



## **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:

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### **Bentley Conservation Area**



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### **Abbreviations that may be used in this report.**

- **Agricultural Land Classification [ALC]**
- **Babergh Mid Suffolk Joint Local Plan [JLP]**
- **Bentley Conservation Area (boundary as proposed in CAAMP) [PBCA]**
- **Bentley Historic Core Proposed Conservation Area: Appraisal and Management Plan by Handforth Heritage [CAAMP]**
- **Bentley Neighbourhood Plan [BNP]**
- **Cabinet Member for Heritage, Planning and Infrastructure (Councillor Sallie Davies) [CM]**
- **Conservation Area Appraisal (part of CAAMP) [CAA]**
- **Historic England [HE]**
- **Historic England's Advice Note 1 – 'Conservation Area Appraisal, Design and Management' [HEAN1]**
- **Interim Director of Planning (Philip Isbell) [IDoP]**
- **Management Plan (part of CAAMP) [MP]**
- **Planning (Listed Buildings and Conservation Areas) Act 1990 [LBCAA]**
- **Proposed Bentley Conservation Area [PBCA]**
- **Public Right's of Way [PROW]**
- **National Planning Policy Framework [NPPF]**
- **National Landscape (formerly AONB [NL]**
- **Tree Preservation Order [TPO]**

# PART 1: BACKGROUND and RECOMMENDATIONS

## 1.1.0 THE DECISION CONTEXT

- 1.1.1 This report is presented to the Interim Director of Planning in accordance with the decision of Arthur Charvonia, the Chief Executive of Babergh and Mid Suffolk District Councils (BMSDC) taken on 2 December 2024 - that the matter of a proposed Conservation Area for Bentley and an associated Conservation Area Appraisal and Management Plan (CAAMP) may be determined by the Interim Director of Planning.
- 1.1.2 The Chief Executive's decision is recorded under serial number BDC0030.(Appendix 3)

## 1.2.0 RECOMMENDATIONS

- 1.2.1 The case officers 'Recommendations' in respect of:
- A. Designation of a Conservation Area and consequential actions (1-9)
  - B. The Conservation Area Appraisal & Management Plan (CAAMP) (10)
  - C. The Conservation Area Appraisal (CAA) component of the (CAAMP) (11)
  - D. The Management Plan (MP) component of the (CAAMP) (12)
  - E. Consequential action from recommendations B, C and D above (13)

are presented below.

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### A. Designation of a Conservation Area and consequential actions

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#### **Recommendation 1**

That The Chief Planning Officer designates a Conservation Area for Bentley under powers provided by S69 (1) (b) of the Planning (Listed Buildings and Conservation Areas Act) 1990, with boundaries as described in figure 1 below on the basis that the area within its bounds has special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance.



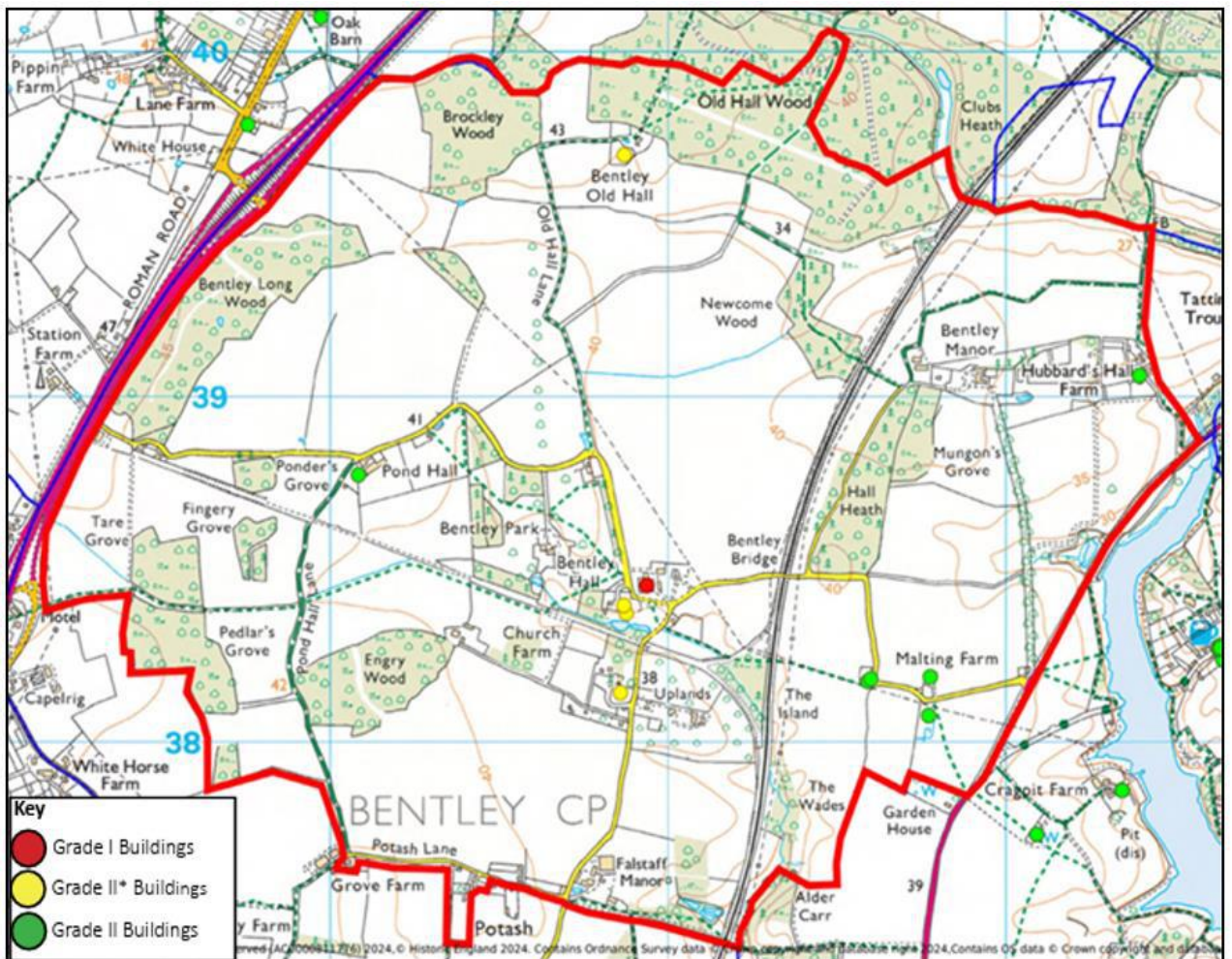


figure 1: **Proposed Boundary for the New Bentley Conservation Area**

## **Recommendation 2**

That the said Conservation Area be known as the 'Bentley Conservation Area', rather than the '*Bentley Historic Core Conservation Area.*' Officers believe that the word 'Core' is misapplied in the context of the overall Conservation Area and its relationship to the rest of the village. Clearly Bentley as a settlement has its earliest origins within what is being recommended as a conservation area, but the village of Bentley today is largely a 'modern' accretion of buildings some way to the south of and separate from what is proposed for Designation as a Conservation Area . In this sense the proposed Conservation Area now cannot be said to be at the core of the Village. Any controversy and or confusion in this regard can be resolved by the removal of the reference to Historic Core from the title of the Conservation Area. The explanation of the areas origins and its relationship with the medieval manorial system in the CAAMP and this report, adequately provide historic context; and,

### **Recommendation 3**

That the Interim Director of Planning takes such actions as are necessary to publicise, and/or notify those required to be notified by S70 of the Planning (Listed Buildings and Conservation Areas) Act 1990 of his decision to designate a Conservation area for Bentley (and such additional publicity as he otherwise deems appropriate); and,

### **Recommendation 4**

That the Interim Director of Planning takes such actions as are necessary - to publicise, and/or notify those required to be notified by S70 of the Planning (Listed Buildings and Conservation Areas) Act 1990 of his decision to designate a conservation area for Bentley (and such additional publicity as he otherwise deems appropriate); and,

### **Recommendation 5**

That the Interim Director of Planning takes such steps as are necessary - to ensure that the Bentley Conservation Area shall be recorded as a local land charge as required by S69 (4) of the Planning Listed Buildings and Conservation Areas Act 1990; and,

### **Recommendation 6**

That the Interim Director of Planning advises Bentley Parish Council that it should now take steps to review the Bentley Neighbourhood Plan such that it takes account of the Designation of the Bentley Conservation Area; and,

### **Recommendation 7**

That the Interim Director of Planning contacts James Cutting, the Head of Planning at Suffolk County Council - to advise him of the decision to Designate a Conservation Area for Bentley and that the boundaries of the said Bentley Conservation Area are such as include part of the site included in the planning application reference SCC/0105/22B, which falls to the County Council to determine; and,

### **Recommendation 8**

That the Interim Director of Planning arranges for the modification of GIS and other electronic records within the Council and the Planning Service to reflect designation of the Bentley Conservation Area; and,



## **Recommendation 9**

That the Interim Director of Planning arranges for the Council's public facing planning and heritage websites to be updated appropriately.

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## **B. The Conservation Area Appraisal & Management Plan (CAAMP)**

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## **Recommendation 10**

That the Interim Director of Planning does not agree the CAAMP in the form published in the Consultation Version and invites Bentley Parish Council to review and update the Consultation Version (Nov 2024) CAAMP in line with Recommendations C and D below

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## **C. The Conservation Area Appraisal (CAA) component of the (CAAMP)**

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## **Recommendation 11**

That the Interim Director of Planning requires further modification of the CAA and invites Bentley Parish Council to address the matters identified in Part 4.6.0, paragraphs 4.6.1-4.6.5 of this report and subsequently submit an amended version of the CAAMP to the Council in order that it can consider adoption of the document.

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## **D. The Management Plan (MP) component of the (CAAMP)**

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## **Recommendation 12**

That, the Interim Director of Planning requires further modification of the MP and invites Bentley Parish Council to address the matters identified in Part 4.7.0, paragraphs 4.7.1-4.7.2 of this report and subsequently submit an amended version of the CAAMP to the Council in order that it can consider adoption of the document.

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## **E. Consequential action from recommendations B, C and D above**

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### **Recommendation 13**

That, once that the actions arising from recommendations C and D above have been completed to the satisfaction of the Interim Director of Planning, he shall make appropriate arrangements for the Revised CAAMP to be agreed. Such revised CAAMP as shall have been agreed, shall thereafter be published as appropriate.

### **1.3.0 PURPOSE OF THIS REPORT**

1.3.1 This report provides the Interim Director of Planning with an officer appraisal of

- (i) the extent to which the Conservation Area Appraisal component of the CCAMP supports that Designation on the basis of the Area being of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance; and,
- (ii) the merits of Designating a Conservation Area for Bentley as reviewed within the context of Historic England's Advice Note 1, and in the light of the case officer's own research and analysis included herein
- (iii) the extent to which the Management Plan component of the CCAMP provides suitable

1.3.2 In taking his decision, The Interim Director of Planning is expected to have regard to this report and its recommendations, along with all other material considerations - which include representations received for and against, along with the significant number of documents that accompany many of those representations.

1.3.3 Among those material considerations is the Bentley Historic Core Conservation Area Appraisal and Management Plan (November 2024) submitted to the Council by Handforth Heritage on behalf of Bentley Parish Council, although that document should be considered in light of the comments in this report concerning advised modifications to the same.



- 1.3.4 The Interim Director of Planning will discuss this report with the Cabinet Member for Heritage, Planning and Infrastructure as part of the requirement to consult with Councillor Sallie Davies prescribed by the Chief Executive in his decision of 2 December 2024.
- 1.3.5 The Interim Director of Planning will have regard to the comments of Councillor Davies prior to taking his decision.
- 1.3.6 Although the Interim Director of Planning and the Cabinet Member for Heritage, Planning and Infrastructure will no doubt be familiar with the locality, the Parish of Bentley and its wider geographic context are identified at figures 2 and 3 for the purposes of information and completeness.

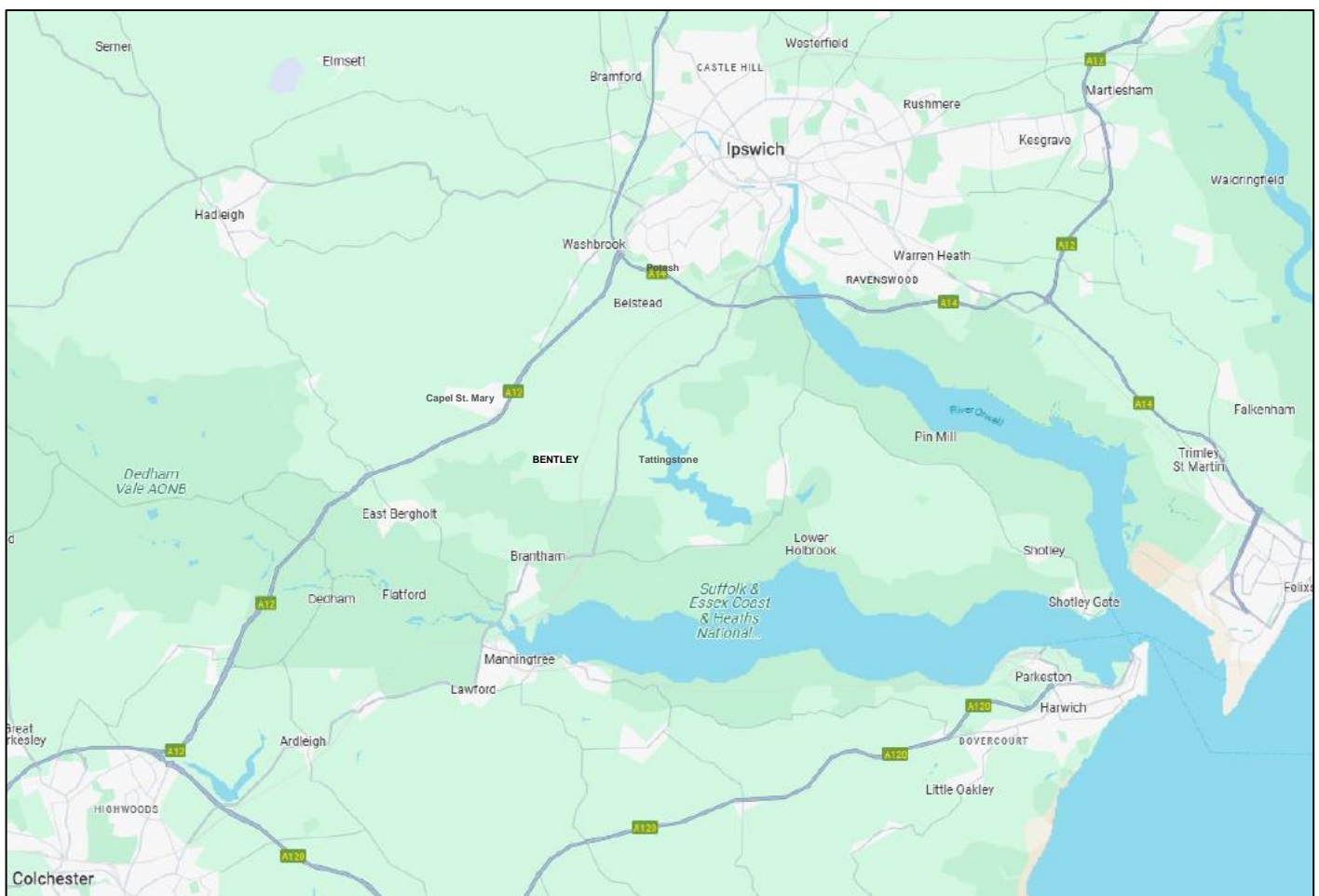


figure 2: **Bentley in its wider geographic context (south Suffolk – north Essex)**

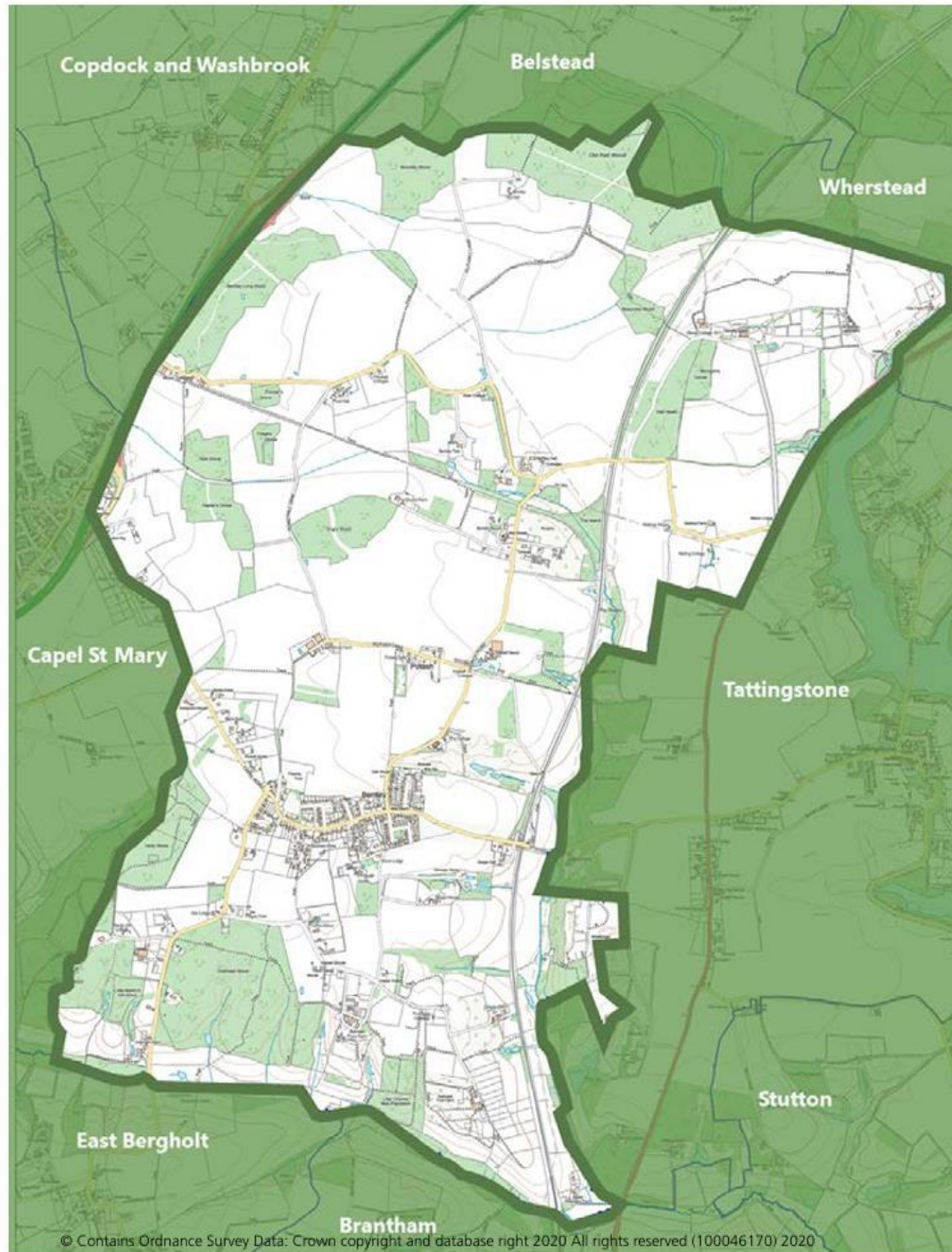


figure 3: **Parish of Bentley**

## 1.4.0 SUMMARY

1.4.1 This report is divided into four parts

1.4.2 The first part, 'BACKGROUND AND RECOMMENDATIONS' sets out the decision-making context for the Interim Director of Planning and Cabinet Member for Heritage,



Planning and Infrastructure and then moves on to present the case officer's Recommendations. In all, there are 13 of them, organised under 4 main headings, A-D. The Recommendations should be considered and determined sequentially.

- 1.4.3 The principal recommendation (A,1) is that the Interim Director of Planning after consultation with the Cabinet Member for Heritage, Planning and Infrastructure designates a Conservation Area with boundaries as described in the CAAMP – on the basis that he determines the Area is an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. He is then asked to agree the consequential actions (A,2-9). It is recommended to the IDoP that he does not agree the CAAMP without amendment to both elements – these being the CAA and the MP. The reason for this is considered in detail in this report. The final recommendation relates to consequential actions arising.

Part 1 then provides additional background as to the process that has been followed to get to this point and then briefly describes the CAAMP (the full document being provided separately).

- 1.4.4 Part 2 - 'CONSULTATION AND ISSUES' provides a summary analysis of consultation responses and identifies what in the case officer's opinion are the key themes and issues arising from the consultation undertaken. Whilst there is significant support for the Proposed Bentley Conservation Area PBCA with a boundary as described in the CAAMP both from within the village and some from within the PCBA, there are also some strong objections supported by statements from consultants from a smaller group (of predominantly but not exclusively farming) landowners within the PBCA. This section also considers what development threats exist within the area as advised by Historic England in their Advice note 1.
- 1.4.5 Part 3 - 'EVALUATION AND CONSIDERTION OF THE HISTORY OF BENTLEY AND HERITAGE ISSUES' presents a more detailed analysis of existing powers available to the local planning authority within the PBCA on the basis that some objectors have indicated that there are already in their opinion, sufficient powers available to the Council to preserve the character or appearance of the area without the need to resort to Designation of a Conservation Area. Whilst this is not the test required by S69 of the PLBCAA it is analysed on the basis that it is a common theme in objections and therefore needs addressing. This part then considers what part the Tollemache family played in the history of Bentley and whether this proved influential and helped shaped the Bentley of today. Certainly some supporters believe this is the case, whereas objectors believe the case is overplayed in the CAAMP. This report looks to inform the IDP/CM on this issue. It also examines, amongst other things, the issue as to what exists in Bentley, a fundamentally Medieval landscape structure (as set out in the CAAMP and by many who support designation) or as objectors claim - a modern farming landscape with modern interventions which is not a snap-shot of a place from past. Part 3 also looks at other areas of contention in respect of the impact the A12, whether or not the area can be said

to be tranquil (objectors say no, the modern world intrudes and supporters say it is tranquil and undisturbed).

- 1.4.6 The fourth and final part – ‘ANALYSIS IN LIGHT OF STATUTORY CRITERIA’ considers the question as to whether the PBCA meets the statutory criteria necessary S69 of the PLBCAA (and HE Advice) . Certainly objectors and their professional advisers are of the opinion that it does not, whereas supporters and the Council’s Independent adviser (as well as the author of the CAAMP) believe it does.
- 1.4.7 A conclusion drawing the strands together is then provided followed by recommendations as to Designation of a Conservation Area for Bentley followed by those relating to the Proposed CAAMP. (where the recommendation at the start of the report is not to approve its current form without some amendment.)
- 1.4.8 A blank record of decision statement then follows which is to be completed by the IDP.

## **1.5.0 BACKGROUND AND PROCESS**

- 1.5.1 The Council’s Heritage team was first approached by a resident and the Parish Council (Bentley) regarding the potential designation of land within the Parish of Bentley as a conservation area more than a year ago, in March 2024. It has therefore been a long process that has required careful evaluation.
- 1.5.2 In receiving such an approach, officers were mindful of the ongoing and active legal duties in relation to the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCAA). This is because s.69(1)(a) of the Act provides that an authority ‘shall from time to time determine 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’ – and – designate those areas as conservation areas where that test is met (S69(1)(b)).
- 1.5.3 Whilst at that point in time officers did not have sufficient information to be in clear agreement about the appropriateness of designation and/or the extent of area then proposed, it was agreed that the carrying out of a character appraisal would be a crucial first step in the consideration of whether designation was appropriate.
- 1.5.4 However, whilst considering that the matter was worthy of further investigation, the Heritage team was not sufficiently resourced to lead on such a project. Similar to other proposals in relation to neighbourhood planning, the Council has tried to encourage parish councils to feel empowered to produce their own work as democratically-elected representatives of their locality. On that basis a collaborative approach was proposed whereby the Parish Council would take the lead in providing an appraisal that would inform any consideration of whether to designate (if agreed that the statutory test was met). Ultimately, of course, the final decision would and does rest with the Council.



- 1.5.5 Historic England guidance (HEAN1, 2019) clarifies that whilst the determination under s.69 PLBCAA rests with local planning authorities, new conservation areas may be identified in a number of ways including by local communities or as stand-alone studies in response to development proposals (paragraph 14). The guidance further recognises that partnership with local communities and local community bodies is increasingly being found useful in the production of appraisals (paragraph 20). Nevertheless, it remains the responsibility of the local authority and not the Parish Council to consider whether the relevant statutory criteria for the designation of a Conservation Area are satisfied.
- 1.5.6 The Parish Council appointed an expert heritage consultancy (Handforth Heritage) to undertake the appraisal work and draft a Conservation Area Appraisal document ('CAA'). The first draft was received in August 2024.
- 1.5.7 On receipt of a draft of the CAA, officers were inclined to recognise the special architectural and historic interest that had been identified but sought independent external advice from an expert consultancy, Iceni, regarding its robustness and to act as a guide to enable it to be determined that it would be appropriate to designate. This was in order to support the consideration of whether it was appropriate to designate a Conservation Area in keeping with the CAA and to further inform the robustness of the decision-making process.
- 1.5.8 The scope of the review undertaken by Iceni was agreed as follows:
- "I understand that you would like a brief, but focused review of the proposed Bentley Conservation Area, and its associated Appraisal, to: consider its robustness as a potential designation; assess its proposed boundaries, and whether any amendments appear to be appropriate; assess its appropriateness against case law and judgements where designations have been challenged; assess whether the Appraisal itself is sufficiently robust for adoption in its current form, or whether any amendments might be appropriate."*
- 1.5.9 In order to ensure a wholly independent review, it was also requested that Iceni should not research any planning applications in the locality, including the then live application for a solar farm which affected land in the local area.
- 1.5.10 The process undertaken by Iceni is set out within their review ('Iceni First Review'). (appendix 1b). The outcome of the Iceni First Review was that the proposed Conservation Area, as proposed, was justified. Iceni concluded that:
- "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...”*

- 1.5.11 The outcome of the Icení First Review was shared with the Parish Council with a view to securing additional content. It was also agreed that the CAA should be amended to incorporate a Management Plan, having regard to Historic England guidance.
- 1.5.12 The Conservation Area Appraisal and Management Plan document ('CAAMP') was received by officers in November 2024. Officers considered the document to have addressed the points raised, and that there was sufficient evidence to make a designation. It was felt appropriate to put the proposed designation of the Conservation Area and the CAAMP to public consultation in order to capture as many views as possible (and any counter points to the evidence that had been provided).
- 1.5.13 The decision authorising the consultation process and delegating the decision for designation to the Interim Director of Planning (in consultation with the Cabinet Member for Heritage, Planning & Infrastructure) was made by the Chief Executive on 2<sup>nd</sup> December 2024. (appendix 3). This was to ensure that the Council fulfilled its statutory duties in a timely manner and where there were no further Council meetings planned until the next year.
- 1.5.14 Public consultation commenced on 13<sup>th</sup> December 2024 for a period of six weeks and this involved publication of the consultation (including the CAAMP) on the Council's website, alongside letters being posted to all registered addresses within the proposed Conservation Area. In accordance with s.71 PLBCAA, the proposals were put to a public meeting on 16<sup>th</sup> January 2025. This event was held at the parish church as the only public building within the proposed area, in accordance with the s.71(2) duty. It is also understood that the consultation was publicised by the Parish Council.
- 1.5.15 During the consultation process, it was brought to the Council's attention that a number of letters were not received by residents and that local landowners were also not notified. Self-evidently the publicity approach taken had served its purpose given those representations, but the Council subsequently reissued all letters again and agreed to extend the consultation period for a further four weeks to 21<sup>st</sup> February 2025 (i.e. 10 weeks of consultation in total).
- 1.5.16 The consultation process, and the public meeting have yielded a significant number of representations both in support and in objection. All comments have been treated very carefully and have been taken into account in completing this report.

