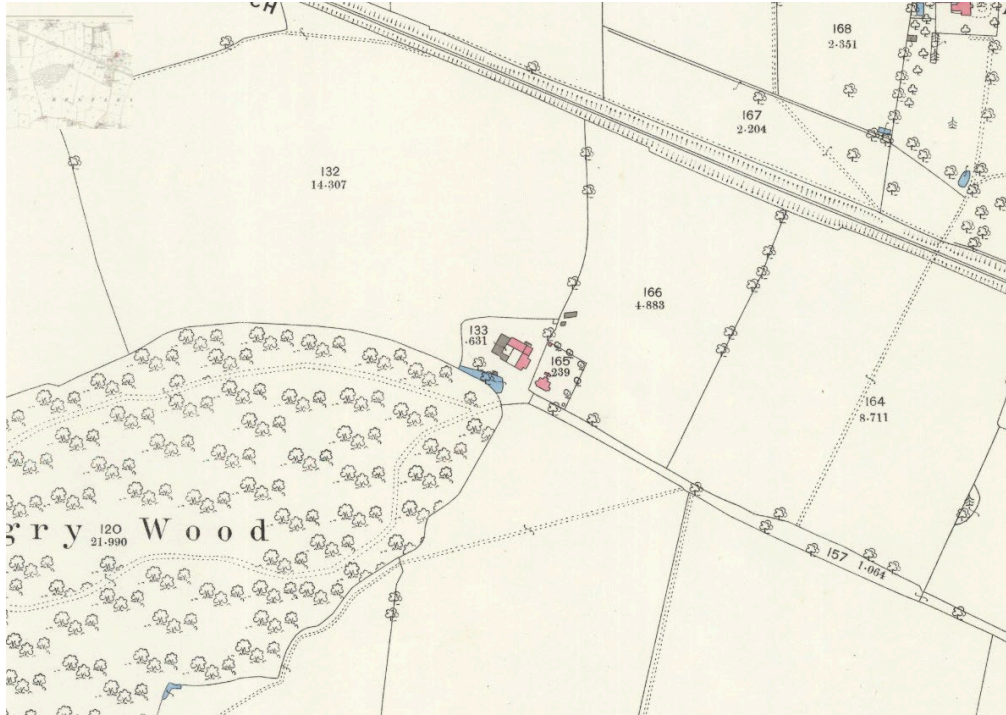


Plate 89 1882 Ordnance Survey map –first to show this asset



Plate 90 1926 Ordnance Survey map – note route of PRoW from the northeast

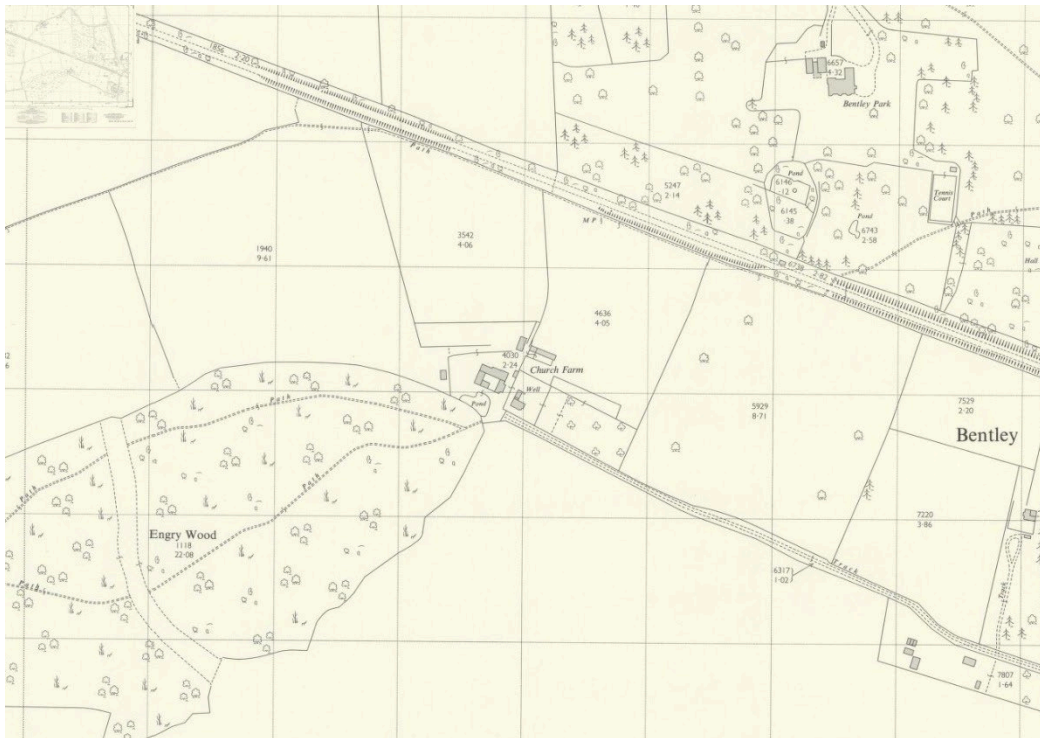


Plate 91 1967 Ordnance Survey map – note the route of the PRow has moved westwards – no longer goes to Church Farm.



Plate 92 2025 Aerial image showing the wooded surroundings and garden to east

- 13.4. The 1926 maps show a PRoW which once ran from the north of Bentley Hall across the railway towards these assets. It is not until the 1967 map that this footpath is no longer shown, having been moved further west to its current location.
- 13.5. The 1944 Sales Particulars of the Park House estate show clearly that Church House was part of that wider estate with no connection to Falstaff Manor of the land within the Site.

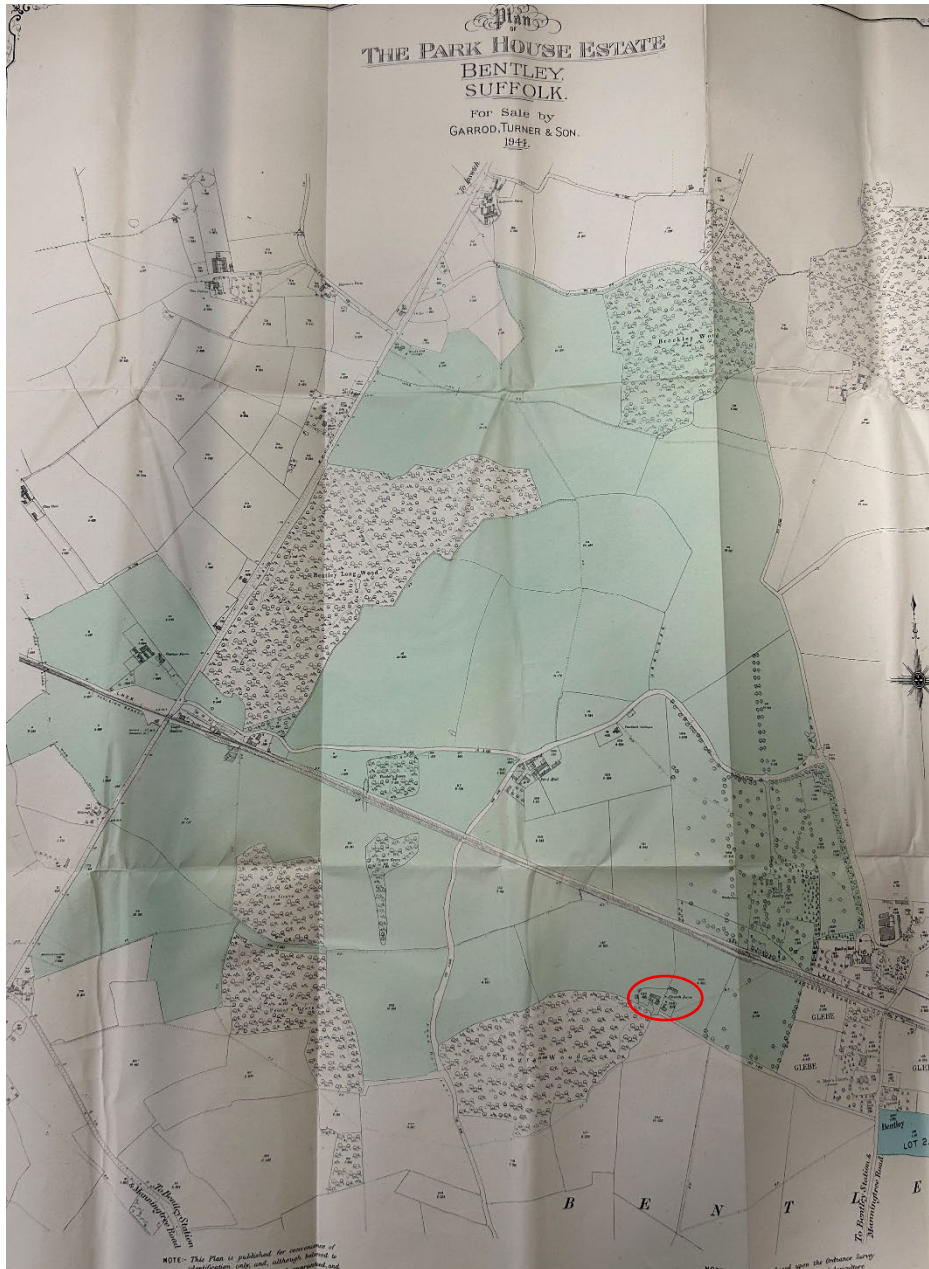


Plate 93 1944 Sales Particulars for the Park House Estate – Church Farm circled in red – note the land of the Site to the south is not associated with this asset, nor does Church Farm form part of the Falstaff Manor holdings at this time. (Suffolk Archives Ref: HE402/1/1944/15)

Surroundings, Approaches and Views

- 13.6. The asset is located within its own plot with formal gardens to the east. The plot is well-defined and lined on the southern edge with a wall of dense and mature vegetation.
- 13.7. There is an access track which runs from Church Road westwards to reach the building which is located at the end of this track. There is permitted access along this track for the owners of Engry Wood to allow access, but this is not publicly accessible.
- 13.8. The approach road to Church Farm House is not a heritage asset in its own right. Views from this route, therefore, make no contribution to any heritage significance, nor do they contribute to the significance of Church Farm House. These are views from a private track. There is no ability to see or experience Church Farm House as one travels up the track as it is fairly tucked away. It is acknowledged the Site would be visible from this track but this is not a matter of heritage consideration.
- 13.9. The PRoW running along the line of the dismantled railway to the north of the asset allows views of the northern elevation, as seen on Plate 88 above when looking southwest. Whilst the asset can be glimpsed from the PRoW, the Site is hidden and does not appear as a backdrop to these views.
- 13.10. The principal elevation of this building faces south onto a line of dense and mature vegetation. There are views from other elevations which are across agricultural land and to the northeast these views are more open due to the lack of tall vegetation at this boundary.

Statement of Significance

- 13.11. This asset is identified on the Suffolk HER and is considered to have a significance commensurate with a non-designated heritage asset.
- 13.12. The significance of the asset is formed by its physical fabric which best demonstrates its architectural and historic interest. The asset has architectural interest in displaying the local vernacular and historic interest with the association with the St. Mary's church and the park estate.
- 13.13. The setting of the asset also contributes to its significance, although this contribution is clearly less than that made by its physical fabric. The principal elements of the setting which contributes to significance comprise:
- The plot of lands and garden within which the asset sits and from where the asset can be best appreciated;
 - The grouping of the buildings with the surviving barn to the northwest which provides an understanding of the historic layout and hierarchy of the buildings;
 - Views of the asset from publicly accessible areas which illustrate the isolation of the asset;
 - The private track along which the asset is accessed; and
 - The immediate surroundings which form part of key view which illustrate the significance of this asset.

Contribution of the Appeal Site to Significance

- 13.14. The Appeal Site has no historic association the non-designated asset of Church Farm at all. It was not constructed until post-1838 and then formed part of the holdings of the Park Estate.
- 13.15. Church Farm has never farmed any of the land within the Site and is no longer in agricultural use.
- 13.16. There are views south from this asset across the western portion of the Site, with views likely from the ground and upper floors. At present, these views are of the agricultural land of the Site.
- 13.17. There are glimpsed views of the asset from the western portion of the Site – however these are not publicly accessible views. There is the ability to glimpse the whitewash render of Church Farm from views north from Potash Lane. The view is not distinct and cannot be said to be one which provides information on the architectural interest of this asset.
- 13.18. The views of the Site from the asset are considered to make a minor contribution to the significance. They do provide an understanding of the historic surroundings of the asset and of the separation of the location of this asset. There is no connection with this Site in terms of land ownership or function.

Impact of the Appeal Scheme

- 13.19. There will be no harm to the physical fabric of this building and its barn nor will there be any change to the elements of setting which make the biggest contribution to significance.
- 13.20. The Appeal Scheme will result in a visual change in one aspect of views from the asset from agricultural to energy generation however, the Scheme is pulled back and significant landscaping measures have been proposed to mitigate this visual change. Woodland planting is proposed along the northern boundary of the Site, south of Church Farm. This will bolster the planting already extant here which already provides a good screen. Furthermore, hedgerow planting is proposed along the northern boundary of the Scheme to soften and blend the Scheme into the view but also to introduce smaller land parcels which restores the historic character of the Site.

