



CASE OFFICER REPORT Delegated Decision

presented to:

Philip Isbell - The Interim Director of Planning (IDoP)

Cllr. Sallie Davies – The Cabinet Member for Heritage, Planning & Infrastructure (CM)

in respect of:

The possible designation of a new Conservation Area in part of the Parish of Bentley, within the District of Babergh, in the County of Suffolk

report authored by:

Vincent Pearce, Principal Planning Officer BA(Hons)(T&CP) MRTPI. (BMSDC) - April 2025

Bentley Conservation Area

APPENDICES to Officer Report



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Bentley Conservation Area



Appendix 1(a)

Iceni Advice 27 March 2025



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BY EMAIL

PROPOSED CONSERVATION AREA AND ASSOCIATED APPRAISAL, BENTLEY HISTORIC CORE, BABERGH: REVIEW OF CONSULTATION RESPONSES AND REVISED CAAMP

In September last year, Iceni Projects were asked to provide a review of the Draft Bentley Historic Core Conservation Area Appraisal and Management Plan (CAAMP). Our advice was issued in a letter of 7 October 2024. Since that time, a Consultation process has been undertaken by Babergh District Council, including a period for receiving written consultation responses, and an in-person consultation event. This letter has been produced following a review of these Consultation responses, and of the revised CAAMP. It provides our view on the robustness and appropriateness of the revised CAAMP and provides a brief technical response to the concerns raised during Consultation. In particular, there is a focus within the Consultation Responses on the following issues:

- A) That a conservation area must, for designation to be appropriate, meet the definition of 'special interest'. It is said further that this special interest must, in case law terms, be delivered by the whole; while there may be parts of a Conservation Area that are not 'special' and may detract, it must be appropriate to designate the whole on the basis that it is special as an ensemble, not that it simply contains some special component parts;
- B) That, given the above, the Bentley CA would be an unsound designation, because it is not, in the view of some of those responding to the Consultation, 'special'. In particular, responses take the view that the connection to the Tollemache family, and the interaction of those estates, is not 'special', and that the landscape proposed for designation is not 'special' in its character.
- C) Connected to the last point above, that the Conservation Area designation may not be used to designate landscapes or agricultural land, and given that the CA as proposed incorporates large areas of open agricultural landscape, it is not an appropriate designation on the basis of its current form;
- D) Given this, it is argued that if designation is justified in part, the Conservation Area as proposed is too widely drawn.

It is also argued that other tools exist to protect heritage significance within the vicinity, through extant listings, in particular, and that the Conservation Area designation is therefore unnecessary. I will consider this issue separately; as I will explain, the local authority might take this into consideration from a practical perspective, but in technical terms, this issue does not go to the question of whether a Conservation Area should be designated. The existence of other tools for protection would not, in my view, generate a technical reason for the Conservation Area designation not to proceed.

I will therefore provide my view on how one looks to define special interest and assess the issues above in relation to the Bentley CA and CAAMP as proposed. I will also provide a brief review of my professional opinion of the revised CAAMP and its suitability and robustness for adoption. This review has been undertaken swiftly and within a short period of time, and I do not accordingly look to respond in detail to all Consultation responses.

The author of this review is Laurie Handcock MA (Cantab), MSc, IHBC, MCIFA. I have experience of working for both developers and local authorities. I have been involved in producing Conservation Area Appraisals, and regularly interact with Appraisals and Conservation Areas, in my day-to-day role as a Heritage Consultant. I have visited the site, having completed an extensive on-the-ground review in September 2024.

Background

Our previous letter concluded the following, in relation to the robustness of the Bentley CA as a designation (emphases have been added for key points):

...this is an Area that contains a number of important historic buildings, focused on a particularly important cluster of Grade II and Grade I buildings around Bentley Hall and Church, but running out to other highly graded and historically interlinked buildings, like Bentley Old Hall, and the cluster of farmhouses and cottages to the west. As above, the interstitial unlisted buildings and landscapes have a clear historic link to the designated buildings within the Area, and would benefit from the provision of statutory protection, as part of the wider whole. The authors' view is that the Area is of sufficient quality to justify statutory designation as a Conservation Area. It clearly possesses "special architectural or historic interest" and we are satisfied that it has a "character or appearance of which it is desirable to preserve or enhance", as per Section 69(1) of the 1990 Planning (Listed Buildings and Conservation Areas) Act.*

It is of relevance to the assessment below that our previous letter acknowledged that the landscape had experienced change from the 17th century onwards (as is typical of almost all farmland in England), but we felt that the landscape possessed historic 'legibility' and that there was an 'underlying mesh' that held the whole together, and provided a link between buildings and landscapes. We took the view at that time that this created a situation where the whole had a claim to 'special interest'.

We made a series of specific recommendations related to the CAAMP, including that:

- Character Area Mapping be incorporated;
- Spatial Analysis: That the landscapes and spaces within the Area be subject to more detailed analysis of their special character;
- That a fuller identification of Positive and Negative Characteristics, and opportunities for enhancement be incorporated; and,
- That some detailed points of presentation should be picked up and amended.

The Basis for Justification: "Special Interest"

Consultation responses consistently refer to Section 69(1) of the 1990 Planning (Listed Buildings and Conservation Areas) Act, and its identification that LPAs should identify which parts of their area,

"are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance"

These areas, under Section 69(1) are those that should be designated as Conservation Areas. I agree with the responses that this clearly identifies a need for 'special interest' to exist in order for a Conservation Area to be designated. There are, as has been noted in the responses, other instances where the need to identify this 'special interest' is reiterated and reinforced. These include paragraph 204 of the NPPF, which states that,

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.

The PPG also states that LPAs need to make sure that, “sufficient special architectural or historic interest to justify its designation as a conservation area” needs to exist for designation to be justified (PPG Paragraph: 024 Reference ID: 18a-024-20190723).

There is thus no doubt that special interest needs to be identified. Two questions, however, arise:

1. How does one define special interest, and is it possible to reach a clear view on where ‘the bar’ is for special interest?
2. Does that special interest need to be focused on ‘architecture’ and built form?

The “Bar” for defining ‘Special Interest’

There is, despite the clear push within policy and legislation to ‘special interest’, no definition or guidance on what this constitutes, or as to where the bar lies between *special* interest and merely ‘interest’. Conservation Areas are hugely varied, and in my experience, can occasionally include Areas where the level of interest, and the quality of the environment, can be not immediately apparent. In part, this arises because there is no published guidance on how one defines what ‘special interest’ is. There are no fixed criteria or guidance on how one establishes that a theoretical bar for designation has been met. The closest one can get is the guidance within Historic England’s *Conservation Area Appraisal, Designation and Management* (2nd Edition, 2019). This identifies, at paragraph 72, the following identifiers of what might make an Area of ‘special interest’:

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;*
- *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*

In this instance, one could argue that the Conservation Area;

- contains ‘a high number of nationally or locally designated heritage assets and a variety of architectural styles and historic associations’;
- Is linked to, rather a particular individual, a particular family;
- Possesses, in the view of the CAAMP, a ‘historically significant layout’ which is visible (albeit that this is related to a more landscaped form rather than a ‘street pattern’); and,
- Includes, again in the view of the CAAMP, ‘green spaces which are an essential component of a wider historic area’, a ‘spatial element’, including a ‘settlement pattern’, which are of special interest.