1.5.17 In light of expert and legal opinions received, officers have sought further comment from Icení ('Icení Second Review') and Handforth Heritage ('Handforth Response').

1.5.18 This resulted in receipt of the following additional material

- **Icení** (independent heritage advice to BDC) ('Icení Second Review')  
27 March 2025 (Appendix 1(a))

*'Bentley Conservation Area Review of Consultation Responses and Revised CAAMP'*

- **Handforth Heritage** (for Bentley Parish Council) ('Handforth Response')  
01 April 2025 (Appendix 2)

*'Bentley Historic Core Proposed Conservation Area Consultation Comments'*

## 1.6.0 THE CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN (CAAMP)

1.6.1 The CAAMP (November Consultation Version) was prepared by Handforth Heritage for Bentley Parish Council who commissioned the work and presented to the District Council in September 2024.



figure 4: **Cover of the Bentley Historic Core Proposed CAAMP (November 2024)**

1.6.2 This 52-page, landscape format document is divided into eight chapters and has four separate sections of appendices as follows:



1. Introduction
2. Legal and Planning Policy Context
3. General Character and Spatial Extent
4. Origins and Evolution
5. Features of Architectural and Historic Interest
6. Assessment of Significance
7. Management Plan
8. Conclusion

Appendix 1: Bibliography

Appendix 2: List of Designated Heritage Assets within the Area

Appendix 3: List of Non-Designated Heritage Assets within the Area

Appendix 4: Historic Photographs

1.6.3 The full CAAMP document will be provided to the Interim Director of Planning and the Cabinet Member for Heritage, Planning and Infrastructure in the document package that accompanies this report.

1.6.4 The CAAMP in Chapter 1 states:

*“This appraisal examines the area under a number of different headings following the guidance set out in Historic England’s 2019 Conservation Area Appraisal, Designation and Management Second edition, Historic England Advice Note 1.”*

1.6.5 A comparison of the structure/contents of the CAAMP against that ‘suggested’ in Historic England’s Advice Note 1, it set out in figure 5.

1.6.6 As can be seen Handforth Heritage has chosen not to follow precisely the HEAN1 content format but has chosen to:

- amalgamate HEAN1 Chapters 4, 5, and 6 into their Chapter 5;
- to amalgamate HEAN1 Chapters 7 – 12 (incl.) into their Chapter 6
- to put HEAN1 Chapter 1 into their Chapter 1
- to put part of HEAN1 Chapter 7 into their Chapter 3
- HEAN1 Chapter 13 becomes their Chapter 7
- HEAN1 Chapter 15 becomes their Chapter 8

- 1.6.7 Whilst they have chosen their own way of presenting their Appraisal, it includes the HEAN1 suggested content, in some places in a different order but no doubt this is Handforth Heritage's preferred format.
- 1.6.8 The guidance in the HEAN1 is not prescriptive. It is suggested and therefore an alternative approach which provides the equivalent information is perfectly valid.

Chapter	HEAN1	Chapter	CAAMP
1	Introduction (para. 40, p.17)	1	Introduction
2	Planning policy context (para.41, p.18)	2	Legal and Planning Policy Context
3	General character, location and uses (para. 42, p. 18)	3	General Character and Spatial Extent
4	Historic interest (para's 43 - 45, p.18-19)	4	Origins and Evolution
5	Architectural interest and built form (para's 46 – 48, p. 19 - 21)	5	Features of Architectural and Historic Interest
6	Locally important buildings (para's 50 - 51, p 21)	6	Assessment of Significance
7	Spatial Analysis (para. 52, p. 21)		Included in Chapter 6
8	Streets and Open Space, parks and gardens and trees (para's. 53-57, p.22)		Included in Chapter 6
9	Settings and views (para's. 58 - 60, p. 22 - 24)		Included in Chapter 6
10	Character areas and zones (para's. 61- 64, p. 24)		Included in Chapter 6
11	An audit of heritage assets (para. 64, p. 24)		Included in Chapter 6
12	Assessment of condition (para's. 65 - 67, p.25)		Included in Chapter 6
13	Identifying the boundary (para. 68, p. 26)		Included in Chapter 1
14	A plan for further action and generic guidance (para. 69, p. 26)	7	Management Plan
15	Reference, appendices and contact details (para.70, p.26)	8	Conclusion
			Bibliography appendices

figure 5: **Comparing Handforth Heritage's Approach to Advice in HEAN1**

## **1.7.0 THREATS TO THE AREA (Material local development pressure))**

- 1.7.1(1) Historic England's Conservation Area Appraisal, Designation and Management Historic England Advice Note 1 (Second Edition) at paragraph 10 (*amongst others*) refers to Designation being not just a response to an area's history but also as a response the impact of development.

*"10. Conservation area designation is undertaken to recognise the historic character of an area and/or in answer to the impact of development, neglect and other threats, on areas which are considered to have special architectural or historic interest....."*

- 1.7.1(2) It is therefore perfectly legitimate when reviewing the architectural or historic interest of an area to consider its vulnerability to risks of adverse impact/s that could be expected to arise from development pressures in and around it – in this way an assessment can be made as to whether Conservation Area designation will afford a better chance of preserving and enhancing that character by introducing added control over the development process.
- 1.7.1(3) In this section of Part 2 the case officer draws those Bentley-related 'threats' / 'pressures' to the attention of the Interim Director of Planning's and the Cabinet Member for Heritage, Planning and Infrastructure in the context of HEAN1 paragraph 10. This is intended to provide them both with contextual richness.
- 1.7.1(4) In accordance with the duty under S69(1) of the Act, if it is determined the area has special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance, then it is timely to Designate a Conservation Area for Bentley.
- 1.7.1(5) With that in mind, let's look at some of the more significant pressures facing parts of Bentley.

## **1.7.2 Call for Sites – Housing Growth**

- 1.7.2(1) The Council's 'Call for Sites' consultation (Joint Local Plan, Part Two process<sup>1</sup>) undertaken between 5 January 2024 and 2 February 2024 resulted in three sites being put forward from land-owners, hoping to secure an allocation for development in due course. None of these sites are in the Proposed Bentley Conservation Area.
- 1.7.2(2) As can be seen from the map extract at figure 6<sup>2</sup>, the principal pressure for new housing in Bentley is likely to come from the south-west.
- 1.7.2(3) Demand for residential development in Babergh is a constant because many parts of the largely rural District are seen as desirable places to live. That brings development pressures to those countryside locations with good connectivity, such as easy access to a trunk road, which is the case hereabouts

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<sup>1</sup> The Council has determined that it is now starting the process of producing a New Joint Local Plan following publication of the NPPF 2024 but will have regard to the 2024 Call for Sites submissions

<sup>2</sup> <https://www.babergh.gov.uk/w/call-for-sites>

1.7.2(4) Other factors that have kept this pressure simmering include:

- A period in the recent past when the Council was not able to demonstrate that it had a 5-Year Housing Land Supply, thereby triggering the need to apply the '*Tilted Balance*' within paragraph 11 (d) of the NPPF. (those circumstances do not currently apply)
- A period prior to the Adoption of the Joint Local Plan in November 2023, when policies important for the determination of residential applications was challenged as being out-of-date.
- The abandoned Part-Two process associated with the initial Local Plan Review process. This occurred when the Local Plan Inspector who was Examining the Submission Draft Joint Local Plan advised the Council that it should move forward only on Part One, as he accepted that the review of Part two could legitimately follow some two years later such were the level of new homes with permission in the pipeline.
- The 'Call for Sites' process undertaken in January/February 2024 to inform what was at that time to be the Part two review associated with the Adopted Part One JLP of 2023.
- The decision of Babergh and Mid Suffolk Councils in early 2025 to abandon preparation of Part Two of its JLP, in favour of preparing a new Local Plan as a result of changes included in the NPPF of December 2024 - particularly the revised method of calculation which resulted in an increased housing number requirement for both Council's above those underpinning Part One of the JLP 2023.

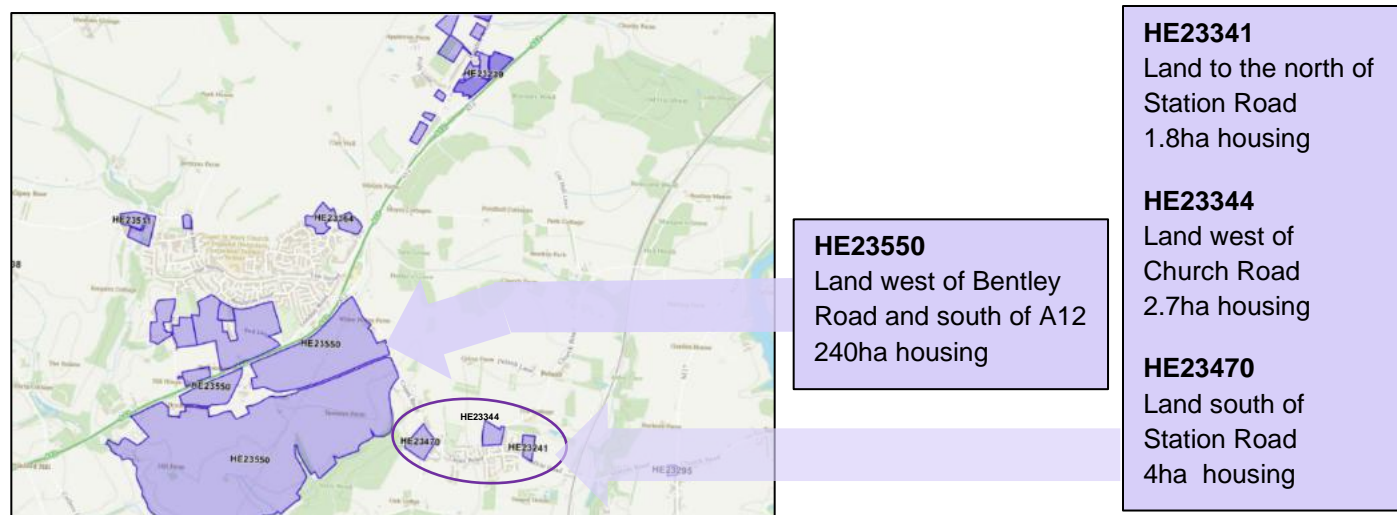


figure 6: 'Call for Sites Map' in and Around Bentley (Jan/Feb 2024)



- 1.7.2(5) The current Joint Local Development Scheme (LDS) [March 2025] programmes expected Adoption of the New Local Plan by December 2029. It is expected that allocations will be sought within Bentley in the course of this process.

### 1.7.3 Solar Farm Development

- 1.7.3(1) A full application for the construction of a solar farm (up to 40MW export capacity) with ancillary infrastructure and cabling, DNO substation, customer substation and construction of new and altered vehicular accesses, under reference DC/23/05656, within what is now the PBCA, was refused by the Council on 6 February 2025.

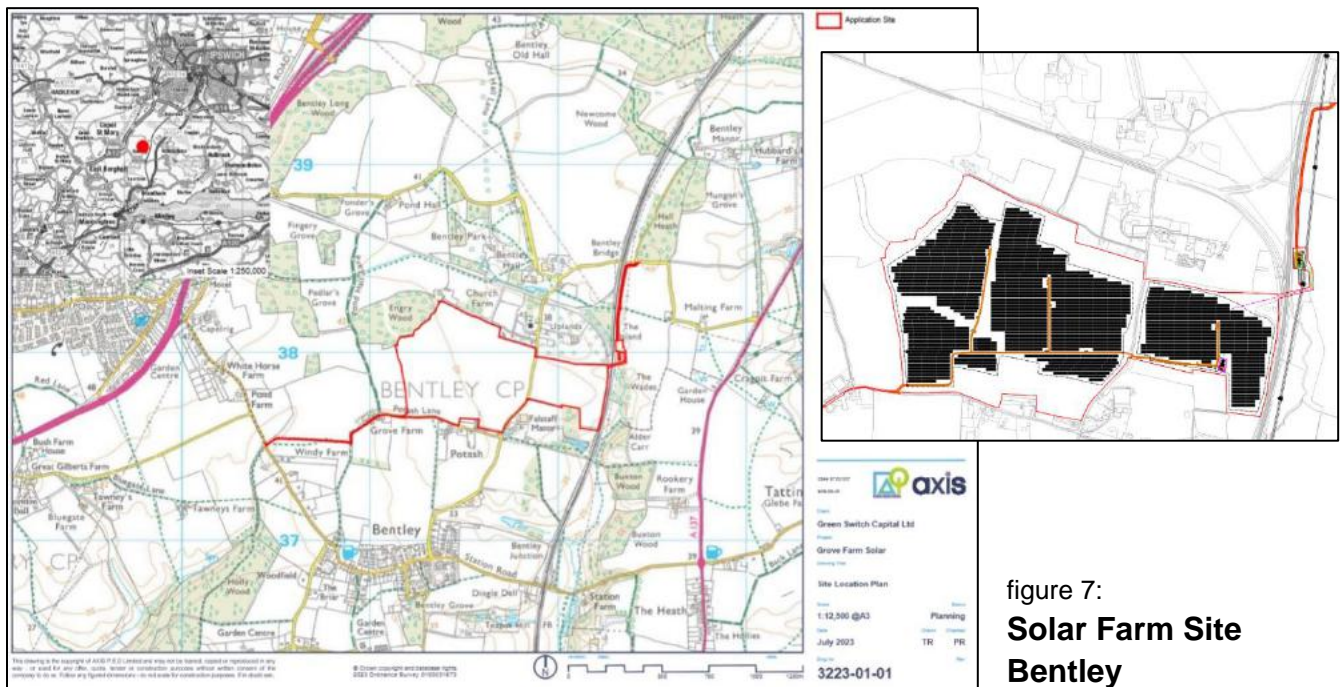


figure 7:  
**Solar Farm Site  
Bentley**

- 1.7.3(4) The above solar farm application, as judged on its individual planning merits and after regard to all material planning considerations, was refused by the Council on heritage and landscape grounds.
- 1.7.3(5) For completeness, the full reasons for refusal are set out below:

#### **“1. HERITAGE**

*The proposal would conflict with policies SP09, LP19, LP25 and consequently SP03 of the Babergh and Mid Suffolk Joint Local Plan (2023), policies BEN 11 and BEN 12 of the Bentley Neighbourhood Plan (2022) and paragraphs 212, 213, 215 and 216 of the NPPF (2024). The proposal would result in a low to medium level of less than substantial harm to a number of designated and non-designated heritage assets; the most notable and highly graded of which include the Grade I listed Bentley Hall Barn and Grade II\* listed Bentley Hall, Bentley Hall Stables and Church of St Mary. Whilst significant weight is afforded to the public benefits of renewable clean energy, this*

*benefit is not considered sufficient to outweigh the harm to a range of heritage assets, which are matters of considerable importance and great weight. The setting of these assets and thus their significance would be eroded and undermined by the proposed development as it would introduce an industrial incongruous character to the current traditional agricultural character and historical landscape of the area.*

## **2. LANDSCAPE**

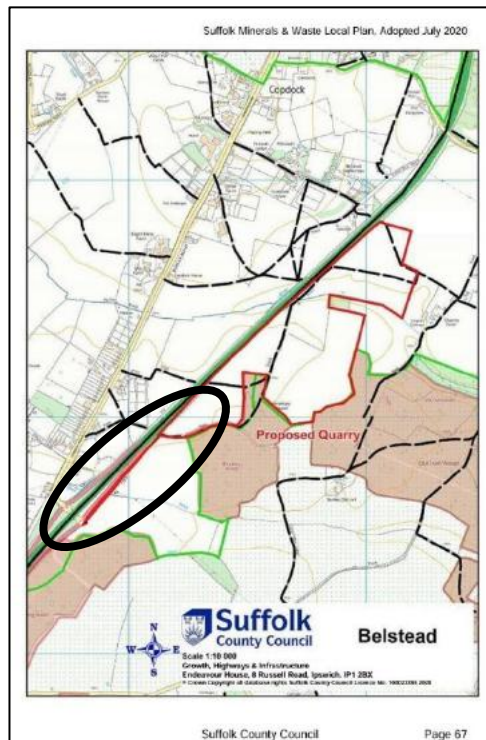
*The proposal would conflict with policies SP09, LP17, LP18, LP25 and consequently SP03 of the Babergh and Mid Suffolk Joint Local Plan (2023), policies BEN 3 and BEN 7 of the Bentley Neighbourhood Plan (2022) and paragraphs 187 and 189 of the NPPF (2024). The development would introduce an incongruous, industrialised character into a valued landscape, being within the setting and Additional Project Area of the Suffolk Coast and Heaths National Landscape. The development would erode a well preserved and largely unaltered agricultural area and would infill a tranquil transitional gap between settlement and a valuable historical landscape with an abrupt, alien and jarring form of development”.*

- 1.7.3(6) Clearly questions of impact on a non-existent conservation area did not figure in the considerations of the Council at the time. It is noted that heritage harm to the setting of listed buildings figures significantly in the reasons for refusal.
- 1.7.3(7) It is not clear at this stage whether the unsuccessful applicant will appeal the decision.
- 1.7.3(8) If the applicant were to appeal and a conservation area was to have been designated in the meantime, then the Inspector would be obliged to have regard to the fact that the appeal site was now in a Conservation Area.
- 1.7.3(9) That is not a matter that can influence our consideration here. Our focus here must be directed towards the statutory test for whether a Conservation Area should be designated as per s.69(1) of the Planning (Listed Buildings and Conservation Areas) (Act 1990).

### **1.7.4 Mineral excavation**

- 1.7.4(1) The Suffolk Minerals and Waste Plan (SMWP) 2020 forms part of the Development Plan for Babergh where policies therein relate to the District. It includes the allocation of a site for quarry purposes that whilst predominantly in Belstead includes a small section in Bentley (Policy MS3-Belstead).
- 1.7.4(2) It can be seen from the map extract below that the bulk of the proposed quarry lies just north of Brockley Wood, and so would be outside the proposed Bentley Conservation Area.
- 1.7.4(3) It will, however, also be noted that access to the proposed quarry A12 is shown as being secured from junction J34A (Capel St Mary Interchange) of the A12. That access is likely to intrude into the proposed Bentley Conservation Area.

- 1.7.4(4) If the County Council is to consider that access as part of the Minerals application after the area required for that access has been Designated a Conservation Area, as the relevant local planning authority (County Matter), it will be required to have regard to the impact of that development on the character or appearance of the Conservation Area.



#### Policy MS3: Belstead

Development will be acceptable so long as the proposals, adequately address the following:

- establishment of a quarry access onto the A12 and a traffic management plan drafted so as to avoid quarry traffic diverting through local villages including Copdock except in the case of local deliveries;
- safeguarding of all woodlands and wooded tracks;
- adequate mitigation of potential significant adverse impacts upon listed buildings and their settings within the vicinity of the site;
- the requirement for an archaeological investigation leading appropriate mitigation for near surface potential and Palaeolithic potential at depth;
- potential impacts upon nature conservation interest including hedgerows and damp ditches, Brockley and Old Hall Woods CWS, European Protected Species (Dormouse, Bats), Priority Species, other Protected Species and Protected Habitats;
- the provision of an air quality assessment which considers the potential impacts of increased dust and pollutant concentration associated with the extraction and infilling process, the potential for cumulative impacts, and which defines the mitigation and monitoring which will be implemented at the site to minimise the risk at residential properties within 250m;
- the provision of measures to mitigate noise;
- proposals of the safeguarding or diverting of public rights of way, and;
- the implications for the underlying groundwater source protection zone and controlled waters.

Proposals must also be generally in accordance with other policies of the development plan including the environmental criteria set out in Policy GP4.

figure 8: Minerals Application Site and SM&WLP Policy MS3



figure 9: View of North-West Corner of PBCA from Southbound Capel ST Mary Off-slip of A12 (towards Long Wood across the site of the proposed mineral site access road)

- 1.7.4(5) In determining the minerals application, in the context of a Conservation Area (for it would be a new material planning consideration), the County Council and the proposed quarry operator may identify and agree suitable mitigation to accommodate the access road within the proposed Conservation Area in a way that preserves or enhances its character or appearance. That would be a matter for the County Council in consultation with the District Council.

## PART 2: CONSULTATION and ISSUES

### 2.1.0 SUMMARY ANALYSIS

- 2.1.1 Through the consultation process just over 90 representations have been received from different parties.
- 2.1.2 The split between support and objection within the cohort was  
67% support the PBCA  
33% object to the PBCA
- 2.1.3 In a number of cases more than one representation was received from that party which brought the overall tally of responses to more than 130.
- 2.1.4 The IDoP and CM are advised that responses received and not marked confidential have, and continue to be, displayed (*in redacted form to safeguard personal details and comply with CDR Regulations*) on the Council's Conservation Area Consultations page.  
[https://www.babergh.gov.uk/w/conservation-area-consultations?p\\_l\\_back\\_url=%2Fsearch%3Fq%3Dbentley](https://www.babergh.gov.uk/w/conservation-area-consultations?p_l_back_url=%2Fsearch%3Fq%3Dbentley)
- 2.1.5 Representations have been received from local people, Bentley, Copdock and Washbrook, East Bergholt and Tattingstone Parish Councils (all support the PBCA) and Suffolk County Council (object), as well as professional representations including Lichfields, Cotswold Archaeology, and NWA Planning (object). A legal opinion from Counsel on behalf of an objector has also been received.
- 2.1.6 As well as further representations from Handforth Heritage and the second Iceni review, all representations received have been carefully considered and taken into account when preparing this report.
- 2.1.7 It is important that the consultation responses received be considered alongside this report when taking any decision.
- 2.1.8 To that end, The Interim Director of Planning and the Cabinet Member for Heritage, Planning and Infrastructure will be provided with access to the full text of all representations received ('the bundle') to enable them both to have regard to the representations in their joint discussion of the Bentley Conservation Area matter.

### 2.2.0 THEMES to ISSUES

- 2.2.1 On that basis, a summary of the issues and matters for consideration identified by the case officer are summarised below; this list is not intended to be exhaustive but represents the key themes raised.



#### **A. Test of Special Architectural or Historic Interest**

- General agreement that designation requires identification of ‘special interest’.
- However, disagreement over whether the CAAMP provides sufficient evidence of such interest; considerations relating to the overall extent and size of the area proposed and whether elements within that area have been sufficiently justified for inclusion.

#### **B. Landscape and Setting**

- Objections focus on the inclusion of agricultural land and woodland as inappropriate.
- Other comments have argued that the landscape contributes directly to historic interest when considered as a whole.

#### **C. Boundary Justification**

- Several objectors argue that the boundary is overly drawn and unduly influenced by reference to the historic ownership of Tollemache family rather than spatial character.
- A number of objectors question whether the extent of the boundary is motivated by a desire to thwart development rather than preserve and enhance an area of special interest.

#### **D. Unnecessary Planning Bureaucracy associated with Conservation Area**

- Some objectors argue that the inclusion farmland (in context of A/B above) will place an unreasonable burden on farmers and adversely impact their businesses

#### **E. Legal and Procedural Risk**

- Contention that designation may be *ultra vires* if improperly motivated (i.e., to resist development).
- The Council must be satisfied that the designation is based solely on historic and architectural merit.
- That the Council should have regard to local and national planning policies including the Suffolk Minerals Plan.

#### **F. Sufficiency of Existing Protections**

- Objectors suggest existing statutory listings and policy protections make Designation redundant.
- Whether Designation is still warranted where the area as a whole meets the statutory test.

2.2.2 The subsequent sections of this report will primarily focus on the statutory question for designation but will consider those themes raised through consultation as set out above.

## PART 3: EVALUATION of HERITAGE ISSUES

### 3.1.1 EXISTING PROTECTIONS

- 3.1.2 A number of objectors have expressed the view that the area within the PBCA already benefits from sufficient statutory designations, non-statutory definitions and appropriate planning policies to afford it adequate protection without the need for Conservation Area status. They argue such a step is an unnecessary duplication and unreasonable.
- 3.1.3 The test for the local planning authority in S69(1)(a) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is clear. That is to determine which parts of their areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. If an area meets this test, then S69 (1)(b) says the LPA 'shall designate those areas as Conservation Areas'.
- 3.1.4 No matter the extent of the relevance (or not) of existing protections to the test set out in S69(1)(a) (PLBCAA), it is clear that existing protections within the area of Bentley relate to very specific components within that Area. They do not provide the holistic protection that is secured by the Designation of a Conservation Area, where it is desirable to preserve the character or appearance of that Area because of its special architectural or historic interest.
- 3.1.5 This distinction is important and one that some objectors may not have appreciated.
- 3.1.6 This report now considers some of those existing 'protections' that apply in the Area in direct response to the comments made by some objectors. The case officer does not refer to them as part of the case for Designating a Conservation Area. That case relies purely on the Area being an area of special architectural or historic interest and the components benefitting from such existing 'protections' as are identified below contributing as a whole to the Area's architectural or historic interest.
- 3.1.7 So with that in mind let's review the current existing protections that apply within the PBCA.

