



Appeal Decision

Site visit made on 14 October 2025

by Frances Mahoney MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 11th December 2025

Appeal Ref: APP/D3505/W/25/3365960

Land rear of Dukes Head Inn, High Street, Coddendam, Suffolk, IP6 9PN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Blake Gorst (Clerks Well Properties Ltd) against the decision of Babergh District Council.
 - The application Ref is DC/24/02485.
 - The development proposed is Erection of a single storey sustainable dwelling on land to the rear of Dukes Head.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. Following the determination of the planning application, as part of the appeal documentation the Appellant submitted a revised proposed parking area plan and proposed site plan¹. The intention was that these plans should supersede those considered by the Council and other consultees at the application stage. The revised layout, which includes a cutting back into the rear slope and relocation of the retaining wall, allows for the creation of a 1203mm path to the side and rear of the parked cars. This is proposed as a means of overcoming part of the Council's objection relating to future residents having to squeeze between, or around the back of parked cars to gain access to steps up to the garden.
3. The Council has made comment on the revised plan in their Statement of Case, and I have noted the comments of the Council's Area Manager in the email dated 3 February 2025. I have also visited the appeal site, including walking its full extent. The alterations relate to the creation of a path at the back of the car park achieved by excavating the existing bank and replacing the retaining wall. I am satisfied that no one would be disadvantaged by the acceptance of the revised plans and shall determine the appeal accordingly.

Reasons

Principle

4. The appeal site lies within the settlement boundary of the village of Coddendam. Policy SP03 of the Babergh and Mid Suffolk Joint Local Plan (2023) (BMSLP) confirms that the principle of development is established within settlement boundaries in accordance with the relevant policies of the plan.

¹ Proposed Parking Plan 770 11 & Proposed site plan 770 09E.

Relevant material considerations

5. The appeal site lies within the Coddendam Conservation Area (CA), although it is noted the site is on the edge of the designated heritage asset. The CA takes in much of the historic centre of the village, including wider pastureland, waterways, a number of country houses and the Parish Church. A goodly number of the buildings within the CA are listed, including the old Dukes Head Inn², and a number of listed cottages, fronting onto High Street. The appeal site lies at the very heart of the village, albeit behind the old pub³, on land which appears to have been the beer garden, now overgrown.
6. As decision-maker I must consider this appeal in light of the statutory duties placed upon me in Section 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which require that special regard shall be had to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess, and special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
7. Paragraph 202 of the National Planning Policy Framework (the Framework) sets out that heritage assets are irreplaceable resources to be conserved in a manner appropriate to their significance.
8. Paragraph 212 of the Framework also requires that great weight should be given to the conservation of assets (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
9. Whilst the impact of the proposal on the significance of heritage assets was not one of the reasons for the rejection of the proposal, to fulfil the statutory duty set out above it is necessary to proceed with this matter at the forefront of my reasoning and weighing of the decision.

Heritage impact

10. The Conservation Area of Coddendam includes a significant number of listed buildings. Each has its own elements of heritage value. However, in combination the significance and setting of the listed buildings and CA is characterised by the juxtaposition of the concentration of traditional Suffolk cottages and houses hugging the main road through the village, along with the expanse of open pastureland behind the village dwellings. Openness is a key characteristic of the CA behind the frontage village buildings.
11. The land behind the old Dukes Head contributes to that openness, spilling out into the surrounding countryside. The proposed new home is of a contemporary design. Its siting is towards the back of the appeal site more closely addressing Mill Lane than the frontage development of the High Street. It has been designed as a low-profile building taking advantage of a cross-site depression in the topography. In respect of public views its impact would be minimal. However, impact on significance is not about visibility. The development of the appeal site would introduce an isolated, back land, built form which would erode the open

² Listed Grade II.

³ Which was granted planning permission for conversion to residential use (DC/20/02460).

character and nature of the wider CA and setting of the listed buildings. In this way the significance of these heritage assets would be harmed.