I will return below to the question of whether or not these features are ‘special’ below, but on its face, it would appear that the CA and CAAMP are rightly focused on the sort of features which the Historic England guidance on designation would expect to see expressed within an area of ‘special interest’. There is no obvious failing against these high-level criteria beyond a judgement about whether these characteristics make the area ‘special’.

There is, further to this, no case law which I am aware of which is based on a successful challenge to a Conservation Area designation because the area is not ‘special’. The central question here, of whether a proposed Conservation Area meets the bar for ‘special interest’ is one purely based on judgement. Given that they are locally designated, what is regarded as ‘special’ might vary hugely from Borough to Borough. I have encountered CAs that vary from quite ordinary late nineteenth century housing estates; to historic villages with medieval and Early Modern components of the

highest quality; to modernist town centres and estates; parks and gardens; and, almost every type of urban and rural town- and landscape in between. There is simply no clear and robust means of identifying *objective* special interest. The approach within the HE guidance is to say that if a CA's CAAMP is able to express special interest through its contents, is able to draw on clear features such as those listed above that generate an identifiable sense of place that is 'special', the case for designation is likely to be made out. Any challenge to that will be entirely one of judgement.

Does a Conservation Area need to be 'architectural'? Can it be appropriate to include landscapes?

As a reminder, the Section 69(1) text talks about designating Conservation Areas because they are areas "of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance". A legal opinion submitted in response to Consultation argues that there is a necessarily architectural component to designation. It requires built form, and a focus on built form for designation. I do not entirely take the same view. As a starting point, the requirement is not for 'architectural and historic interest'. The legislation clearly relates to 'areas' in their most general sense and then seeks 'architectural or historic interest'. The area as a whole must express interest through one or, usually, both of these elements, but there is nothing in the legislation that says that architectural interest is so fundamental that a significant built area is required for designation to be appropriate, it seems to me.

Connected to this point, I note the point that responses make in relation to paragraph 73 of the HE Guidance, which identifies that,

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.

The word 'generally' here is an important one. The guidance does not preclude landscape protection, and landscapes are, indeed, commonly protected. The guidance does not binarily prevent primarily open areas from being designated, or seek to ensure that Conservation Areas are primarily 'built' or 'architectural'. Historic interest can be found in open space, relict and preserved landscapes. Examples of landscape-led Conservation Areas include [Victoria Park Conservation Area](#), in LB Tower Hamlets; [Mentmore](#) and [Stowe](#) Conservation Areas, in Buckinghamshire; [Canons Ashby and Cosgrove Conservation Areas](#), West Northamptonshire ([Appraisals and Mapping here](#)); and [Badley Conservation Area](#), Mid-Suffolk.

In these cases, 'the wider landscape' was considered an appropriate consideration and inclusion, and a basis for designating an area of 'architectural and historic interest the character and appearance of which it is desirable to preserve or enhance'. These are varied in their form, and include historic parkland, and designed parks, both urban and rural.

What is consistent about these landscapes is that there is often an otherwise protected or relict landscape presence, evidence of a landscape being in some way 'designed' or related directly to historic interest. In and of themselves, these examples do not provide clarity on where the 'bar' for designation is. Some of these examples, such as Stowe, are also Grade I Registered Parks and Gardens, spaces of the very highest interest, possibly worthy of future UNESCO inscription. What they do identify clearly, however, is that Conservation Areas do not, in order to be designable, need to be primarily built. The percentage of built form to open land and landscape is clearly, contrary to the claims of Cotswold Archaeology in particular, not a basis for identifying whether an Area can be designated. I also do not see anything in the judgement of Ouseley J. in *Trillium (Prime) Property GP Limited v London Borough of Tower Hamlets* [2011] EWHC 146 (Admin) that precludes the designation of a primarily landscape-based Conservation Area.

I absolutely take the point, and concur with the Legal Opinion, that the judgement in *R. v Canterbury City Council, ex parte Halford* [1992] 2 PLR 137: is relevant. It is not appropriate to designate 'buffer zones' to historic settlements; the 'whole', the interaction of built and landscape form, must be sufficiently 'special' to warrant designation. Thus the below from that judgement is a useful 'test' or consideration:

"...the intention must be that local planning authorities will consider as an entity the whole of an area of land which gives rise to special architectural or historic interest".

The question for Babergh District Council in this case is whether the landscapes within the proposed Conservation Area show characteristics which would, in conjunction with the proposed Area's built form, make the whole of special interest. In other words, is the Conservation Area 'as a whole' of special interest. This is, as above, a matter of judgement. There are undoubtedly reasons for particular caution or consideration: the Conservation Area would, as Cotswold Archaeology point out, be large in its scope. The area would also incorporate areas of agricultural landscape.

As a conclusion to this section, therefore, it is my view that the following points are key considerations for Babergh DC:

- A Conservation Area must clearly be 'of special interest';
- That 'special interest' must exist as a whole, through the integration of built form and landscape;
- The inclusion of large areas of landscape does not, as in issue in isolation, suggest that the designation is not robust; and,
- A conclusion as to whether or not the Area as a whole 'meets the bar' for designation is a matter of judgement. There is no clear criteria that I am aware of, or which has been referred to by consultation responses, which clearly identifies when an Area is, or isn't, of special interest.

Is the Bentley Conservation Area as proposed an Area with special interest as a whole?

The CAAMP records that the special interest of the Bentley Historic Core Conservation Area is predominantly derived from its connection with the Tollemache family who consolidated four manors at Bentley in the 16th century, enlarging an estate which they had held since at least 1200. This resulted in the development of a relatively large rural settlement of scattered hall houses, farmsteads, cottages, church and associated structures. The special interest of the Conservation Area is well-defined by the Conservation Area Appraisal, on page 3, as follows:

The key features of interest are outlined below:

- *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 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 and offering quality 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. (page 4)

The area is also described as 'remarkably untouched by modern development'. My overall view is that the description above is an accurate summary of what is present within the Conservation Area, and that there are significant features which indicate that special interest is present. There are clearly aspects of the landscape which can be described as well-preserved, and evidence of limited change to the built form, and the spatial interaction of that built form with woodland and open landscape. I continue to hold the view that the 'underlying mesh' of the landscape is well-preserved, and the proposed CA has a well-defined and enclosed character, with an interaction of high-quality buildings that sit within a landscape with retained historic features.