### 3.1.2 National Landscapes

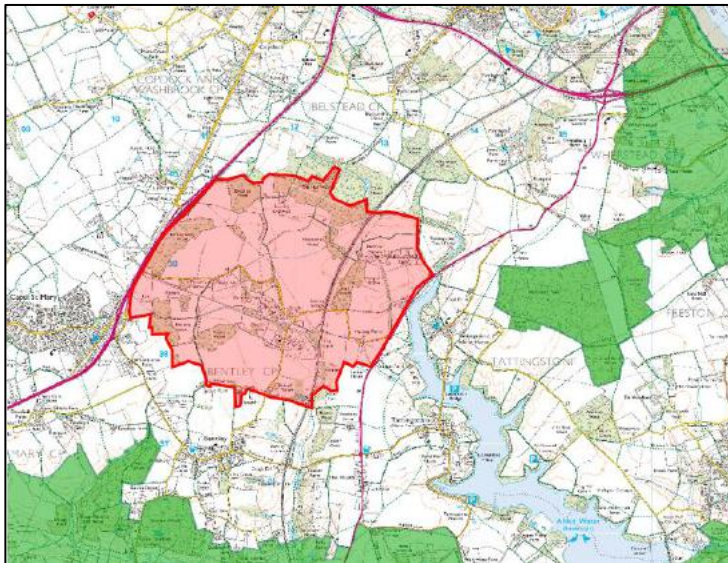
- 3.1.2(1) No part of the PBCA lies within a designated National Landscape. (*formerly these were described as Areas of Outstanding Natural Beauty – [AONB]*). As such it does not benefit from the additional planning protections<sup>3</sup> that are afforded to areas with designated National Landscape status.
- 3.1.2(2) That said it must be noted that it is relatively close but not adjacent to the boundary

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<sup>3</sup> These include those under paragraph 10 of the NPPF

of The Suffolk and Essex Coast and Heath National Landscape.

- 3.1.2(3) Consequently, the Council as local planning authority may in certain circumstances need to have regard to the impact that development within the vicinity of Bentley may have on the character and value of the landscape within the designated National Landscape. This is likely to be a question of judgement dependent upon that proposed development's proximity to the National Landscape and its, appearance, nature, scale, and character.
- 3.1.2(4) The plan below shows the Proposed Bentley Conservation Area's location relative to the boundary of the Suffolk and Essex Coast and Heaths National Landscape.



**Suffolk & Essex  
Coast & Heaths  
National  
Landscape**

figure 10:  
**PBCA in Context of NL**  
(formerly AONB)

- 3.1.2(5) This means that the Council's policy LP18(1)- Area of Outstanding Natural Beauty (now NL) is not engaged. LP18(2) is however engaged if a non-major development is within the setting<sup>4</sup> of the AONB (now NL).
- 3.1.2(6) Looking at the map at figure 10 one must wonder how often LP19(2) might, in reality, be engaged by minor development in the PBCA

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<sup>4</sup> Footnote 29 to this policy describes setting thus 'Setting is considered to impact on the purposes for which the area has been designated or defined in the opinion of LPA'

### 3.1.3 Valued Landscapes

#### 3.1.3(1) What is a 'Valued Landscape'?

3.1.3(2) The most widely used definition is that provided by the Landscape Institute which describes it thus:

*“A ‘valued landscape’ is an area identified as having sufficient landscape qualities to elevate it above other more everyday landscapes.”*

3.1.3(3) A Valued Landscape Assessment undertaken by Alison Farmer Associates<sup>5</sup> identified a large area of land on the Shotley Peninsula between two spurs of the designated Suffolk and Essex Coast and Heath National Landscape as being 'Valued Landscape'. This area includes the land in and around the village of Bentley and is now included in the 'Suffolk and Essex Coast and Heath Project Area' The plan at figure 12 identifies the extent of the 'Project Area'

3.1.3(4) The Proposed Bentley Conservation Area is entirely within the area that is recognised as being a 'Valued Landscape' and is within a wider area that has been included within the Suffolk and Essex Coast and Heaths Project Area.

3.1.3(5) Although of 'Value' in landscape terms, officers are satisfied that it is not this that is justifying its inclusion in the Conservation Area. As will be explored later in this report, it is actually, its special historic interest that is the important contributor.

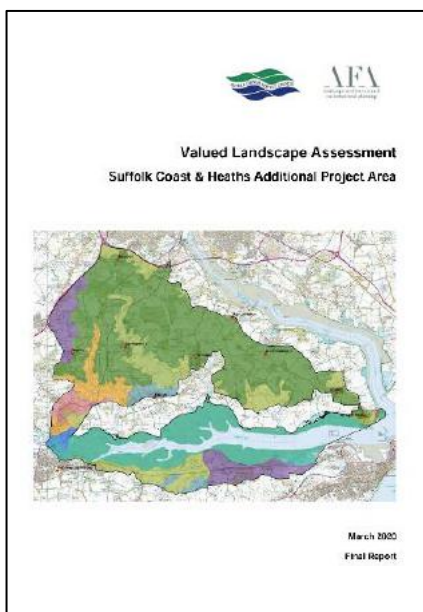


figure 11: **Cover of the Valued Landscape Assessment for Shotley Peninsula and Conclusions**

#### 5.1 Conclusions (from the Valued Landscape Assessment)

This study has highlighted the special qualities of the Suffolk Coast & Heaths Additional Project Area and the reasons why it is of particular landscape value. Importantly the assessment has demonstrated that the value attached to the area varies— those qualities in the west are not the same as those around Alton Water for example. Furthermore, the quality and condition of the landscape also varies with some areas being especially valued and other areas requiring enhancement.

This study has demonstrated the inextricable link between settlements and their landscape settings and the unique and close physical and visual association of the Shotley Peninsula with the estuary landscapes which lie adjacent. It has highlighted that many of the settlements on the Peninsula share similar origins (dispersed pattern of church/hall complexes), and locations (at the interface of the plateau farmland and the valley slopes). It has also highlighted the individual identity of the

<sup>5</sup> Commissioned July 2019, published March 2020



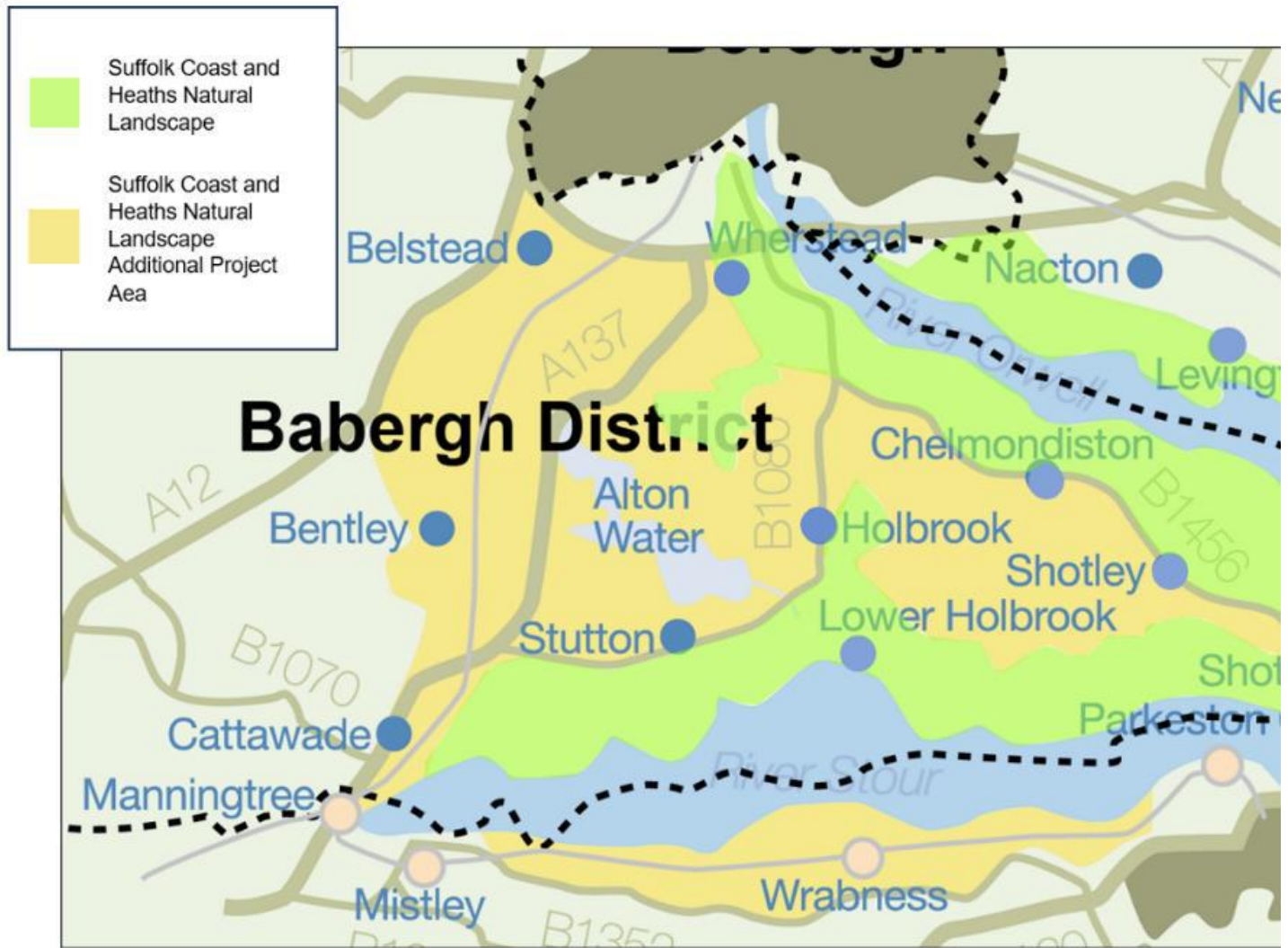


figure 12: **Extent of the NL Project Area**

3.1.3(6) The NPPF at paragraph 187 makes clear that planning decisions should have regard to protecting and enhancing valued landscapes.

*“187. Planning policies and decisions should contribute to and enhance the natural and local environment by:*

*a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); “*

3.1.3(7) The Valued Landscape Assessment undertaken by Alison Farmer Associates includes at section 4.3 includes of ‘Value and Significance that includes reference to

*“Historic narrow, winding, rural back lanes with an eclectic mix of housing styles within the village” , but this is but one contributor to its special historic interest as will be explored later in this report “*

3.1.3(8) Such controls as exist within a Valued Landscape as identified above do not afford the Area much particular protection and are

3.1.3(9) Whilst the Landscape hereabouts has been recognised as Valued Landscape, it is acknowledged that this is not in itself justification for inclusion of the open land in that landscape to be included in a Conservation Area. The test remember is that it is an area of special architectural historic interest.

3.1.3(10) Certainly JLP policy LP18(3) provides some acknowledgement of the need to safeguard Valued Landscapes when it states:

*“Development within the AONB Project Areas should have regard to the relevant Valued Landscape Assessment “*

3.1.3(11) This however appears to afford the Council considerably less ability to protect such areas compared to major development and minor development in or within the setting of the NL (AONB).

3.1.3(12) It is therefore of limited value as a tool to manage development in an area that has special architectural or historic interest. And where it is desirable to preserve or enhance the character or appearance of that area.

#### **3.1.4 Ancient Woodland**

3.1.4(1) To help inform discussion, the following basic definition of ancient woodland published on-line by Natural England and the Forestry Commission is reproduced below.

*“Ancient woodland takes hundreds of years to establish and is defined as an irreplaceable habitat.”*

3.1.4(2) The National Planning Policy Framework (NPPF) 2024 at paragraph 193 states:

***“When determining planning applications, local planning authorities should apply the following principles:***

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination*

*with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*

- c) *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons (footnote 70\*) and a suitable compensation strategy exists; and***
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.*

**\*footnote 70:** *For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.*

- 3.1.4(3) At first sight, this appears to give a local planning authority considerable control, but paragraph 193(d) applies to 'loss' or 'deterioration.' These are physical outcomes that relate directly to the trees therein. It does not require a local planning authority to have regard to the implications of a development that effectively segregates an area of ancient woodland from its historic context.
- 3.1.4(4) It is not the longevity of these woodlands per se that is the relevant factor in their inclusion within the Conservation Area but it is the fact that these old woodlands are of special historic interest because they are living examples of manorial woodland in an area that has retained its underpinning manorial structure. The woodlands also have special interest because at different points they were owned by the Tollemache family, of whom more later. These woodlands also have a strong familial connection to the world famous English 'Romantic' landscape painter, John Constable RA. (1776-1837)
- 3.1.4(5) Conservation Area designation, if justified in the context of the test in S69(1)(a) (PLBCAA) will provide that additional protection and will require the local planning authority to consider holistically the impact of intervening development proposals on the special historic interest of the area as a whole. It is Conservation Area status that will pull together these historic strands and require the local planning authority to have regard to them when assessing the merits of a development proposal in the Area. Currently such considerations would be fragmentary. Whilst a general regard to impact on character of the countryside maybe appropriate this is not the same as regard to the Area's special historic interest and as such would carry less weight as a material planning consideration, and therefore afford significantly less protection.

- 3.1.4(6) Within Babergh District, the greatest concentration of Ancient Woodland is found in pockets on the east side of Hadleigh, scattering south-eastwards onto the Shotley Peninsula. This cluster includes woodland identified within the CAAMP.

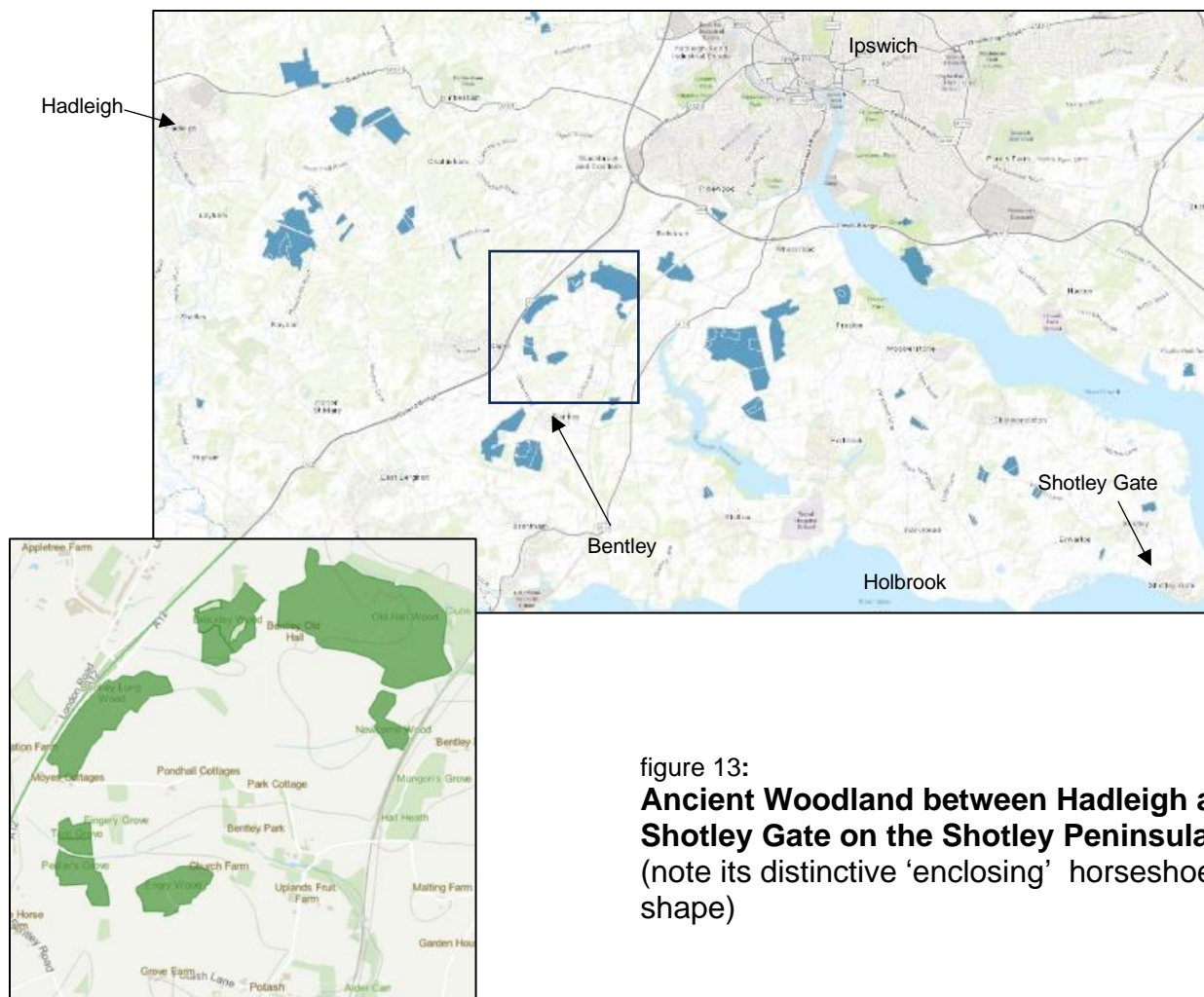


figure 13:  
**Ancient Woodland between Hadleigh and Shotley Gate on the Shotley Peninsula**  
(note its distinctive 'enclosing' horseshoe shape)

- 3.1.4(7) The distinctive ring of ancient woodland in Bentley reflects the underlying Manorial structure that exerted historical influence on the built and natural environment hereabouts for centuries and possibly a Millenium. Within the Proposed Bentley Conservation Area remain the main manor house and two sub manor houses and the lands they controlled including the woodlands. Historically this is of special interest (as explored further below).
- 3.1.4(8) Once again such controls as exist do not provide the Council as local planning authority with an ability to manage development in the area with a view to safeguarding the special interest that exists across it as a whole.



### 3.1.5 Tree Preservation Orders (TPOs)

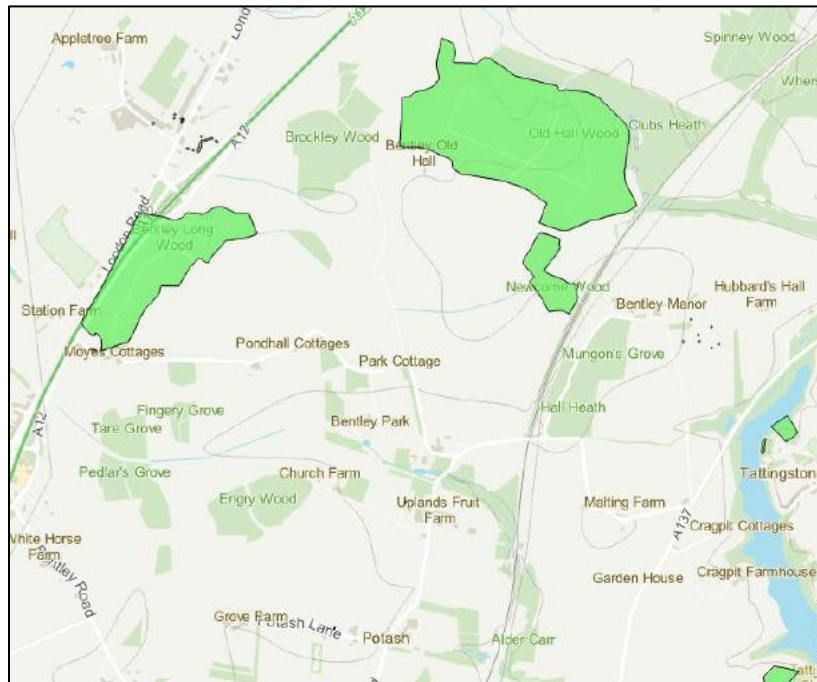


figure 14: **Existing Group TPOs in PBCA**

3.1.5(1) A TPO brings with it statutory protections and is an Order made by a local planning authority in England to protect specific trees, groups of trees or woodlands in the interests of amenity. An Order prohibits the:

- cutting down
- topping
- lopping
- uprooting
- wilful damage
- wilful destruction

of trees without the local planning authority's written consent. If consent is given, it can be subject to conditions which have to be followed. In the Secretary of State's view, cutting roots is also a prohibited activity and requires the authority's consent

3.1.5(2) Once again, this is a specific protection in this case to safeguard the tree/s but does not afford the tree/s from protection from being isolated by surrounding or intervening development from their special historic relationship and interest with the wider area

### 3.1.6 Listed Buildings

3.1.6(1) The Interim Director of Planning and the Cabinet Member for Heritage , Planning and Infrastructure will be familiar with the statutory protections that apply to Listed Buildings

3.1.6(2) The following are all currently Statutorily Listed Buildings within the PBCA

**Bentley Hall**

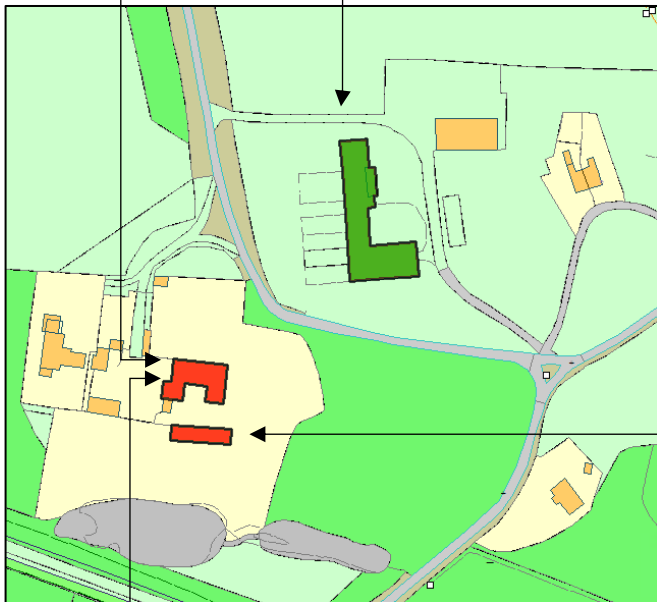
**Grade II\***

**House c15/C16 with  
later alterations and  
additions**

**Bentley Hall Barn**

**Grade I**

**Late C16 timber-  
framed barn**

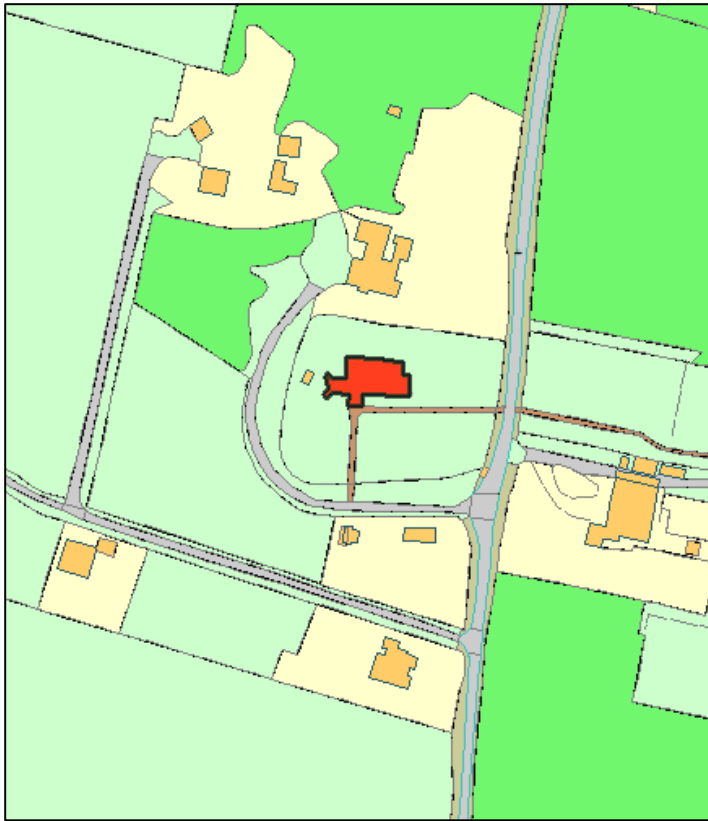


**Meeting Hall Stables Bentley Hall**

**Grade II\***

**Probable former courthouse .  
Now used as a meeting hall,  
recently used as stables C15/C16**

figure 15: **Listed Buildings (1)**



**Church of St Mary**

**Grade II\***

Parish Church Probably C14 chancel and nave of C12 origin. C14 west tower and south porch, circa 1858 north aisle. C19 restorations

**Bentley Old Hall**

**Grade II\***

House C13/14 with later alterations and additions

figure 16: **Listed Buildings (2)**







◀ **Hubbard's Hall**  
**Grade II**  
 House. C16 with later alterations and additions



◀ **Pond Hall**  
**Grade II**  
 Cottage. C16 or earlier timber frame with C18 red brick facing. C20 matching bay to left

figure 17: **Listed Buildings (3)**



## Maltings House

### Grade II

House. C16 with later alterations and additions. Timber framed and plastered



## Pump in front of Maltings House

### Grade II

Pump. C19 cast iron. Banded stem, fluted head and finial, fluted spout with bucket hook, curved handle with pear shaped end. Label reads "Appleby, Manchester". Included for group value

## Maltings Farmhouse

### Grade II

House. C15/C16 or earlier with later alterations and additions. Timber framed and plastered

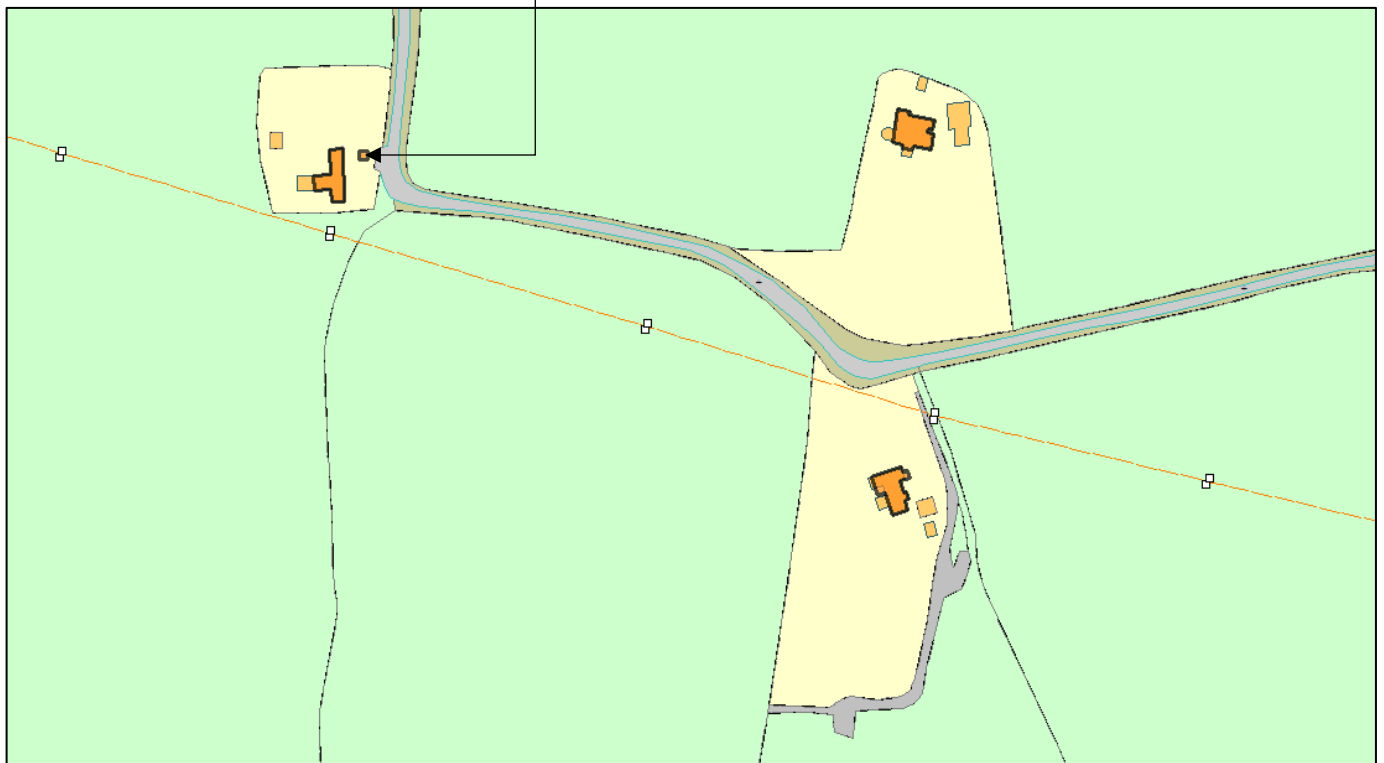


figure 18: **Listed Buildings (4)**

## Maltings Cottage

### Grade II

House.C16 Timber framed and plastered



- 3.1.6(3) Protections provided by Listed Building designations include the need for listed building consent which protects a building's special architectural or historic interest .
- 3.1.6(4) It is an offence to carry out work to a listed building without the appropriate listed building consent where such consent is necessary.
- 3.1.6(5) Section 16 of the NPPF deals specifically with 'Conserving and enhancing the historic environment'
- 3.1.7 Other non-designated Heritage Assets** within the PBCA include:

**Bentley Park**



figure 19: **Bentley Park (1)** (non-designated heritage asset)





figure 20: **Bentley Park (2)** (non-designated heritage asset)

## Bentley Manor



figure 21: **Non-Designated heritage asset**





**Barns and outbuildings - Petrus (from Lane) ▲ from disused branch line ▼**



**Barns adj Moyes Cotts. ▼**



**Potash Farm and Cotts, Potash Lane ▼**



figure 22: **Non- Designated Heritage Assets**





▲  
**Farm Buildings  
Falstaff Manor**

◀ **Hope Lodge**

figure 23: **Non- Designated Heritage Assets**





**Moyes Cotts.** (adj MOT garage)



figure 24: **Non- Designated Heritage Assets**

- 3.1.7(1) Whilst it can be seen that these offer varying degrees of protection to these individual components, what they do not do is afford the Council as local planning authority the ability to manage development in the area in a way that takes an holistic approach to preserving or enhancing the character or appearance of the special architectural or historic interest therein. A Conservation Area provides the ability to manage development in ways that ensure proper regard is given to all the elements that contribute to the 'special interest' and have one impacts and contributes to the other. The sum of the parts may well be greater than the whole and by looking at the area as a whole there is less risk of development harming the essential character or appearance of the area and the whole heritage asset as a collective.