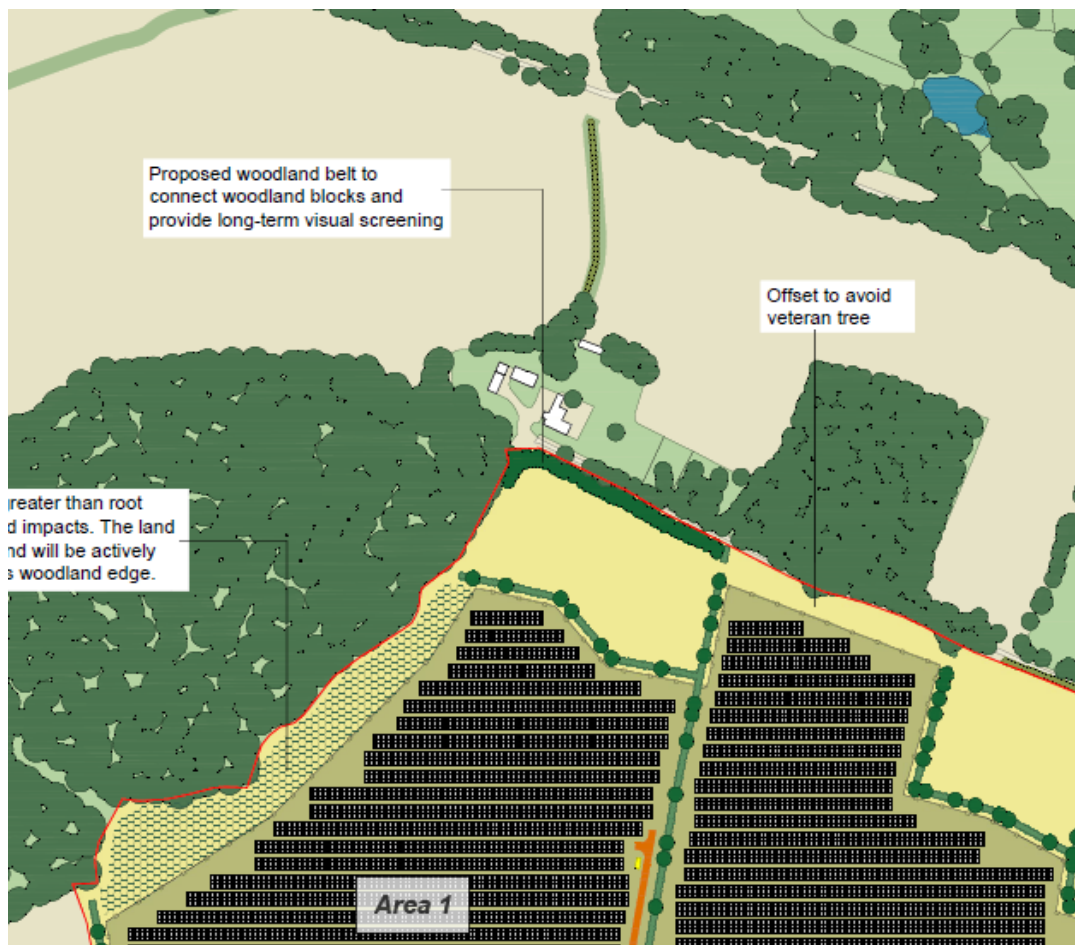


Plate 94 Extract from Landscape Masterplan Proposals Rev A showing generous set back and layers of proposed vegetation and woodland planting to soften views southwards **CDC5**

- 13.21. The changes in this view south over a fairly large area will result in a reduction in the ability to understanding the isolation of the asset and a small reduction in the ability to understand its historic surrounds.
- 13.22. The views to the north, northwest and northeast of the asset would remain unchanged and still be formed of agricultural land but this land had an historic association with the asset, unlike the land of the Site as shown on the Sales Particulars above. The views and enclosing character of Engry Wood to the southwest would not experience any change.
- 13.23. The change in the view of the asset from Potash Lane is considered to cause a slight change to the significance of the asset, however the land of the Site was not associated with this asset and these views are not characteristic or illustrative of the historic or architectural interest of the asset. As such, though these views will change, this is not considered to be at a level which causes harm.
- 13.24. The Appeal Scheme would result in a low level of harm, resulting from the temporary change in character of the field south resulting in a change in views The Appeal Scheme would result in low harm to the significance of this non-designated asset. This harm would cease on the decommissioning of the Scheme. As a non-designated heritage asset, this harm must be balance against the significance of the asset. This must also take into account that



there is no statutory provision for the consideration of setting in relation to non-designated heritage assets.

14. Bentley House & Glebe Cottage – non-designated

- 14.1. These buildings have been grouped together as they are in close proximity to one another and although they have different historic developments and associations, they form part of a grouped cluster located to the north of the Church of St. Mary.
- 14.2. Neither of these buildings are identified on the Suffolk HER. They have both been identified within the Bentley NP as Buildings of Local Significance. They are considered to have a significance commensurate with non-designated heritage assets.
- 14.3. The nearest element of the Scheme is located approximately 160m south of the buildings.

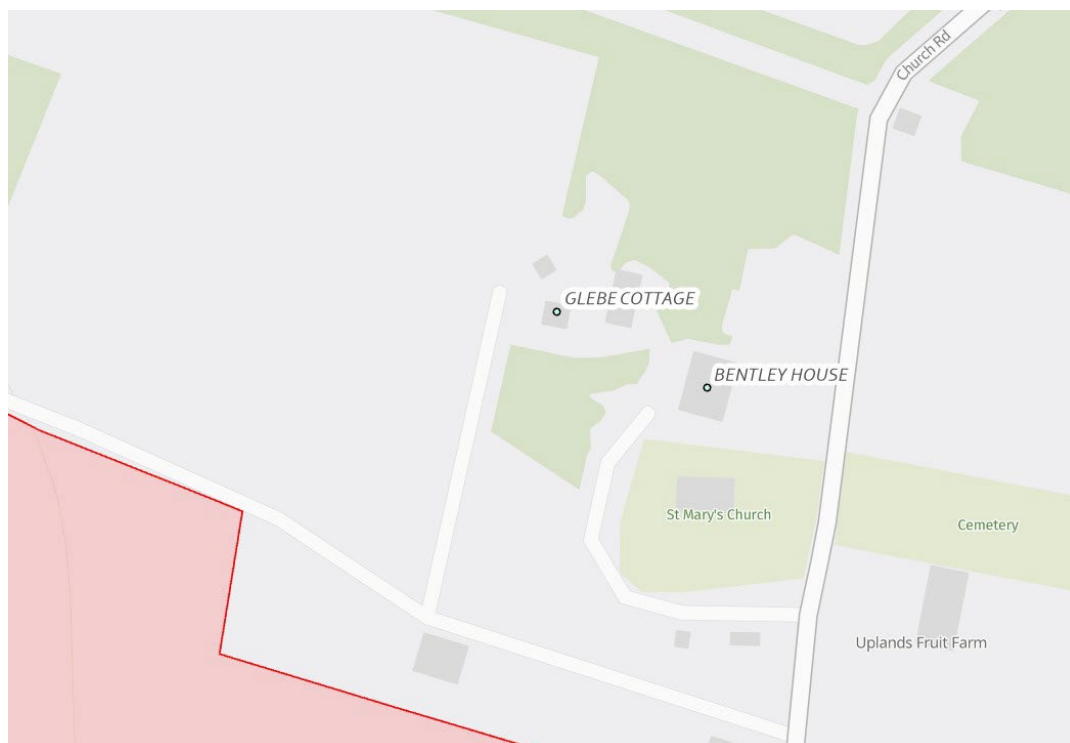


Plate 95 Asset location plan in relation to Site boundary

Description and Historic Development

- 14.4. These buildings are located to the north of the church of St. Mary.
- 14.5. Bentley House was the former vicarage for the church of St. Mary but has a longer history and was the principal dwelling of the Bentley Church House manor, one of the four original manors of Bentley. The dwelling no longer used as the vicarage. The building is said to have a medieval core, but this has been entirely obscured by later 19th-century extensions.
- 14.6. Bentley House is shown on the 1838 Tithe, but Glebe Cottage does not appear to be. At this time, the tithe shows an entirely different arrangement for Bentley House and its immediate surrounds. The main building is T-shaped and there appears to be a U-shaped courtyard, presumably of associated outbuildings and stable to the west. To the northwest are two

ranges of buildings. The Tithe records that the Site was owned by Benajmin Keene and occupied by James Lay. These were the owners and occupiers of the majority of the Site in 1838. However, an Altered Tithe Apportionment was issued which records the Site owned by Rev. Michael Jones. Altered Apportionments were issued when the ownership changed after the original Appointment was completed.

- 14.7. By the 1882 Ordnance Survey map, Glebe Cottage is shown but the footprint of Bentley House is entirely different and all of the ancillary buildings have been removed. It is said that a medieval core remains to this building, but it is the case that the building has altered comprehensively on mapping. At this time, an access to Glebe Cottage was also available through Bentley House with no southern access. It was likely now that the property had been purchased for use as a vicarage, ending any manorial association. The mapping depicts the buildings in well-wooded grounds with the church directly south of Bentley House.
- 14.8. By 1902, Bentley House is labelled as Vicarage and Glebe Cottage is not labelled. By 1924. The southern access to Glebe Cottage has been added and it appears that the access through Bentley House grounds has been stopped up.
- 14.9. The 1958 map shows that Bentley House is labelled once again – perhaps by this point, the vicarage was in another property. For the plates showing these assets see Plate 18, Plate 19, Plate 20, Plate 21, Plate 22 above in the discussion on Church of St. Mary.
- 14.10. The historic mapping shows little major change in the surrounds of the Site other than the expansion of vegetation in the grounds of both assets.



Plate 96 Aerial image from Google Earth showing Glebe Cottage (red arrow) and Bentley House (blue arrow) – also showing dense wall of vegetation south of Glebe Cottage and the vegetation and church south of Bentley House

Surroundings, Approaches and Views

- 14.11. Each building is set within its own, well-screened plot surrounded by mature and dense vegetation on all sides. These assets are secluded have no presence at all when moving around Bentley on roads or PRoW. The ground of Bentley House in particular have been domesticated and suburbanised with the addition of a pool in the grounds.
- 14.12. Bentley House is approached and has historically been approached from a semi-private access drive from Church Road looping south around the church, then north to reach the building. The first part of this driveway is publicly accessible but only to the church approach. There are no views of this asset from the publicly accessible portions of the driveway.
- 14.13. Glebe Cottage is accessed from a private trackway off Church Road, with the access leading north off this to reach the cottage. Historically, the access has been through Bentley House.
- 14.14. Bentley House can be just glimpsed from the northern edge of the churchyard though these are through dense and mature vegetation. There are no views of Glebe Cottage from any publicly accessible area.
- 14.15. There are no PRoW which run in proximity to these assets and from where views of the assets would be available.

- 14.16. Views from the assets would be to the immediate surrounding grounds with views from Bentley House containing the built form of the church. Glebe Cottage has more extensive views westwards over an open field.

Statement of Significance

- 14.17. Bentley House and Glebe Cottage are identified as Buildings of Local Significance within the Bentley Neighbourhood Plan. It is considered they have a significance commensurate with a non-designated heritage asset.
- 14.18. The significance of Bentley house is formed primarily through its physical fabric which best demonstrates its architectural and historic interest. The historic interest is formed in the history of this building as the principal building of the Bentley Church House Manor and the knowledge that brings of the evolution of the settlement. It also has interest with its use as a vicarage and now as a private dwelling. The architectural interest is formed for the surviving historic fabric, in particular if there is a medieval core, this would be of architectural interest.
- 14.19. The significance of Glebe Cottage is formed primarily through its physical fabric which best demonstrates its architectural and historic interest. The architectural interest is formed of the surviving historic fabric with the historic interest formed as being a dwelling on former church land.
- 14.20. The setting of the heritage assets also contributes to their significance, although this contribution is clearly less than that made by their physical fabric. The principal elements of the setting which contributes to their heritage significance comprise:
- The individual plots within which they are situated which provide the best areas to appreciate and understand the historic and architectural interest;
 - For Bentley, the former associated manorial land insofar as this association can be experienced in conjunction with the asset and forms part of key views;
 - For Bentley, the association with the church to the south; and
 - The isolation and secluded surroundings formed by the dense vegetation of the Site boundary.

Contribution of the Appeal Site to Significance

- 14.21. As the aerial image above demonstrates there would be no views of the Site from these assets. The vegetation and built form in between would block all views. There is no visual relationship therefore between the Site and these assets.
- 14.22. There is an historic association with Bentley House first through the brief ownership as part of Tollemache holding and later as part of the holdings of Benjamin Keene. This association is discernible through documents and mapping and will perpetuate with the Scheme in place. Additionally, given this association is through the Tollemache estate holdings, and it has been established that the Tollemache family only held the land within the Site for at most, around 133 years, this link is ephemeral at best.

- 14.23. It is considered that this makes a negligible contribution to the significance at most through the association demonstrated by mapping – which will remain with the Scheme in place.

Impact of the Appeal Scheme

- 14.24. There will be no harm to the physical fabric of these assets from the Scheme from which they derive the majority of their significance.
- 14.25. There would be no harm to the key elements of the setting which contribute to significance. The seclusion of these assets will not experience any change, nor would any view, to, from or between the assets.
- 14.26. There is a distant link with the Site through historic association with the Tollemache estate, however this was only ever through it also being part of the wider land holdings and the Site was part of a different Manor. The Tithe map indicates a shared land-ownership for at least a short period through Benjamin Keene and occupation by James Lay, however this was short lived as the Altered Tithe Apportionment issued in the same year identified the landowner as Rev. Michael Jones.
- 14.27. The historic association with the Tollemache estate is tenuous and was only in place for approximately 100 years. The association with Benjamin Keene was also short lived. Ultimately, these associations are no longer extant and the Scheme has no current association with the land within the Site. Any such association is appreciated through map and documentary evidence and is an association that will perpetuate with the scheme in place. Any contribution this makes to the significance of the asset would be sustained.
- 14.28. In consideration of this, the Court of Appeal decision for the Catesby Estates Ltd v Steer is useful and set out above in the discussion on Bentley Hall.
- 14.29. The Site does not form an area within which these assets can be experienced. As such, it is considered that the changes in the Site from the Appeal Scheme would not result in any harm to the significance of this non-designated asset.

15. Discussion of Legislation and Planning Policy

- 15.1. My assessment has concluded that there would be less than substantial harm at the low/lower end of the scale to the significance of two designated assets and low harm to five non-designated heritage assets.
- 15.2. In consideration of the identified less than substantial harm at the low end of the scale to the special interest of the Bentley Conservation Area, it is understood that S72 of Planning (Listed Buildings and Conservation Areas) Act 1990 engaged.
- 15.3. It is my case that this finding of low level of harm is justified due to the very low contribution the Site makes to the overall special interest and significance of the Conservation Area. In accordance with the wording of paragraph 220 of NPPF, not all areas of a Conservation Area will make the same contribution to the significance.
- 15.4. In consideration of harm identified to the setting of designated heritage assets, it is the case that where this harm does not affect the physical fabric of the asset, the harm most often be of a relatively low scale. This approach has been confirmed by the 2022 Secretary of State for Levelling Up, Housing and Communities calling in the Appeal for Edith Summerskill House⁸ who endorsed at paragraphs 11-15 of their letter the approach of the Inspector where it is set out in their Report at IR12.50:

“In cases where the impact is on the setting of a designated heritage asset, it is only the significance that asset derives from its setting that is affected. All the significance embodied in the asset itself would remain intact. In such a case, unless the asset concerned derives a major proportion of its significance from its setting, it is very difficult to see how an impact on its setting can advance a long way along the scale towards substantial harm to significance.”