It is argued by Cotswold Archaeology that changes in land ownership, and a process of association between landholdings and gentry or aristocratic families is not an unusual feature of any English landscape and is not 'special' in its own right. I would note that the specific approach of the Conservation Area Appraisal because that historic process of estate development, expansion and consolidation, is legible and traceable in the place. It would not be unusual in my experience for a Conservation Area's designation to be in part associated with a family or figure who was not of undoubted 'special' interest in their own right. The Tollemache family were clearly influential locally and shaped the nature of the built and natural environment within this part of Suffolk; I do not understand the guidance as suggesting that there needs to be something particularly unusual or historic about that family on a national or regional level for special interest to be established.

Within the CAAMP, the Tollemache family is in essence a 'meta-narrative' for the Conservation Area, a thread that ties together the buildings and spaces that make up the area as a whole. It is difficult to determine the level of interest that can be ascribed to that underlying historic narrative. In my view, however, historic interest can be drawn from the fact that the area covered by the proposed Conservation Area contains a number of visually interacting houses of considerable age and significance. Seen together, these allow the landscape to be read, as an interaction of estates and houses that gradually came together over time.

In terms of the interstitial landscape, the CAAMP records, at section 4, the extent to which the structure of the land as established by the eighteenth and nineteenth centuries remains legible on the ground. As Icen noted in our previous letter, there are changes in field boundaries, and an effective degradation of the pre-enclosure character of the land in terms of the specifics of the land's layout. This is typical, but I take Cotswold Archaeology's point that the Historic Landscape Assessment for this area does not regard this area as having a particularly well-preserved historic form in landscape terms. The HLA's assessment of this area clearly relates to a large extent to field shapes and boundaries. The CAAMP's research establishes that within this context, there is an established pattern of development, a spatial interaction of woodland, built form and open agricultural land, that is traceable on historic maps.

A comparison of Figure 7 of the CAAMP with modern mapping helps to test the veracity of the CAAMP's conclusion that the landscape is 'remarkably untouched by modern development'; the principal difference, and as I will discuss further below, the one that Babergh District Council will need to grapple with in detail, is whether or not the modernisation of the farmland that sits within this mesh of spaces has resulted in a loss of significance which means that the Area as a whole cannot be said to be of 'special interest'.

The landscape itself is a mix of relict parkland, agricultural land, and standing built features with clear architectural interest. The CAAMP argues that the whole are bound together by a shared historic interest that arises from their development within the expanding and contracting Tollemache estates.

The comments from third parties relating to the special interest of the landscape elements of the Conservation Area are helpful in light of the *Halford* judgement above, and it will be absolutely key for the local authority to be comfortable that the landscape and built form as a whole is of special interest. As above, my view has always been that this is a landscape which is heavily influenced by enclosure, post-enclosure and modern features, but that these changes are read within the 'mesh' of underlying features which do have a longer history. I take the point that respondents make that this landscape is a changed and modernised landscape; this is not Laxton in Nottinghamshire, where an almost unique medieval strip-farmed landscape remains.

My view is that the CAAMP provides evidence of a well-defined area with a character that is closely linked to the meta-narrative, and is of clear interest that might be defined as special. The spatial interaction of high-quality buildings and townscapes with a landscape associated with those buildings and which possesses with some historic features creates an area as a whole with a clearly defined character which reflects the historic interest of the area. There may, however, be a final testing exercise for the local authority to undertake to properly map and overlay the historic features of the landscape, in order to understand exactly how well-preserved the landscape is.

In this respect, Figure 7 is helpful, but a more specific overlay of historic field patterns, for example, onto modern mapping, an overlaying of built form, routes, woodland and relict parkland features onto modern mapping will help to show precisely how well-preserved this landscape is. In my view, this

final 'testing' of how far the landscape is preserved could prove a vital tool in understanding whether the whole, landscape and built form, are of 'special interest'.

Clearly, at this scale, the Bentley Conservation Area will be unusually large in its extent and will contain a high proportion of landscape. That landscape, as above, includes a significant proportion of agricultural land which has experienced change over time. I do not hold the view that this in some way a well-preserved medieval landscape in terms of all of its features, but in my view, and from my on-site experience of the Area, there is a strong framework for understanding the development of the landscape from the medieval landscape to the present day. It is possible to appreciate both how the Area's various estates developed, and to appreciate too how this landscape would have appeared in at least the Early Modern period.

I take the view that the case 'special interest' is well made out by the CAAMP, but that there is a necessity, as discussed further below, to better test the special interest of the landscape specifically, in order to robustly respond to Consultation Responses.

Is the Conservation Area's designation necessary, or do other protective tools already exist?

As I have noted above, my view is that this is a separate issue to the question of whether or not the Conservation Area Appraisal is robust and justified in its current form. As Consultation Responses have pointed out, there are a number of existing designations within the Area, and these designations do provide a degree of protection. In any situation, it is, of course, open to a pragmatic local authority to decide whether or not it is necessary to designate a Conservation Area given the cost of doing so, or whether existing protections are sufficient to provide control over development affecting the historic environment.

I would note two things on this approach, however:

- Firstly, that there is no guidance to suggest that the existence of designations and protections should lead to a position where a Conservation Area is not designated. Some of the examples I have noted above are layered designations, appearing 'on top' of Registered Parks and Gardens or areas with highly designated buildings. There are numerous examples, therefore, of Councils choosing to designate Conservation Areas where existing designations provide a degree of protection to the historic environment. It should also be noted that the existence of an a large number of existing designated buildings is identified within Historic England's guidance as a potential basis for designation (*Conservation Area Appraisal, Designation and Management*, paragraph 72).
- Secondly, I would suggest that such a pragmatic approach might leave the Council vulnerable to a failure to discharge its duties under Section 69(1) of the 1990 Planning (Listed Buildings and Conservation Areas) Act. Councils are duty-bound to designate Conservation Areas where they feel that areas are "of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance". In our previous letter, we noted that the Parish had brought this Conservation Area to the Council's attention. My professional view is that if the Council reach the view that 'special interest' is established, the Conservation Area should be designated in line with their statutory duty. The question is whether the Council agree with the CAAMP that that interest held by the area is indeed special.

The updated and amended CAAMP: Comments on Content and Approach

Having reviewed the updated CAAMP against our previous comments, I note that some issues and concerns that we raised previously have been addressed in the revised version of the document. I would note that:

- I note that the issue of Character Areas and Spatial Analysis have been responded to. The author has dismissed the idea of well-defined character areas, and looked against at spatial typologies. It would continue to be helpful to see these mapped across the Conservation Area;

this might assist in understanding whether the agricultural land within the Conservation Area contributes sufficiently towards special interest.