### 3.1.81 Quiet Lanes

- 3.1.8(1) The Bentley Neighbourhood Plan at Section 10 - Quiet Lanes states:

*“10.1 ... Developments that generate significant levels of traffic that could result in average daily vehicle movements on a Quiet Lane in excess of 1,000 vehicles or 85th percentile speeds in excess of 35 mph could result in the designation being lost. Such development proposals would not be supported.”*

- 3.1.8(2) What is a Quiet Lane?

*“ Quiet Lanes is a nationally recognised designation for narrow, rural roads which can be shared with walkers, horse riders, cyclists and other road users.*

*The scheme aims to encourage everyone using the lanes to travel with caution, so everyone can enjoy the rural lanes with greater safety.*

*Launched in 2020 it is a county-wide project overseen by a volunteer steering group supported by Suffolk County Council’s 2020 Fund, the East Suffolk Community Partnerships and the East Suffolk Greenprint Forum.*

*Since its launch nearly 200 parish councils have engaged and there are now more than 350 lanes designated in Suffolk, covering approximately 400 kilometres (248 miles) of country road.*

*All Quiet Lanes are marked with green signs at either end, which clearly show the hierarchy of right of way for people using the road.”<sup>6</sup>*

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<sup>6</sup> Suffolk County Council <https://www.suffolk.gov.uk/council-and-democracy/council-news/suffolk-residents-encouraged-to-use-their-quiet-lanes>





### 3.1.9 Public Rights of Way (PRoW)

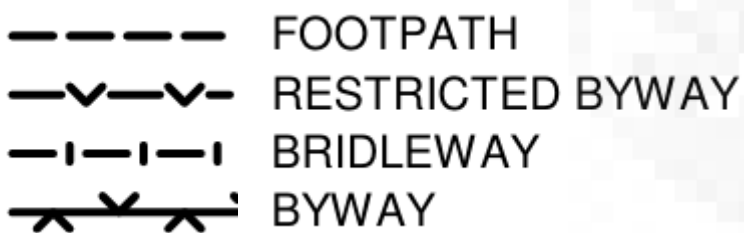
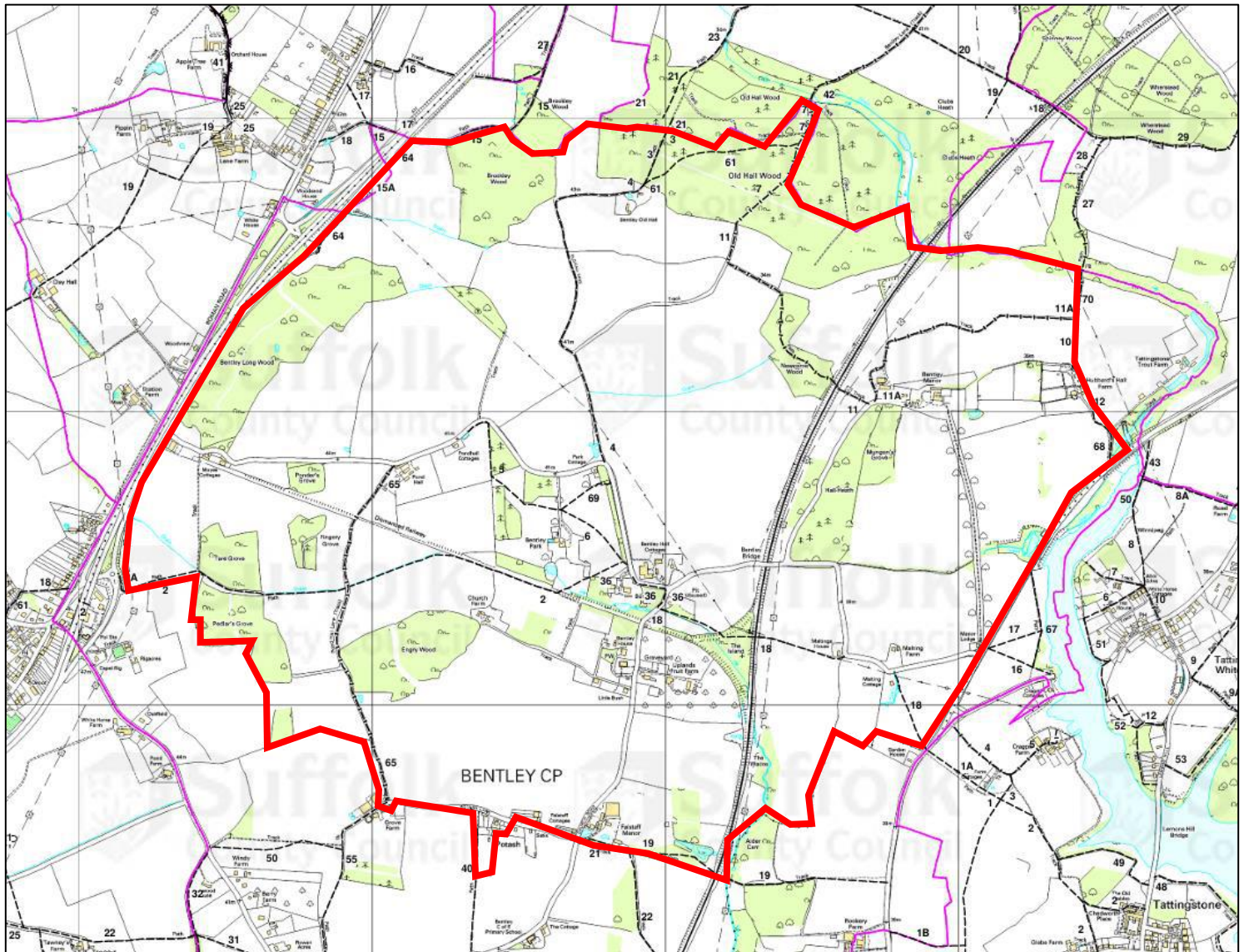


figure 27: **Definitive PRowS**

- 3.1.9(1) It is these PRoW that provide the public with the opportunity to explore deep into parts of the PBCA and to enjoy the thrill of experiencing the special architectural and historic interest across so much of the area.
- 3.1.9(2) Take for example FP's 6, 36 and 69 which give you the ability to walk across the enchanting Bentley Park and to admire the historically special multi-era house at the centre of the Park, or FP 2 which allows you to walk along the tree lined natural boulevard what was once the Hadleigh Branch Line Railway. Elsewhere Bridleway 11 let's you stroll through Newcombe Wood emerging to look across towards Old Hall or FP 4 that takes you past Old Hall.
- 3.1.9(3) These routes combined with the existing network of quiet lanes and country lanes and tracks allow you to explore nearly all parts of the PBCA by foot and in some cases on horseback.
- 3.1.9(4) These paths have existed for centuries and form part of the intricate lattice of historic corridors through the PBCA linking the historic nodes and providing local folk with the ability to travel around the village whether that be for work on the various farms or in the Halls and Manors in the area, worship at St Marys Church, visiting family and friends or more so today for recreational purposes.
- 3.1.9(5) These routes are also historically intertwined with the rich manorial history that is on view in the PBCA.
- 3.1.9(6) The purpose of Public Rights Of Way is to protect the rights of the public to use these historic routes from obstruction or worse still simply disappearing, it does not prevent their historic significance from being lost by the encroachment of new development to a point whereby any contextual historic significance they had is lost. Remember these ancient routes were how most people were able to travel when all they had were their own feet. Few had access to horses. This talks to a time when few but the wealthiest people rarely strayed far beyond their own village or had the means or cause to.

### 3.1.10 Best and Most Versatile Land (BMV)

- 3.1,10(1) The NPPF at paragraph 187 (b) states:

*“Planning policies and decisions should contribute to and enhance the natural and local environment by:*

*b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – **including the economic and other benefits of the best and most versatile agricultural land**, and of trees and woodland;”*

Annex 2: Glossary - Best and Most Versatile Land means land in grades 1, 2 and 3a of the Agricultural Land Classification.

3.1.10(2) The farmed areas within the Proposed Bentley Conservation Area fall predominantly into two Agricultural Land Classifications. (ALC). These are illustrated below.

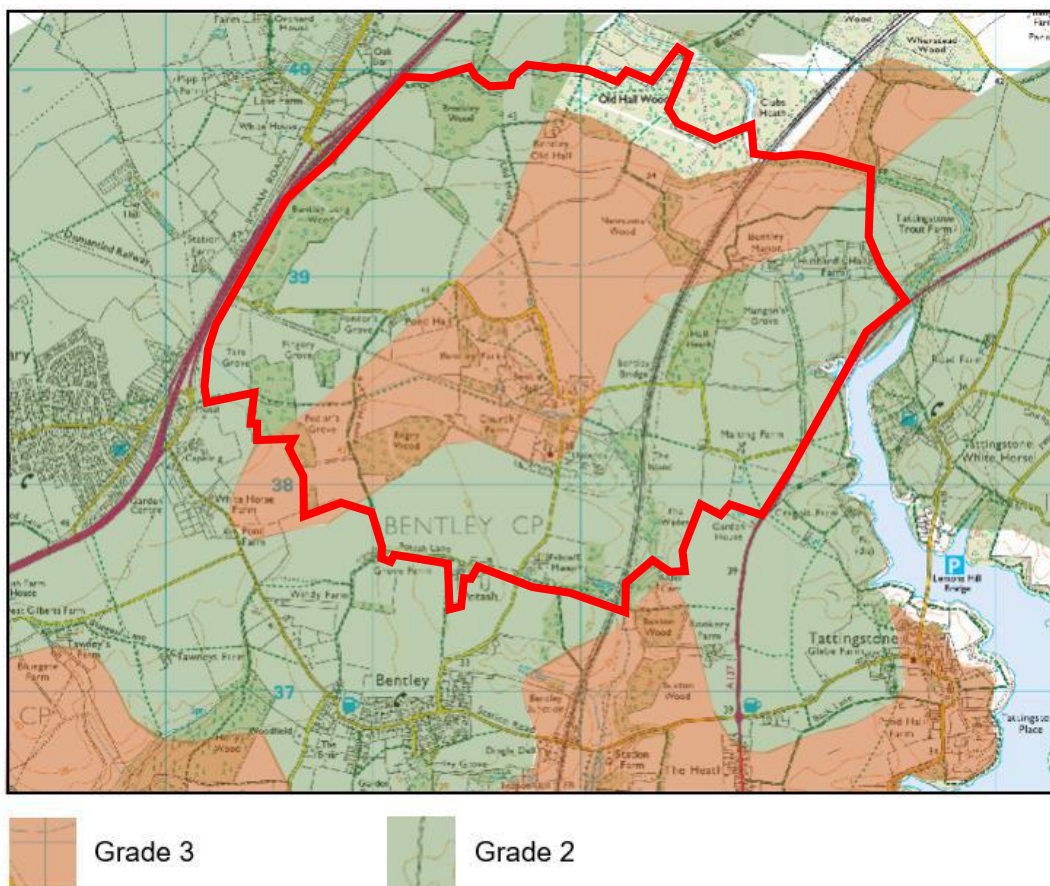


figure 28: **ALC**

3.1.10(3) Whilst the ALC maps are crude tools and require detailed on-site soil analysis to be able to accurately assess the exact grade, it appears that much of the land hereabouts is Grade 2 (very Good Quality Agricultural Land) and Grade 3 (although the Map does not differentiate between 3a - Good Quality Agricultural Land [which is BMV land] and 3b Moderate Quality Agricultural Land [which is not BMV land] ).

3.1.10(4) The expectation is that local planning authorities will give regard to protecting BMV and will be likely to allow development on non-BMV land in order to protect the most productive land for food production.

3.1.10(5) This does not however acknowledge any special historic interest that land may have.

3.1.10(6) Conservation Area status would introduce that holistic dimension to the Council's assessment of planning applications within the Conservation Area or locations that might affect its character or appearance.



### 3.1.11 **The Hedgerow Regulations 1997**

- 3.1.11(1) These made it against the law to remove or destroy certain hedgerow without permission from the local planning authority. This included those on active agricultural land.
- 3.1.11(2) A hedgerow is protected if it is more than 20m long with gaps of 20m or less in its length or of it is less than 20m long but meets another hedge at each end.
- 3.1.11(3) A hedge is also protected if it is in or next to land used for (amongst other things) agriculture or forestry.
- 3.1.11(4) A hedgerow is important, and is protected if it is at least 30 years old and meets at least one of the following criteria:
- marks all or part of a parish boundary that existed before 1850
  - contains an archaeological feature such as a scheduled monument
  - is completely or partly in or next to an archaeological site listed on a Historic Environment Record (HER), (formerly a Sites and Monuments Record)
  - marks the boundary of an estate or manor or looks to be related to any building or other feature that's part of the estate or manor that existed before 1600
  - is part of a field system or looks to be related to any building or other feature associated with the field system that existed before 1845 - you can check the County Records Office for this information
  - contains protected species listed in the Wildlife and Countryside Act 1981
  - contains species that are endangered, vulnerable and rare and identified in the British Red Data books
  - includes woody species and associated features as specified in Schedule 1, Part II Criteria, paragraph 7(1) of the Hedgerow Regulations - the number of woody species needed to meet the criteria is one less in northern counties
- 3.1.11(5) Farmers and others are therefore already familiar with the need to secure approval from the local planning authority for hedgerow removal where required. Conservation Area status would however allow the local planning authority when considering the merits of a planning application/s to have regard to the wider special historic interest that a hedgerow may have in terms of what it may represent – for example, a Parish Boundary, the boundary between Hundreds (the ancient administrative areas from Saxon times to the later Victorian period), manorial boundaries or a remnant reminder of medieval field boundaries/patterns.



### 3.1.12 Various Environmental , Wildlife, Biodiversity, Habitat and Ecological protections

3.1.12(1) These are many and widespread and include the need for Environmental Impact Assessment (EIA) in the case of certain types of development likely to have an environmental impact.

### 3.1.13 Development Plan (JLP)

3.1.13(1) Within some objections there was criticism that the PBCA had failed to have regard to relevant policies of the prevailing development plan, which, if applied, would render designation unnecessary.

3.1.13(2) Certainly S38(6) of the Planning and Compulsory Purchase Act 2004 makes it clear the Development Plan is the starting point for a local planning authority when considering any planning application.<sup>7</sup>

3.1.13(3) The Interim Director of Planning is fully aware of the Council's planning policies in the Babergh Mid Suffolk Joint Local Plan (2023) and the protections they afford when considering the impact of new development through planning applications and needs no rehearsal of them here.

3.1.13(4) However for the purpose of heritage considerations such as those being undertaken here in respect of a possible conservation area for Bentley this report cites the following specific policies:

#### *SP09 Enhancement and Management of the Environment*

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

#### officer comment on relevance:

A Designated Conservation Area is recognition of that area's special historic interest and therefore supports conservation, enhancement and management of the historic environment. Obviously, the threshold for attracting the support under this policy, and for attracting support for development in a conservation area are different.

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<sup>7</sup> As is reinforced by paragraph 2 of the NPPF where it states: "Planning law requires that applications for planning permission be determined in accordance with the development plan<sup>2</sup>, unless material considerations indicate otherwise".

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

officer comment on relevance:

Clearly the Designation of a Conservation Area would trigger the requirement for a heritage statement, something that would not be required at present in the Area, except where a proposed development may affect the character or setting of a Listed Building. This represents an important additional tool that would contribute to preserving or enhancing the character of the Conservation Area and one that would assist the local planning authority in its consideration of the merits of a development proposal

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

- a) Include an appropriate desk-based assessment and, where necessary, a field evaluation by a suitably qualified person; and*
- b) If relevant, demonstrate how preservation in situ of those archaeological assets can be achieved through the design of the development and safeguarding during construction.*

3. *The Councils will:*

- a. Support the re-use/ redevelopment of a heritage asset, including Heritage at Risk and assets outside settlement boundaries, where it would represent a viable use, and the proposal preserves the building, its setting and any features which form part of the building's **special architectural or historic interest**;*

case officer comment on relevance:

Interestingly, and perhaps counter to some objectors expectations, this actually provides the Council as local planning authority with an ability to permit development it might not otherwise allow in a countryside setting if it preserves a building that might otherwise be lost. To that end 'Designation' might facilitate certain types of development.

- b. Support development proposals that contribute to local distinctiveness, respecting the built form and scale of the heritage asset, through the use of appropriate design and materials;***
- c. Support proposals to enhance the environmental performance of heritage assets, where the special characteristics of the heritage asset are safeguarded and a sensitive approach to design and specification ensures that the significance of the asset is sustained; and***
- d. Take account of the positive contribution that the conservation of heritage assets can make to sustainable communities, including their economic vitality.***

case officer comment on relevance:

As with 3(a) above, this can provide the Council as local planning authority with the flexibility and scope to support development within a Conservation Area and make them suitable for life in an environment where adaption is necessary if the challenges of climate change are to be successfully tackled. Again this is a positive not a negative.

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

case officer comment on relevance:

It is acknowledged that this element of the policy affords protection to not just 'Designated' heritage assets but also 'Non-Designated' heritage assets. What this does not provide however is the holistic protection that a Conservation Area provides. These 'Non-Designated' heritage assets may have a special interest that is greater than the sum of their parts. Therefore outbuildings and farm buildings workers cottages and the like which in and of themselves may have middling historic value/interest, may tell us much more about the special history of a place in their wider historic context as revealing more about historic daily life and activity in the Area.

- 5. When considering applications where a level of harm is identified to heritage assets (including historic landscapes) the Councils will consider the extent of***

*harm and significance of the asset in accordance with the relevant national policies. **Harm to designated heritage assets (regardless of the level of harm) will require clear and convincing justification in line with the tests in the National Planning Policy Framework.***

officer comment on relevance

The benefit to be derived from Conservation Area status in this circumstance is self-evident and needs no further explanation

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

case officer comment on relevance

As well as relating to Historic England's very detailed and specific pieces of Advice and Guidance on all aspects of heritage, the case officer makes the point that the CAAMP and associated assessment in this report draw heavily on historic England's Advice Note 1- 'Conservation Area Appraisal, Designation and Management.'

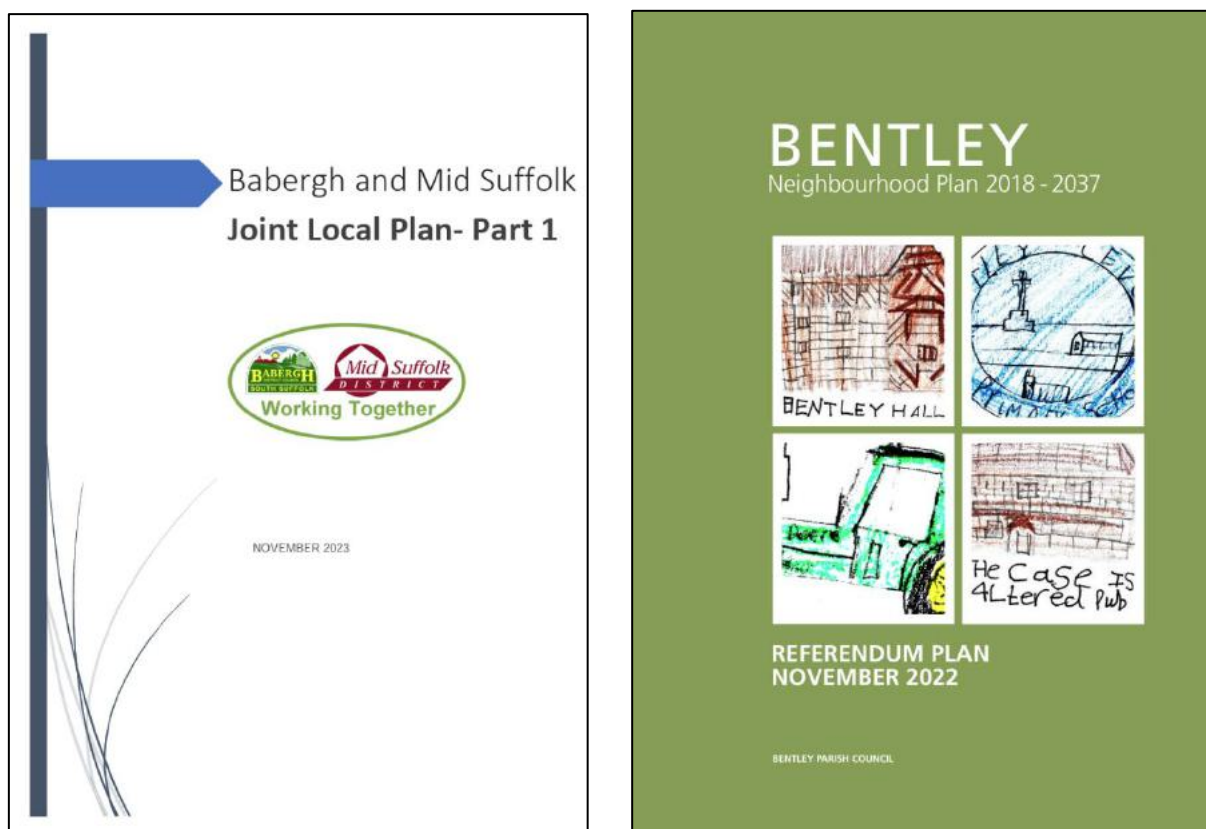


figure 29: **Joint Local Plan and Bentley Neighbourhood Plan**



### 3.1.14 Development Plan (Bentley Neighbourhood Plan)

- 3.1.14(1) In terms of heritage specific policies the case officer draws out policies BEN11 and BEN12 as being particularly relevant to the matter before the Interim Director of Planning and the Cabinet member for Heritage, Planning and Infrastructure.

#### Policy BEN 11 - Heritage Assets

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

- preserve or enhance the significance of designated heritage assets of the Village, their setting, and the wider built environment;
- contribute to the Village's local distinctiveness, built form, and scale of its heritage assets, as described in the AECOM Design Guide, through the use of appropriate design and materials;
- be of an appropriate scale, form, height, massing, alignment, and detailed design which respects the area's character, appearance, and its setting;
- demonstrate a clear understanding of the significance of the asset and of the wider context in which the heritage asset sits, alongside an assessment of the potential impact of the development on the heritage asset and its context; and
- provide clear justification, through the submission of a heritage statement, for any works that could harm a heritage asset yet be of wider substantial public benefit, through detailed analysis of the asset and the proposal.