12. However, such harm would be less than substantial⁴ and at the lower end of a sliding scale of harm⁵. In accordance with the Framework this harm must be weighed against the public benefits of the proposal.
13. The proposal would result in public benefits by the provision of positive but limited scale rural growth. This would include indirect jobs connected with economic activity from the increase in the number of homes in the village locality. There would also be temporary benefits in the construction industry for the duration of works on the development. The future occupants of the proposed dwelling would also contribute to the local economy through the purchase of goods, their employment and involvement in community activities.
14. Further, the appeal proposal is for a single dwelling on a small site on the edge of the village. Nonetheless, the Council has claimed an in excess of a 5-year supply of housing land. This has not been disputed. In a national context every new home matters and some weight should be ascribed to the provision of the single home as a public benefit in this case.

Heritage balance

15. The identified public benefits vary in weight. They do present cumulatively a goodly positive weight to be added in the heritage balance as set out in Framework paragraph 215. However, great weight and considerable importance should be given to the conservation of assets⁶ irrespective of any further identified harm.

Access for future residents and other highway users

16. Now, it is necessary to consider the concerns promoted by the Council which relate to whether the appeal site would provide adequate access for future residents to the proposed new dwelling in the context of the topography of the appeal site, the layout of the proposed parking area fronting onto High Street, and the distance from it to the new home.
17. From the planning history⁷ and submitted evidence, I am clear that the track running from High Street behind the frontage cottages and the old Dukes Head, past Mill House⁸, has been rejected as a means of access to the appeal site. This then limits vehicular access to the appeal site to that existing from High Street and it is this which I shall consider.
18. The access and parking area, which was previously used as the pub car park, now providing parking for the converted pub to a residence, is limited in size with direct unimpeded access from the main street through the village. The appeal proposal

⁴ Framework para 215.

⁵ In reaching this view I have noted that the Council has not raised a concern in respect of impact on heritage assets, and I have taken note of the contents of the Appellant's Planning and Heritage Statement and their comments in their Statement of Case, as well as the outcome of previous decisions. Nonetheless, I have a statutory duty to assess the proposal as to whether the proposed development would preserve the setting and architectural and historic interest of the listed buildings of Coddendam in particular the Dukes Head and adjoining cottages, and whether it would preserve or enhance the character or appearance of Coddendam Conservation Area, particularly in relation to its impact on the significance of these heritage assets. I have applied my judgement accordingly.

⁶ Framework paras 202 & 212.

⁷ DC/19/01497.

⁸ Mill Lane.

shows the layout of the car park to accommodate five parking spaces, three to be reserved for Dukes Head House and two for the proposed Pavilion House.

19. Visibility is limited in both directions as drivers emerge onto High Street from the car park, as I saw at my site visit. To the right the old Dukes Head sits on or very close to the highway boundary. To the left there is a garage with a parallel parking space in front of it which was occupied by a car which essentially blocked visibility in this direction⁹. In both cases it would be necessary for drivers to pull out in forward gear onto the road to be able to assess whether it was safe to proceed further.
20. For the layout of the car park to work, to avoid vehicles reversing out onto the High Street, the turning area needs to be of a size to accommodate such manoeuvring. From my observations at the appeal site visit and, taking into account the comments of the Council in their statement of case, the proposed parking bays appear to me to be somewhat snug in size¹⁰. In addition, in the circumstances where all spaces were occupied the turning of vehicles would be problematic.
21. Further excavation into the rear slope would only attempt to serve as an improvement for the movement of pedestrians around the car park. It would not increase the parking and turning area markedly.
22. In the absence of firm evidence to the contrary and in the context of heavy parking pressure along High Street, on the face of it such circumstances could present implications for highway safety.
23. However, I am mindful that the proposed parking area was previously used as the pub car park and it is likely that parking would have been more haphazard with little formality to the layout, likely resulting in vehicles emerging out onto High Street in both reverse and forward gear, resulting in harm to highway safety. This previous usage and resultant harm serve to balance against any highway harm from the proposed car park layout¹¹.