- 15.5. Matters of planning balance are considered by Mr. Burrell in his evidence.
- 15.6. When considering where harm has been identified to designated heritage assets, it is useful to refer to the wording within the judgement of *Palmer v Herefordshire Council & Anor* [2016] EWCA Civ 1061 (CDH5) at paragraphs 5 and 34 (quoting from paragraph 61 of the previous judgment):

“5....this does not mean that the weight that the decision maker must give to the desirability of preserving the building or its setting is uniform. It will depend on, among other things, the extent of the assessed harm and the heritage value of the asset in question.

...

34....The duty to accord ‘considerable weight’ to the desirability of avoiding harm does not mean that any harm, however slight, must outweigh any benefit, however great, or that all harms must be treated as having equal weight.”

⁸ APP/H5390/V/21/3277137 CDX.XX

- 15.7. Where harm has been identified to non-designated heritage assets, a simple balance of the level of harm and the significance of the asset is required in accordance with paragraph 216 of NPPF.
- 15.8. It is suggested in the LPA SoC at §5.10. that matters of cumulative change may be a consideration. If this is an attempt to direct the decision-maker to aggregate harms, it may be useful to consider the recent Appeal Decision from 5th December 2025 for a solar scheme at Aylesbury Road, Ledburn⁹. At paragraph 75 of this Decision, Inspector Woolcock states:

“75. Some of the heritage assets at Ascott and Mentmore have group value with associative or visual connections, which I have taken into account in my consideration of the effects of the proposal on the historic environment. Given the number of heritage assets affected by the proposed development, the Council argues that the cumulative and collective harm to the historic environment is a determinative factor in this case. However, harm to assets should be assessed on an individual basis. Cumulative or collective impact would not add to this harm. But the number of heritage assets affected here is a relevant consideration in determining the weight to be given to the overall harm to the historic environment.”

- 15.9. This is clear in that the correct approach when considering a number of heritage harms is to assess the harms on an individual basis.
- 15.10. In consideration of the temporary nature of solar scheme, in particular where harm has been identified to designated heritage assets, it is useful to refer to what is set out in the National Policy Statements (NPS) EN-3 (November 2023 **CDD5**), which has been accepted within the SoCG with the Council as a material consideration for this Appeal. Paragraph 2.10.151 of NPS EN-3 states:

“The Secretary of State should consider the period of time the applicant is seeking to operate the generating station, as well as the extent to which the site will return to its original state, when assessing impacts such as landscape and visual effects and potential effects on the settings of heritage assets and nationally designated landscapes.”

- 15.11. Further, at paragraph 2.10.160 it states:

“Solar farms are generally consented on the basis that they will be time-limited in operation. The Secretary of State should therefore consider the length of time for which consent is sought when considering the impacts of any indirect effect on the historic environment, such as effects on the setting of designated heritage assets.”

- 15.12. The Historic England Good Practice Advice in Planning Note 3: Setting of Heritage Assets 2017 sets out a non-exhaustive checklist when carrying out assessments of schemes which may affect the setting of assets at page 13 of the document. Within this checklist, it sets out that matters to be taken onto account as part of assessment include:

“Permanence of the development

⁹ APP/J0405/W/25/3364628 CDH13

- *Anticipated lifetime/temporariness;*
- *Recurrence; and*
- *Reversibility.”*

15.13. Taking into account the above guidance and NPS policy, it is clear that the temporary and reversible nature of solar developments are material considerations in decision-making when considering identified harms to the significance of heritage assets through changes to setting.

16. Conclusion

- 16.1. My evidence has provided a detailed, objective assessment of the identified heritage assets and has come the following conclusions:
- Bentley Hall – grade II* listed building – No harm
 - Meeting Hall Stables, Bentley Hall, Approximately 30 metres South of Bentley Hall – grade II* listed building – No harm
 - Bentley Hall Barn – grade I listed building – No harm
 - St. Mary’s Church – grade II* listed building – Less than substantial – Lower
 - Maltings House – grade II listed building – No harm
 - Bentley Conservation Area – Less than substantial – Low
 - Falstaff Manor – Low harm
 - Grove Farm – Low harm
 - Potash Cottages – Low harm
 - Red Cottages – Low harm
 - Church Fam House and Barn – Low harm
 - Bentley House – No harm
 - Glebe Cottage – No harm
- 16.2. It is acknowledged that the provisions of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are engaged here. Less than substantial harm at the low end of the scale has been identified to the significance of the Conservation Area as a whole. That level of harm is based on the minor contribution the Site makes to the significance of the Conservation Area.
- 16.3. All of the harm identified above is temporary and capable of being removed entirely on the decommissioning of the Scheme.
- 16.4. All harm identified to the other heritage assets is through changes to elements of setting which contribute to the significance.
- 16.5. The harm that is identified to the designated heritage assets must be considered in the planning balance as per paragraph 215 of NPPF.
- 16.6. The harm identified to non-designated heritage asset must be considered as per paragraph 216 of NPPF, with the significance of the assets balanced against the level of harm.

Appendix 1 – Narrative of Consultation Responses and Planning Background

1. The Application (ref: DC/23/05656) was submitted to Babergh District Council accompanied by a Heritage Impact Assessment prepared by AOC (CDA8) in July 2023¹⁰. The conclusions of this report identified less than substantial harm to the Grade II* Church of St. Mary and the Grade II Maltings House. No harm was identified to the Grade I listed Bentley Hall Barn. Grade II* Bentley Hall, the Grade II* Meeting Hall Stables, Bentley Hall Approximately 30 Metres South of Bentley Hall, the Grade II Pump in front of and approx. 7 metres east of Maltings House. The assessment did not set out where on the scale of less than substantial harm the harm would lie.
2. The Assessment also found harm to the non-designated assets of Falstaff Manor (low), Red Cottages and Potash Cottages (medium). No harm was found to the non-designated assets of Little House, Bentley House, Uplands Farmhouse and Glebe Cottage.
3. The Assessment was accompanied by a geophysical survey carried out by AOC Archaeology (CDA9-A11). This concluded that no substantial archaeological features were present.
4. The Senior Archaeological Officer for Suffolk County Council (SCC) provided two consultation responses. The first on 20th December 2013 (CDB10a) stated there were no grounds to refuse permission and recommended a condition to secure further works post-consent. A second response on 11th July 2024 (CDB10b) reiterated the previous recommendation. As such, Archaeology is not an issue before this Appeal and this is a matter of common ground between the Appellant and the LPA.
5. Historic England provided an initial response via email on 20th December 2023 (CDB12a). This stated that their *chief interest* was the potential visual impacts on nearby high grade listed buildings and in particular the Church of St. Mary. In this response questions were asked by Historic England with regards to potential visibility of the Scheme from and to the Application Site and stated that at that time, Historic England had not visited the Site.
6. A more formal response by letter was received from Historic England on 31st January 2024 (CDB12b). Within this, Historic England noted the proximity of the Grade II* Church of St. Mary and noted the group of buildings around Bentley Hall to the north. The setting of these assets was described as being in a '*largely rural landscape*' and that this contributes to the significance by illustrating the historic development and the role they played in demonstrating the wealth of the agricultural community. They noted the possible historic association with land in the Site, but noted this as possibly being parkland for Bentley Hall. As can be seen by this evidence the land of the Site was always in the holdings of the Falstaff Manor and never associated with Bentley Hall as part of the landholding.
7. Historic England mention the visibility of the tower of St. Mary's from Potash Lane and the sense of a green space visible looking south from the churchyard which is said to contribute to the historic significance. The Scheme, it is said, would fundamentally change this character and reduce the contribution. They note there is likely no visibility from Bentley Hall of the Scheme – but note the historic association.

¹⁰ AOC 2023, Grove Solar Farm Heritage Impact Assessment (CDX.XX)

8. Historic England state that they believe the Scheme would cause harm to the church of St. Mary by development in its setting which contributes to historic significance. They consider the harm to be less than substantial. They conclude with 'concerns' on the application. It is important to note here that Historic England do not object to the application and the source of the concern arises from harm to the Church of St. Mary only – no other harm is identified.
9. A final consultation response was received from Historic England on 17th July 2024 (CDB12c) following the submission of further material (discussed below). This response acknowledges that the material contained 'a great deal of helpful information...'. They conclude by saying ***"We consider that due to distance and mature planting on the churchyard and field boundaries between the development and the listed building this harm would be in the middle or lower region of 'less than substantial' harm and would reiterate our concerns about that, but also agree with the reference to the NPPF in paragraph 1.5 that the Council should weigh the public benefit of the development against this harm when determining the application."***
10. Again, in their final consultation response, Historic England do not object to the application.
11. The Babergh District Council (BDC) Heritage Officer (HO) provided an initial consultation response on 8th January 2024 (CDB18a). Their summary and recommendations were:

"1. I consider that the proposal would cause a low to medium level of less than substantial harm to the significance and setting of designated and non-designated heritage assets due to the change of character of the site from rural to industrial.

2. I recommend that clarification on the historic relationship between the site and the Bentley Hall group is provided."
12. There is no disagreement between us and the BDCHO that the Scheme has the potential to cause less than substantial harm to a range of designated and non-designated heritage assets.
13. I note that this first consultation response was not informed by a Site visit.
14. Within the response, a number of assets are discussed and the HO notes: ***"It is therefore highly likely that the application site(s) will be widely experienced in the context of the historic landscape settings of the listed assets whilst using the public right of way network."***. In the Assessment section of the response, the HO notes that they are uncertain of the historic connection between the Site and the Bentley Hall grouping of buildings but notes that the dismantled railway line has impacted on the ability of the site to contribute to the setting with ***'the mature vegetation running along the pathway appearing to screen the proposed site from these buildings.'*** The HO goes on to say that because of the uncertainty over this potential connection, the extent of the impact may depend on this.
15. The HO states the Site contributes to the significance of the Bentley Hall group due to ***'to the tranquil undeveloped character which is consistent with the wider setting of all the heritage assets.'***
16. The HO states that the scheme will have the effect of transforming fields from *rural* to *industrial* and this having an adverse impact on the tranquillity and agrarian character of the surrounds of heritage assets. This is identified as potentially reducing the contribution the setting makes to heritage assets.

17. Lighting is also mentioned by the HO – however the Scheme will not be continuously lit, so this comment is not considered to be relevant.
18. The HO discusses views of the church tower and the arrays together affecting the setting and that planting to screen the arrays in any such view would not be desirable.
19. In conclusion, the HO sets out potential less than substantial harm to the significance of the Bentley Hall grouping and states: ***‘I am not convinced that there is any scope for the proposed solar farm in this location, due to the potential for harm to the significance and setting of several heritage assets.’*** This is an inappropriate comment for the HO to be making. They are welcome to object to the proposals, but it is beyond the remit of the HO to make such a statement. Harm to heritage assets is capable of being outweighed in the planning balance. The HO is not equipped to undertake this balance as they do not have all of the benefits before them. It is considered this comment calls into question the objectivity of the HO’s response.
20. A follow-up consultation response was received from the BDCHO on 9th August 2024 (CDB18b) following the receipt of further information from the Applicant. The summary of the response states:

“1. I consider that the proposal would cause a medium level of less than substantial harm to the significance and setting of designated and non-designated heritage assets due to the change of character of the site from rural to industrial.

2. I recommend that details of the intervisibility of sites during winter/autumn (times of lessened greenery)”

21. At this point, a site visit had taken place. In general, the HO states their previous comments stand. The HO states that the additional information did not contain winter visuals and was focussed on views and direct visibility.
22. More information is set out about the historic connections between the Site and heritage assets and concludes that even though there is no immediate visibility of the Site to Bentley Hall it still forms part of the setting through the historic association.
23. The HO makes mention of visibility of asset when moving around the PRoW network and the fact that Maltings House is visible from the Site. It is unknown how the HO can make this assertion because the Site is private land. There are no PRoW running through the Site.
24. In conclusion, the HO acknowledges that there is no intervisibility between the Site and the majority of the assets though requests winter visuals to examine this. They also state: ***‘Additionally, the proposed development would be unavoidably visible on approach to any of the surrounding assets, and would make up a key element of the context in which they are experienced when moving through the landscape.’*** I would set out here that none of the PRoW or roads are heritage assets in their own right. General views whilst moving through this landscape which are not explicitly related to the significance of heritage assets are not matters of heritage but are matters instead of amenity.
25. The HO acknowledges the potential Bentley Conservation Area designation being considered at the time of the response but stated that it had no effect on their conclusions.
26. In July 2024, the Appellant submitted a response to consultee comments (CDA39). This included a Supplementary Heritage Assessment (SHA) carried out by AOC responding to points

made in the initial round of consultation. This carried out a detailed settings assessment of 14 heritage assets and the wider historic landscape to respond to consultee comments. This also noted the change in the baseline around the church of St. Mary arising from the removal of trees in the southern edge of the churchyard.