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

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

#### Policy BEN 12 - Buildings of Local Significance

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

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

Appendix C identifies Buildings of Local Significance which are identified on the Policies Map.

figure 30: BNP Policies BEN 11 and BEN 12

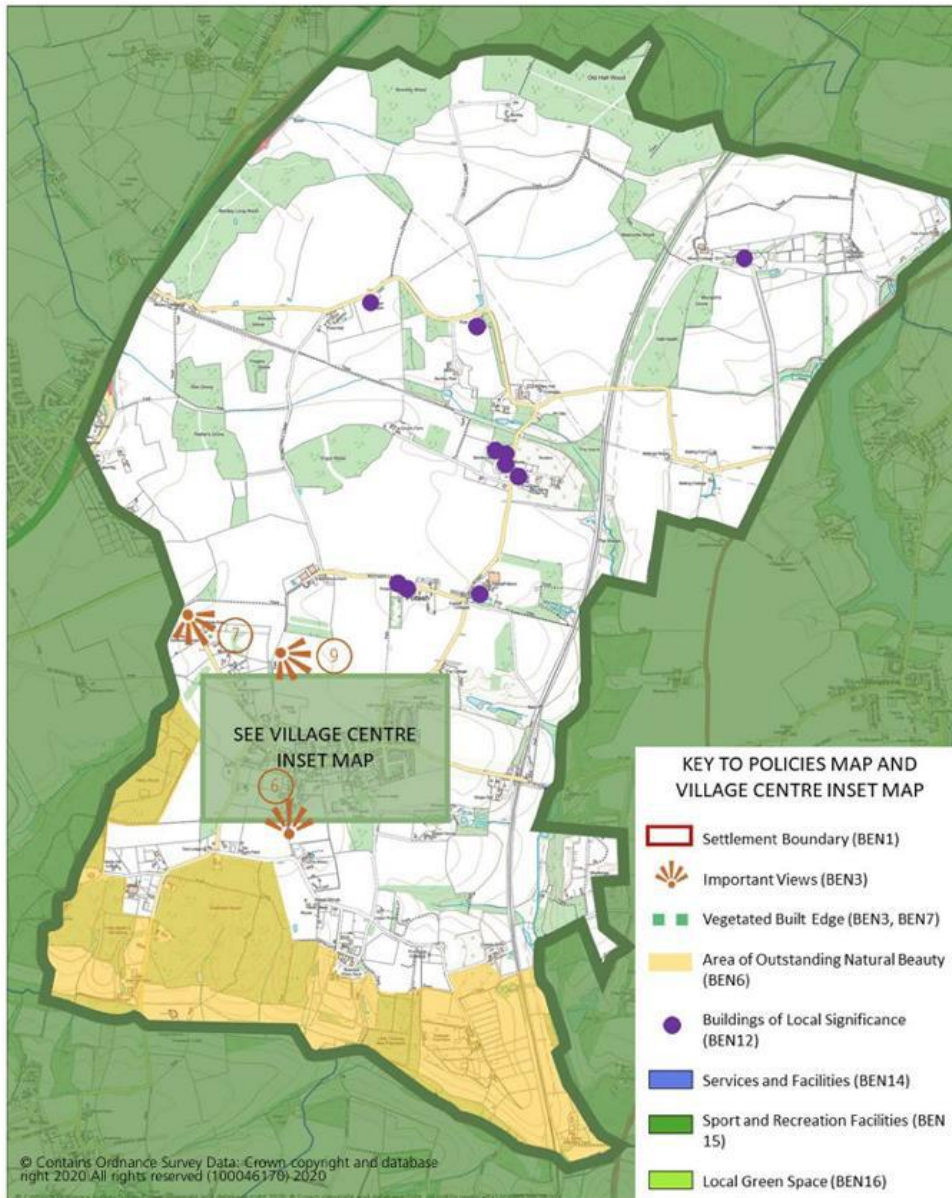
case officer comments on relevance

The benefit that arises from the Designation of a Conservation Area, in the context of BEN11 is very clear. It means that the requirement to ensure the conservation and enhancement of the Village's 'Designated' heritage assets applies and that development proposals are then required to accord with criteria (a) – (e) inclusive. Without a Conservation Area the Area within the CAAMP is exposed to threats from development especially where the assets in question are not 'Designated'. This report explored the nature of existing controls and protections outside of Statutory Designation earlier and without a Conservation Area the holistic protection required to preserve and enhance the special architectural and historic interest of the Area are lacking.

Similarly BEN12 is relevant in that it seeks to protect buildings of local significance that in and of themselves may not qualify for statutory listing, nevertheless they have local historical significance and in the case of a number of such buildings in the PBCA, special interest both architecturally and historically. Designation of a Conservation Area would definitely help to achieve the objective underpinning policies BEN 11 and Ben 12 because it would immediately mean that the Conservation Area is statutorily recognised as a heritage asset and that would allow the Council as local planning authority to judge the merits of proposed developments against the set of criteria included in BEN 11 and offer greater protection to locally significant buildings (BEN 12). Identifying locally significant buildings as non-designated heritage assets immediately raises their profile and the extent to which greater control can be exerted into preserving them or enhancing them. It also brings into play paragraph 216 of the NPPF to greater effect.

- 3.1.14(2) It should be noted that for the purpose of the BNP Policies Map (as follows) listed buildings are not included as 'Buildings of Local Significance', presumably on the basis that listed buildings have national significance.

## Policies Map



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BENTLEY NEIGHBOURHOOD PLAN

figure 31: **BNP Policies Map**

3.1.14(3) In the case officer's opinion the Bentley Neighbourhood Plan is deficient when identifying important views.



3.1.14(4) Paragraph 6.5 (in Objectives Section) states:

*“6.5 In consideration of the aspects and issues highlighted above, the Design Guide recommends that new development proposals should include evidence that development proposals have considered and applied the following general design principles:*

- Relate well to local topography and landscape features, including prominent long-distance views;”*

3.1.14(5) It therefore follows that the BNP is seeking to protect prominent long-views.

4.65 It goes on to say:

“ Important Views

6.7 Ten important views have also been identified. These are shown on the Policies Maps and numbered to align with the assessment contained in the Landscape Appraisal Final Report December 2019 prepared by Alison Farmer Associates. This assessment also describes the views and includes a photograph of each one.”

3.1.14(6) When one looks at the plan that shows these Important Views it is a striking that no views are shown in the northern half of the Parish.

3.1.14(7) Was this deliberate for some reason, or an oversight?

3.1.14(8) If it was deliberate, then this suggests that:

- (i) authors of the BNP and the Community that voted for it were of the opinion that there were no views worthy of protection in the northern part of the Parish, or,
- (ii) the landscape driven assessment was not commissioned to recognise the special historic interest within the northern half of the Parish and the vantage points from which to appreciate, experience and understand it , or
- (iii) there wasn't any, or
- (iv) it was considered that the views did not need to be identified as other policies in the Neighbourhood Plan such as Ben 7 - Protecting Bentley's Landscape Character or Ben 3(d) – Development Design or Ben 11 or BEN 12, did the job.

### Policy BEN 7 - Protecting Bentley's Landscape Character

Proposals must, proportionate to the development, demonstrate how the landscape characteristics of the site and its vicinity have been considered in preparing the scheme.

Proposals that result in any of the following will not be supported unless it can be satisfactorily demonstrated, through a project level Landscape and Visual Impact Assessment, that the resultant impact on the landscape character, referenced to the Landscape Appraisal, can be satisfactorily mitigated and appropriately secured:

- The creation of abrupt edges to development with little vegetation along the settlement edge; or
- The loss or erosion of the Vegetated Built Edge, recorded in the Landscape Appraisal and identified on the Policies Map; or
- Development on upper valley slopes that will be visually intrusive; or
- Housing estates with single housing types; or
- Erosion of rural lane character through introduction of new development, signage, kerbs and new junctions; or
- Development which, due to its location, alters the small scale and predominately linear pattern of the village on the edge of the plateau; or
- Development which masks the subtle changes in topography at the edge of the plateau; or
- Introduction of individual dwellings which do not reflect the scale or detailing of vernacular of properties in the area; or
- Introduction of street lighting or unnecessary signage; or
- Fragmentation of lanes due to the introduction of new access routes which can physically interrupt hedges, grass verges and embankments; or
- Proliferation of individual dwellings along rural lanes within the wider Parish, particularly where this creates linear development

Enhancement of the Vegetated Built Edges through appropriate reinforcement planting is encouraged.

### Policy BEN 3 - Development Design

Planning applications must, as appropriate to the proposal, demonstrate how they meet the general design principles set out in paragraph 6.5 of this Plan and satisfy the requirements of the Development Design Checklist in Appendix A of this Plan and take account of the Bentley Design Guide (November 2019). In addition, proposals will be supported where they:

- a) maintain and enhance the quiet and tranquil character of the village and its setting;
- b) do not materially harm the amenities nearby residents by reason of noise, smell, vibration, overshadowing, loss of light and outlook, other pollution (including light pollution), or volume or type of vehicular activity generated, and/or residential amenity unless adequate and appropriate mitigation can be implemented;
- c) produce designs that respect and address the character, scale, height and density of the locality;
- d) reflect the qualities and character of the setting of the village within a high quality rural landscape, as identified in the Bentley Landscape Appraisal;
- e) ensure that there is no detrimental impact on the key features of important views identified on the Policies Map;
- f) provide open space, in accordance with adopted standards, and grass verges appropriate to the location and size of the development;
- g) as appropriate, include external front and rear gardens designed to take account of the context of the development, including the character of the surrounding area;
- h) incorporate measures to protect and enhance biodiversity, with regard to the NPPF requirement for measurable net gain in biodiversity, preserving trees, hedgerows, and other wildlife corridors, and including measures such as the installation of swift bricks on every new house;
- i) through the appropriate use of Sustainable Drainage Systems, prevent water runoff that would add to or create surface water flooding;
- j) where appropriate, incorporate grey water recycling and rainwater and stormwater harvesting;
- k) where appropriate, make adequate provision for the covered storage of wheelie bins out of sight from public view within each plot or, alternatively in developments of more than one dwelling, and provide for screened/obscured communal bin collection areas within the development;
- l) will not generate additional vehicles on a designated Quiet Lane such that it would result in that Lane carrying average vehicle movements in excess of 1,000 a day and/or 85th percentile speeds in excess of 35 mph; and
- m) where possible, maximise the benefits of solar gain in site layouts and orientation of buildings.

figure 32:  
**BNP Policies BEN 7  
and BEN 3**

3.1.14(9) Whatever the explanation it is a vulnerability in the BNP because the CAAMP, this officer report and many of the public comments received acknowledge there are such views and they range from delightful to captivating. The CAAMP identifies 31 of them

and the case officer believes other should be noted, including views along the former Hadleigh Branch Line

3.1.14(10) So to summarise. The case officer is of the opinion that the above mentioned controls allow an LPA to exercise development control to some degree, the introduction of a conservation area would afford additional controls which recognise the holistic interrelationship of many of the components of the area which render it so special.

3.1.14(11) The following section of this report will consider the impact that certain Lords of the Manor had at different times on the Area on the basis that this feeds into the analysis within Part 4 of this Report.

### **3.2.0 HISTORY OF BENTLEY**

3.2.1 The CAAMP provides a short history of Bentley which records start with the Domesday Book.

3.2.2 Suffolk Heritage provide a short, potted-history of the Village which is set out below.

#### **Manorial:**

Pre 1066	Estate held by Earl Gyrth
Post 1066	Estate added to manor of East Bergholt as outlier of 2 carucates belonging to Earl Ralph the Constable
1086	Estate of carucates belonging to the King
1066	Manor of 40 acres held by Edmund
1086	Manor of 40 acres belonging to Count Alan
1066	Manor of 40 acres held by Thurston
1086	Manor of 40 acres belonging to Count Alan

#### **Dodnash:**

1066	Manor of 1 carucate held by Edwin under patronage of Edeva
1086	Manor of 1 carucate belonging to Count Alan

#### **Bentley Hall**

13 <sup>th</sup> cent.	Held by Hugh Talmache by Serjeanty. Extant of manor shows 200 acres arable land, worth 34s. 4p., 4 acres meadow, 30 acres heathland, 10 score acres of woodland and pasture
1571	Linked to Stowmarket, Capel St. Mary, Copdock and Hintlesham (Sir Lionel Tollemache)
1668	John Cudworth owns
1895	Hon. Stanhope Tollemache owns



### **Sub-Manors:**

#### **Old Hall Bentley/Church House**

1086	Believed to have been lands belonging to Count Alan
15 <sup>th</sup> cent.	Linked to Levington, Nacton, Holbrook and Holton St. Mary (Fastolf family)
Circa 1532	Annexed to main manor (Lionel Talmach)
1662	Sir Philip Meadow owns
1798	Benjamin Keene owns and with which family manor

#### **Bentley Falstolfs**

1086	Also believed to have been lands belonging to Count Alan
13 <sup>th</sup> cent.	Linked to Nacton, Walton and Holbrook (Richard de Holbroke)
14 <sup>th</sup> cent.	Links at some point with Old Hall Bentley (Sir John Falstolf)
1529	Sir Richard Broke died seised
1662	Absorbed by Old Hall (Sir Philip Meadow)

#### **Dodnash**

1292	William Charles owns
14/15 <sup>th</sup> cent.	Dodnash priory
1525	Links with Falkenham, Felixstowe, Nacton, Burstall, Chattisham, Hintlesham, Wherstead, (Cardinal Wolsey who made it part of foundation of his college at Ipswich)
1530	Annexed to main manor (Lionel Talmache)
1662	Absorbed by Old Hall (Sir Philip Meadow)

- 3.2.3 Just from this short summary up 1662 a name that appears frequently is that of Lionel Talmach, Talmache, Tollemache with reference to three of the four Manors of Bentley, The Main Manor of Bentley Hall and the Sub-Manors of Old Hall and Dodnash. The CAAMP states that the Tollemaches had an interest in the fourth Manor 'Fastolfs' in 1549.
- 3.2.4 Other notable families include the Fastolfs and the Keenes.
- 3.2.5 The Tollemache family name reappears in the history of Bentley in the Victorian and Edwardian eras.

3.2.6 Indeed one respondent to the consultation undertaken by the Council recalls knowing one of the large houses within the BCA, while Tollemache relatives lived in two others. He himself reports to have familial links with the Tollemache family which appears credible based on preliminary research

3.2.7 Bentley was historically a small settlement and remains so.

1086 — 31 recorded  
1327 — 16 taxpayers paid £1. 12s. 8d.  
1524 — 16 taxpayers paid £2. 2s.  
1603 — 141 adults  
1674 — 39 households  
1676 — Not recorded  
1801 — 337 inhabitants  
1831 — 363 inhabitants  
1851 — 434 inhabitants  
1871 — 433 inhabitants  
1901 — 451 inhabitants  
1931 — 403 inhabitants  
1951 — 483 inhabitants  
1971 — 808 inhabitants  
1981 — 840 inhabitants  
**2011 776 inhabitants**  
**2021 547 inhabitants**

3.2.8 As is to be expected, employment historically was largely agriculture related

1500-1549 2 husbandmen  
1550-1599 1 yeoman, 2 husbandmen, 1 miller, 1 labourer  
1600-1649 9 yeomen, 4 husbandmen, 1 tailor  
1650-1699 6 yeomen, 1 maltster, 1 husbandmen, 1 clerk, 1 brick  
striker, 1 labourer, 2 blacksmiths  
1831 77 in agriculture, 19 in retail trade, 17 in domestic service  
1844 2 shopkeepers, 2 corn millers, victualler, 7 farmers  
1912 sub-postmaster, schoolmistress, station master, farm  
bailiff, 8 farmers, 3 publicans, 2 gardeners,  
blacksmith/wheelwright, shopkeeper, maltsters

3.2.9 Handforth Heritage within the CAAMP makes reference to the significant role that the Tollemache's had on Bentley and Tollemache is referred 51 times and Tollemache's 5 times in it.

3.2.10 It is therefore worth examining the conclusion in the CAAMP that:

*"The historic significance and status of the area is reflected in regal links between the Tollemache family and the Crown which pre-date the Dissolution. Links between landowners of the area and the ultimate founding of what would become the United States of America also brings an added layer of historic interest." (chapter 8)*

3.2.11 Objectors to the PBCA argue that the influence of the Tollemaches within Bentley is overplayed and that their influence (if indeed they had any) was at best marginal.

3.2.12 Reviewing the CAAMPS research it appears that the following were all one time or another part of the Tollemache's holdings/estate in Bentley.

Bentley Hall	Bentley Wood
Bentley Manor	Brockley Wood
Dodnash Priory	Engry Wood
Falstolfs Manor	Fingery Grove
Hubbard's Hall	Long Wood
Maltings Cottage	Newcombe
Maltings House	Wood
Matings Farm	Pedlars Grove
Manor Cottage	Ponders Grove
Old Hall	Tare Grove
The Lodge	The Wades
	Mungons Grove

3.2.13 This represents a significant land and property portfolio.

### 3.3.0 THE TOLLEMACHE FAMILY CONNECTION WITH BENTLEY AND THEIR CONTRIBUTION TO THE SPECIAL INTEREST WITHIN THE PROPOSED BENTLEY CONSERVATION AREA

3.3.1 The Tollemaches appear to have lived in Bentley for centuries during the Medieval period and it was clear they were influential. Today the Suffolk home of the Head of the Family is Helmingham Hall in Mid Suffolk but the Helmingham Hall website acknowledges the Family's Bentley origins.<sup>8</sup>

*"The Tollemache family has lived in Suffolk from shortly after the Norman Conquest right up to the present day. **Their home for the first 400 years was at Bentley near Ipswich.** Despite their proud boast to the contrary – Before the Normans into England came, Bentley was my seat and Tollemache my name – it seems now that the family actually came over from Avranches on the Normandy coast. Their name was spelt Talemache, meaning 'purse bearer.' It has been recorded that Hugh Tollemache was Purse Bearer to Henry I.*

*The Tollemache family remained at Bentley as squires and knights throughout the turbulent years of the early centuries, fighting for both Henry II against the Welsh and Edward I against the Scots, even fighting against their neighbours in order to retain*

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<sup>8</sup> The Suffolk seat of Tollemache

*their lands. Two Tollemache knights from Bentley fought at the Battle of Crécy against the French in 1346.*

*In 1487, John Tollemache married Elizabeth Joyce, the heiress of Helmingham, and his son Lionel also married a Joyce, thus further cementing the union, and so they moved to Helmingham where the Joyce family home of Creke Hall stood. John Tollemache and his wife proceeded to pull the hall down and build in its place Helmingham. Helmingham was completed in 1510, and it still stands today, surrounded by a deep moat, serene gardens and deer park.”*

<https://www.helmingham.com/history/the-family/>



figure 33: **Helmingham Hall**

3.3.2 Undoubtedly there is a strong 800-year old historic connection between the Tollemache family and Suffolk, along with long-standing connections to Babergh (Bentley in particular), Mid Suffolk (Helmingham Hall) and Ipswich (historic business interests),

3.3.3 In the Victorian era the Tollemache’s were important businessmen in Suffolk. The Tollemache brewery originated in Ipswich in 1888. Founders were the sons of John Tollemache, 1st Baron Tollemache – Douglas, Stanhope and Mortimer Tollemache who bought Cullingham Brewery in Upper Brooke Street in 1856. (acquiring 1042 pubs in the process) They proceeded to build a number of pubs taking design cues from Helmingham Hall. These became known as ‘Tollies Follies’ A surviving example amongst many is the Suffolk Punch in Deben Road.

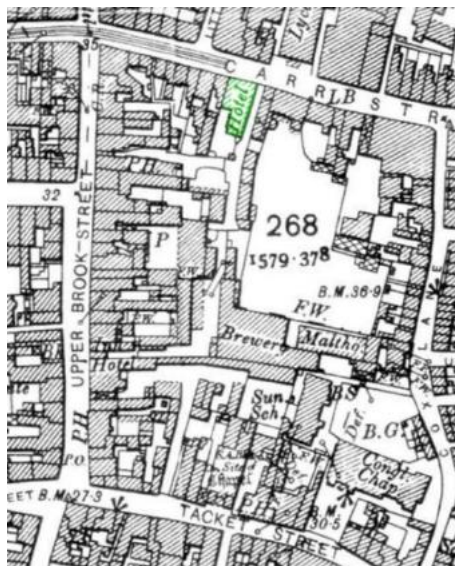


figure 34: **The Old Tollemache Brewery Site, Ipswich and typical Tollemache Pub**



- 3.3.4 There will be those in the community and across Suffolk, that remember frequenting Tollemache pubs and drinking Tollemache beers.



figure 35 **Tollemache Brewery pump badges**

- 3.3.5 In 1957 the Tolly Cobbold brewery was formed by the merger of the Cobbold and Tollemache breweries. The Cobbold brewery was founded in Harwich in 1723 in Harwich and later moved to Ipswich. Brewing ceased in Brooke Street in 1961 after which the activity was concentrated in Cobbold's Cliff Quay brewery. The brewery closed in 2002, after being acquired by Ridley's Brewery.



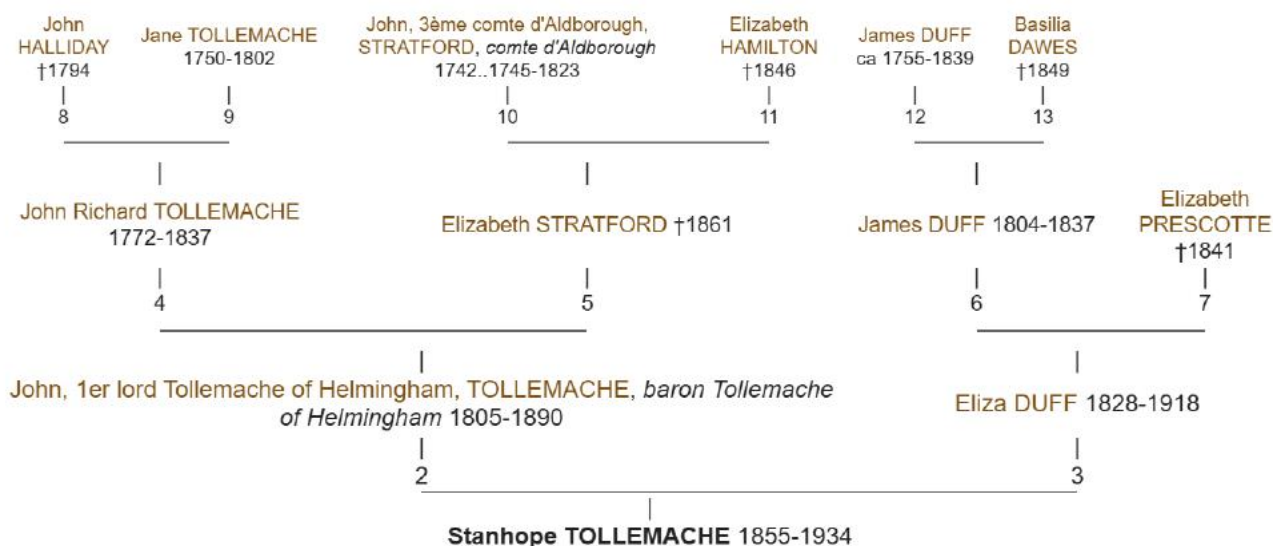
figure 36 **Old Tollemache Brewery, Ipswich** - Britain from above.org.uk 1920

3.3.6 Mrs Charles Roundell (Daughter of the late Wilbraham Tollemache of Dorfold Hall, Cheshire) in 'The Tollemaches of Bentley'<sup>9</sup> reports that

*"the old hall at Bentley, and most of the Bentley estate, passed away from the Tollemache family at some period which is not known. There is a tradition that one of the owners of Helmingham gambled away every acre at Bentley which the plough could turn up, and this tradition seems to be confirmed by the fact that, until the year 1895, when the Hon. Stanhope Tollemache (son of the first Lord Tollemache of Helmingham) , re-purchased Bentley<sup>10</sup>."*

3.3.7 Stanhope Tollemache was born in 1855 and died in 1934, aged 79 years old

3.3.8 He was the son of John, Lord Tollemache of Helmingham (Baron Tollemache 1805-1890) and Elizabeth Duff (1828-1918). A short family tree is provided below.<sup>11</sup>



3.3.9 Indeed a respondent to the Council's PBCA consultation has written to say he remembers living in one of the large houses within the PBCA at was aware that Stanhope Tollemache and Angela Tollemache lived in two other large houses in the PBCA. The respondent states he also has familial links with the Tollemache Family. This is credible based on the case officers further basic research.