- I note that positive, negative and neutral features have been mapped, which is helpful.
- Mapping appears clearer, although, as above, I would still suggest an 'overlaid' version of Figure 7 is produced which shows, rather than written captions showing retained features, where built and landscape features can be traced across modern and historic mapping. Building ages are well mapped in figure 8; further work is required, given consultation responses, to demonstrate visually the retention of historic features within the landscape.

Overall, my view is that the CAAMP is detailed and clear. It establishes clearly the basis for its identification of special interest, and provides significant detail on the features within the Conservation Area and their contribution towards character and appearance. As above, the authority would benefit from a final further round of analytical imagery to robustly demonstrate the extent to which historic landscape features remain.

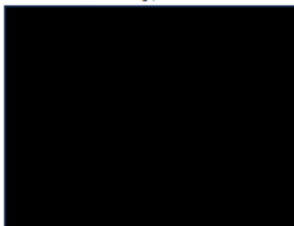
Conclusions

As a whole, the Consultation Responses seek to argue that the bar for designation is high, and the Council's approach should therefore be a cautious one. There is a real risk, I agree, of devaluing the concept of Conservation Areas. I have seen enough across my career to know that they are wildly varying quality, and some do raise questions as to whether or not they meet the bar for special interest. As I have outlined however, this is in part because there are no criteria for establishing what 'special interest' is, and no established 'bar' to pass. There will, overall, be a judgement for the Council to make as to whether or not they believe 'special interest' is established. The Historic England guidance essentially puts an onus on Conservation Area Appraisals to 'clearly demonstrate' that the Area possesses special interest.

In my view, the Consultation Responses are helpful, in that they 'zoom in' to some focused issues with the proposed Conservation Area and CAAMP, wherein some further justification for designation would be beneficial. In particular, I have shown above that there is clear scope for a Conservation Area to contain large areas of landscape, and to contain land which is now farmland. Necessarily however, special interest must be demonstrated across that landscape, derived both from built form and the interstitial landscape, rather than the Area consisting of historic buildings and interstitial 'buffer zones'.

It is clear that in intention, this CAAMP sets out to identify why the areas between the buildings are of special interest as well as those buildings themselves. It does not seek to create an Area made up of historic buildings and 'buffer zones'. In my view, accordingly, a compelling case is made for the Area as a whole possessing 'special interest'. As above, however, there is a need for the Council to be further satisfied, in my case, that the case for 'as a whole' special interest it made out, and that the landscape is sufficiently well-preserved to justify designation. Further spatial analysis and mapping would allow a clearer view to be taken by Babergh Council.

Yours sincerely,



Ladine Hancock
Director of Built Heritage and Townscape, Icenl Projects

Appendix 1(b)

Iceni Advice 7 October 2025



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7 October 2024

REVIEW OF PROPOSED CONSERVATION AREA AND ASSOCIATED APPRAISAL, BENTLEY HISTORIC CORE, BABERGH

a. Introduction

Iceni Projects, and specially its Heritage and Townscape team, have been commissioned by Babergh Council to undertake a review of a proposed Conservation Area in Bentley, a village within the district to the southwest of Ipswich. The Conservation Area has been proposed by the Parish Council, with a Heritage Consultant, Handforth Heritage Ltd, being appointed to undertake a review of the potential for designation, and to subsequently produce a Conservation Area Appraisal (dated 2024). Iceni Projects have reviewed the proposed Conservation Area, and the Appraisal, against the legislative framework laid out within the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance within the NPPF and PPG, and Historic England's best practice guidance, Conservation Area Appraisal, Designation and Management (2nd Edition, 2019). This review is based on a review of the Appraisal, a review of some online sources, and a Site Visit (undertaken on 24 September 2024).

The authors of this review are Laurie Handcock MA (Cantab), MSc, IHBC, MCIfA and Rebecca Mason, BA (Hons) MSc MA IHBC, the Team's Director, and one of its Associate Directors, respectively (hereafter 'the authors'). Both have experience of working for both developers and local authorities. They have been involved in producing Conservation Area Appraisals, and regularly interact with Appraisals and Conservation Areas, in their day-to-day roles as Heritage Consultants.

In advance of Iceni Projects' instruction to produce this review, the authors were made aware that an application for a solar farm was in train within the vicinity of Bentley. It would appear likely that the community interest in designating a Conservation Area arises, at least in part, from concern regarding this potential development. The authors took the professional decision to deliberately screen themselves from any information relating to the proposed solar farm, such that the Conservation Area review could be undertaken wholly independently, and this document has therefore been produced without any knowledge of the location of that proposal.

It is the authors' view that Babergh Council, having had the potential for the area meeting the standards for Conservation Area designation brought to their attention, are entirely correct to review whether that potential Conservation Area might, independent from wider development management considerations in relation to live applications, be worthy of designation. Given the Council's statutory duty to protect areas meeting the statutory standard of 'special architectural or historic interest', they would, in our view, be failing short of their statutory duty if they were to do the opposite, and to refuse to consider designation in light of a live application.

Case Law indicates that in isolation, it would be unlawful for a local authority to seek to use Conservation Area designation to protect an unlisted building or complex of buildings from development (paragraphs 46 to 51 of *Future High Street Living (Staines) Ltd v Speithome Borough Council* [2023] EWHC 688 (Admin) provides a summary of these cases, and in that same judgment,

Lane J makes clear that protection of a building from demolition cannot be "the impetus" for designation (para. 105)). The judgment does note, however, that,

In the same vein, as Lang J held in Silus, a designation of a conservation area is not unlawful because the process was prompted by a threat to demolish a particular building. Thus, a desire to protect an unlisted building from demolition cannot justify designation; but the existence of a particular building may contribute to the proposed area and a threat of demolition may prompt the taking of a decision whether to designate." (paragraph 106).

Clearly, these cases relate to the demolition of a single building, and indeed all case law that I have seen related to the issue relates to cases where a single building is proposed for demolition, and Conservation Areas are subsequently designated or extended to protect that building. We are not clear whether the same principles could be applied to the designation of a Conservation Area in order to prevent what might be seen as an inappropriate development within an area of open land, but I would note here that it seems to me that there is a process at play here whereby the Council's proposed approach (insofar as we understand it) seems to be consistent with Case Law:

- A Third Party (the Parish Council) have identified an area as being of interest, following, and likely influenced by (although we have seen no specific evidence to indicate whether this is true or not) an application for a Solar Farm;
- That Third Party have had the Area reviewed by an appropriately qualified professional, and a Draft Appraisal has been commissioned. This has been brought to the attention of the Local Authority.
- The Council have reviewed the information, and following our review, may take the decision to proceed with the designation. Their impetus for designation is the draft Appraisal, and their understanding of the significance of the area. The Council may also take the view that the Solar Farm would provide an impetus for designation, but it would be an impetus, rather than the impetus.