27. The conclusions of the SHA restated and confirmed the conclusions of the HIA, even taking into consideration the removal of trees at St. Mary's.
28. The Committee Report (CDA40) recommended refusal of the Scheme. The Report incorrectly reports the Historic England consultation response as an objection. The assessment of the Scheme is carried out at Section 6 of the report. The use of descriptions such as '*dramatic change in the site's character*' are considered inappropriate in a report which is meant to be objective.
29. §6.7 of the report again, mis-represents the comments of Historic England. The report states: ***"The Council's Heritage Officer and Historic England identified that the development would result in a low-to-medium level of less than substantial harm to the significance and setting of designated and non-designated heritage assets."*** However, Historic England only identified harm to one asset, the Grade II* Church of St. Mary with that harm being at middle to lower end. It is inaccurate to suggest that Historic England alleged harm to a number of assets.
30. §6.13 of the Report mentions the fact that a Conservation Area in Bentley is being considered and the outcome is not known and the Conservation Area has not been made at that point. The Officer directs that little weight should be given to the proposal, however as the Conservation Area had not been designated and was still at consultation stage, this seems to be an error and indeed no weight at all should have been given.
31. At §6.14 of the report sets out that the public benefits of the Scheme were not considered to outweigh the identified less than substantial harm to a range of heritage assets designated and non-designated.
32. The Decision Notice (CDA42) was issued on 6th February 2025 with two Reasons for Refusal. Heritage formed reason 1:

"The proposal would conflict with policies SPO9, LP19, LP25 and consequently SPO3 of the Babergh and Mid Suffolk Joint Local Plan (2023), policies BEN 11 and BEN 12 of the Bentley Neighbourhood Plan (2022) and paragraphs 212, 213, 215 and 216 of the NPPF (2024). The proposal would result in a low to medium level of less than substantial harm to a number of designated and non-designated heritage assets; the most notable and highly graded of which include the Grade I listed Bentley Hall Barn and Grade II* listed Bentley Hall, Bentley Hall Stables and Church of St Mary. Whilst significant weight is afforded to the public benefits of renewable clean energy, this benefit is not considered sufficient to outweigh the harm to a range of heritage assets, which are matters of considerable importance and great weight. The setting of these assets and thus their significance would be eroded and undermined by the proposed development as it would introduce an industrial incongruous character to the current traditional agricultural character and historical landscape of the area."

Appendix 2 – Discussion of Bentley Conservation Area

1. It is accepted that the Bentley Conservation Area was designated in April 2025. It is the case that the designation of this asset and what has been included in the boundaries and in the associated documentation has aspects which we wish to highlight to the Inspector.

Timeline and Background to the Conservation Area Appraisal designation

2. The Council's Case Officer Report for the Designation of the Bentley Conservation Area (CDF10) notes at §1.5.1 that an individual and Bentley Parish Council first approached the Council regarding the potential for a Conservation Area in March 2024. This intention to approach the Council on this matter is not minuted in the February 2024 or March 2024 Bentley Parish Council minutes. The first draft of CAAMP was produced in August 2024, with the work carried out over the summer (as reported in the 3rd October 2024 BPC minutes) however the first possibility of a Conservation Area only appears to have been mentioned at the September 2024 Parish Council meeting – who commissioned this draft CAAMP is not clear – the CAAMP states it was requested by the Bentley Parish Council but the October 2024 minutes from BPC state: ***"The cost of the report by Heritage expert was met by Bentley PC £5K and Babergh £5K and an individual."***
3. The timing of the request for the Conservation Area, from March 2024 onwards, coincides almost exactly with the timeline of the submission of the Grove Solar application. Indeed, the discussion of the Application and the discussion of the draft CAAMP and decision to go for Conservation Area status took place at the same Bentley Parish Council meeting of 5th September 2024 where they recommended approval of the Conservation Area proposal and refusal of the Grove Solar application.
4. The 3rd October 2024 BPC minutes sheds light on the motivations behind the Conservation Area proposals:

"Potential designation of a Bentley Historic Core Conservation Area – Update – This is another piece of work to try and protect our Valued Landscape which has been sent to Babergh and been well received. The cost of the report by Heritage expert was met by Bentley PC £5K and Babergh £5K and an individual and it is now up to Babergh to consider a conservation area – we have been told it is receiving serious consideration and there will be a six week consultation period. If we do get this it will be added protection against any future inappropriate developments. Tom Hill has put in a great deal of work on this. District Cllr Busby praised the Parish Council he told the meeting that this PC had gone above and beyond what most Parish Councils would do."

5. In terms of the timeline for the consideration and consultation on this issue, a response from Suffolk County Council on the consultation from 20th February 2025. Firstly Suffolk County Council objected to the designation of the Conservation Area. Secondly, Suffolk CC noted:

"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."

6. They go on to say:

“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.

By considering this to be an urgent decision and the delegation down to officer level, the perception of influences other than 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.”

7. It is not known why BDC granted an Urgent Action Decision (shown below) which granted delegation of authority on the decision-making for this matter to the Interim Director of Planning, rather than putting it before Committee which is the more usual way for a Conservation Area to be designated to allow members to speak. It is the case that Suffolk CC were as wary as a number of other consultees in the making of this Conservation Area. Within their response, Suffolk CC also reference paragraph 204 of NPPF and state that at present, ***‘the extent of the area is clearly engaging NPPF para. 204...’***. It is the case that by February 2025, Suffolk CC were clearly not convinced of the justification for the boundary of this CA and yet BDC adopted the CA just two months later with no changes at all to the boundary and with a justification within a Conservation Area Appraisal which was not adopted at the same time – so the justification for boundary was not even bolstered with any additional assessment prior to the Designation.

BABERGH DISTRICT COUNCIL
URGENT ACTION - NO SPECIFIC POWERS
ACTION FOR WHICH CHIEF EXECUTIVE HAS DELEGATED POWERS SUBJECT TO CONSULTATION WITH CHAIRMAN OF THE DISTRICT COUNCIL
SERIAL NO: BDC - 0030
SUBJECT MATTER:
<ol style="list-style-type: none"> 1. Public consultation, for a period of six weeks, on the proposed designation of a new Bentley Historic Core conservation area (within the parish of Bentley) and supporting Conservation Area Appraisal and Management Plan. 2. Delegation of authority to the Interim Director of Planning, in consultation with the Cabinet Member for Heritage, Planning & Infrastructure to make any necessary amendments to the Appraisal and Management Plan following the consultation and to designate a new conservation area in the parish of Bentley as they consider to be appropriate.
ACTION AUTHORISED:
<ol style="list-style-type: none"> 3. Public consultation, for a period of six weeks (including referral to a public meeting in the parish of Bentley), on the proposed designation of a new Bentley Historic Core conservation area and supporting Conservation Area Appraisal and Management Plan. 4. Delegation of authority to the Interim Director of Planning, in consultation with the Cabinet Member for Heritage, Planning & Infrastructure to make any necessary amendments to the Appraisal and Management Plan following the consultation and to designate a new conservation area in the parish of Bentley as they consider to be appropriate.
<p>I being the duly authorised officer authorise the taking of the action referred to above.</p> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 20px;"> <div style="display: flex; align-items: center;"> <div style="width: 100px; height: 40px; background-color: black; margin-right: 10px;"></div> <div> <p>Signed:</p> </div> </div> <div style="text-align: right;"> <p>Dated: 02/12/2024</p> </div> </div>

and have Potash Lane as an historic route but this is not referenced again within the document nor is there any evidence I can find for the assertions made. Noticeably, this text with regards to Potash Lane is not in any earlier draft. The route is not shown on any map earlier than 1805.

10. The Case Officer report on the Bentley Conservation Area Designation (**CDF10**) confirms the conclusion of the Conservation Area in that it is important because of the association with the Tollemache family, having lived here for 'centuries' – at §3.3.2 seemingly using the Tollemache 800-year association with an entire county (Suffolk) as being important to the considerations of this Conservation Area. Much is made of the Tollemache family including a long section their Victorian business interest as brewery owners in the 19th century. It is noted at this point, Falstaff, Dodnash and Old Hall Bentley Manors had not been in the Tollemache holdings for over 250 years (including the land of the Site).
11. As set out above, the boundary cuts through the land holdings of Falstaff Manor. There is no difference between the fields to the north of Potash Lane and the fields to the south. Both form the Falstaff manor landholdings and yet the boundary is arbitrarily drawn along a road which is not mapped and likely did not exist until the late 18th or early 19th century.
12. It is not known why the Conservation Area boundary has not seen fit to include the Dodnash Priory manorial land holdings. Dodnash was one of the four manors of Bentley and has been excised completely from the Conservation Area.
13. The Conservation Area is not protecting all four of the Bentley Historic Manors as it does not include all of Falstaff nor any of Dodnash. In terms of a connection with the Tollemache's and any 'unifying' characteristic that may entail, it is demonstrated in this evidence that the Tollemache's held Falstaff for no more than 133 years with the association with all of the other landholding severed in 1662. The continuing Tollemache association with Bentley Hall is accepted but this does not extend to the other three manors.
14. It is accepted that the boundary is as designated. However, evidence has been put forward here to show that the basis of the decision to draw the boundary to the south and indeed the inclusion of land outside of the Bentley Hall holdings is not robust and has been made on a subjective rather than objective assessment of the evidence. Indeed, the Conservation Area boundary is not large enough to fulfil the intended brief of protecting the four manors of Bentley and it is too big to protect the areas of land with a meaningful (rather than ephemeral) connection with the Tollemache family.
15. In terms of the size of the boundary, it is accepted that the test for a Conservation Area is that it covers the area of special architectural or historic interest and that is experienced through the character and appearance of the areas, with the final test being that that character and appearance is desirable to preserve or enhance. However, the Bentley Conservation Area covers approximately 588ha. The next biggest Conservation Area within Babergh is Long Melford at c. 306ha. The Bentley Conservation Aea is very nearly double the size of the next biggest area in the District. If size was not a factor in the consideration of the designation then it is difficult to understand why it was not extended to cover Dodnash Manor to the south and why it cuts off the Falstaff landholdings, leaving that incomplete.

Babergh District Council's Case Officer Report for the designation of the Conservation Area

16. Some of the language and wording set out in the Council's Case Officer Report for the designation of the Conservation Area (CDXXX) is interesting in terms of the audience for this

document and the objectivity of it. In particular, when discussing possible threats to the area, the report states at §1.7.3(8) and 1.7.3(9):

“1.7.3(8) the applicant were to appeal and a conservation area was to have been designated in the meantime, then the Inspector would be obliged to have regard to the fact that the appeal site was now in a Conservation Area.

1.7.3(9) That is not a matter that can influence our consideration here. Our focus here must be directed towards the statutory test for whether a Conservation Area should be designated as per s.69(1) of the Planning (Listed Buildings and Conservation Areas) (Act 1990).”

17. If the matters set out in 1.7.3(8) were of no consequence to decision-making with regards to the Conservation Area, why were they set out at all? Similar wording is set out with regards to the quarry site to the north of Brockley Wood. It is noted that this quarry has recently received permission, which requires access through the Conservation Area.
18. At §3.9.0 the Report devotes a section to Potash Lane alone. Interestingly, in contrast to wording in the CAA, there is no suggestion here that Potash Lane is anything other than a 19th – century addition to the area. Why this specific Lane is singled out for discussion is not clear. The section also seems incomplete with §3.9.2 discussing a single dwelling with no indication what that dwelling is. The inclusion of this as a separate section is, frankly, baffling.

Lack of Consistency with the Bentley Neighbourhood Plan

19. The Bentley Neighbourhood Plan was adopted in 2022. Within this comprehensive document, none of the land within the Site is identified as notable within the NP, none of the key views within the CAAMP are identified as key views in the Bentley NP. Significantly, there are no key views of the Site, nor any mention of the land in the Site being of any significance. Buildings of Local Significance in the immediate vicinity of the Site are identified and therefore it is clear the BNP had consideration of the whole of Bentley.
20. Importantly, the Bentley NP makes no mention at all of a desire to designate a Conservation Area.



Appendix 3 – NHLE Descriptions

Bentley Hall Barn

Listed on the National Heritage List for England. **Search over 400,000 listed places**

(<https://historicengland.org.uk/listing/the-list/>)

Official list entry

Heritage Category: **Listed Building**

Grade: **I**

List Entry Number: **1351965**

Date first listed: **22-Feb-1955**

Date of most recent amendment: **20-Apr-2022**

List Entry Name: **Bentley Hall Barn**

Statutory Address 1: **approximately 90m north-east of Bentley Hall, Bentley Hall Road, Bentley, Suffolk, IP9 2LP**

This List entry helps identify the building designated at this address for its special architectural or historic interest.

Unless the List entry states otherwise, it includes both the structure itself and any object or structure fixed to it (whether inside or outside) as well as any object or structure within the curtilage of the building.

For these purposes, to be included within the curtilage of the building, the object or structure must have formed part of the land since before 1st July 1948.

[Understanding list entries](https://historicengland.org.uk/listing/the-list/understanding-list-entries/) (**<https://historicengland.org.uk/listing/the-list/understanding-list-entries/>**)

Location

Statutory Address:**approximately 90m north-east of Bentley Hall, Bentley Hall Road, Bentley, Suffolk, IP9 2LP**

The building or site itself may lie within the boundary of more than one authority.

County:**Suffolk**

District:**Babergh (District Authority)**

Parish:**Bentley**

National Grid Reference:**TM 11937 38462**

Summary

Late C16 timber-framed barn.

Reasons for Designation

The late C16 timber-framed barn at Bentley Hall is listed at Grade I for the following principal reasons:

Architectural interest:

- * it is substantially complete, which is rare for farm buildings of this period, and retains a significant proportion of its original fabric;
- * the plan form remains perfectly legible, illustrating its multi-functional purpose as a barn, stable and possible 'court hall', adding significantly to the increasing evidence that threshing barns originated from at least the C17 as combination barns;
- * it is amongst the largest and most impressive Tudor structures in Britain and, although masonry barns of comparable scale survive, it may be the longest timber-framed barn of the period in the country;
- * it is an unusual example of a barn with two tiers of clasped purlins in the roof structure and ventilation slots in the infill panels – important evidence of what may once have been a common practise in timber-framed barns;
- * its high status is evident from the decorative treatment of the close studding and brick nogging, a striking use of local

materials and techniques on a monumental scale.

Historic interest:

* it played an important part in the well-preserved 'seigneurial landscape' of Bentley Hall.

Group value:

* it forms a highly significant group with the nearby Bentley Hall and the probable former court house, both C15/ C16 in date and listed at Grade II*, which altogether are representative of traditional forms of construction and farming practice on a prestigious C16 estate.

History

Until the late C20, Bentley Hall Barn was in the same ownership as Bentley Hall, approximately 90m to the south-west. The hall occupies the site of the medieval manor of Bentley which was held by the Tollemache family from around 1200. The Tollemaches prospered by marriage during the C16, serving on several occasions as High Sherriffs of both Suffolk and Norfolk, and moved their principal seat to Helmington Hall, around 10 miles to the north. The family was created Earls of Dysart during the C17. On the marriage of Lionel Tollemache, the first baronet, to Elizabeth, the daughter of Baron Cromwell in 1581, his mother Susanna adopted Bentley as her dower house and rebuilt the main hall. It seems likely that the barn formed part of this refurbishment, which created a typical Elizabethan 'seigneurial landscape' whereby the main residence was approached through a park by a broad avenue flanked by ostentatious outbuildings.