<sup>9</sup> Volume XII Part 1 (1904) The Tollemache's of Bentley 97-99

<sup>10</sup> Bentley Hall

<sup>11</sup> <https://gw.geneanet.org/pierfit?lang=en&n=tollemache&oc=0&p=stanhope>

3.3.10 Stanhope Tollemache authored and illustrated the book 'British Trees' which was published in 1901.

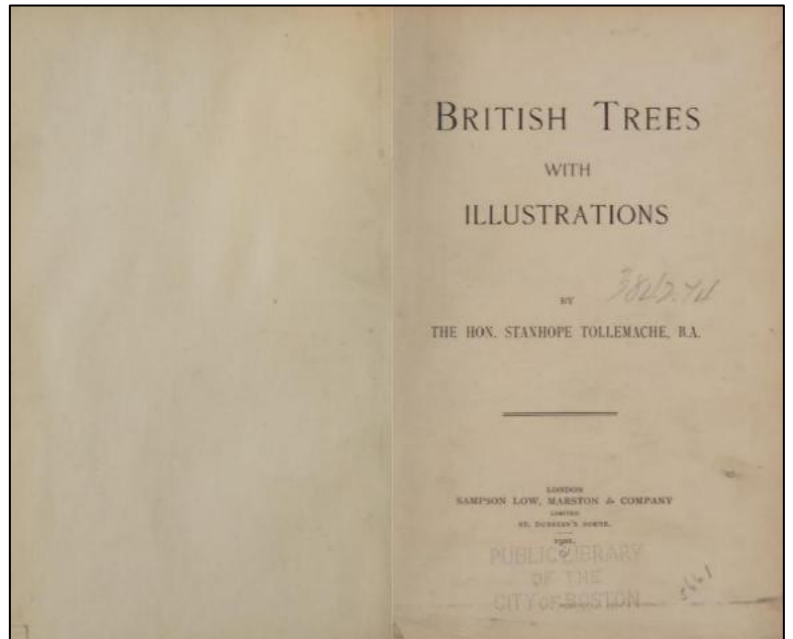
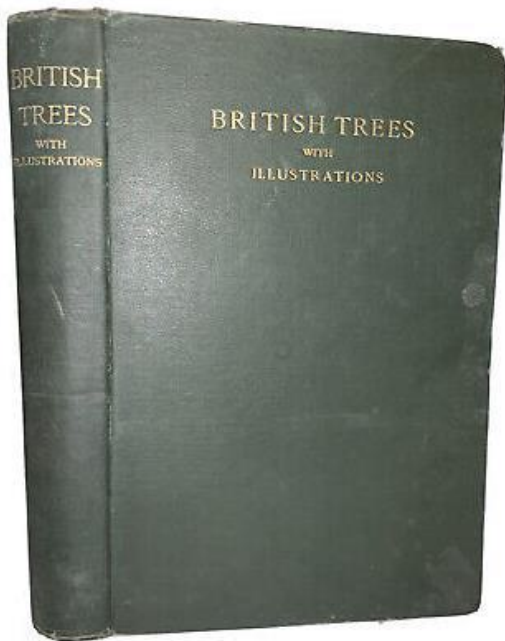


figure 37: **British Trees by Stanhope Tollemache published 1901**

3.3.11 Included in the work are a number of photographs of trees taken in Bentley.

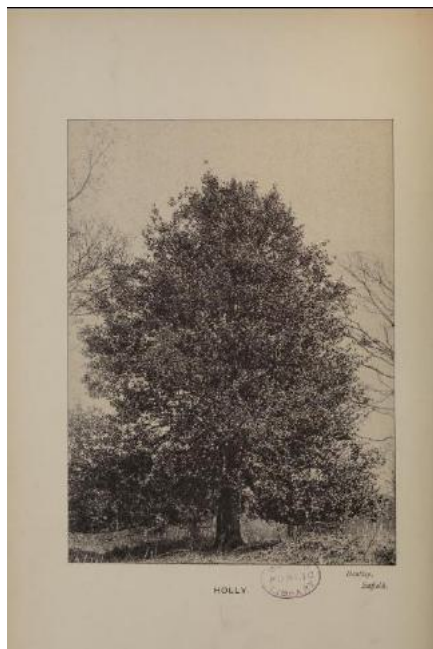
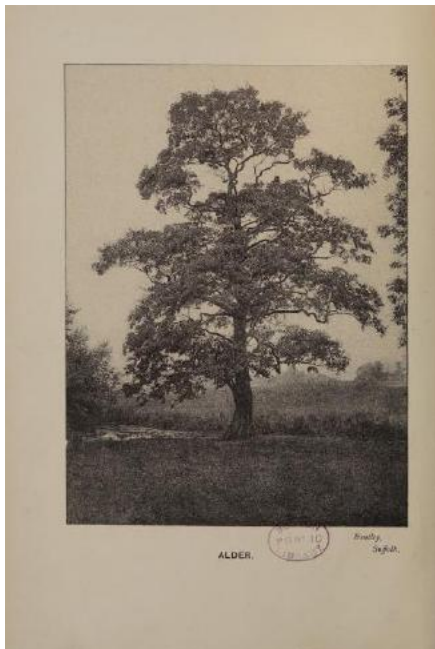


figure 38: **Extract from British Trees by Stanhope Tollemache published 1901 (1)**





figure 39: **Extract from British Trees by Stanhope Tollemache published 1901 (2)**

- 3.3.12 Bentley Manor was re-established and extensively re-modelled by the Hon Stanhope Tollemache in the 1890's, where he then lived.
- 3.3.12 Whilst, Bentley Manor is not listed, it is considered to be a non-designated heritage asset and of special historic interest because it was the home of Stanhope Tollemache in the Victorian/Edwardian era.
- 3.3.13 Interestingly the reports of re-modelling in the 1890 by Stanhope Tollemache, seem accurate because the front elevation of the Manor (which was earlier known as Bentley Lodge, which suggests a more modest status) appears to have undergone some aggrandisement. (when compared to other elevations) There appears to be design references from Helmingham Hall something which also found their way onto new Tollemache Brewery's public house under Stanhope Tollemache's ownership. (Tollies Follies)

figure 40:  
**Bentley Manor  
(front elevation)**

(note the Helmingham Hall treatment of the re-modelling)





- 3.3.14 It appears that the Tollemache estate hereabouts included Hubbards Hall (which was tenanted), Malting Farm, Maltings House and Maltings Cottage all of which are within the PBCA.
- 3.3.15 Before leaving the Tollemache family it should be noted that the 1838 Tithe Map for Bentley shows that the Countess Of Dysart (Tollemache) owned the majority of woodland in and around Bentley. I will return to this later.
- 3.3.16 The Centre for the Study of the Legacies of British Slavery (University College London) has researched<sup>12</sup> that John Tollemache (Cheshire) created Baron Tollemache 1876 was awarded compensation<sup>13</sup> for six estates in Antigua. Source T71/877

- claim no. 39 (Wetherillis) - 18 March 1839, 119 enslaved, £1823 6s 3d
- claim no. 40 (Boons) - 18 March 1839, 108 enslaved – £1437 4s 1d,
- claim no. 58 (Glanville's Estate) - 18 March 1839, 106 enslaved, £1794 5s 4d,
- claim no. 82 (Delap's Estate) - 18 March 1839, 268 enslaved, £3952 18s 11d
- claim no. 83 (Lucas's Estate) - 18 March 1839, 106 enslaved, £1665 3s 7d
- claim no. 123 (Gamble's Estate) - 18 March 1839, 115 enslaved, £1996 4s 5d

This equates to some £1.16m<sup>14</sup> today.

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<sup>12</sup> <https://www.ucl.ac.uk/lbs/search/>

<sup>13</sup> In 1833 as part of the compromise that helped to secure abolition, the British Government agreed a compensation package of £20m package to slave owners for the loss of their property (their enslaved people). The Bank of England administered the payment of slavery compensation on behalf of the British Government

<sup>14</sup> Using Bank of England Inflation Calculator [www.bankofengland.co.uk/monetary-policy/inflation/inflation-calculator](http://www.bankofengland.co.uk/monetary-policy/inflation/inflation-calculator)

3.3.17 In keeping with the Government's 'retain and explain' policy the CAAMP should, in the light of this research, be revised to comment upon the extent to which the Tollemache Family were engaged in slavery in the context of their overseas interests and the extent to which this funded their lifestyles, business ventures and wealth, particularly those in Suffolk and more especially those with interests in Bentley.

#### 3.4.0 **The John Constable RA connection to Bentley and the Tollemache family**

3.4.1 John Constable RA( 1776-1837) the famous Suffolk English Romantic Landscape artist has well-known links with Dedham and East Bergholt, both not far from Bentley and there is a link between him, Bentley and the Tollemaches.

3.4.2 John Constable's connection to Bentley primarily revolves around his brother, Golding Constable. Golding was employed as a warden at Bentley Woods by the Countess of Dysart, a position obtained through John's influence. This employment, and the later residency on the Helmingham estate, highlights the familial connections between John and Golding, and their mutual involvement in the estate's management.

3.4.3 Here's a more detailed look at John and Golding's connection to Bentley:

- ***Golding Constable's employment:***

*John Constable's older brother, Golding, was instrumental in securing employment for himself with the Countess of Dysart as her warden at Bentley Woods, based on his interest in shooting.*

- ***Family connections:***

*The Constable family had a strong relationship with the Dysart estate, and John's influence played a role in Golding's employment, particularly as their family home was sold after their father's death, according to the website Flatford and Constable.*

- ***Bentley Woods:***

*The location of Bentley Woods on the Dysart estate is where Golding was employed, showcasing the family's connection to the area and the estate's management.*

- ***Later residence:***

*Golding later became a live-in land warden at Helmingham, indicating a deeper involvement with the Dysart estate and its lands, according to the website Flatford and Constable.*

*"Bentley 21 April 1823"*

*Bentley is about four miles east of Constable's family home in East Bergholt. The woods there formed part of the estates of Helmingham in Suffolk, owned by Louisa, Lady Dysart. Both she, and her brother, Wilbraham, sixth Earl Dysart, were patrons of Constable; on his death in 1821, Louisa inherited, and was created Countess Dysart in her own right. Around 1823, the date of this drawing, the painter obtained the post of warden at Bentley for his elder brother, Golding. A letter from Golding to his brother dated February 1824 gives an account of his duties, as if he only recently taken them up (JCC I, p. 205).*

*The drawing records a visit to Bentley in April 1823, which is documented only by two drawings of Flatford (R23.8 and R23.9, 1888-2-15-69). The visit took place between the date Constable submitted his paintings for the Royal Academy exhibition and the opening, when he was back in London, and was evidently of short duration. He was probably asked to make a brief report on the estate for Lady Dysart, for whom Constable's agricultural background continued to be of use, as well as his activity as a painter. At the same time the following year, April 1824, Constable went again to Bentley on her behalf, so that he could bring her a first-hand account, as he reported in a letter to Archdeacon Fisher (JCC VI, pp. 155-6). Three months after making this drawing, Constable was putting the finishing touches to a painting of the Dell at Helmingham; this was not destined for the Countess, however, but was bought by one of her relations, James Pulham, in 1825 or 1826 (R26.21).<sup>15</sup>*

- 3.4.4 One of Constables pencil drawings is known to have been sketched in Bentley. It is included below.

figure 41:

**A farmhouse at Bentley;  
ditch in foreground with  
hedgerow running on  
other side, gate to left  
and field beyond, farm  
building in centre in  
distance among trees.  
1823  
Graphite**



<sup>15</sup> | Fleming-Williams Constable

- 3.4.5 The same reference includes a detailed list of correspondence from and to John Constable.
- 3.4.6 In that list the Lord and Lady Dysart's (Countess of Dysart) are a series of exchanges (notes, letters and meetings) between John Constable and the Dysarts. Indeed they were Patrons of the artist. There are records of him visiting both Helmingham and Ham Huse (Surrey) and he had a residency at Helmingham.

### **3.5.0 THE PRESENCE OF A MEDIEVAL LANDSCAPE**

- 3.5.1 The Medieval period is generally taken to be from 1066 (The Norman invasion and conquest of England, led by William Duke of Normandy – who was Crowned William I and known as William the Conqueror), until 1485 (end of the War of the Roses and the seizure of the Crown by Henry Tudor [King Henry VII]).
- 3.5.2 William I was instrumental in promoting the manorial system along and expanding the principle of 'fealty' (the obligation of the engagement to be faithful to a lord who ultimately swore allegiance to the Monarch who had gifted the land to the lord in exchange for loyalty and faithfulness. *(and on occasion the obligation to raise men and finance for the King's military interventions)*
- 3.5.3 The Manorial system is therefore what dominates the structure of the rural landscape during the period. The soils and climate of England were such that south and east of a line drawn roughly between the Rivers Exe and Tees was able to support both arable and pastoral (livestock) agriculture whereas land to the north and west produced a predominantly pastoral economy.
- 3.5.4 In his book '*Suffolk in the Middle Ages*', Norman Scarfe<sup>16</sup> describes the modern landscape of Suffolk as still being an essentially Medieval one, with its 500 Medieval churches, 10,000 listed houses and the 'Hundred'<sup>17</sup> lanes going back to the C10th.
- 3.5.5 The village of Bentley was in the Samford Hundred. Hundreds survived into the C19th which provides an incredible resonance to the Medieval and pre-Medieval system of Government in England.

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<sup>16</sup> Scarfe is the doyen of Suffolk's landscape historians – Journal of Medieval Archaeology

<sup>17</sup> Hundred here refers to the old Anglo-Saxon division of a Shire for administrative, military and judicial purposes. They were the forerunners of today's modern Districts.



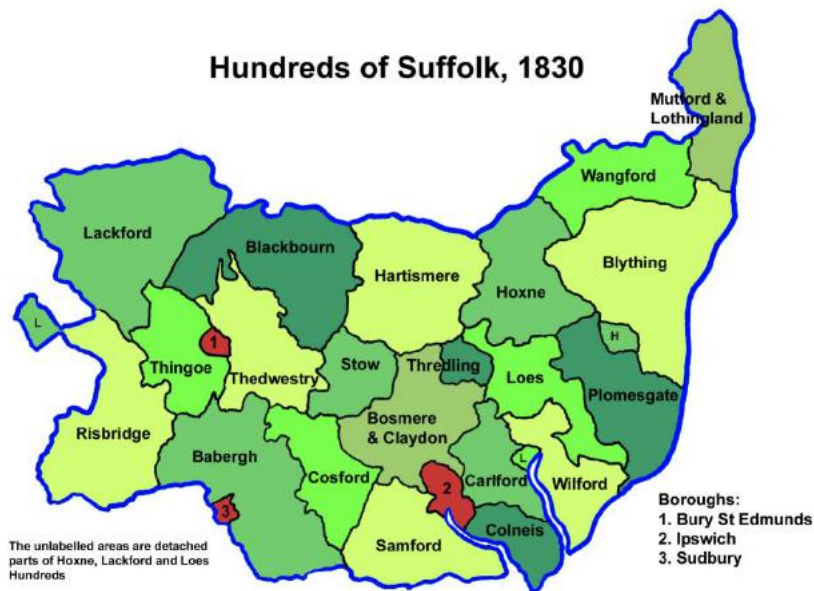


figure 42:  
**The Old Hundreds of Suffolk**

3.5.6 What is clear is that we do not have an original Medieval field system in Bentley, an indicative representation of which is shown below.



figure 43:  
**Illustrative Representation of a Medieval Manor**

- 3.5.7 What we can still experience within the PBCA is the underlying structure of the medieval landscape (as a function of the manorial system(?)) in the way described by Norman Scarfe and acknowledged by Laurie Handcock in his independent advice to the Council. We can experience what that Medieval landscape would have been like because we can still see the key components with very little modern intervention, save for what are a limited number of predominantly 'modern' agricultural buildings and a tiny number of modern dwellings.
- 3.5.8 We have is a collection of high value listed manor houses, halls, ancient woodland associated with those properties, along with agricultural land and a lattice of lanes and paths all of which that have not changed structurally for 600+ years.
- 3.5.9 This is considered by the case officer to be of special historic interest because it allows us to experience a feudal rural environment much as it would have existed more than 600 years ago (and potentially much further back than that).
- 3.5.10 What we have within the PBCA is not predominantly farmland much like that any where else in the countryside but a surviving, living model of a Medieval rural economy and social system that is now increasingly scarce. In its time this part of Bentley represented a considerable concentration of landowning wealth and power that had control over the lives of 'ordinary folk' alongside that exercised by the Church.
- 3.5.11 Following the industrial revolution and its associated urbanising impact it is easy to forget that rural life was once predominant. As more and more people moved into towns and away from the countryside many rural settlements changed or themselves urbanised.
- 3.5.12 What persists in the PBCA is almost a snap shot in time, that for whatever reason has continued to exist while almost everything around it has changed or is changing. There is currently a chance to recognise and then to preserve and enhance that special historic interest through the designation of a conservation area.
- 3.5.13 If one takes a look at historic maps of the area it is interesting to see just how little the structure has changed in the last 300 years, even though the effect of the 'Enclosures' and modern farming methods might ordinarily have been expected to have some impact. Interestingly, there is considerable evidence that the underpinning structure is Medieval.
- 3.5.14 The extract from Hodskinson's famous map of 1783 below shows that there was a dominant ringed structure of woodlands around Bentley Hall and St Mary's Church.
- 3.5.15 Most remain easily recognised today.

3.5.16 This is not unsurprising as these ancient woodlands were of commercial value to their owners. It is noted that the Tollemache family held on to their woodlands long after most other land and buildings were sold away. They represented a valuable source of timber.

3.5.17 At the time of the Tithe Maps and Apportionments (1838) The Tollemache's (in the shape of Countess of Dysart (Louisa Manners, nee Tollemache) continued to own almost all of the woodland in Bentley, but no other land. It was later in that century that Stanhope Tollemache acquired property in Bentley.

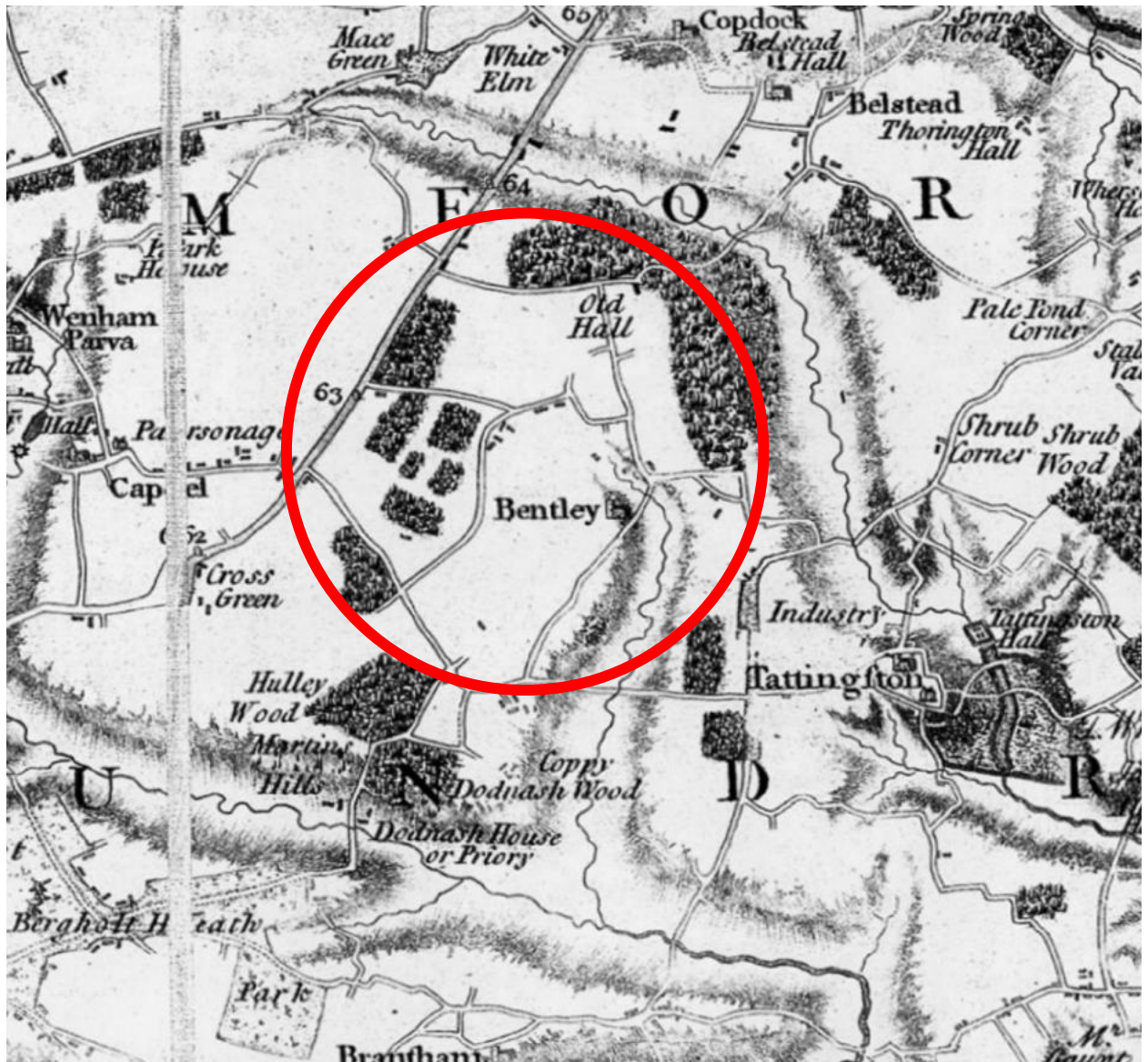


figure 44: Hodskinson's Map 1783





figure 45: **OS Map Sheet [XLVII] One-inch to the mile Old Series surveyed 1796 Published 1805.**

3.5.18 A village resident (referred to here as AA) has recently postulated that the field pattern on the Tithe Map of 1838 may well reflect the field patterns that existed in the early 1600's, based on records that AA is researching.



3.5.19 AA has kindly provided some copy extracts from a document dated 1613 which provides a written schedule of land around Old Hall, Bentley.

3.5.20 It is interesting to note that field names are often the same as those appearing on the Tithe Map of 1838 and it is possible from the description of the name of the fields, the location of fields and their size in the 1613 document to identify them on the 1838 Tithe Map. Field sizes are identical or similar enough to suggest little change during the period between the two maps.

3.5.21 The map below (base map - 1838 Tithe Map around Old Hall) provides a limited demonstration of this with the associated table comparing information from 1838 and 1613. This is sufficient to raise much interest in undertaking more research and similar cross referencing where source material exists and it is believed that this is indeed what AA is undertaking.

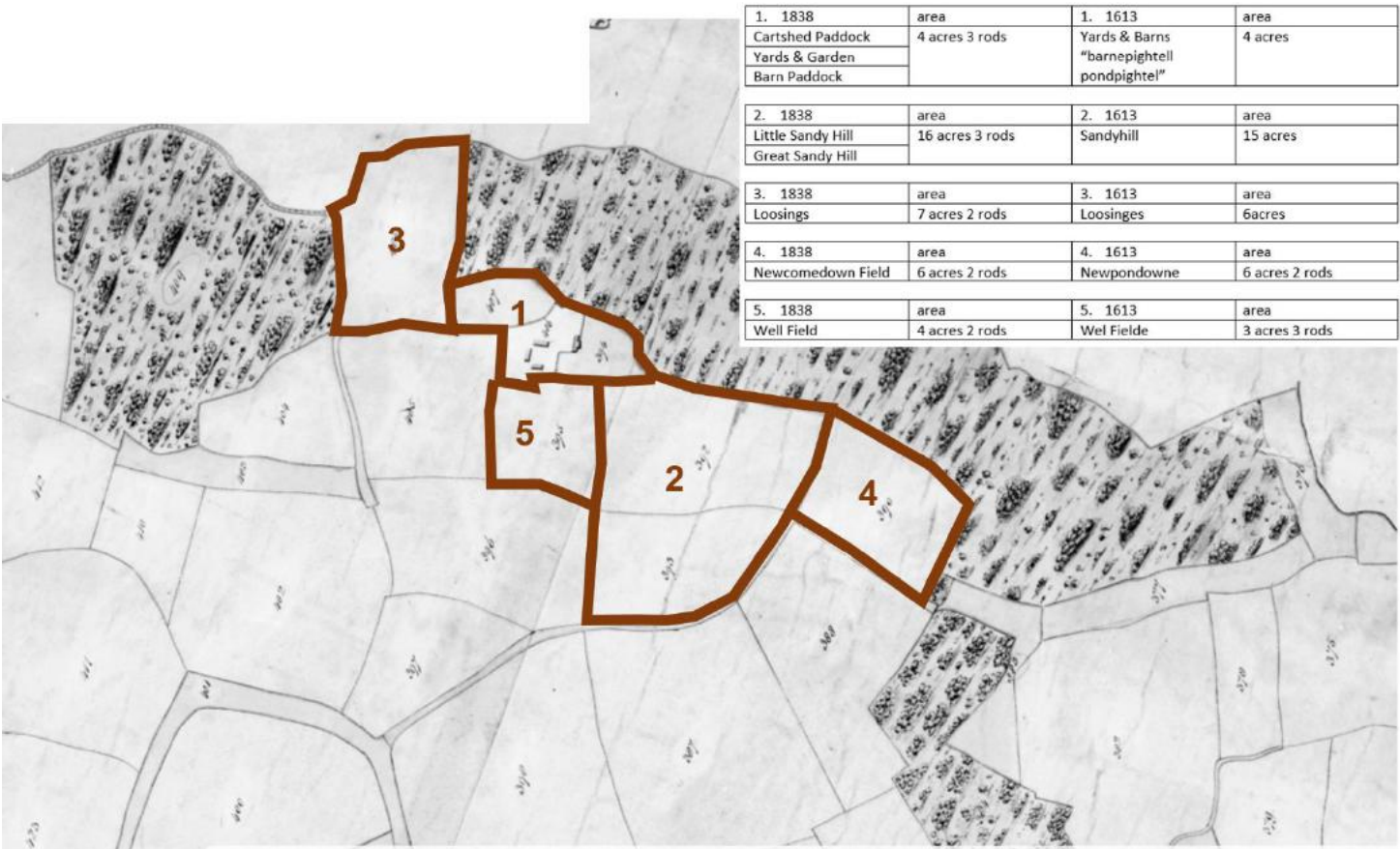


figure 46: **Field Comparison 1838 and 1613 – Old Hall**

3.5.22 AA has provided his own modern transcript of the 1613 document (*which is somewhat obviously written in C17th English*) which is kindly reproduced below with his permission. Using this it appears possible to match each of the references with fields on the 1838 Tithe Map.

**Original Schedule for Olde Hall from 1613 survey translated in the text below** (provided by resident AA)

Farmland land around Olde Hall in 1613 (with tenancy update for 1623)

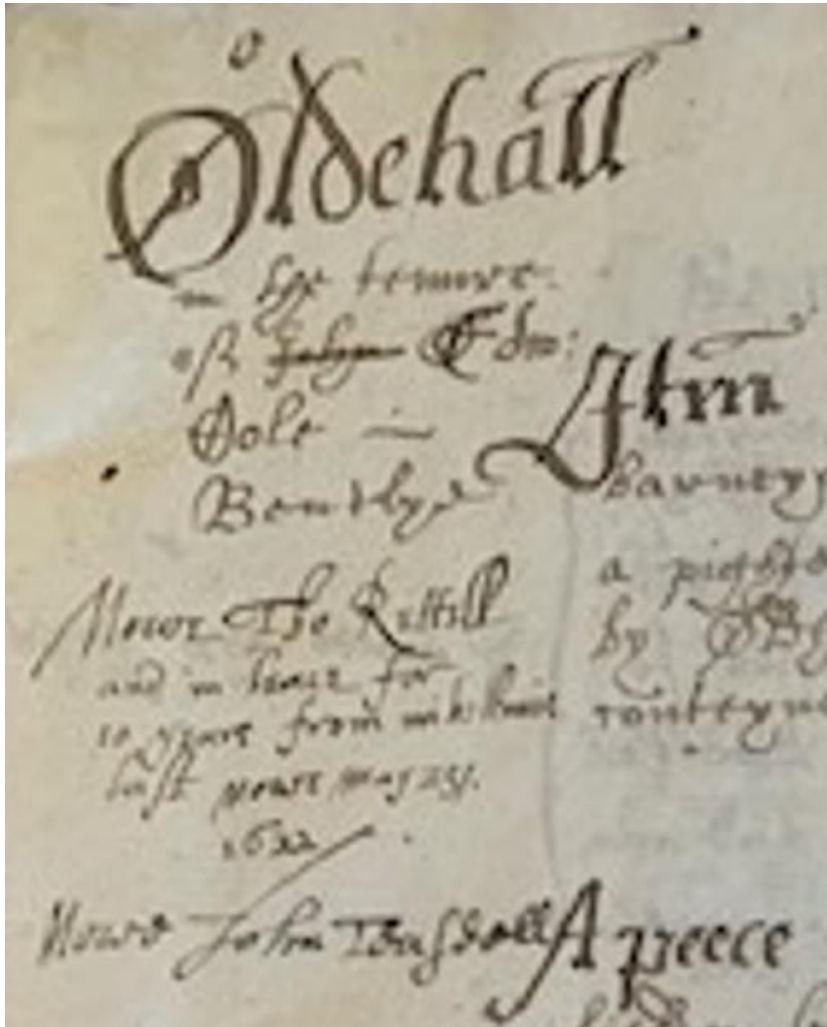


figure 47:  
**Title of the 1613 Document**

**In the tenure of [John] Edw Cole of Bentlye Nowe Thos Kettell and in lease for 10 years from Michaelmas last nowe May 23 1622 Nowe John Teasdell**

- **Item** the Scite yarges barnes and barnyard or barnepightell and a pightell<sup>18</sup> called pondpightell lyeing by Oldhall Woode towards the north conteyne together fouer acres - **iiii acres**

<sup>18</sup> Pightle - Eastern England archaic dialect: small enclosure; paddock that was later set aside as a camping place. To 'pight' is to pitch a tent. Possibly itinerant farm labourers

- **A peece** of eareable [arable] lande called **Welfielde** lyeth by a close called **Sandyehill** towards the East and by Great Close West And abbutteth upon the sayde Scite towards the North & upon a bromye [?] grove towards the Southe and conteyne three acres three roodes - **iii acres iii roodes**
- **Greate Close** alias Cherrytreefielde lyeth by Welfielde & pte of the bromyefielde called the Grove towards the Easte and Little Brockhall a peece of meadowe & horsepasture towards the West And abbutteth upon a Close called Loosinges towards the North & upon pte of the sayde bromeygrove towards the South and conteyneth xv acres - **xv acres**
- **Loosinges**<sup>19</sup> lyeth by pondpightell & pte of Oldhallwoode towards the East and abbutteth on Oldhallwoode towards the North & upon Cherrytreefielde towards the South and conteyneth six acres one roode - **vi acres 1 roode**
- **Little Brockhall** lyeth by Cherrytreefielde towards the East & by pte of Brockhallwoode towards the West and abbutteth on a peece of meadowe towards the South & upon Brockhallwoode towards the North and conteyneth five acres fifteen perches - **V acres xx perches**
- **A peece** of meadowe lyeth at the South end of Little Brockhall & conteyneth two acres and three roodes - **ii acres iii roodes**
- **Greate Brockhall** lyeth by Horsepasture towards the East and by parte of Bouchevalliers towards the West and abbutteth upon pte of Jurden's cople towards the South & upon pte of Bouchevalliers towards the North and conteyneth nine acres - **ix acres**
- **Horsepasture** lyeth by Cherrytreefielde & Bromygrove in pte towards the East & by Great Brockhall towards the West and abbutteth upon Bently More in pte and upon Jurden's cople towards the South & upon a little peece of meadowe towards the North and conteyneth xviii acres one roode - **xviii acres 1 roode**

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<sup>19</sup> Probably areas of land that were previously cultivate but have been left fallow or abandoned for a period of time

- **A Bromyefielde** called the **Grove** lyeth by the rodeway leading from Bently More towards Ipswich towards the South by Wellfield & Cherrytreefielde towards the North and abbutteth upon Sandyhill towards the Northeast & uon ptre of the More towards the West and conteyneth nine acres three roodes - **ix acres iii roodes**
- **A Close of eareable lande** called **Sandyhill** lyeth by the way leading from the More towards Ipswich towards the East & by Welfield & pte of the Grove West And abbutteth upon Oldhallwoode towards the North and upon the aforesayde waye towards the South and contayneth xv acres & three perches - **xv acres iii perches**
- **Newepondowne** lyeth by Oldehallwoode towards the Northeast and abbutteth on a field called the Oatefielde parcel of Bentlyhall towards the Southwest & conteyneth six acres and an half - **vi acres di** (*half an acre*)
- **A meadowe** or more lyeth by Oldhallwoode towards theWest and by a ?? East And abbutteth upon the lands of Mr Blosse towards the Northe & upon Castons pastures in Richard Glamfield's tenure towards the South & conteyne two acres & halfe - **ii acres di**

3.5.23 A map of Ipswich from 1796 includes Bentley, and again reinforces the extent to which areas of woodland around Bentley were dominant components in the structure of the land. The extent to which field boundaries shown on the 1796 can be relied on for accuracy may be a matter of conjecture but it suggests that the field pattern was characterised by small irregular shaped fields. The map provides strong evidence of the area being criss-crossed by lanes.







figure 49: **Tithe Map 1838 Bentley**

- 3.5.25 The Apportionments to the Tithe Map of 1838 reveal that land in Bentley was owned by 21 land-owners, and in addition, Bentley's Vicar had some Glebe land. As mentioned previously The Tollemache's retained land holdings within Bentley, in the form of the majority of the woodland areas which were owned by Countess Dysart (nee Tollemache).