I would recommend that the Council take legal advice on this issue, but on its face, it would appear to me to be appropriate and acceptable for a designation to proceed, if it decided that it met the other relevant tests.

The review hereby considers two principal questions:

- Does the Conservation Area as proposed, based on the evidence currently provided, possess the necessary 'special' interest to warrant statutory designation?
- Is the Conservation Area Appraisal, as currently drafted, sufficiently robust to warrant adoption by Babergh Council?

Following on from these questions, it will also provide recommendations in relation to the proposed designation and the Conservation Area Appraisal.

b. The Principle of Designation: Does the Area possess 'special interest' such that it justifies statutory designation?

The proposed Conservation Area is focused on the historic parish of Bentley, and more importantly, on the historic estates of the Tollemache family, who in the sixteenth century, consolidated a range of existing manors and landholdings into a large single Estate, focused on Bentley Hall. The key era of Tollemache consolidation was relatively short, from 1540 to 1660, but the remnants of that period, and the gradual accumulation of landholdings that took place over the mid- to late-medieval period, remains legible on the ground. The longer history of the area is interesting and varied, but the Tollemache family and its ownership of the four manors around Bentley provides a central and unifying theme for the area as a whole. The manors, and planting and landscaping associated with them, provide an 'on

the ground' legibility to this historic development, and there is a real sense, when visiting the site, that there is a real density of high-status houses, set within historic parks and landscaping, that directly interlock and interact.

The authors concur with the Appraisal's view that the retention of historic woodland across the Estate forms a key aspect of the proposed Area's character, generating a landscape framework in which the Area's built form can be appreciated. They serve to break the Area down into some key areas. The cluster of buildings at the centre, around the Church and Bentley Hall, sits at the centre of a collection of open spaces, running to Potash Lane to the south; between Bentley Hall Road and the woodland belt (Bentley Long Wood, Brockley Wood and Old Hall Wood) to the north; and to the east, between the railway line and A137. The other role that the woodland plays is in providing a sense of insularity and definition to the area, in light of some of the modernisation that has taken place to the agricultural land within the Area.

The area contains a relatively small number of buildings, but a large percentage of these are listed, and of those that are not listed, few are intrusive or purely modern (although there are clearly opportunities for enhancement). Strikingly, some of the unlisted buildings, such as Park Cottage, Falstaff Manor and Bentley Manor are high-quality and prominent features in their own right, some appearing to have older cores, and being associated with high-quality historic landscapes. Park Cottage is a good example of this, sitting as it does within a legibly relict nineteenth century landscape, with specimen planting and parkland landscaping. These features, currently not protected, are of a high quality, and contribute strongly to the overall significance of the area. A Conservation Area designation would serve to generate protections that do not currently exist, and tie together these interconnected and interacting structures and landscapes together.

I would note that there has been some degradation to the character of the Area since the mid-nineteenth century, most notably the removal of field boundaries, and the consolidation of agricultural land into larger 'prairie'-like units, and the introduction of some power lines. These are, in the authors' experience, a wholly typical aspect of historic landscapes. What is striking, however, is that the underlying mesh of historic landscape features (most notably tree belts, woodlands and copses, parkland planting and avenues), historic buildings, and historic movement routes means that these more intrusive and modernising features are not overwhelming, and continue to provide a strong sense of how the landscape appeared in the sixteenth to early nineteenth centuries.

In conclusion, this is an Area that contains a number of important historic buildings, focused on a particularly important cluster of Grade II* and Grade I buildings around Bentley Hall and Church, but running out to other highly graded and historically interlinked buildings, like Bentley Old Hall, and the cluster of farmhouses and cottages to the west. As above, the interstitial unlisted buildings and landscapes have a clear historic link to the designated buildings within the Area, and would benefit from the provision of statutory protection, as part of the wider whole. The authors' view is that the Area is of sufficient quality to justify statutory designation as a Conservation Area. It clearly possesses "special architectural or historic interest" and we are satisfied that it has a "character or appearance of which it is desirable to preserve or enhance", as per Section 69(1) of the 1990 Planning (Listed Buildings and Conservation Areas) Act.

c. Assessment of Conservation Area Boundaries as Proposed, and Extent of Designation

This is a large Conservation Area, and the extent of designation therefore requires careful consideration. Additionally, as a countryside Conservation Area, there is an inherent risk that the Conservation Area might be over-extended, as there are limited physical boundaries to limit the extent of designation. Having said this, no specific guidance in legislation prohibits open green spaces from being designated as part of a conservation area. In fact, the National Planning Policy Framework (NPPF) and Historic England's Conservation Area Appraisal, Designation, and Management Guidance support the inclusion of open spaces if they contribute to the area's special character or historical significance. Historic England, furthermore, note on their website that Conservation Areas do vary wildly and include historic parks. Accordingly, particularly given the Tollemache connection across the Conservation Area, the principle of designating an Area in this sort of landscape is not unacceptable.

As noted above, the general approach to designation, its tying together of historic manorial holdings, and the role of the Tollemache family as something of a 'golden thread' that ties the whole Area together in a cohesive manner ensures that the overall extent of designation appears coherent. The broad compartmentalisation of the landscape identified above (the central settlement around the Church and Bentley Hall, and the large, open areas that lie to the south, north and northeast) also provides a clear framework for the area, framed by historic woodland, and give the area a 'structured' feel that then feels robust when assessed on the ground, and reads logically on maps.

We understand that through the assessment process, the boundary has changed, expanding through assessment. The decision to adopt a larger conservation area boundary is well-supported by the evidence presented in the appraisal. The larger boundary includes:

- Scattered farmsteads, open fields, and ancient woodlands that are integral to the area's historic landscape.
- Listed buildings, such as Bentley Hall and St Mary's Church, and their relationship with the surrounding rural setting.
- Public footpaths and bridleways that allow views of historical features and engage the local community in heritage conservation.

The smaller boundary that was initially considered would have excluded many of these key features, leading to a fragmented conservation area that could have undermined the overall historical and architectural integrity of Bentley.