The original layout of the barn comprised sixteen bays, the eleven northern bays forming an open barn with twin threshing floors entered from the west, and the five southern bays separated by an internal partition and containing a fully-framed ceiling from the outset. The open barn extended to 35.8m and its doors lay in the third and eighth bays from its northern gable. Each western entrance was 3m in width by 4m in height and possessed a separate lintel 1m below the roof-plate, while the rear doors opposite were smaller in the usual manner of early barns and lay beneath the mid-rails. The evidence of their precise width was lost when the rear framing of each entrance bay was removed in the C18.

The five southern bays formed a single chamber of 17m in length on the upper storey but were divided into a pair of smaller areas on the ground floor: a space of three bays to the south and another of two bays to the north. The ceiling has been removed and there is no evidence of the original access to the chamber but it was probably accessed from within the building rather than via an external stair. It was lit by three windows in the western elevation and one in the rear, each of which contained three diamond mullions with internal shutters sliding in grooves in the roof-plates. Five original mullions still survive. The two ground-floor areas were entered by doors in the rear elevation and lit by at least three windows, each containing four diamond mullions in the front elevation (but not the rear). More windows or possibly an additional door may have existed in the two southernmost bays of the front elevation or the southern gable where the

framing has been lost or disturbed.

The original purpose of the barn's floored southern end is not entirely certain but the two ground-floor areas were probably designed as stables. The first-floor chamber could have served as a grain store or hay loft but may have operated as a 'court hall' like those identified on other high-status manorial sites in the region. Such spaces probably served many purposes. The various communal functions of domestic manorial halls in the Middle Ages, such as the holding of courts and harvest celebrations for tenants, were no longer welcome in the more private, well-furnished homes of Elizabethan England, and separate premises were built instead.

At the time of the Bentley tithe survey in 1841 the hall and farm were owned by Eliza Deane and tenanted by John Gosnall Esquire. A map of the estate drawn in 1844 shows the barn with a substantial structure projecting at right-angles from the northern end of its western elevation. This structure may have been a second barn but it is uncertain. The juxtaposition of the two ranges suggests they formed the surviving corner of an enclosed or partly enclosed 'base court' of service buildings in front of the hall. Base courts of this kind were standard features of high-status houses in the C16 and C17, often containing lodging ranges and riding stables in addition to barns, 'court halls' and agricultural stables.

The second barn was later removed, and a major refurbishment in the mid-C19 saw the addition of numerous shelter sheds and animal yards at right angles to both the eastern and western elevations, most of which have now collapsed. The roof was probably covered in its present pantiles at the same time to create a unified farm complex. Many local farmyards were rebuilt or refurbished in this way during the mid-C19 as cereal production was replaced by mixed-animal husbandry after the Repeal of the Corn Laws in 1846.

Details

Late C16 timber-framed barn.

MATERIALS: timber frame with brick nogging and a roof covering of pantiles, probably dating to the mid-C19.

PLAN: the barn is situated approximately 90m north-east of Bentley Hall and has a long rectangular plan orientated north-south.

EXTERIOR: the barn is a single-phase oak-framed structure of sixteen approximately equal bays of 3m in length, and it extends to 54m in length by 7.5m in width. Its closely studded walls contain mid-rails and rise to a maximum height of 5.4m on a brick plinth of 1m which diminishes by 0.5m as the ground level increases to the north. The roof pitch of approximately 50 degrees is not sufficiently steep for thatch and was probably designed for peg-tiles. The external walls retain most of their original brick nogging and, where visible, the sides of the studs and posts are hewn concave. Where the external surfaces of the bricks have been protected by later extensions, notably at the northern end of the western

elevation, they retain their original reddled finish (when the mortar is smoothed over the brickwork and incised with a trowel to create an illusion of regular joints: the surface was painted red and the bonding in white or black). The nogging incorporates a series of original ventilation slits formed by pairs of vertical bricks approximately 30cm below the roof-plates and in some cases below the mid-rails. These do not extend into the floored section at the southern end of the building.

On the western elevation are the fragmented remains of the mid-C19 sheds: a ruinous lean-to roof towards the north end, and the ruin of a brick wall extending westwards from the southern corner of the barn.

On the rear (eastern) elevation, the original framing of the two entrances in the second and eighth bays has been removed, probably when the two lean-to porches were added which is likely to have been in the C18. The porches were extensively remodelled in the C19 and the northern one enclosed to form a shed. The early C19 brick shed of similar width which adjoins the two northern bays probably continued along the entire rear elevation to hide them from the building's outline. At the southern end, two of the mid-C19 shelter sheds have been amalgamated into one large space under a shallow pitched roof, clad in corrugated iron. The brickwork on the south wall has been largely rebuilt, and the east gable is of modern corrugated steel. This projection is of lesser interest than the C16 barn.

The brick gables of the barn are additions of the later C16 or early C17 which replaced the original timber-framed gables, leaving only their tie-beams and mid-rails intact (both with empty mortices for removed studs). The southern gable incorporates a first-floor window which was lacking from its timber-framed predecessor; and has substantial buttresses with tumbled in brickwork on either side of the wide double-leaf wooden door. Both gables are decorated with diaperwork and brick finials on stepped corbels, the finials seemingly rebuilt.

INTERIOR: the roof structure contains two tiers of clasped purlins with cranked wind-braces to the upper tier but not the lower, and externally trenched serpentine wall braces rise from the corner posts and certain storey posts to the common studs. The roof-plates contain edge-halved-and-bladed scarf joints of standard form, and the storey posts are fully jowled and arch-braced to the tie-beams.

The ceiling has been removed from the five southern bays which originally formed a single chamber on the upper storey, although the brick-nogged internal partition remains, as do two neatly chamfered binding joists with mortices for axial joists and the missing internal partition of the two ground-floor areas. The two doors in the rear (eastern) elevation providing access to these areas retain their original lintels and extend to 86cm in width by 2m in height – the jambs interrupting the brick plinths and sill beams.

In the northern two bays a ceiling was later inserted but only the substantial tie beams remain. The brick partition dividing this formerly floored section from the rest of the barn dates to the C18.

Various apertures have been made and blocked in the outer walls, and several arch braces were replaced by bolted knee-braces in the C19 but in general the C16 structure survives intact.

Legacy

The contents of this record have been generated from a legacy data system.

Legacy System number:**278795**

Legacy System:**LBS**

Sources

Books and journals

Brunskill, R W, Traditional Farm Buildings of Britain and their Conservation (1999),

Bettley, J, Pevsner, N, The Buildings of England: Suffolk: East (2015),

Other

Leigh Alston, Bentley Hall Barn, Bentley, Suffolk: An Historical Assessment (August 2009)

Legal

This building is listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for its special architectural or historic interest.



Map

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Bentley Hall

Listed on the National Heritage List for England. **Search over 400,000 listed places**

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Official list entry

Heritage Category: **Listed Building**

Grade: **II***

List Entry Number: **1351964**

Date first listed: **22-Feb-1955**

Date of most recent amendment: **22-May-1955**

List Entry Name: **Bentley Hall**

Statutory Address 1: **BENTLEY HALL, BENTLEY HALL LANE**

This List entry helps identify the building designated at this address for its special architectural or historic interest.

Unless the List entry states otherwise, it includes both the structure itself and any object or structure fixed to it (whether inside or outside) as well as any object or structure within the curtilage of the building.

For these purposes, to be included within the curtilage of the building, the object or structure must have formed part of the land since before 1st July 1948.

[Understanding list entries](https://historicengland.org.uk/listing/the-list/understanding-list-entries/) (**<https://historicengland.org.uk/listing/the-list/understanding-list-entries/>**)

Location

Statutory Address:**BENTLEY HALL, BENTLEY HALL LANE**

The building or site itself may lie within the boundary of more than one authority.

County:**Suffolk**

District:**Babergh (District Authority)**

Parish:**Bentley**

National Grid Reference:**TM 11870 38395**

Details

TM 13 NW BENTLEY BENTLEY HALL LANE 4/1

22.2.55 Bentley Hall

GV II*

House C15/C16 with later alterations and additions. Timber framed, mainly brick herring bone nogging in fill, red brick with black header diapering to north west gable, plastered front above carved bressumer. Red brick C18 and early C19 east wing. Half H plan with gable to south west of west wing. Large original external red brick chimney stack to rear (south) of central range with 2 diagonal shafts, end ridge stack and a stack in-line with central range to west range, external end stacks to east range. Red plain tiled roofs. 2 storeys and attics. The original hall and west cross wing are jettied to front (north), the hall with a carved bressumer of foliage and heraldic beasts, 2 shields with date 1582 and initials LT (Lionel Tollemache) on one and ST (Stanhope Tollemache) on the other. The figure 2 is reversed and research by the present owners suggests the 82 is reversed and should read 1528. The 4 crosswing jetty brackets are supported by pilasters with moulded capitals. 2 storeys. First floor, 3 vertically sliding sash windows to hall, 4-light leaded casements with transoms to cross wing. Ground floor, 5-light leaded casement with transom (not original) and vari-light side mullions to hall, 4-light leaded mullion to west cross wing. Doorway with 4-centred head, sunk spandrels, nailed plank and muntin door. Various

reproduction vari-light mullions or mullions with transoms to other faces and some small paned vertically sliding sashes, 3 window range of tri-partite vertically sliding sashes to east range, east face. Interior:- Much of the original frame is exposed with stop chamfered and moulded ceiling beams. Screens passage with 2 segmental headed doorways. The plastered fire surround in the hall has been restored and matches the original first floor 4-centred arch surround with sunk spandrels and red brick jambs. In the kitchen is a very large, 3-4 metres wide, red brick fireplace with chamfered jambs and 4-centred arch, there is a bake-oven to left with a 4-centred head. Brick herring bone pattern kitchen floor. Original flooring to bedrooms and landing. C17 panelled door with ironmongery, 2-board door, nailed, with many keyholes. Later features include C18 cupboard with 5 shelves, fluted pilasters with moulded capitals and bases. C18 fully panelled bedroom, another bedroom with panelled dado and panels below windows. Cast iron bedroom hobgrate, moulded surround. Regency drawing room, panelled window shutters, moulded fire surround. Homes and Gardens, January 1987. N. Pevsner Suffolk 1974.

Listing NGR: TM1187038395

Legacy

The contents of this record have been generated from a legacy data system.

Legacy System number:**278793**

Legacy System:**LBS**

Sources

Books and journals

Pevsner, N, The Buildings of England: Suffolk (1974),
Homes and Gardens in January, ,Vol. , (1987),

Legal

This building is listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for its special architectural or historic interest.



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Church of St Mary

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Official list entry

Heritage Category: **Listed Building**

Grade: **II***

List Entry Number: **1193823**

Date first listed: **22-Feb-1955**

List Entry Name: **Church of St Mary**

Statutory Address 1: **CHURCH OF ST MARY, CHURCH ROAD**

This List entry helps identify the building designated at this address for its special architectural or historic interest.

Unless the List entry states otherwise, it includes both the structure itself and any object or structure fixed to it (whether inside or outside) as well as any object or structure within the curtilage of the building.

For these purposes, to be included within the curtilage of the building, the object or structure must have formed part of the land since before 1st July 1948.

[Understanding list entries](https://historicengland.org.uk/listing/the-list/understanding-list-entries/) (**<https://historicengland.org.uk/listing/the-list/understanding-list-entries/>**)

[Corrections and minor amendments](https://historicengland.org.uk/listing/the-list/minor-amendments/) (**<https://historicengland.org.uk/listing/the-list/minor-amendments/>**)

Location

Statutory Address:**CHURCH OF ST MARY, CHURCH ROAD**

The building or site itself may lie within the boundary of more than one authority.

County:**Suffolk**

District:**Babergh (District Authority)**

Parish:**Bentley**

National Grid Reference:**TM 11860 38142**

Details

TM 13 NW BENTLEY CHURCH ROAD 4/11 Church of St Mary 22.2.55 II*

Parish Church. Probably C14 chancel and nave of C12 origin. C14 west tower and south porch, circa 1858 north aisle. C19 restorations. Random flint, ashlar, stone dressings, flint and stone panels to plinth and parapet of west tower. Red plain tiled roofs. Chancel:- Most features C14 but the small restored round headed window to north wall appears to have C12 rear splays. Stone parapet verge and cross to east wall, east window of 3 cinquefoiled ogee lights, tracery over, chamfered 2-centred arch, moulded label with foliate stops, small round headed light to gable apex. South wall, central and western buttresses. Eastern restored window of 2 light lancets with pointed quatrefoil over, restored central lancet, western C19 trefoiled light, 2-centred head, moulded label with foliate stops. Nave:- South wall, buttressed at angles. Stone cross to gable apex. South wall eastern window of 2 trefoiled ogee lights, quatrefoil over, pointed segmental head and label. Central window of 2 trefoiled lights, trefoil over, 2-centred head, label with headstops. South porch:- Stone coping to gable, cross finial. Niche with ogee head and flat canopy below gable apex with C19/C20 female figure. Chamfered 2-centred head to outer arch, label with king and queen head stops. Modern Norman style south doorway with some original carved stones incorporated into the round head. Fragments of similar stonework on porch window cill. Side windows of single cinquefoiled lights, 2-centred heads. C19 North Aisle:- 3 windows each of 2 trefoiled lights, trefoils over, moulded labels with headstops. C19 North Chapel:- East rose window, star tracery, central cusped roundel. Caernarvon head to east doorway, vertically boarded door with ornate hinges. North window, 2 plate-lancets with roundel over. West Tower:- Of 3 stages. Flint and stone panels to crenellations and plinth. Buttresses to western angles. Bands below crenellations and bell chamber. Each face of the bell chamber has a window of 2 cinquefoiled lights, quatrefoil over, 2-centred head and label. Second stage, small trefoiled lights with square heads to north and south faces. Angled stair