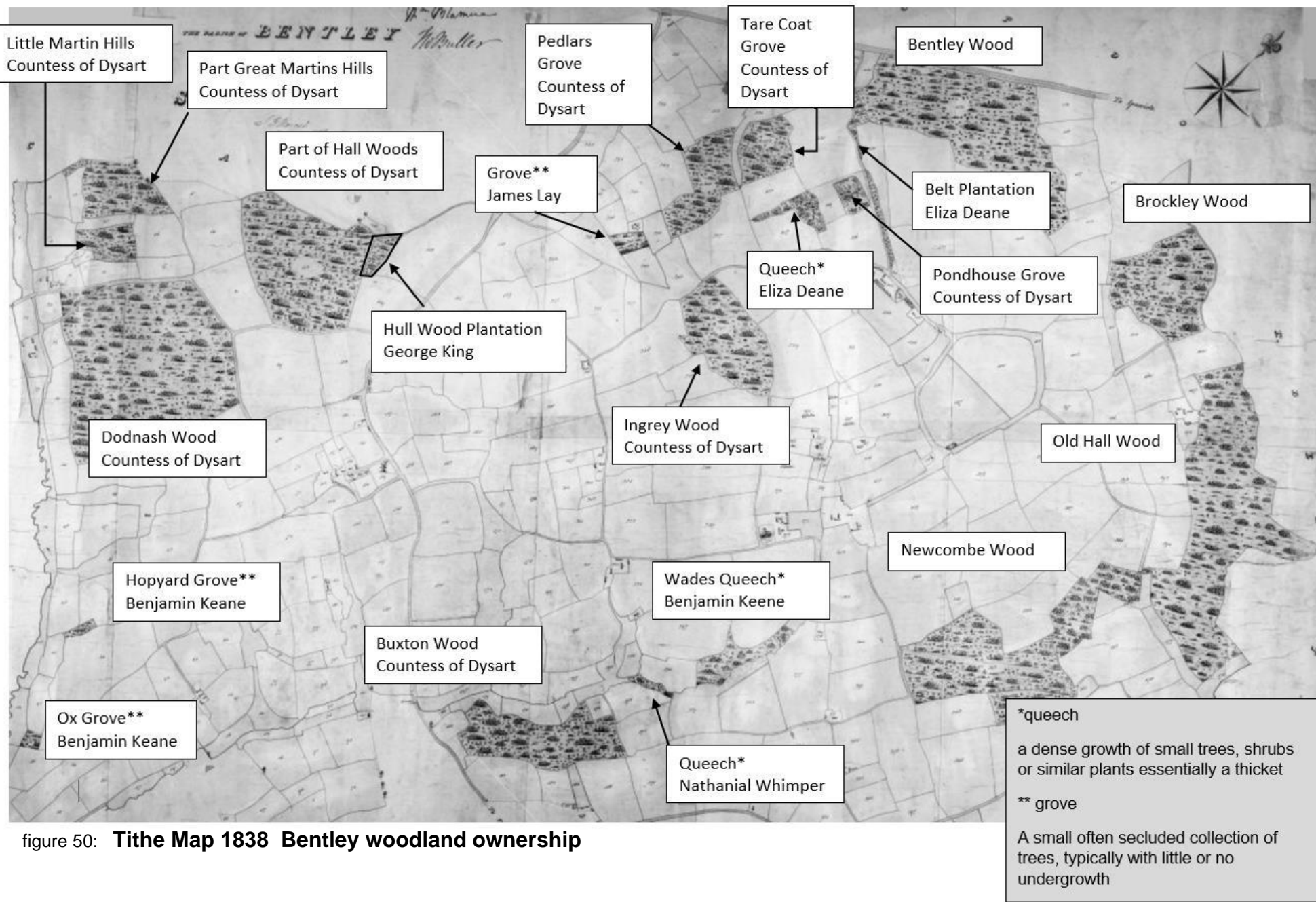


figure 50: **Tithe Map 1838 Bentley woodland ownership**

3.5.26 In reality, there were six major landowners.

Mary BRADSTREET  
 Eliza DEANE  
 Countess of DYSART (nee Tollemache)  
 John GOSNALL Esq.  
 Benjamin KEENE, and  
 Nathaniel WHIMPER

3.5.27 The tables below provides land ownership details within Bentley in 1838.

Owners name	acres	roods	perches
ALDERTON, William	28	2	25
ALLEN, Joseph	7	3	15
BIRCH, Philip	0	1	19
BRADSTREET, Mary	108	2	16
BRETT, William	1	2	15
BROWN, Robert	3	3	5
CLARKE, Nathaniel	1	2	11
DEANE, Eliza	642	1	33
DEANE, Rev'd George (glebe)	20	1	25
DYSART, Countess of	370	0	11
FULCHER, James	0	1	34
GOSNALL, John Esq.	124	2	37
GOODCHILD, William Esq.	17	1	5
HARLAND, Sir Robert, Bart.	1	2	5
KEENE, Benjamin	1064	3	34
KING, George	8	2	18
LAY, John	16	2	27
PARISH officers	0	0	32
ROBINSON, James	0	3	12
TAYLOR, Francis	0	0	20
WESTERN, James	5	0	23
WHIMPER, Nathaniel	338	1	15

\*BART. = Baronet \* Esq. = esquire Historically gentry ranking below a knight or candidate for knighthood - later used as a term of respect for men of 'standing'



re-ordering this list you can see landownership by overall size of holdings.

Owners name	acres	roods	perches
KEENE, Benjamin	1064	3	34
DEANE, Eliza	642	1	33
DYSART, Countess of	370	0	11
WHIMPER, Nathaniel	338	1	15
GOSNALL, John Esq.	124	2	37
BRADSTREET, Mary	108	2	16
ALDERTON, William	28	2	25
DEANE, Rev'd George (glebe)	20	1	25
GOODCHILD, William Esq.	17	1	5
LAY ,John	16	2	27
KING, George	8	2	18
ALLEN, Joseph	7	3	15
WESTERN, James	5	0	23
BROWN, Robert	3	3	5
BRETT, William	1	2	15
CLARKE, Nathaniel	1	2	11
HARLAND, Sir Robert, Bart.	1	2	5
BIRCH, Philip	0	1	19
FULCHER, James	0	1	34
PARISH officers	0	0	32
ROBINSON, James	0	3	12
TAYLOR, Francis	0	0	20

3.5.28 The owner of most land in Bentey in 1838, Benjamin Keene, is known to have owned Old Hall from 1798, and it is noted by Suffolk Heritage in its Parish: Bentley document <sup>20</sup> (date unknown) that the Manor remained in the family's ownership.

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<sup>20</sup> source as earlier

- 3.5.29 The census of 1851 has a John Gosnall (75) living in Bentley (born in Bentley) with his wife Harriet (73) (born Belstead) and his grandson, John (28) (born Ipswich). None of the other six largest landowners from 1838 appear, at least under the names from 1838. It would almost certainly be of interest to undertake more genealogical research than has been possible for this report to better understand historic family dynamics within the village and the PBCA. John Gosnall was the occupier of a significant number of plots owned by Eliza Deane.
- 3.5.30 It is however interesting to note that Eliza Deane who owned the second largest extent of land on Bentley, also had significant land holdings in East Bergholt and Stratford St Mary. Who was she? Eliza also owned the following:
- East Bergholt 308 acres 0 roods and 22 perches (57 plots)
  - Stratford St Mary 454 acres 3 roods and 17 perches (76 plots)
- 3.5.31 This put her land holding in and around Bentley in excess of 1404 acres. When her East Bergholt and Stratford St Mary's land was added to that in Bentley (in which she had 80 plots)
- 3.5.32 Her land ownership in Bentley appeared to include the land around Old Hall which was then occupied by John Josslyn Esq. This ties her ownership to land referred to in the 1613 document. The Heritage Suffolk document suggest that in 1798 Old Hall was owned by Benjamin Keene (owner of most land in Bentley). In there a familial connection between the two?

Deane, Eliza	Wm. Gorbell	320	Home Field	Ara&Pas	7	2	1
		328	Yards and Garden	Gar.	1	0	12
				Improp R. Conly	8	2	13
				M.15851.			
John Josselyn, Esq.	376	Fen Meadow	Pas.	2	3	2	
	377	First Fen Meadow	Pas.	3	2	10	
	389	Queech	Wood	0	0	33	
	390	Newcomedown Field	Ara.	6	1	32	
	392	Great Sandy Hill	Ara.	9	1	13	
	393	Little Sandy Hill	Ara.	7	1	30	
	394	Barn Paddock	Pas.	1	1	30	
	395	Well Field	Ara.	4	2	31	
	396	Lower Grove	Ara.	10	0	17	
	397	Upper Grove	Ara.	5	3	19	
	402	Horse pastures	Ara.	14	1	32	
	403	Brockley Meadow	Pas.	3	1	3	
	404	Broom Field	Ara.	5	0	5	
	405	Home Field	Ara.	7	3	25	
	406	Yards and Garden	Gar &c	1	3	10	
	407	Cartshed Paddock	Pas.	1	3	5	
	408	Loosings	Ara.	7	2	32	
	410	Little Horse pastures	Ara.	3	2	37	
	412	Brockley Field	Ara.	6	2	28	
	413	Ash Field	Ara.	16	3	7	
	414	Little Ash Field	Ara.	6	0	33	
	415	Part of Copdock Field	Ara.	2	0	16	
	417	Great Underwood	Ara.	8	2	7	
	418	Middle Underwood	Ara.	3	3	22	
	419	Road Underwood	Ara.	5	1	33	
				Improp R. Conly	147	1	110
				M.15851.			

Tithe Apportionments 1838 Bentley - extract

- 3.5.33 In the early quarter of the C20th Stanhope Tollemache appears again in the Apportionment records as it appears small parcels of land were restored to his ownership from the Railway Company in respect of land alongside the Hadleigh Branch Line.
- 3.5.34 This report does not wish to ignore changes to field patterns that have occurred in the last 100 years within the PBCA. As I example refer to the area north of Potash Lane.
- 3.5.35 Superimposing a contemporary aerial view over the OS map of 1928 shows how larger fields have been created.



figure 51: **Field Comparison North of Potash Lane 1928 to Today**

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

- 3.5.38 Elsewhere the small field structure persists as it did in 1838 (albeit that too may not have resembled the Medieval picture – although the 1613 document suggests perhaps it might).



figure 52:  
**Fields off Bentley Hall Road**

- 3.5.39 What however does seem to be the case is that whilst consultants such as Cotswold Archaeology are opining that much of the landscape hereabouts is post 1950's or at best 18<sup>th</sup> century and later enclosure, this has missed the special interest that exists as a result of underlying structure being medieval.
- 3.5.40 The ring of Manorial woodlands, the location of the manor houses and the latticework of paths and lanes have constrained the extent to which farmland can both expand and fields coalesce. Therefore whilst some fields have been amalgamated there are some that reflect a smaller field pattern and those that have been combined still within a Medieval framework
- 3.5.41 In his independent heritage advice to the Council, Laurie Handcock (Iceni) states:

*“...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. “*





figure 52: **Field Comparison within PBCA 1838 to Today**



### 3.6.0 The Introduction, development and influence of the A12

3.6.1 The old road between London and Yarmouth followed much of the route of the Roman Road that long preceded it.

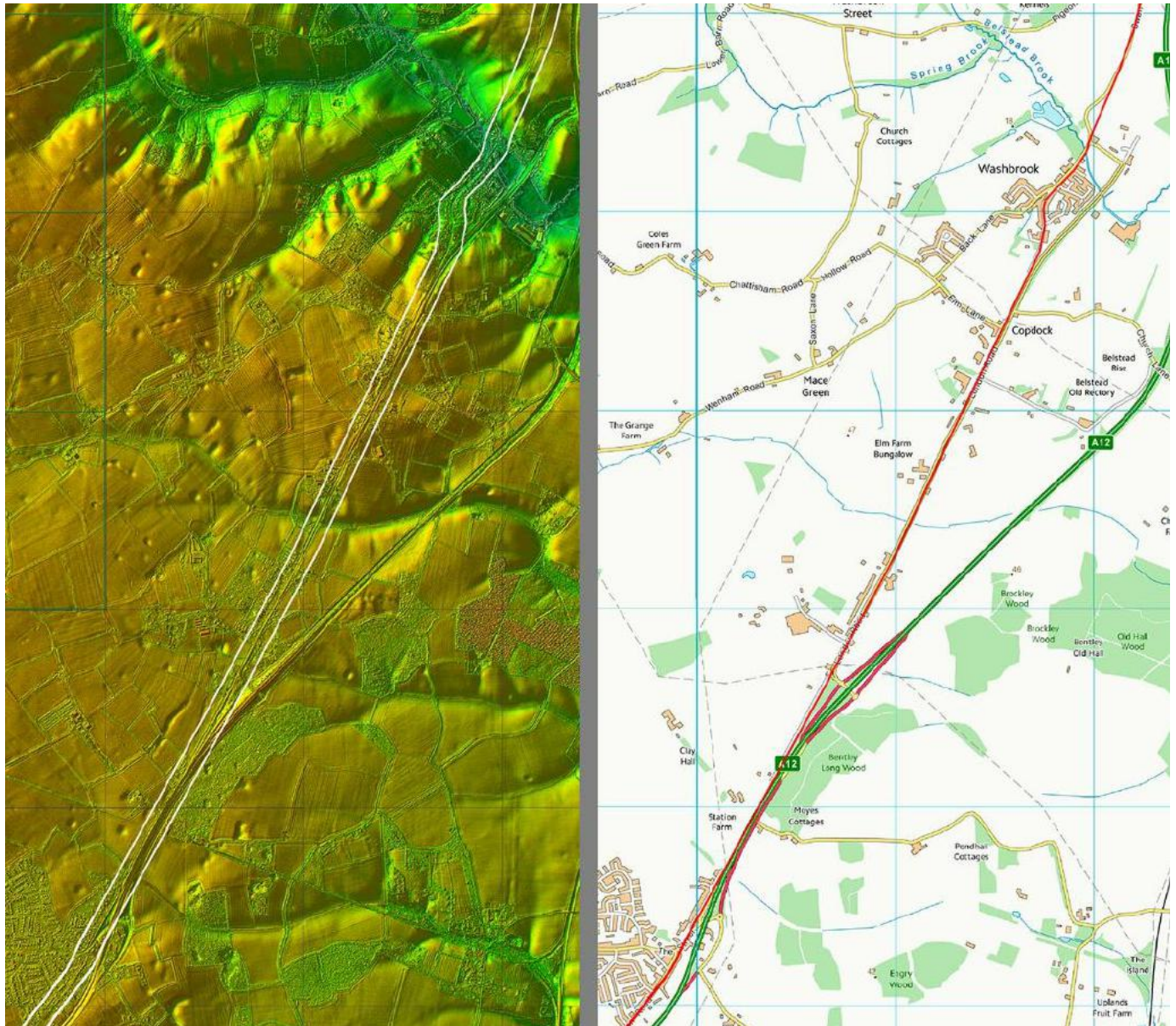


figure 53: **The Roman Road to Coddanham on LIDAR with map comparison**  
Line of the Roman Road (shown between white lines on image to left) between Colchester and Coddanham<sup>21</sup>

<sup>21</sup> Travelling with the Romans Roman Road in Suffolk <http://www.twithr.co.uk/suffolk/coddanham-colchester.htm>



7.6.2 John Ogilby's Map No. 54 London to Yarmouth (circa 1680) shows the route of the London Road passing Capel (Capell) along with a woodland area on the opposite side of the road to Capel (Capell)

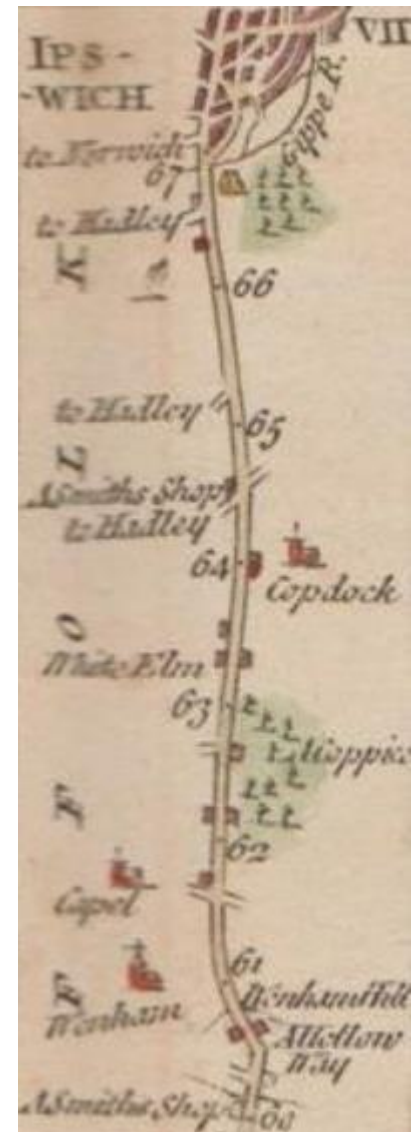
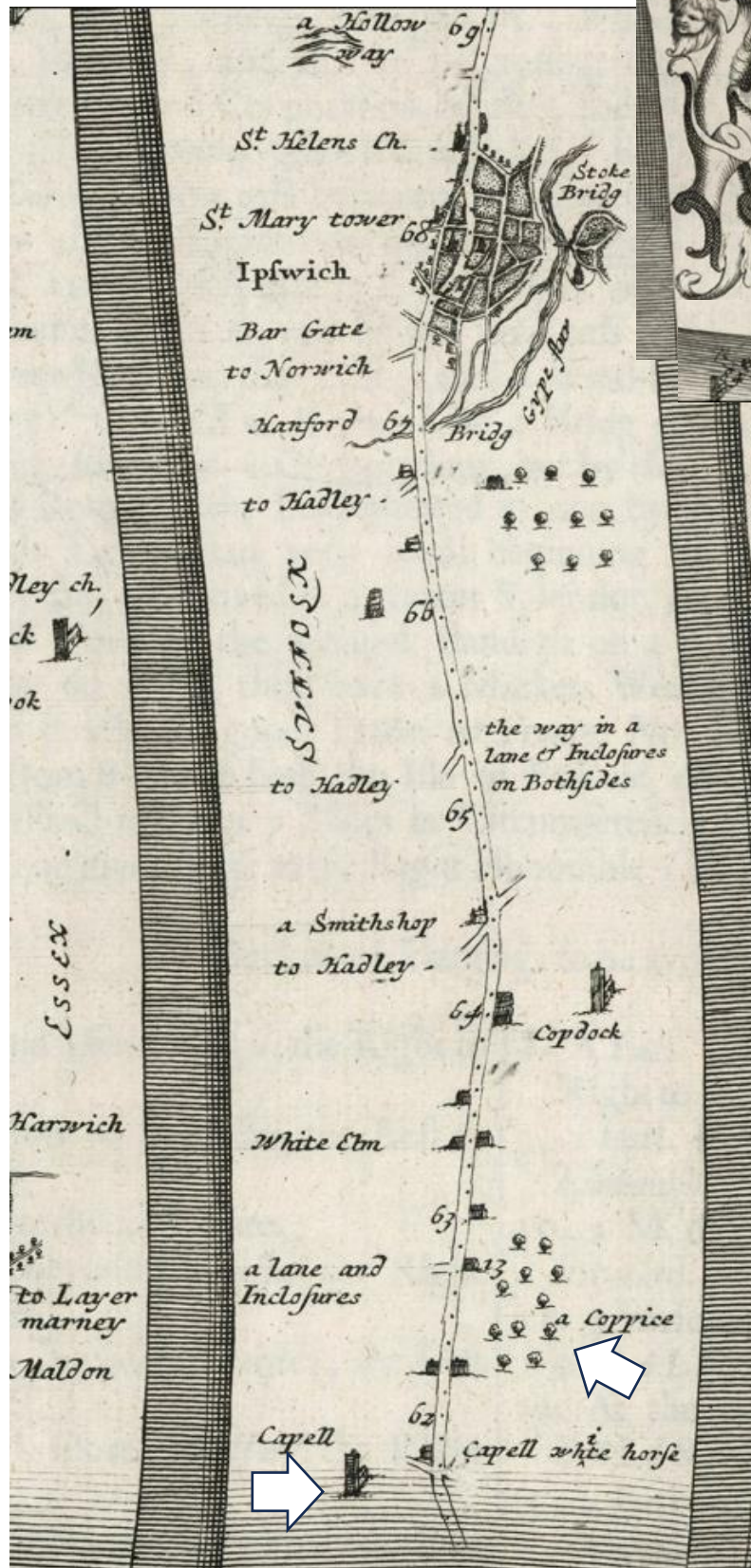


figure 54: John Ogilby's Map no 54 circa 1680

John Gibson's Map of 1776

7.6.3 One of the most dramatic impacts upon the special architectural and historic interest of the area in and around Bentley and its relationship with Capel St Mary was the construction of the A12 and the improvements that created junction 32A (Capel St Mary) in the 1970's.

7.6.4 Until then, the A12 had effectively followed the old Roman Road /London Road through Capel St Mary. (see image below). Its character can still be experienced (save for the modern infill housing development) along what is the Old London Road in Capel St. Mary. With the dualling of the A12 and then the creation of the Capel interchange the previous easy links between Bentley and Capel St. Mary became more difficult and this increased the sense of isolation of Bentley from its once close neighbour. IT has made it seem like Bentley has turned its back on Cape St.Mary. In this context the ring of ancient manorial woodlands within the PBCA reinforce its sense of containment and oneness which only magnifies its special interest as a whole.



figure 55: **London Road : Stitched OS Maps six inches series from 1924 and 1938 (red)**



figure 56: **London Road Capel St. Mary today**





figure 57:  
**C21st Images of the  
Hadleigh Branch Line  
crossing the A12**



figure 58: **How the New A12 Capel Interchange Reduced Depth of Long Wood**

### 3.8.0 THE HADLEIGH BRANCH LINE

- 3.8.1 The story of the railway in Bentley is typical of so many rural communities in the Victorian age that saw their relative isolation lifted with the arrival of the railway. Like so many rural communities much of the rural rail network and the infrastructure that supported it was finally lost in the 1960's with the cuts made by Dr Beeching.
- 3.8.2 The PBCA captures this important element of the history of the economic and social life of Bentley.
- 3.8.3 Evidence of the lost branch line remains strong and the route can now be enjoyed from a PROW
- 3.8.4 In 1836 the Eastern Counties Railway was incorporated to build a railway from London to Yarmouth – the cost of the project £1.6m (which equates to £155.1m today<sup>22</sup>). Once built that line only reached Colchester, such were cost overruns.
- 3.8.5 In 1844 the Eastern Union Railway was incorporated to build from Ipswich to Colchester and possibly include Norwich. The main line opened for goods traffic on 1 June 1846 with the passenger service opening on 15 June 1846.
- 3.8.6 This threatened to leave the prosperous town of Hadleigh<sup>23</sup> somewhat isolated and merchants in the town were aware of the economic harm that might befall the town from being by-passed having seen examples elsewhere. Some of these decided to take steps to keep Hadleigh 'on the map' and in 1846 the Eastern Union and Hadleigh Junction Railway was duly incorporated. Shareholders included prominent local businessmen such as John Chevallier Cobbold, his father John Cobbold and James Allen Ransome<sup>24</sup>.
- 3.8.7 Here there is a connection between business men John Cobbold (Sr & Jr) and the Tollemache's when their respective breweries eventually later merged to form Tolly Cobbold.