Expanding the boundary ensures that the conservation area remains cohesive, preserving the medieval landscape and protecting the interrelated historic elements that define Bentley's character. Now, much of the boundary is also easy to understand in terms of physical features on the ground. The boundary is at its clearest to the east and west, where it meets the A12 and A137, and to the south, along Potash Lane and the southern boundary of Falstaff Manor's holdings. Elsewhere, we understand that it has been driven by a combination of the historic boundaries of the Tollemache Estate, topography and physical features. In certain locations, for example, through Old Hall Wood, the boundary follows the parish boundary. That may make sense, if the modern parish boundary follows the historic boundary of the Tollemache estate, but this area requires further consideration or justification. The *specific* rationale for the routing of the boundary may therefore be robust, but the authors feel there is room for this rationale to be explained to the reader within the Appraisal. Clear justification and explanation would help to make the potential designation of the Area as robust as possible, and we will be recommending that some work to elucidate this point is added to the Conservation Area Appraisal, were the Council to proceed with designation.

d. Conservation Area Appraisal: Assessment against Guidance and Best Practice

Appraisal

Having reviewed the Appraisal, our general view is that the appraisal has been prepared in accordance with Historic England's Advice Note 1: Conservation Area Appraisal, Designation, and Management (2019). The appraisal follows several key principles:

- **Defining Special Interest:** The report provides a thorough understanding of what makes the Bentley Historic Core special, focusing on its medieval and post-medieval buildings, its historic landscape, and its relationship with the Tollemache family.
- **Assessment of Significance:** The appraisal carefully evaluates both designated heritage assets, such as the Grade I listed Bentley Hall Barn, and non-designated heritage assets, such as buildings of local significance identified in the Bentley Neighbourhood Plan.
- **Justification for the Conservation Area Boundary:** The original smaller boundary was expanded to incorporate ancient woodlands, scattered farmsteads, and historic pathways.

This larger boundary better reflects the area's historical landscape, in line with Historic England's guidance to avoid devaluing conservation areas by omitting important features. As above, we feel that this point could be further and more clearly elucidated, but as a whole, the Boundary appears generally robust. Where the boundary appears to follow that of the Parish, we would ask whether such an approach is necessary or sufficiently robust. We would encourage more detailed consideration of the northern border of the Area in particular.

- **Public Access and Engagement:** The report highlights the public rights of way within the area, enhancing public engagement with the landscape and allowing for views of key historic features. This reflects Historic England's advice on promoting community involvement in conservation efforts.

There are opportunities, in our view, to improve the Appraisal, and to make it more user friendly to the authority and stakeholders/landowners. In summary, we would recommend seeking that the Appraisal be taken further to include:

- **Character Area Mapping:** Identify Character Areas within the Conservation Area, perhaps with short sub-assessments of the key characteristics and significance of each of these areas.
- **Spatial Analysis:** The Appraisal undertakes a detailed overall analysis of landscape features within the proposed Conservation Area. It could go further, however, and seek to characterise, and assess the key features of, the landscapes within the Conservation Area. This can be linked to Character Area mapping, as well as to the existing 'Key Views' analysis.
- **Identification of Positive and Negative Characteristics, and opportunities for enhancement:** This relates to both built and landscape features. The Appraisal would benefit from an identification of those features and areas that make a positive contribution to significance, to take the appraisal beyond an identification of existing national and local designations. It would also benefit from identifying negative or neutral features, where replacement, redevelopment, or landscape enhancements might come forward to benefit the Conservation Area and ensure its positive management. There are some detracting features within the Conservation Area; this is absolutely typical for Conservation Areas, and does not suggest that designation does not take place (as these are isolated and small in number), but it would be helpful to actively recognise where enhancements might take place.

We would also suggest that some amendments are made to the general formatting of the document to aid its usability. In particular, we would suggest that:

- Keys are used on maps, rather than descriptive captions;
- Page 12 of the Appraisal is reviewed for its relevance, or the images more straightforwardly tied to the text within the Appraisal.
- Would it be possible for the features listed within Figure 11 to be accompanied more directly with images, to aid legibility? Plates 3-8 all relate to features shown on the Figure 11 map, but are hard to track.

Preservation and Management

While the appraisal provides a solid foundation for designating the Bentley Historic Core as a conservation area, it would benefit from the addition of a clear Management Plan to address ongoing preservation efforts. Historic England's guidance suggests undertaking a 'SWOT' analysis and Condition Survey as a starting point, assessing risks, weaknesses, strengths and opportunities, to guide future conservation efforts and manage development. Section 6 of Historic England's guidance on *Conservation Area Appraisal, Designation and Management* offers guidance on developing a Management Plan.

Such an approach would serve to assist with encouraging the reinstatement of lost landscape features, or, for example, to assist with conservation works associated with Bentley Hall Barn. This Grade I listed building is on Historic England's Buildings at Risk Register, but the Appraisal, while noting this point, lacks suggest recommendations for its future conservation. It is not the place of the Appraisal to necessarily produce a robust management plan for its conservation, but a wider Management Plan for the Area could include:

- Clear action points for the preservation of buildings at risk.
- Monitoring mechanisms to regularly assess the condition of heritage assets.
- Community engagement strategies to encourage public participation in conservation efforts.
- Guidelines for new development, ensuring any changes within the conservation area align with its historical and architectural character.

Additionally, a Management Plan would provide opportunities to develop guidelines for new development and alterations. While the report addresses the preservation of historical character, it would benefit from clearer guidelines on how new developments, renovations, or alterations within the conservation area should be managed. A comprehensive management plan could:

- Set specific design and material standards for any new construction or modifications to existing buildings.
- Define clear processes for assessing the impact of proposed developments on key views and the area's historic fabric.

Summary

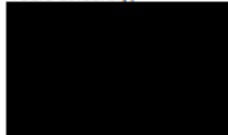
The above points are, to a large extent, about ensuring that the document is as robust, and as useful, to the local authority as possible. The Appraisal is generally compliant with guidance, and appears to provide a strong supporting document to the designation process. We would strongly recommend that the above recommendations are considered, however, and other, recently adopted Conservation Area Appraisals and Management Plans reviewed, to optimise the value of the document.

e. Summary, and Suggested Next Steps

We conclude, for the reasons above, that the Conservation Area as proposed, appears to be robust. Through its combination of historic buildings, landscape features, and movement routes, as well as through its evocation of significant historic developments, it fulfils the core criteria of possessing 'special architectural and historic interest'. It possesses an unusual unity for a piece of landscape of this size, and as an asset to be experienced on the ground, has a strong sense of unity and coherence. We are convinced by the historic narrative that underpins the proposed designation, and generally agree with the approach taken to the boundaries, although some further work is required to be undertaken, in our view, to robustly justify the specific boundary approach taken.

In our view, Babergh District Council would accordingly be justified in carrying forward this Conservation Area for designation. Prior to doing so, however, we would recommend that Handforth Heritage review and amend the document in line with the above recommendations to ensure its robustness and usefulness. Once this process of review and amendment has been undertaken, we would then strongly recommend that a full consultation process is undertaken, in line with Historic England's *Conservation Area Appraisal, Designation and Management*. Regard should be had to the judgement in *Future High Street Living (Staines) (2023)* judgement, wherein the absence of a consultation process that could be shown to have had full and proper regard to all respondents (including developers with an interest in the land) led to the Conservation Area Extension being quashed (see Ground 2 in particular). It is imperative that the consultation process is full, open and engaged, and that a proper record (and response) to consultation responses received can be shown.