Nature of the proposed pedestrian access

24. So, the issue of the proposed siting of the new dwelling in relation to the car parking area, as well as the proposed pedestrian access arrangements for future residents of the new home must be considered.
25. At the back of the car park the ground level change is dramatic¹² with an existing substantial retaining wall. The revised plan proposes the removal of the retaining wall and the excavation of the slope to create space for a path around the parked cars. This would certainly overcome the concern in relation to future residents and their visitors having to squeeze past parked cars to access the proposed flight of steps¹³.
26. Therefore, with no other means of access, neither pedestrian nor vehicular to the site of the proposed dwelling, the main concern centres on the distance from the car park to the house and the nature of that journey for future residents.

⁹ This small parking area in front of the adjacent garage is not within the appeal site and therefore outside of the scope of control in respect of this proposal.

¹⁰ The Council suggest they are below the adopted standard in the Suffolk Guidance for Parking.

¹¹ The Highway Authority offered little resistance.

¹² The change in level up from the car park to the garden setting of the proposed dwelling.

¹³ Mechanically aided.

27. Vehicular access is only achievable into the car park off High Street. From there it would only be possible to access the site of the proposed new house on foot. This would entail future residents and their guests, climbing a flight of some 20 steps, albeit mechanically aided, up a significant incline, and then walk in the order of 40 metres to the dwelling. At my site visit I noted that the proposed garden area and site of the new dwelling continue a gentle increase in level towards Mill Lane to the rear of the site.
28. Initially all construction materials, equipment and personnel would have to make this journey, Mill Lane not being available to access the site. This would be a short-term difficulty whilst construction was in progress and there may be mechanical means sited on the car park to assist the movement of materials.
29. However, the daily domestic movements and activities of future residents, which may include children, and pets, would rely on the proposed garden path and flight of steps before reaching a car or the roadway. These journeys would almost certainly include carrying shopping, other goods, refuse, deliveries and family related paraphernalia in all types of weather.
30. I accept there are no specific standards in relation to access distances for residents in these circumstances. However, the Appellant has drawn my attention to Building Regulation guidance (2010) in relation to the distance to carry refuse¹⁴. This should not exceed 30 metres. This is only guidance but does provide a practical measure upon which to inform a judgement.
31. Negotiating the steps and the extent of the walk to the dwelling would, in my judgement, present an unpleasant and trying, frequent experience which would unacceptably undermine the enjoyment that future residents could reasonably expect from their home.
32. The Appellant suggests the access arrangements would be known to future residents and that on purchasing the property this would be their personal choice. However, maintaining high quality living conditions for future residents of new build homes is an important material consideration reflected in both Council planning policy¹⁵ and the Framework¹⁶ which requires a high standard of amenity for future users contributing to good design, creating better places in which to live and work.
33. In this way, the appeal proposal would unacceptably harm the living conditions of future residents and the terms of BMSLP Policy LP24 and Government policy in the Framework would be compromised.
34. Whilst I have accepted that Mill Lane is not presented as a means of access to the appeal site in this proposal, having concluded that the proposed access would be problematic and unattractive, having walked the length of Mill Lane and observed its condition, in places no better than a narrow unmade track, were permission to be granted, I consider as the only other possible access to the appeal site, it is likely there would be pressure going forward to use Mill Lane. The development of the appeal site using Mill Lane has been firmly rejected on highway safety grounds¹⁷ and dismissed at appeal.

¹⁴ Appellant Statement of Case para 6.23.

¹⁵ BMSLP Policy LP24

¹⁶ Framework paras 131 and 135.

¹⁷ DC/2327/14.

Planning balance

35. As set out above the impact of the proposal on the living conditions and amenity of future residents, would be in conflict with the Development Plan as a whole, resulting in consequential harm to which substantial weight should be ascribed.
36. The proposal has also been assessed against the Framework as a whole and found in the balance of the decision that specific policies in the Framework indicate development should be restricted, a finding which similarly weighs significantly against the proposal.
37. Consequently, the harms identified to the amenity of future residents in respect of the proposal are sufficiently weighty to out-weigh its benefits and provides clear reasons for the rejection of the appeal on this ground alone.
38. For the reasons given above the appeal should be dismissed.

Frances Mahoney

INSPECTOR