turret to east of south face with one slit light and one quatrefoil light. West window of 3 trefoiled ogee lights, vertical tracery over, 4 centred head. South Porch Interior:- Side purlin ridge board roof with small crown post. Scratch date IT 1736 on west jamb of outer archway. Church Interior:- Chancel:- Boarded and ribbed roof of 5 cants, moulded wall plate. Tessellated floor, the tesserae appear to be Roman. 2 floor slabs, (1) Tollemache son of Tollemache Duke Esq 1713 (2) Tollemache Duke 1690. Mosaic reredos, central cross flanked by symbols Alpha and Omega. C19 stained glass to windows. 2-centre arched doorway to north vestry. C19 choir stalls. Wooden altar rails of 7 two-light cinquefoiled ogee arches, moulded rail. No chancel arch, in its place a heavy timber tie or rood beam. Single hammer beam roof, moulded wall plates, purlins, braces to collars and king posts, carved spandrels. C19 coloured tiled floor. 2 floor slabs (1) Coyte and Beeston 1732 and 1735 (2) Much worn, dated 1722. C19 stained glass windows. Wooden octagonal pulpit, crocketed pinnacles to angle buttresses, moulded parapet, cinquefoiled panels, octagonal stem. south wall memorial, coloured marble, Hon. Stanhope Tollemache, son of 1st Baron Tollemache 1855-1934, shafts with Corinthian capitals support the moulded pediment, central shield of arms, pendant grapes and lion mask. Probably C15 octagonal font, panelled with carved virgin and child, angels with shields, 2 flowers and interlocked eternity rings. Octagonal stem, symbols of the 4 Evangelists at angles alternating with buttresses with moulded capitals and bases. Square base. Old, probably C12/C13 base slab, with outlines of a former stem. Simple chamfered 2-centred tower arch, fragments of medieval painting on jambs. Stop chamfered 2-centred stair turret arch, nailed board and muntin door with edge muntins. North arcade of 3 bays, octagonal columns with moulded capitals and bases, chamfered 2-centred arches of 2 orders. North aisle side purlin ridge board roof of 3 bays, stone corbels, timber wall plates, arched braces to principal rafters and collars. Triptych, painted Exodus/Lords Prayer Boards in carved wooden frames on west wall. Hatchment above 2-centred arch, east wall. North vestry, boarded and ribbed 5 cant roof. One bench with poppyheads and carved animals on the arms. N Pevsner., Suffolk 1974.

Listing NGR: TM1186038142

Legacy

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Legacy System number:**278803**

Legacy System:**LBS**

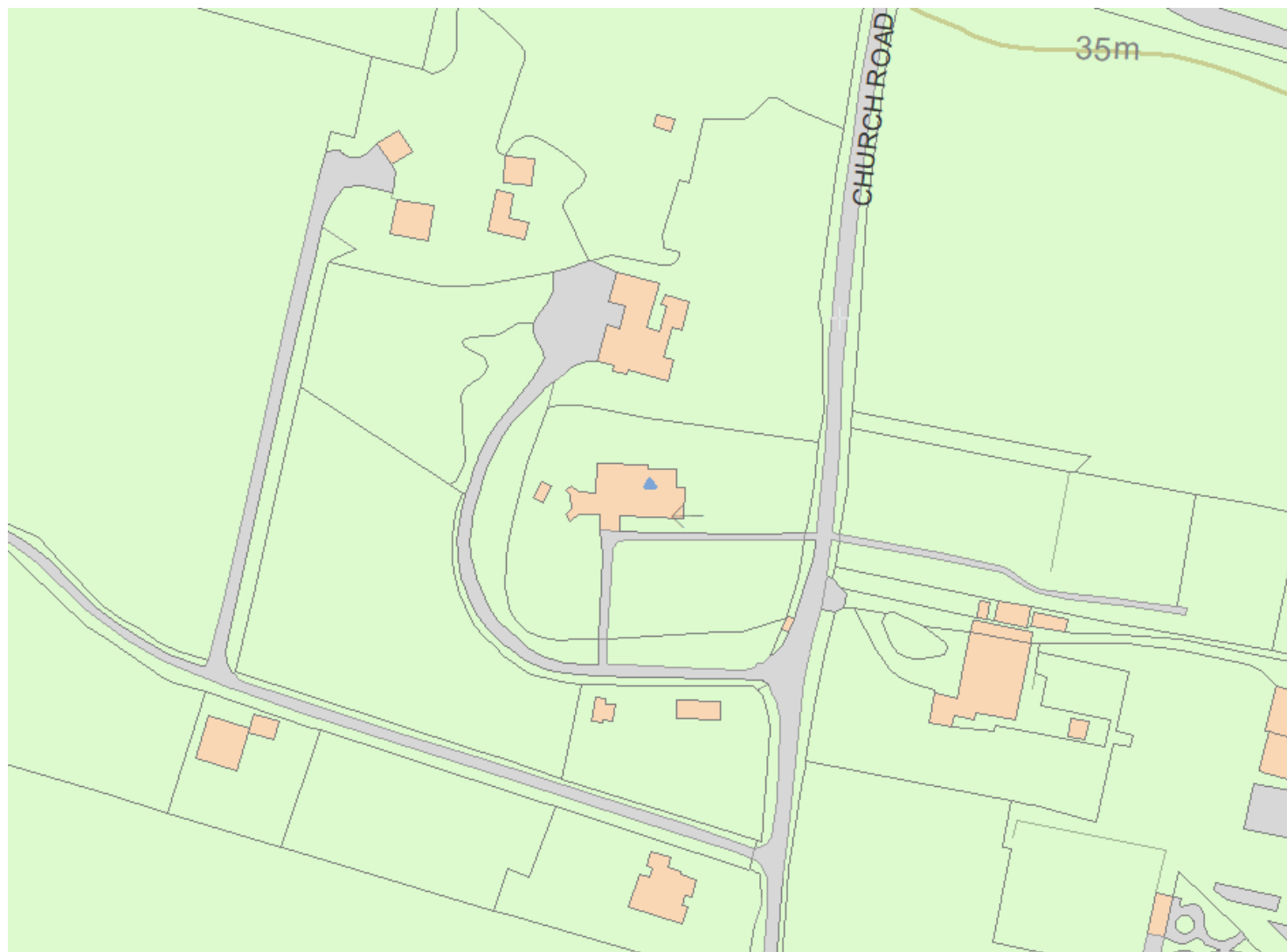
Sources

Books and journals

Pevsner, N, The Buildings of England: Suffolk (1974),

Legal

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Map

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Maltings House

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Official list entry

Heritage Category: **Listed Building**

Grade: **II**

List Entry Number: **1033427**

Date first listed: **30-Oct-1990**

List Entry Name: **Maltings House**

Statutory Address 1: **MALTINGS HOUSE, CHURCH ROAD**

This List entry helps identify the building designated at this address for its special architectural or historic interest.

Unless the List entry states otherwise, it includes both the structure itself and any object or structure fixed to it (whether inside or outside) as well as any object or structure within the curtilage of the building.

For these purposes, to be included within the curtilage of the building, the object or structure must have formed part of the land since before 1st July 1948.

[Understanding list entries](https://historicengland.org.uk/listing/the-list/understanding-list-entries/) (**<https://historicengland.org.uk/listing/the-list/understanding-list-entries/>**)

[Corrections and minor amendments](https://historicengland.org.uk/listing/the-list/minor-amendments/) (**<https://historicengland.org.uk/listing/the-list/minor-amendments/>**)

Location

Statutory Address:**MALTINGS HOUSE, CHURCH ROAD**

The building or site itself may lie within the boundary of more than one authority.

County:**Suffolk**

District:**Babergh (District Authority)**

Parish:**Bentley**

National Grid Reference:**TM 12592 38175**

Details

TM 13 NW BENTLEY CHURCH ROAD (SOUTH 4/9 ROAD)

Maltings House

GV II

House. C16 with later alterations and additions. Timber framed and plastered. Red plain tiled roofs of 2 levels. Left range has a central chimney stack with 3 attached, banded shafts, right range, external right stack with splayed base now issuing from right return single storey lean-to. 2 storeys to each range. 2:2 window range of C20 casements, door at rear. Stop chamfered bridging joists and flat section ceiling beams. Large chimney stack, now blocked with C19 fire surround and cupboards. Some vertically boarded doors with IL hinges.

Listing NGR: TM1259238175

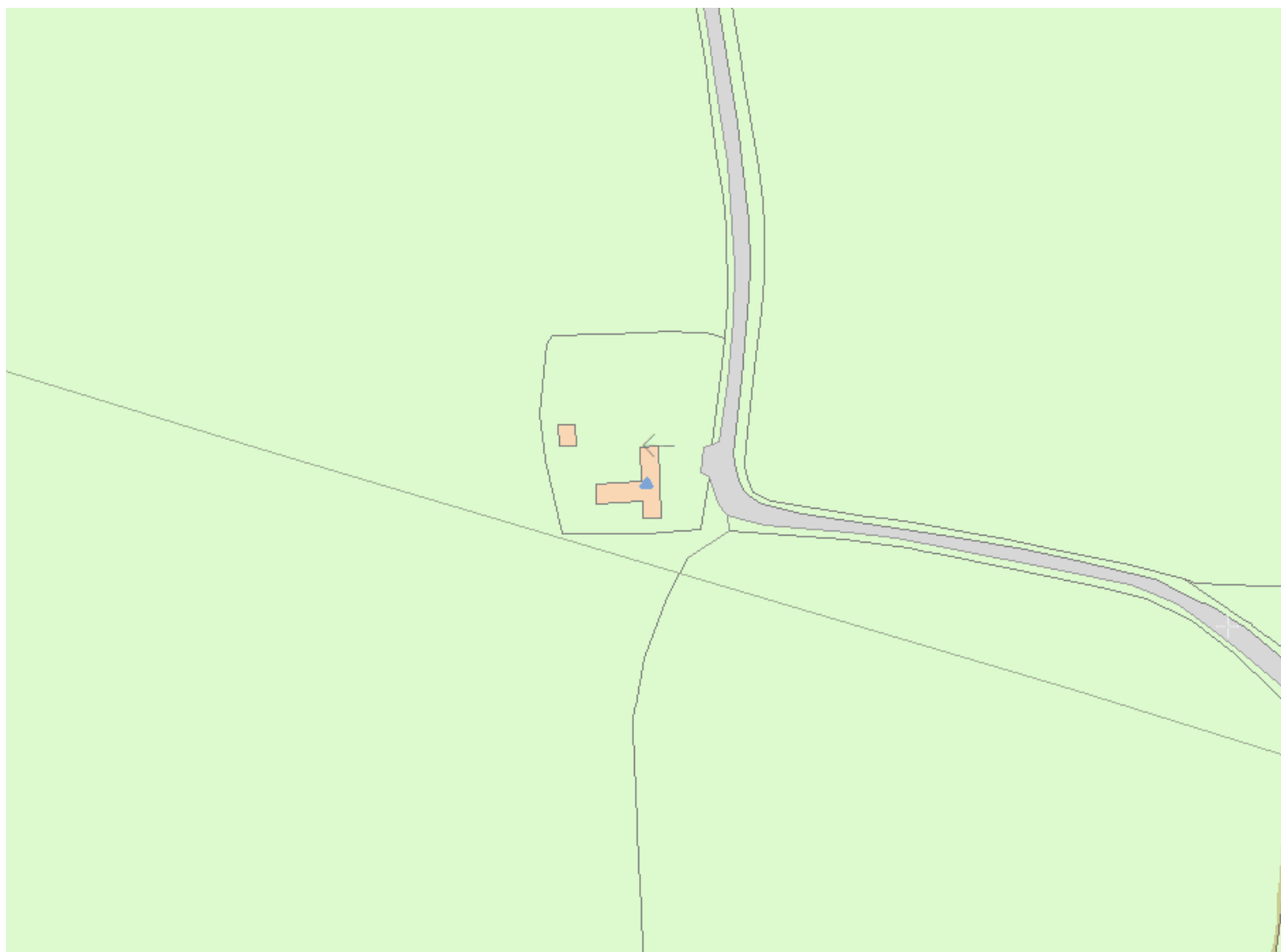
Legacy

The contents of this record have been generated from a legacy data system.

Legacy System number:**278801**

Legal

This building is listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for its special architectural or historic interest.



Map

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Meeting Hall Stables, Bentley Hall, Approximately 30 Metres South of Bentley Hall

Listed on the National Heritage List for England. [Search over 400,000 listed places](#)

(<https://historicengland.org.uk/listing/the-list/>)

Official list entry

Heritage Category: Listed Building

Grade: II*

List Entry Number: 1033423

Date first listed: 22-Feb-1955

Date of most recent amendment: 30-Oct-1990

List Entry Name: Meeting Hall Stables, Bentley Hall, Approximately 30 Metres South of Bentley Hall

Statutory Address 1: MEETING HALL, BENTLEY HALL ROAD

Statutory Address 2:

STABLES, BENTLEY HALL, APPROXIMATELY 30 METRES SOUTH OF BENTLEY HALL, BENTLEY HALL ROAD

Unless the List entry states otherwise, it includes both the structure itself and any object or structure fixed to it (whether inside or outside) as well as any object or structure within the curtilage of the building.

For these purposes, to be included within the curtilage of the building, the object or structure must have formed part of the land since before 1st July 1948.

[Understanding list entries](https://historicengland.org.uk/listing/the-list/understanding-list-entries/) (***<https://historicengland.org.uk/listing/the-list/understanding-list-entries/>***)

[Corrections and minor amendments](https://historicengland.org.uk/listing/the-list/minor-amendments/) (***<https://historicengland.org.uk/listing/the-list/minor-amendments/>***)

Location

Statutory Address:**MEETING HALL, BENTLEY HALL ROAD**

Statutory Address:

STABLES, BENTLEY HALL, APPROXIMATELY 30 METRES SOUTH OF BENTLEY HALL, BENTLEY HALL ROAD

The building or site itself may lie within the boundary of more than one authority.