Yours sincerely,



Laurie Handcock
Director, Built Heritage and Townscape

Appendix 2

Handforth Heritage 1 April 2025

HANDFORTH HERITAGE

E: steve@handforth-heritage.co.uk
01/04/25

Vincent Pearce
Barbergh District Council
Via Email

Dear Vincent,

Re: Bentley Historic Core Proposed Conservation Area Consultation Responses

Thank you for forwarding on relevant third-party consultation comments on the proposed Conservation Area Appraisal and Management Plan for Bentley Historic Core. This has been a helpful process which has raised various interesting questions, made useful suggestions and I am grateful for the feedback provided. I have replied to your list of questions under separate cover. Outlined below are some relevant extracts from the consultation comments and responses where relevant:

Response to Lichfield's Public Consultation submission 20/02/25

Much of this document is directed towards stylistic points, although the writers accept that there is no prescribed way to produce a conservation area appraisal. The title Bentley Historic Core distinguishes the area from "modern" Bentley to the south, which sprung up much later along Chapel/Station Road, after Bentley Station was opened in about 1850.

Paragraph 3.13. states that:

The paragraph describes many rural and landscape features common across the English countryside: historic field patterns, intimate rural qualities, public footpaths, tall hedgerows, and mature trees. These are landscape characteristics which would not be considered as of special architectural or historic interest, as they are of landscape value rather than being considered against value's which are concerned with the built environment. They do, however, contribute positively to those areas of special architectural and historic interest which are the historic built environment.

There are two important points to note here.

First, "historic interest" is not limited by the Act to the historic built environment. This is a mis-reading of the Act. The Act refers to "special architectural **or** historic interest". There is no requirement for the historic interest to relate solely to the built environment. Otherwise, the Act would say "special architectural **and** historic interest". It is not clear what HE mean in their 2019 Advice at paragraph 73 by "historic fabric", but the Act is plainly not restricted to the protection of the historic *built* environment and the Act is the source of the power to designate a conservation area.

Secondly, there are countless numbers of conservation areas that include large swathes of agricultural land; Laxton Fields in Newark and Sherwood, Nazeing and South Roydon in Epping Forest and Cosgrove in West Northamptonshire to name a few. It is entirely possible for landscape features to be of 'landscape value' whilst also contributing to an conservation area's 'special interest'. This is acknowledged in the final sentence of this extract.

In paragraph 3.14 they state:

Whilst these landscape features may have a character and appearance which has positive qualities, they would need to be established as being of special interest, rather than just landscape interest.

Much of the land within the proposed conservation area boundary has a direct relationship with the buildings within it, both today and historically, as demonstrated throughout the historic maps and the historic Tollemache holdings. They present the outlines of the historic field systems and in many cases allow an appreciation of the historic structures within their historic context and relationships with one another and important features such as the ancient woods. I dispute that the proposed Bentley Conservation Area is led by a desire to protect landscape for its own sake. However, on any larger conservation area, there will be an element of landscape which adds to the historic interest of the area.

3.20 states:

Much of this ancient woodland, which falls in a curve around the west and north of the area, has a very limited relationship with the historic built environment. Figure 3.1 below shows the location of this woodland, much of which is included within the CAAMP boundary due to historic ownership. This map can be cross-referenced with Figure 3.2 which shows the location of the main above-ground historic buildings. This indicates there are very few buildings close to these woods and that the woods are a considerable distance from the historic core. Whilst they form part of the built historic core's wider setting, they do not have a strong visual or associative relationship with most of that built heritage. Due to this limited connection between the woods and the built environment, these woods are not of special architectural or historic significance, but may be considered part of the wider setting of some heritage assets, and therefore should be excluded from the CA

I would argue quite the opposite, that the extent and survival of the woods in relationship with the high number of highly graded structures is almost certainly unique. Just because all these woods are not necessarily visible in tandem with the historic structures, does not mean that they do not form part of one's overall experience. In fact, they are often experienced as part of a whole, which is also considerably helped by the proliferation of publicly accessible tracks within the area.

3.23 states

...not all positively contributing setting should be part of the conservation area designation. In the case of this proposed CA, the majority of the land within the area is included on the basis that it is land from which the special interest of other heritage assets can be appreciated – rather than because it is of special interest in its own right

I agree with the setting aspect of this statement. Many elements outside of the proposed conservation area positively contribute to its setting and yet have been excluded from inclusion in the boundary due to the lack of any tangible historic connection. Not all land within a conservation area has to be of equal importance, as emphasised by *R. v Canterbury City Council, ex parte Halford*, however, many parcels of land do allow the historic buildings to be appreciated, and also form part of the symbiotic relationship that facilitated the construction and ongoing upkeep of these buildings. This is why the Tollemache connection is of importance as it provides direct tangible evidence that the land and buildings were interconnected. The quotation from the part of the *Halford* case which refers to the inappropriateness of a five mile ring around Ely cathedral is absurd. This is not what is being proposed. The boundary features here are often the ancient woodlands which contribute directly to the special historic interest of the area.

At 3.34 they state:

The characterisation of the Tollemache connection being a 'golden thread' is helpful in understanding how the BHCCA boundary has been drawn, but also exposes the fundamental flaws in how the CAAMP has established special interest. If the historic association with the Tollemache family is the key element of special interest, then the CAAMP fails to firstly establish why the Tollemache family themselves are of such historic note, and secondly to establish why their historic landholdings within the area are of such special historic interest. As set out above, familial landholdings of extensive country estates was entirely commonplace across the country and does not appear to be of special interest

I have already addressed this in my Answer to your Question 6. However, I simply don't accept that it is "commonplace" to find such a group of very high status surviving listed buildings and multiple other intact but undesignated historic buildings (Bentley Park, Bentley Manor, Bentley House, Falstaff Manor, Hope Lodge, Manor Cottage, Park Cottage, Pond Hall Cottages etc), framed by multiple ancient woodlands and manorial farmlands all with links to a single family established over an 800 year period. In the contrary, this mosaic undoubtedly has "special interest". Please let me know if you need further detail on this point.

NB. There is no evidence that the Tollemache holdings at Bentley established from circa 1200 and consolidated in the Tudor period have anything to do with the slave trade. The only reference which I have been able to find is to a different family, Halliday, who married into the Tollemache family and have no connection with Bentley at all.

Response to Andrew Parkinson's Opinion, 19/02/25

I am sure that the Council will be taking its own legal advice. I am not a lawyer, but I will repeat that the conservation area is not about "landscape protection" independently of the special architectural and historic interest of the area.

I have prepared the CAAMP with the benefit of careful field work and consideration of many documentary materials. I would not have lent my professional support to the proposed conservation unless I was confident that it is justified on its merits.