County:**Suffolk**

District:**Babergh (District Authority)**

Parish:**Bentley**

National Grid Reference:**TM 11877 38372**

Details

TM 13 NW BENTLEY BENTLEY HALL ROAD 4/2 Meeting Hall, formerly 22.2.55 listed as Stables, Bentley Hall, approx 30 metres south of Bentley Hall

GV II*

Probable former court house. Now used as a meeting hall, recently used as stables. C15/C16, with later alterations and C20 restorations. Timber framed, red brick herring bone nogging infill to first floor, the ground floor and one bay of rear

wall red brick. Red plain tiled roof, hipped at ends with gablets. Long wall jetty to front (north). 2 storeys. Pilasters with capitals support the 8 jetty brackets. Arched braces to first floor walls. 4 first floor, 3 ground floor mullion windows. Off centre right doorway, 4-centred arch, square head, foliate carved spandrels, nailed board door. Far right square headed doorway, nailed board door. Return walls each with a mullion window to first and ground floors. Rear wall, 3 mullion windows to ground and first floors. Interior, of 5 bays, the central bays open to the roof, end bays floored and approached by C20 stairs and gallery. Arched braces to tie beams, renewed crown posts to roof. Halved and bridled top plate scarf. There is an early brick paved forecourt with a gutter below the eaves of the court house to front of the building. E Sandon, Suffolk Houses, 1977.

Listing NGR: TM1187738372

Legacy

The contents of this record have been generated from a legacy data system.

Legacy System number:**278794**

Legacy System:**LBS**

Sources

Books and journals

Sandon, E, Suffolk Houses: A Study of Domestic Architecture (1977),

Legal

This building is listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for its special architectural or historic interest.



Map

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Appendix 4 – Conservation Area Boundary & Character Map

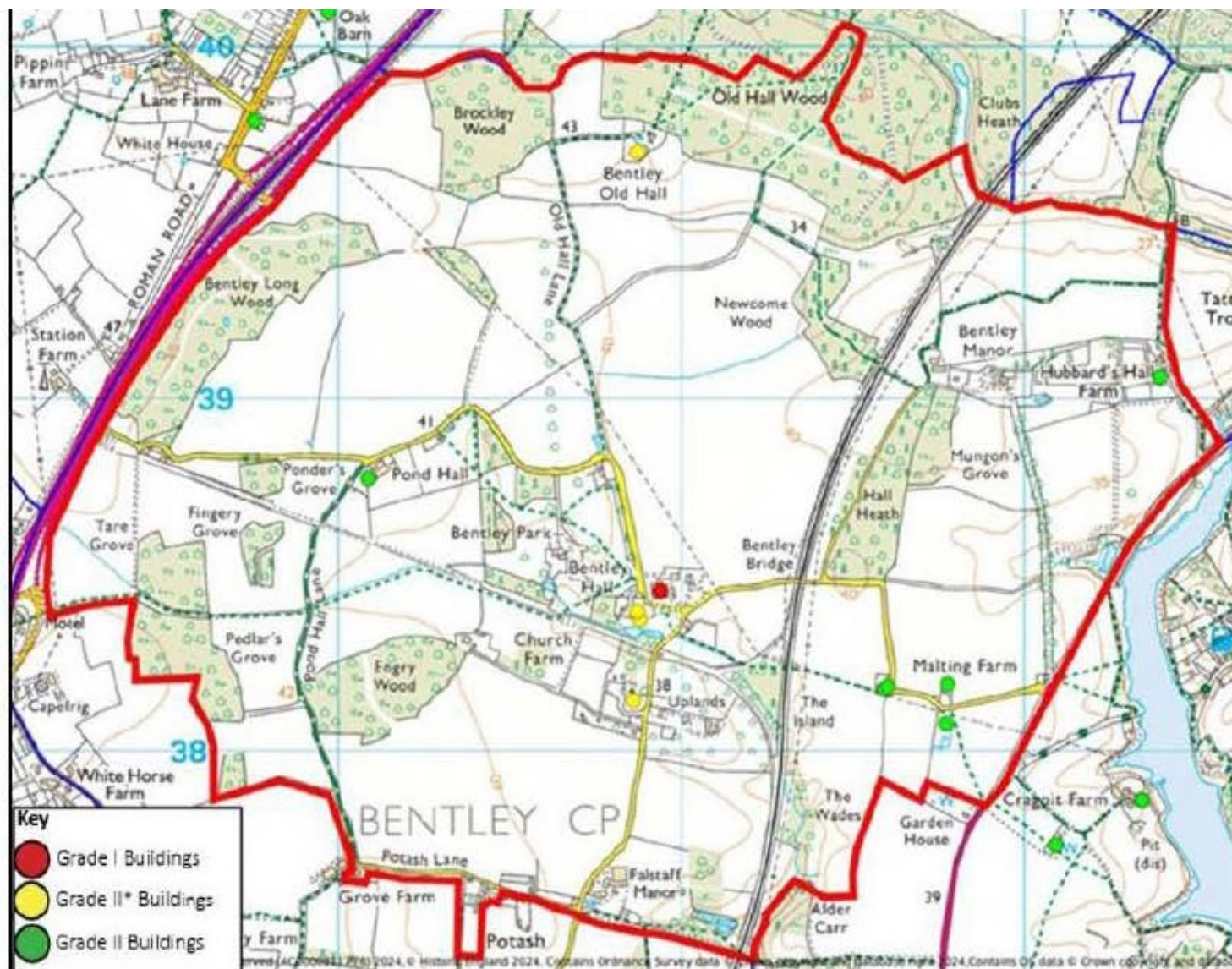
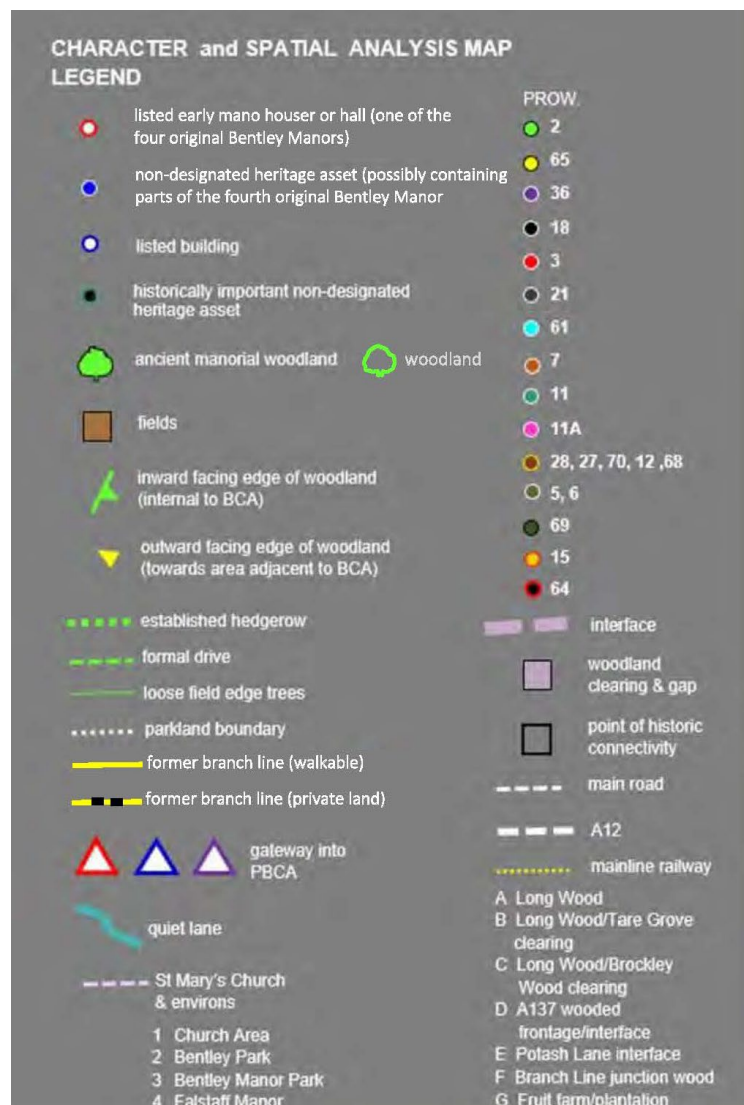


Plate 98 Designated Conservation Area Boundary – Designated 23rd April 2025



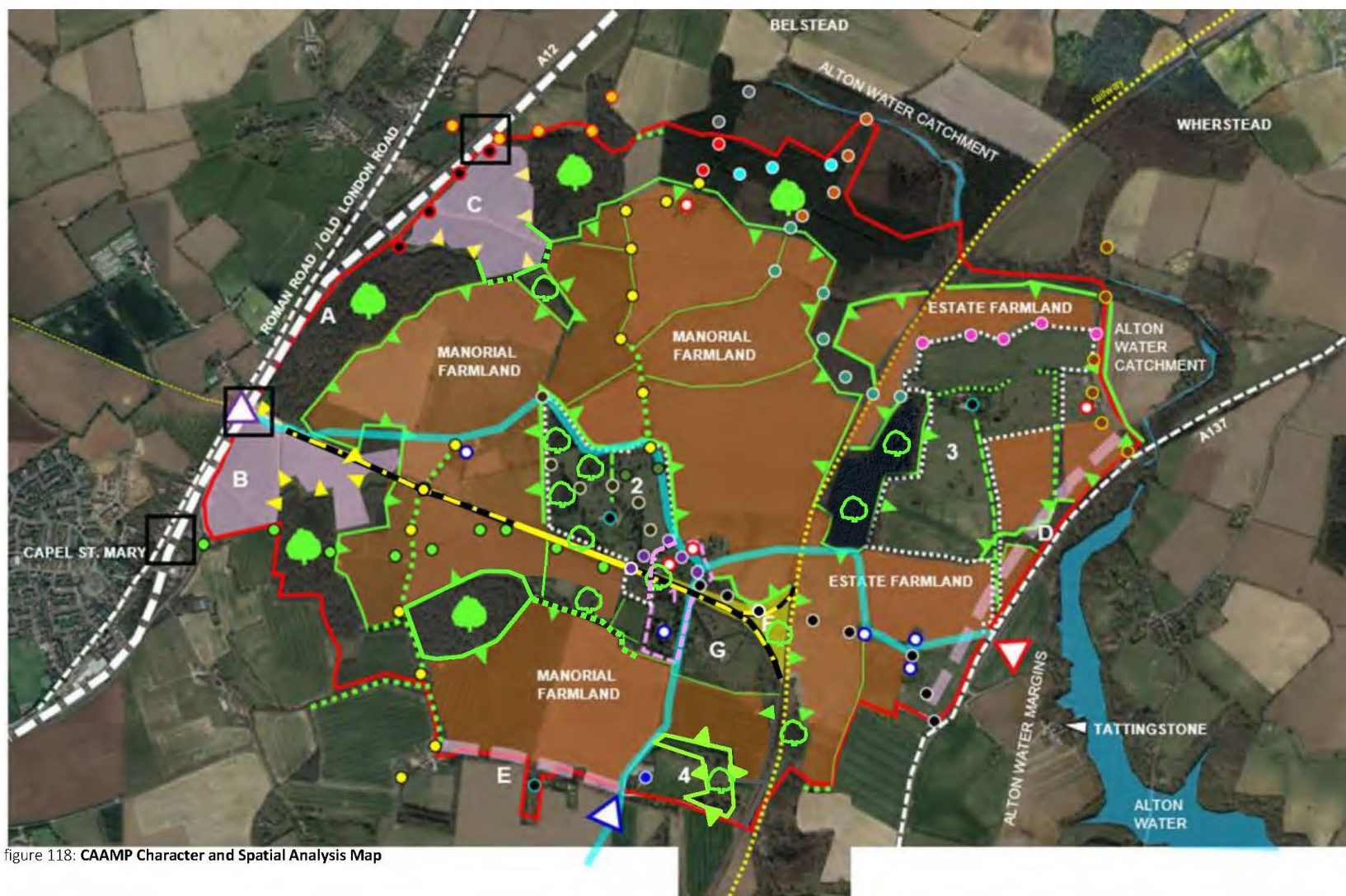


figure 118: CAAMP Character and Spatial Analysis Map

Plate 99 Figure 118 of the CAAMP showing the identified Character Areas and Spatial Analysis

Appendix 5: Legislation and Planning Policy

Legislation

Legislation relating to the built historic environment is primarily set out within the *Planning (Listed Buildings and Conservation Areas) Act 1990*,¹¹ which provides statutory protection for Listed Buildings and Conservation Areas.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that:

“In considering whether to grant planning permission [or permission in principle] 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.”¹²

In the 2014 Court of Appeal judgement in relation to the Barnwell Manor case, Sullivan LJ held that:

“Parliament in enacting section 66(1) did intend that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given “considerable importance and weight” when the decision-maker carries out the balancing exercise.”¹³

A judgement in the Court of Appeal (‘Mordue’) has clarified that, with regards to the setting of Listed Buildings, where the principles of the NPPF are applied (in particular paragraph 134 of the 2012 draft of the NPPF, the requirements of which are now given in paragraph 208 of the revised NPPF, see below), this is in keeping with the requirements of the 1990 Act.¹⁴

National Planning Policy Framework (December 2024)

National policy and guidance is set out in the Government’s National Planning Policy Framework (NPPF) published in December 2024. This replaced and updated the previous NPPF (December 2023). The NPPF needs to be read as a whole and is intended to promote the concept of delivering sustainable development.

Heritage Assets are defined in the NPPF as:

“A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage

¹¹ UK Public General Acts, *Planning (Listed Buildings and Conservation Areas) Act 1990*.

¹² *Planning (Listed Buildings and Conservation Areas) Act 1990*, Section 66(1).

¹³ *Barnwell Manor Wind Energy Ltd v (1) East Northamptonshire DC & Others* [2014] EWCA Civ 137. para. 24.

¹⁴ *Jones v Mordue* [2015] EWCA Civ 1243.

interest. It includes designated heritage assets and assets identified by the local planning authority (including Local Listing)."¹⁵

As set out above, significance is also defined 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."¹⁶

Section 16 of the NPPF relates to 'Conserving and enhancing the historic environment'.

National Planning Practice Guidance

The then Department for Communities and Local Government (now the Department for Levelling Up, Housing and Communities) launched the planning practice guidance web-based resource in March 2014, accompanied by a ministerial statement which confirmed that a number of previous planning practice guidance documents were cancelled.

This also introduced the national Planning Practice Guidance (PPG) which comprised a full and consolidated review of planning practice guidance documents to be read alongside the NPPF.