This Opinion feels as if has been written by someone who has not spent sufficient time within the area, walking or cycling along the network or lanes and appreciating the interplay between the historic buildings and other features woodlands and open spaces which together make up the special interest of the area. This is a kinetic experience and not limited a series of static viewpoints.

I am surprised by the emphasis on the availability of "other controls". The Act does not suggest that the duty does not apply where there are many listed buildings in area. That would be a surprising conclusion. In fact, many buildings of interest in the area mentioned in the CAAMP are not listed and so conservation area controls would bring important additional protection.

Response to NWA Planning, 21/02/25

This relies upon the Cotswold Archaeology Heritage Technical Note. I have responded to this in my Answer Q5 and comment further below.

I attended the public meeting in St Mary's Church and answered many questions about the conservation area. This was very well attended and news of the event had evidently reached a very wide circulation.

Response to Cotswold Archaeology Heritage Technical Note February 2025

This contains numerical comparisons with other conservation areas in Babergh which do not assist. As mentioned elsewhere, the interest at Bentley lies in the mosaic of features, of which the designated and undesignated historic buildings are of great importance, but where the special interest also lies across the area as a whole.

1.7. Given that the Proposed Conservation Area includes such a large area of 'historic' landscape, the omission of HLC data is particularly surprising.

This document is very high-level document and does not look into the fine grain of the area presumably because of its extensive coverage. It is generally helpful and could be referenced in any future updates of the document. However its existence does not affect my assessment of special interest.

1.11 states that:

The Appraisal states that 'The well preserved medieval structures and field patterns are important landscape features' (HH 2024, 4), and goes on to state that 'Wide areas of open landscape form a significant feature of the conservation area. These fields and manorial grounds are reflective of historic land uses dating back to at least the medieval period' (HH 2024, 27). However, the HLC (The Suffolk Historic Landscape Characterisation Map, SCC 2012) type for much of the Proposed Conservation Area indicates that medieval land use is not reflected in the current character of the landscape.

The landscape character within the Proposed Conservation Area, as defined by the HLC, is mixed, primarily comprising:

- *Type 1.1 ('Pre-18th-century enclosure – random fields')*
- *Type 2.1 ('18th-century and later enclosure – former common arable or heathland')*
- *Type 3.1 ('Post-1950 agricultural landscape – boundary loss from random fields'), and*
- *Type 7.1 ('Woodland – ancient woodland').*

I do not agree with this analysis, which does not reflect my investigations on the ground and by reference to historic documents and maps. It is not correct to characterise much of this landscape as a "post-1950 agricultural landscape". I consider that the area does historically feature open landscape forms and, whilst the landscape characterisation study may suggest later interventions, it omits to mention that most of the wider outlines of these fields and ancient woods can still be traced to the medieval period. One of the characteristics that does remain today is the land is all largely undeveloped and maintains an open aspect. I have addressed the HLC document in more detail in my Answer to your Q5.

1.10. As such, the guidance emphasises that large areas of landscape should only be included within a Conservation Area (or are of particular interest to a Listed Building) where it comprises an intact landscape that has a particularly strong association with the historic fabric forming the focus of the Conservation Area. This does not appear to be the case in relation to large parts of the agricultural land within the Proposed Conservation Area.

I would draw attention to the High Court's judgment in *R. v. Canterbury City Council, ex p. Halford*.^[1] *McCullough J held (at pp.518-519):*

It cannot have been the intention of Parliament that a local planning authority was to look at each piece of land individually, and to exclude any part on which there was no building, unless the part itself was of historic interest. The section refers to "areas of special architectural or historic interest." In that context the intention must be that local planning authorities will consider as an entity the whole of an area of land which gives rise to special architectural or historic interest. Not every part of the area need have on it something of interest...

Buildings are part of their surroundings. They are to be seen in their setting. Trees may do much to enhance the interest and to make them special. Consider some of the great houses of England. Blickling for instance. Can one imagine making the house a conservation area without its hedges, its trees and its garden? Why should the old villages be treated differently? The charm of a village does not come from its houses and its church alone. What about its greens and paddocks, its trees and the fields that come close to the houses?

And the view as one approaches along the road? This is all part of it. It is good to be in the middle of such a village. It is also good to look at it over the fields. If the old buildings in the heart of the village are worthy of designating as a conservation area, so is the whole. I do not accept that Parliament intended any different approach.

If Parliament regarded the setting of listed buildings as important, it is inconceivable that it thought otherwise about buildings in areas of special architectural or historic interest. Rather does the omission from section 69 of any reference to setting show that Parliament intended that the interesting features and their setting were together to be treated as the "area".

Section 1.15 states:

Whilst there are large areas of Type 1.1 ('Pre-18th-century enclosure – random fields') within the Proposed Conservation Area, which could have medieval (or earlier) origins, such landscape character is not in itself sufficient to justify designation as a Conservation Area. As per the guidance mentioned above (paragraph 1.7 and 1.8) only in exceptional circumstances would such a landscape warrant designation. The Appraisal provides no justification for its designation, aside from erroneous claims that the 600ha of land within the Proposed Conservation Area comprises a 'virtually intact medieval landscape'.

I would again reference the Canterbury Case. The final sentence misquotes the principal reasons for designation which are highlighted in the introduction of the CAAMP:

- *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.*

Section 1.16 of the Cotswold Archaeology Note states:

...It is clear that [the Tollemache's] relationship played an important role in the historic development of the parish and is of historic interest...

In my professional judgment, this interest is an important part of the **special** interest of the area. There is no narrow definition of what constitutes special interest in this context. Using the normal usage of the word, Babergh is entitled to form a similar view.

Yours sincerely



Steven Handforth MSc IHBC
Director - Handforth Heritage

Appendix 3

Record Decision of Chief Executive

The screenshot shows a web page with the following content:

- Page title: Democratic Services
- Breadcrumbs: Home > Decision details
- Section: BDC Urgent Decision - Bentley Historic Core Conservation Area
- Link: [Find out more about this issue](#)
- Decision Maker: Chief Executive
- Decision Status: For Determination
- Is Key decision?: No
- Is subject to call in?: No
- Decision: 1. See accompanying document: 'Bentley Historic Core Proposed Conservation Area: Appraisal and Management Plan' (November 2024).
- Navigation menu:
 - Democratic Services Home
 - Babergh District Council
 - Mid-Suffolk District Council
 - Find Your Councillor
 - Babergh District Council Calendar
 - Mid-Suffolk District Council Calendar
 - Joint Meetings Calendar
 - Babergh District Council Constitution
 - Mid-Suffolk District Council Constitution

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

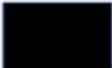
SUBJECT MATTER:

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:

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.

I being the duly authorised officer authorise the taking of the action referred to above.

Signed:  Dated: 02/12/2024

Chief Executive