The PPG has a discrete section on the subject of the Historic Environment,¹⁷ which confirms that the consideration of 'significance' in decision taking is important and states:

"Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals."¹⁸

In terms of assessment of substantial harm, the PPG confirms that whether a proposal causes substantial harm will be a judgement for the individual decision taker having regard to the individual circumstances and the policy set out within the NPPF. It goes on to state:

"In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later

¹⁵ MHCLG, NPPF, Annex 2.

¹⁶ MHCLG, NPPF, Annex 2.

¹⁷ MHCLG, Planning Practice Guidance: Historic Environment (PPG) (revised edition, 23rd July 2019), <https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>,

¹⁸ MHCLG, PPG, paragraph 007, reference ID: 18a-007-20190723

inappropriate additions to historic buildings which harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm.”¹⁹ (my emphasis)

Local Planning Policy

Planning applications within Babergh District Council are currently considered against the policy and guidance set out within the Babergh and Mid-Suffolk Joint Local Plan 2023 and for this Scheme, the policies within the adopted Bentley Neighbourhood Plan are also of relevance.

Within the Babergh and Mid-Suffolk Joint Local Plan 2023, the following policies are relevant:

“SP09 – Enhancement and Management of the Environment

- 1) The Councils will require development to support and contribute to the conservation, enhancement and management of the natural and local environment and networks of green infrastructure, including: landscape, biodiversity, geodiversity and the historic environment and historic landscapes.”***

“LP19 – The Historic Environment

1. Where an application potentially affects heritage assets, the Councils will require the applicant to submit a heritage statement that describes the significance of any heritage asset that is affected including any contribution made by their setting. The level of detail should be proportionate to the asset’s importance and sufficient to understand the potential impact.

2. In addition, where an application potentially affects heritage assets of archaeological interest, the heritage statement must:

a) Include an appropriate desk-based assessment and, where necessary, a field evaluation by a suitably qualified person; and

b) If relevant, demonstrate how preservation in situ of those archaeological assets can be achieved through the design of the development and safeguarding during construction.

3. The Councils will: a. Support the re-use/ redevelopment of a heritage asset, including Heritage at Risk and assets outside settlement boundaries, where it would represent

a viable use, and the proposal preserves the building, its setting and any features which form part of the building’s special architectural or historic interest;

b. Support development proposals that contribute to local distinctiveness, respecting the built form and scale of the heritage asset, through the use of appropriate design and materials;

¹⁹ MHCLG, PPG, paragraph 018, reference ID: 18a-018-20190723

c. Support proposals to enhance the environmental performance of heritage assets, where the special characteristics of the heritage asset are safeguarded and a sensitive approach to design and specification ensures that the significance of the asset is sustained; and

d. Take account of the positive contribution that the conservation of heritage assets can make to sustainable communities, including their economic vitality.

4. In order to safeguard and enhance the historic environment, the Councils will have regard (or special regard consistent with the Councils' statutory duties) where appropriate to the historic environment and take account of the contribution any designated or non-designated heritage assets make to the character of the area and its sense of place. All designated and non-designated heritage assets must be preserved, enhanced or conserved in accordance with statutory tests and their significance, including consideration of any contribution made to that significance by their setting.

5. When considering applications where a level of harm is identified to heritage assets (including historic landscapes) the Councils will consider the extent of harm and significance of the asset in accordance with the relevant national policies. Harm to designated heritage assets (regardless of the level of harm) will require clear and convincing justification in line with the tests in the National Planning Policy Framework.

6. Proposals which potentially affect heritage assets should have regard to all relevant Historic England Advice and Guidance.

7. Where development is otherwise considered acceptable, planning conditions/obligations will be used to secure appropriate mitigation measures and if appropriate a programme of archaeological investigation, recording, reporting, archiving, publication, and community involvement; to advance public understanding of the significance of any heritage assets to be lost (wholly or in part); and to make this evidence and any archive generated publicly accessible.

Policies of relevance within the adopted Bentley Neighbourhood Plan are:

"BEN 11 – Heritage Assets

To ensure the conservation and enhancement of the Village's designated heritage assets, proposals must:

a. preserve or enhance the significance of designated heritage assets of the Village, their setting, and the wider built environment;

b. contribute to the Village's local distinctiveness, built form, and scale of its heritage assets, as described in the AECOM Design Guide, through the use of appropriate design and materials;

c. be of an appropriate scale, form, height, massing, alignment, and detailed design which respects the area's character, appearance, and its setting;

d. demonstrate a clear understanding of the significance of the asset and of the wider context in which the heritage asset sits, alongside an assessment of the potential impact of the development on the heritage asset and its context; and

e. provide clear justification, through the submission of a heritage statement, for any works that could harm a heritage asset yet be of wider substantial public benefit, through detailed analysis of the asset and the proposal.

Proposals will not be supported where the harm caused as a result of the impact of a proposed scheme is not justified by the public benefits that would be provided.

Where a planning proposal affects a heritage asset, it must be accompanied by a Heritage Statement identifying, as a minimum, the significance of the asset, and an assessment of the impact of the proposal on the heritage asset. The level of detail of the Heritage Statement should be proportionate to the importance of the asset, the works proposed and sufficient to understand the potential impact of the proposal on the significance and/or setting of the asset."

"BEN 12 – Buildings of Local Significance

The retention and protection of buildings of local significance, including buildings, structures, features and gardens of local interest or of heritage interest, must be appropriately secured.

Proposals for any works that would cause harm to the significance of these buildings of local significance should be supported by an appropriate analysis of the significance of the asset to enable a balanced judgement to be made having regard to the scale of any harm or loss and the significance of the asset."

Appendix 6: Methodology

Key Documents

The key documents that have been used in the preparation of this Heritage Statement of Case comprise:

- Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment²⁰ (henceforth referred to as 'GPA 2');
- Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (Second Edition)²¹, the key guidance of assessing setting (henceforth referred to as 'GPA 3');
- Historic England Advice Note 12 – Statements of Heritage Significance: Analysing Significance in Heritage Assets (hereafter HEAN:12)²²;
- Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment²³ (henceforth referred to as 'Conservation Principles');
- Historic Environment Advice Note 15: Commercial Renewable Energy Development and the Historic Environment²⁴.

Assessment of Significance

In the NPPF, heritage significance is defined as:

“The value of a heritage asset to this and future generations because of its heritage interest. That 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.”²⁵

Historic England’s GPA:2 gives advice on the assessment of significance as part of the application process. It advises understanding the nature, extent, and level of significance of a heritage asset.²⁶

²⁰ Historic England, *Managing Significance in Decision-Taking in the Historic Environment: Historic Environment Good Practice Advice in Planning: 2* (2nd edition, Swindon, July 2015).

²¹ Historic England, *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3* (2nd edition, Swindon, December 2017)

²² Historic England, *Historic England Advice Note 1 – Conservation Area Appraisal, Designation and Management (HEAN:1)* (2nd edition, Swindon, February 2019).

²³ English Heritage, *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment* (London, April 2008).

²⁴ Historic England, *Historic Environment Advice Note 15 Commercial Renewable Energy Development and the Historic Environment 2021*

²⁵ MHCLG, *NPPF*, Annex 2.

²⁶ Historic England, GPA:2.

In order to do this, *GPA 2* also advocates considering the four types of heritage value an asset may hold, as identified in *Conservation Principles*.²⁷ These essentially cover the heritage 'interests' given in the glossary of the NPPF and the PPG which are **archaeological, architectural and artistic** and **historic**.²⁸

The PPG provides further information on the interests it identifies:

- **Archaeological interest:** "As defined in the Glossary to the National Planning Policy Framework, there will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point."
- **Architectural and artistic interest:** "These are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the heritage asset has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other human creative skills, like sculpture."
- **Historic interest:** "An interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation's history, but can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity."²⁹

Significance results from a combination of any, some or all of the interests described above.

Historic England guidance on assessing heritage significance, HEAN:12, advises using the terminology of the NPPF and PPG, and thus it is that terminology which is used in this Statement³⁰.

Listed Buildings and Conservation Areas are generally designated for their special architectural and historic interest. Scheduling is predominantly, although not exclusively, associated with archaeological interest.

Levels of Significance

Descriptions of significance will naturally anticipate the ways in which impacts will be considered. Hence descriptions of the significance of Conservation Areas will make reference to their special interest and character and appearance, and the significance of Listed Buildings will be discussed with reference to the building, its setting and any features of special architectural or historic interest which it possesses.

In accordance with the levels of significance articulated in the NPPF and the PPG, three levels of significance are identified:

²⁷ English Heritage, *Conservation Principles* – These heritage values are identified as being 'aesthetic', 'communal', 'historical' and 'evidential', see *idem* pp. 28–32.

²⁸ MHCLG, *NPPF, Annex 2*; MHCLG, *PPG, paragraph 006, reference ID: 18a-006-20190723*.

²⁹ MHCLG, *PPG, paragraph 006, reference ID: 18a-006-20190723*.

³⁰ Historic England, *Statements of Heritage Significance: Analysing Significance in Heritage Assets, Historic England Advice Note 12* (Swindon, October 2019).

- **Designated heritage assets of the highest significance**, as identified in paragraph 213 of the NPPF, comprising Grade I and II* Listed Buildings, Grade I and II* Registered Parks and Gardens, Scheduled Monuments, Protected Wreck Sites, World Heritage Sites and Registered Battlefields (and also including some Conservation Areas) and non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to Scheduled Monuments, as identified in footnote 75 of the NPPF;
- **Designated heritage assets of less than the highest significance**, as identified in paragraph 213 of the NPPF, comprising Grade II Listed Buildings and Grade II Registered Parks and Gardens (and also some Conservation Areas)³¹; and
- **Non-designated heritage assets**. Non-designated heritage assets are defined within the PPG as *"buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets"*.³²

Additionally, it is of course possible that sites, buildings or areas have ***no heritage significance***.

Assessment of Harm

Assessment of any harm will be articulated in terms of the policy and law that the proposed development will be assessed against, such as whether a proposed development preserves or enhances the character or appearance of a Conservation Area, and articulating the scale of any harm in order to inform a balanced judgement/weighting exercise as required by the NPPF.

In accordance with key policy, the following levels of harm may potentially be identified for designated heritage assets:

- **Substantial harm or total loss**. It has been clarified in a High Court Judgement of 2013 that this would be harm that would "have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced"³³; and
- **Less than substantial harm**. Harm of a lesser level than that defined above.

With regards to these two categories, the PPG states:

"Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated."³⁴

Hence, for example, harm that is less than substantial would be further described with reference to where it lies on that spectrum or scale of harm, for example low end, middle, and upper end of the less than substantial harm spectrum/scale.

³¹ MHCLG, NPPF, para. 213.

³² MHCLG, PPG, paragraph 039, reference ID: 18a-039-20190723.

³³ Bedford Borough Council v Secretary of State for Communities and Local Government [2013] EWHC 2847 (Admin), para. 25.

³⁴ MHCLG, PPG, paragraph 018, reference ID: 18a-018-20190723.

It is also possible that development proposals will cause **no harm or preserve** the significance of heritage assets. A High Court Judgement of 2014 is relevant to this. This concluded that with regard to preserving the setting of a Listed building or preserving the character and appearance of a Conservation Area, 'preserving' means doing 'no harm'.³⁵

Preservation does not mean no change; it specifically means no harm.

GPA 2 which states that *"Change to heritage assets is inevitable but it is only harmful when significance is damaged"*.³⁶ Thus, change is accepted in Historic England's guidance as part of the evolution of the landscape and environment. It is whether such change is neutral, harmful or beneficial to the significance of an asset that matters.

As part of this, setting may be a key consideration. When evaluating any harm to significance through changes to setting, this Report follows the methodology given in GPA:3, described above. Fundamental to this methodology is a consideration of "what matters and why"³⁷. Of particular relevance is the checklist given on page 13 of GPA:3³⁸.

It should be noted that this key document also states:

"Setting is not itself a heritage asset, nor a heritage designation..."³⁹

Hence any impacts are described in terms of how they affect the significance of a heritage asset, and heritage interests that contribute to this significance, through changes to setting.

With regards to changes in setting, GPA:3 states that:

"Conserving or enhancing heritage assets by taking their settings into account need not prevent change"⁴⁰

Additionally, whilst the statutory duty requires that special regard should be paid to the desirability of not harming the setting of a Listed Building, that cannot mean that any harm, however minor, would necessarily require Planning Permission to be refused. This point has been clarified in the Court of Appeal.⁴¹

Benefits

Proposed development may also result in benefits to heritage assets, and these are articulated in terms of how they enhance the heritage values and hence the significance of the assets concerned.

The NPPF (at Paragraphs 214 and 215) requires harm to a designated heritage asset to be weighed against the public benefits of the development proposals⁴².

³⁵ *R (Forge Field Society) v Sevenoaks District Council* [2014] EWHC 1895 (Admin).

³⁶ Historic England, GPA 2, p. 9.

³⁷ Historic England, GPA:3, p. 8.

³⁸ Historic England, GPA:3, p. 13.

³⁹ Historic England, GPA:3, p. 4.

⁴⁰ Historic England, GPA 3, p. 8.

⁴¹ *Palmer v Herefordshire Council & Anor* [2016] EWCA Civ 1061.

⁴² MHCLG, NPPF, paras. 214 and 215.

Recent High Court Decisions have confirmed that enhancement to the historic environment should be considered as a public benefit under the provisions of Paragraphs 214 to 215.⁴³

The PPG provides further clarity on what is meant by the term 'public benefit', including how these may be derived from **enhancement** to the historic environment ('heritage benefits'), as follows:

"Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.

Examples of heritage benefits may include:

- ***sustaining or enhancing the significance of a heritage asset and the contribution of its setting***
- ***reducing or removing risks to a heritage asset***
- ***securing the optimum viable use of a heritage asset in support of its long term conservation.***⁴⁴

Any "heritage benefits" arising from the proposed development, in line with the narrative above, will be clearly articulated in order for them to be taken into account by the decision maker.

⁴³ Including – Kay, R (on the application of) v Secretary of State for Housing Communities and Local Government & Anor [2020] EWHC 2292 (Admin); MHCLG, NPPF, paras. 214 and 216.

⁴⁴ MHCLG, PPG, paragraph 020, reference ID: 18a-020-20190723.

Town & Country Planning Act 1990 (as amended)
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