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<sup>22</sup> Bank of England Calculator (1836 – Feb 2025) [www.bankofengland.co.uk](http://www.bankofengland.co.uk)

<sup>23</sup> Hadleigh was an important centre of the wool and cloth industry

<sup>24</sup> Ransome's of Ipswich having been world renowned makers of agricultural implements, and traction engines who eventually at their height in the 1960's became the largest plough and agricultural equipment manufacturer in Britain. Ransome's also built the world's first lawn mower in 1832). The Ransome self-sharpening plough (patented in 1808) is credited with transforming agriculture and BBC Radio 4's History of the World cites Ransome's Traction Engine for its impact. Ransome's independent existence ended in 1998 when it was acquired by (Textron (US) who formed 'Ransomes and Jacobsen'. Grass cutting equipment bearing the Ransome name continues to be made in Ipswich.

- 3.8.8 Bentley Station (outside of the PBCA) was located just south of the triangular Bentley Junction (inside the PBCA) which connected the Hadleigh Branch Line to the main-line.
- 3.8.9 The Hadleigh Branch Line had stations at Capel, Raydon Wood and Hadleigh.
- 3.8.10 There has been conjecture as to whether there was a stop at Bentley Church (inside the PBCA) because it appeared briefly on timetables. The stop, if it existed, is thought to have been located just to the west of where the southern and northern arms of the triangular junction met. The northern leg of the junction (from Ipswich) closed in 1875.
- 3.8.11 A little further west (within the PBCA) sat the crossing keepers cottage. That remains but was converted to a dwelling.



<https://www.google.co.uk/search?q=hadleigh+branch+line#fpstate=ive&vld=cid:12a94e65,vid:82IHYTvLpXQ,st:0>

figure 59: **The Old Gate Keepers Cottage - then and now**





3.8.12 Capel Station which no longer exists, was situated on the Bentley side of the London Road. Today the modern MOT garage has replaced it.



1956



1956

figure 60:  
**The Old Capel Station**  
(now long demolished)



1972 with track lifted



3.8.13 Bentley Station (outside the PBCA) now demolished had goods sidings on both the Up- and Down-sides of the station at the northern end and also a 450ft siding to TW Wilson & Sons Malthouse at the southern end of the station on the Down-side. On the Up-side there was a 440ft headshunt. From this a 200 ft siding ran diagonally across the yard to serve a cattle dock and pens, and also the 550ft shed road which ran at the back of the up platform, behind the gents' toilet up to the shed. On the Down-side two cartage sidings (the inner 650ft and the outer 510ft) ran from the bay road serving a dock behind the waiting room and terminating at Station Road. In 1920 Dodnash Priory Farm was producing 40,000 eggs along with chickens, turkeys fruit and vegetables for the GER hotels, restaurants, dining cars and buffets and these were shipped from a siding on the down-side that served the farm.

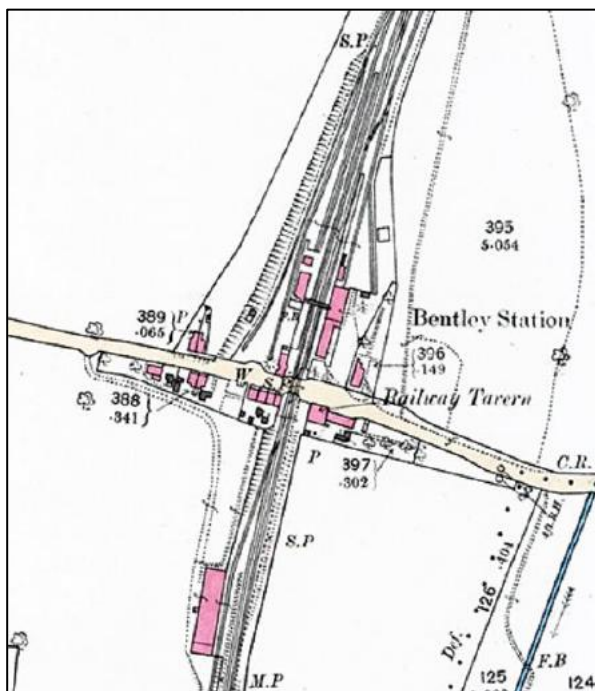


figure 60:

**The Old Bentley Junction Station**  
(now long demolished)

Bentley Station and goods yards 1911

Ramblers alight at Bentley 20 April 1962



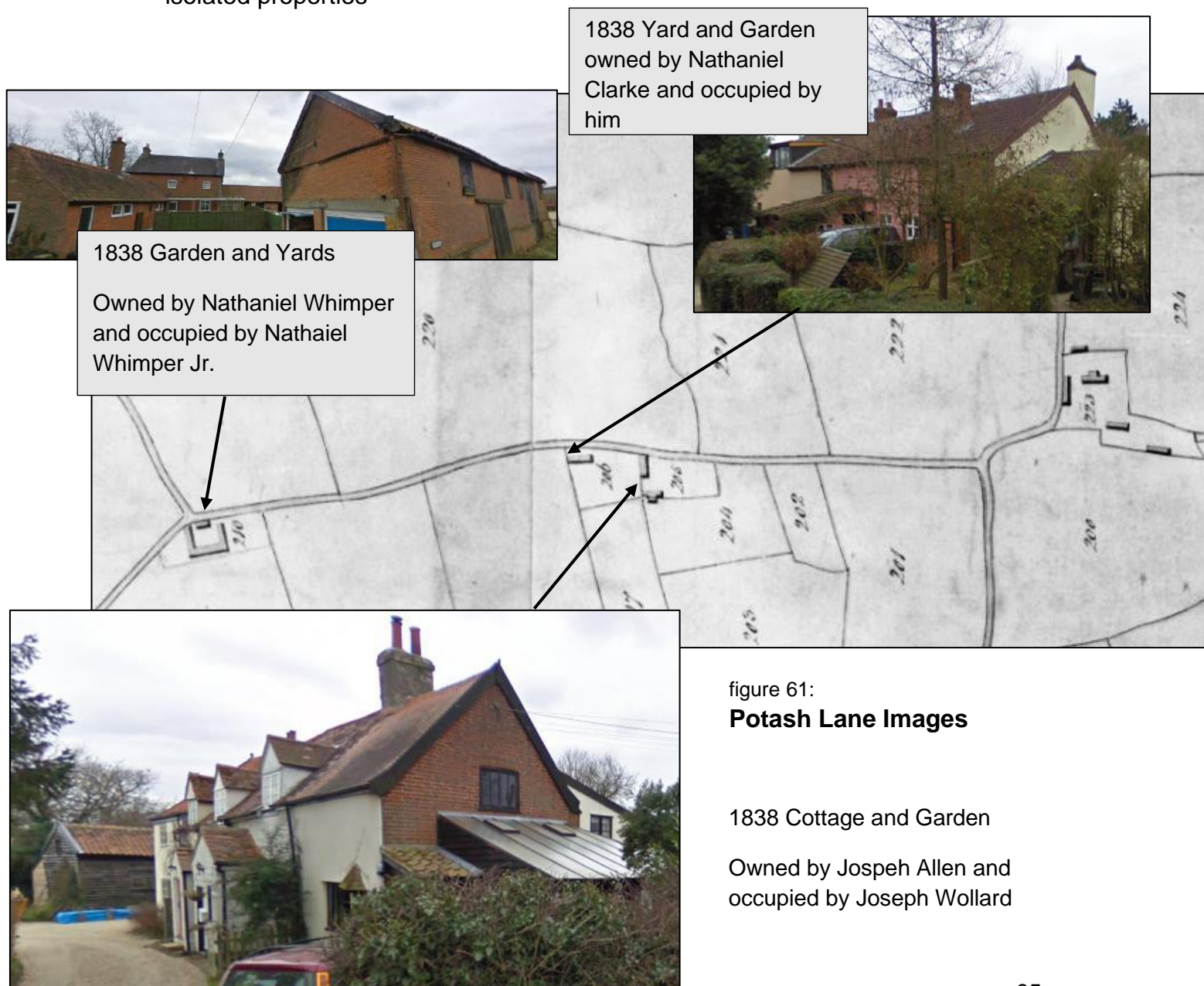
[http://www.disused-stations.org.uk/b/bentley\(suffolk\)/index1.shtml](http://www.disused-stations.org.uk/b/bentley(suffolk)/index1.shtml)

3.8.14 This demonstrates the extent to which Bentley Station for a while played an important role in the lives of locals/businesses. Goods facilities were finally withdrawn on 13 June 1964 and the sidings lifted. The line was closed to passengers on 7 November 1966.

3.8.15 Passenger services were provided on the Hadleigh Branch Line until 29.02.1932. Freight and goods trains continued to use the line until they too stopped with stations closing completely on 13.06.1964. This ended the economic benefits of rail access as did the closure of passenger services.

### 3.9.0 POTASH LANE

3.9.1 Potash Lane appears on the 1838 Tithe Map with what appear to be just three isolated properties



- 3.9.2 What was once a single dwelling appears to have been converted into multiple cottages which have been extended. It is however still possible to read their original form and character
- 3.9.3 Many rural lanes have names serve a directional function, so School Lane, Mill Lane, Church Lane were so called because they led to the village school, mill or church. They 'did what was on the tin'.
- 3.9.4 Potash Lane seems too specific to be an accident.
- 3.9.5 Potash is a common name for fertiliser containing potassium, a vital nutrient for plant growth. Its name came from an early production method where potassium was extracted from wood by boiling wood ash in pots – Hence 'pot-ash'.
- 3.9.6 Is it simply a coincidence that Potash Lane is located in an area characterised by broad ancient woodland within a wider manorial/farming landscape. Could Potash Lane have once been known for its production of pot-ash which was then laid on the fields? It seems highly likely that there was some association between the Lane and the production or storage of pot-ash.

### **3.10.0 TRANQUILITY**

- 3.10.1 By most metrics and in my judgement much of the area within the PBCA is relatively or generally tranquil.
- 3.10.2 This tranquility is part of the special historic interest of the PBCA because it reflects life as would have been centuries ago within a context that has a strong Medieval structure underpinning it. This is just another outward sign that the area is largely untouched from the Medieval period and that modern intrusions whilst they happen do not infringe on this experience and add to the understanding of medieval rural life. It therefore illuminates the Area's special interest
- 3.10.3 That must have something to do with the fact of there being a low density of development within its boundaries, its lack of significant roads and traffic and large areas of woodland. Parts of the area feel quite isolated.
- 3.10.4 That does not mean the PBCA is absolutely silent.
- 3.10.5 Although much of the railway line is effectively in a cutting, occasional short blasts from train horns can be heard, even if the trains themselves cannot always be seen.





figure 62:

**Mainline in Cutting from Bridge  
in the PBCA**

- 3.10.6 There are parts of the PBCA where traffic noise from the A12 can intrude, depending on where you are standing in relation to the A12, the extent to which woodland alongside it is attenuating sound and whether the wind direction is such as to carry that sound.
- 3.10.7 Being a rural area the noise from farm equipment is also to be expected.
- 3.10.8 That said it is possible to feel lost from the hubbub of life for periods with only birdsong, the noise of insects and the rustling of leaves to accompany you.
- 3.10.9 Considering Bentley's location between the A12 and A137 it is remarkable just how little outside sounds intrude.
- 3.10.10 It would however be wrong to say the area is untouched by noise from the modern world. It is so touched but I consider that touch tends to be light and gentle.

### **3.11.0 UNTOUCHED BY MODERNITY?**

- 3.11.1 Whilst it is easy to paint this part of Bentley as a bucolic idyll (and as accepted in the preceding section) it must be recognised that modern life has made some intrusion.
- 3.11.2 As can be seen from the following photographs and map, pylons do bestride parts of the landscape within the PBCA. These are a fact of life.
- 3.11.3 They tend to follow the route of the main line railway tracks in a north south direction striding across the landscape wide a wide gait.



- 3.11.4 Indeed many communities across Suffolk are facing the creeping spread of pylons in their areas as offshore wind power is to be brought from the North Sea and onto land via distributed overhead power lines hung between new pylons.
- 3.11.5 Also within the PBCA is a network of poles carrying wires/cables to and from the various properties but these tend not to be particularly intrusive and tend to miraculously disappear from view just as they do in urban areas, such is their familiarity.
- 3.11.6 It is also possible to see passing trains from the PRow in the north eastern corner of the PBCA.
- 3.11.7 Modern farm buildings can be seen in the landscape as is to be expected in an area that is being actively farmed.
- 3.11.8 It is often easy to forget the role that farmers play in ensuring food is produced to help sustain the nation and the hard work and commitment that involves on the part of farmers, their families farm workers and the wider agricultural industry to get food from the field to our forks/homes.



figure 63: **Mainline with Train Passing to Rear of Bentley Manor with Pylon in Foreground**

- 3.11.9 Certainly a number of landowners who farm in the area have expressed concern that the PBCA may well cause them difficulties in being able to efficiently manage and operate a successful farm.
- 3.11.10 The issue in respect of a Conservation Area bringing with it additional controls is acknowledged but the major concern around works to trees is picked up in the recommendations . Farmers in NL areas (formerly AONB) are familiar with additional controls restricted agricultural permitted development rights and the situation would be similar in a Conservation Area.

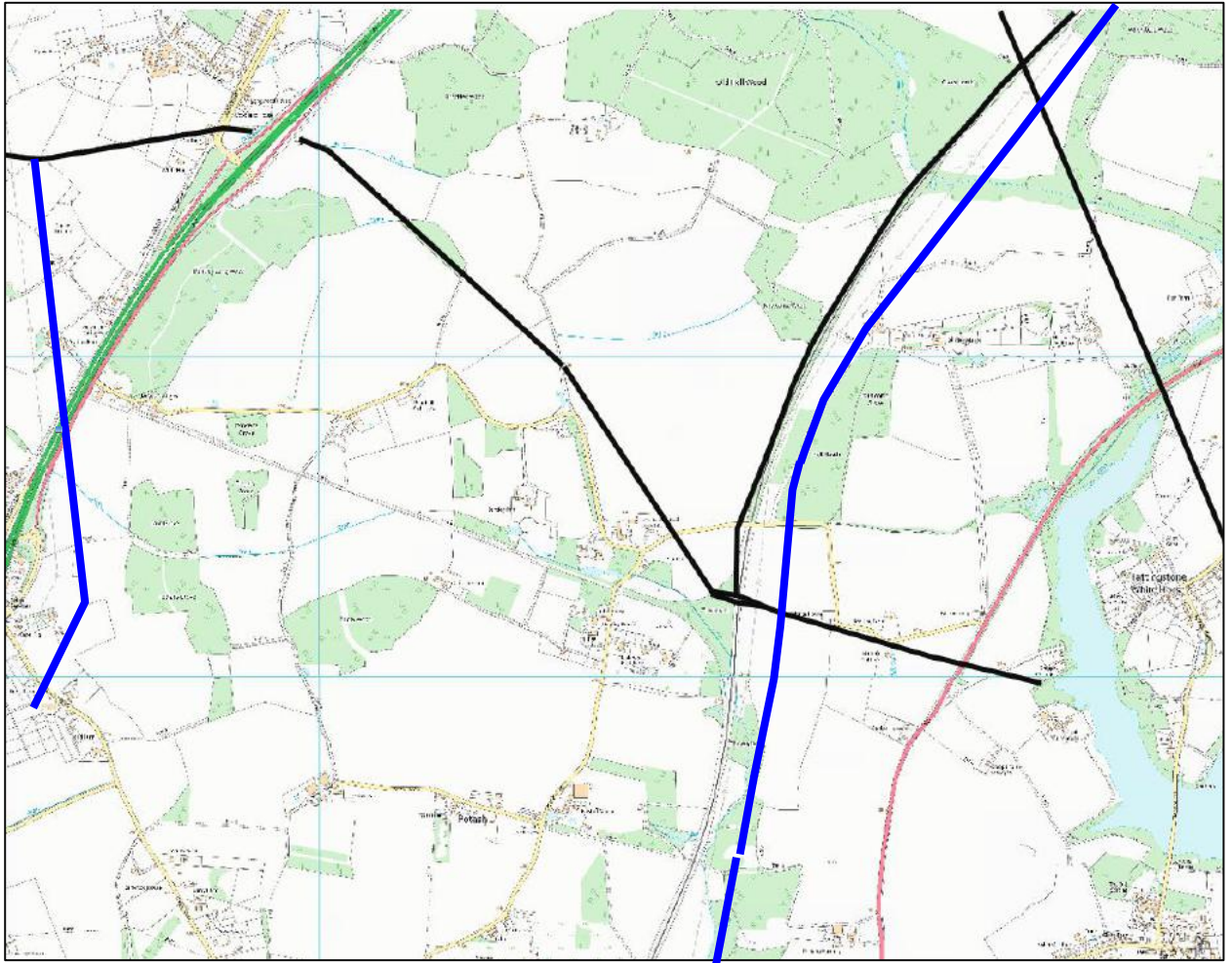


figure 64: **Overhead Power Lines PBCA**

## PART 4: ANALYSIS IN THE LIGHT OF STATUTORY CRITERIA

### 4.1.0 WHAT IS SPECIAL INTEREST?

- 4.1.1 Currently there is no legislative definition of 'special interest' to assist those endeavouring to carry out the duty under S69(1)(a) of the PLBCAA.
- 4.1.3 Just looking across Babergh's existing Designated Conservation Area it is clear that the interpretation of what is special interest is diverse, as will be the case anywhere else in the country.
- 4.1.4 Paragraph 72 of the HEAN1 does provide some assistance when it sets out some of the factors that may means designation is appropriate. In a non-exhaustive list these are:
- 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
- 4.1.5 Your case officer is of the opinion that elements of each of these are present within the PBCA and do contribute to the Area's special architectural or historic interest – as is being explored in this report.
- 4.1.6 S69(1)(a) requires the local planning authority to determine if an area has special architectural or historic interest. This suggests if just one is satisfied that is sufficient to warrant Designation. S69(1)(a) does not use the conjunction 'and'.
- 4.1.7 It is however the case officer's judgement that the Area does meet both requirements.

4.1.8 Having said there is some degree of latitude in how a local planning authority interprets 'special interest' it is not open ended. The judgement in *R v Canterbury City Council, ex parte Halford* [1992] 2 PLR137 has helped to provides some boundaries. The judge ruled that it is not appropriate to Designate 'buffer zones' to historic settlements but that the whole interaction between built and landscape form needed to be sufficiently 'special' to warrant Designation.

4.1.8 From this judgement the following guidance emerges

*"...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".*

4.1.9 It is perhaps this point that is at the heart of the difference of opinion between objectors and supporters.

4.1.10 The former believe that the PBCA includes significant tracts of land that have no 'special' interest and that it is effectively a buffer zone around a small core of 'special' buildings that include St Mary's Church and a few high grade listed buildings around it. The latter believe the whole area has special historic interest because of the Manorial heritage and the influence of the Tollemache family that it speaks to and evidences.

4.1.11 Among the objectors' principal criticisms of the CAAMP and PBCA is that it includes landscape elements in order to protect that landscape for its own sake (this is the case officer's precis). Care needs to be taken as that would not be appropriate.

4.1.12 Laurie Handcock in his independent heritage advice to the Council provides useful assistance on this point.

*"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 a conservation area's 'special interest'. This is acknowledged in the final sentence of this extract."*

4.1.13 This report now moves on to consider Conservation Areas

## **4.2.0 WHAT IS A CONSERVATION AREA?**

4.2.1 The statutory definition of a Conservation Area is, 'an area of special architectural or historic interest, the character of which it is desirable to preserve or enhance.'<sup>25</sup>

4.2.2 Note the definition requires the relevant interest to be 'special' which sets it apart from an interest that may be thought of as more ordinary.

4.2.3 The definition is also specific as to the type of interest that is required to be special - That is '*architectural*' or '*historic*' (such interest may embrace both).

4.2.4 It does not include any other type of interest – let's say, for example, 'scenic interest' - The test is specific - special architectural or historic interest.

4.2.5 The Principal Source of Guidance on Conservation Area Appraisals, Designation and Management is I would just name the guidance rather than reproducing a picture of the same.

## **4.3.0 DETERMINING THE EXTENT OF CONSERVATION AREAS**

4.3.1 The key test is not overall size, but whether the boundary appropriately frames an area with special architectural or historic interest, the character of which is worthy of preservation and enhancement.

4.3.2 A conservation area can therefore be large, small or medium in size, depending upon the circumstances that contribute to its special architectural or historic interest.

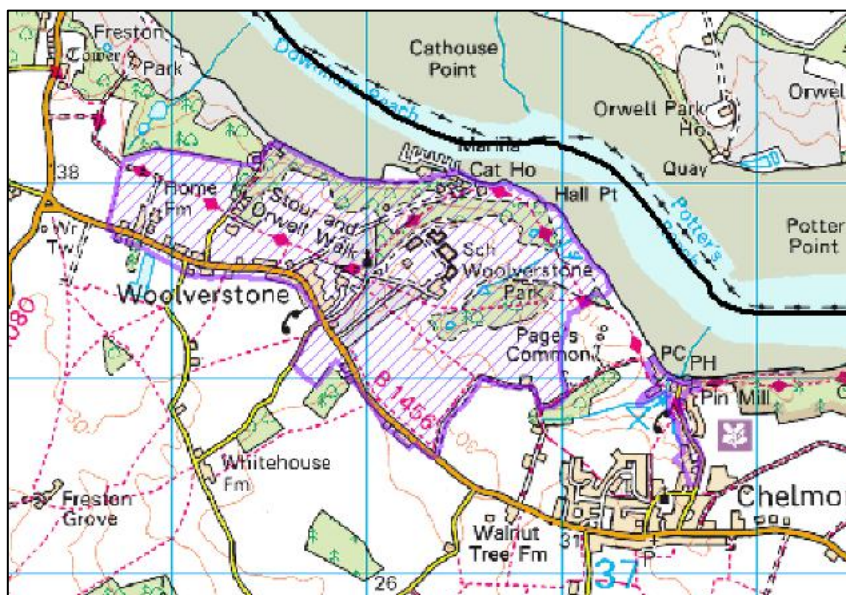
4.3.3 So for example, within Babergh the present 29 designated Conservation Areas vary in size from what is currently the largest in Long Melford at circa 306ha. to the smallest in Cockfield, Cross Green at circa 28ha. (of these 27 have CAAs)

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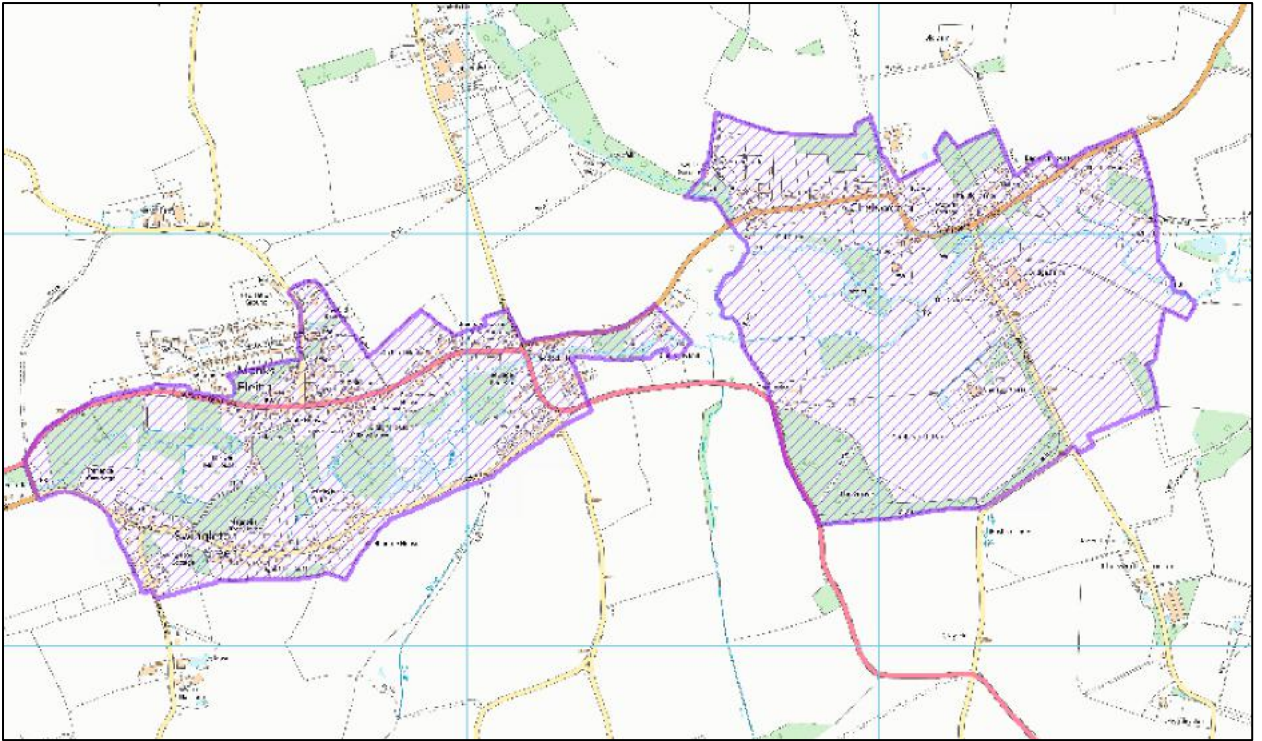
<sup>25</sup> S69 (1)(a)(b) Planning (Listed Buildings and Conservation Areas) Act 1990

- 4.3.4 If the Proposed Bentley Conservation Area were to be designated with the boundaries proposed as above it would become incidentally the largest conservation area in Babergh District at circa 588ha. The table below lists Babergh's conservation areas to provide a district-wide snap-shot of the current position.
- 4.3.5 Some objectors have emphasised the point that it would become Babergh's largest (if Designated as described in the CAAMP). Further context is nonetheless helpful.
- 4.3.6 Currently, Long Melford is England's 81<sup>st</sup> largest conservation area. The proposed Bentley Conservation, if designated with the boundaries defined as above would be its 31<sup>st</sup> largest.
- 4.3.7 England's largest conservation area is the Swaledale and Arkengarthdale Conservation Area at some 7103ha. That's twenty-three times bigger than the Proposed Bentley Conservation Area. This simply illustrates that the justification for the CA is whether the criteria within s.69 of the Act are satisfied and that the extent of the designation may be whatever size is necessary to achieve the aim of preserving or enhancing the relevant qualities of the area of special architectural or historic interest.
- 4.3.8 Contrary to some objectors observations there are within Babergh a number of Designated Conservation Areas that extend into rural areas and where the open land to built-form ratio is higher than perhaps some objectors suggest.
- 4.3.9 Included amongst these are:

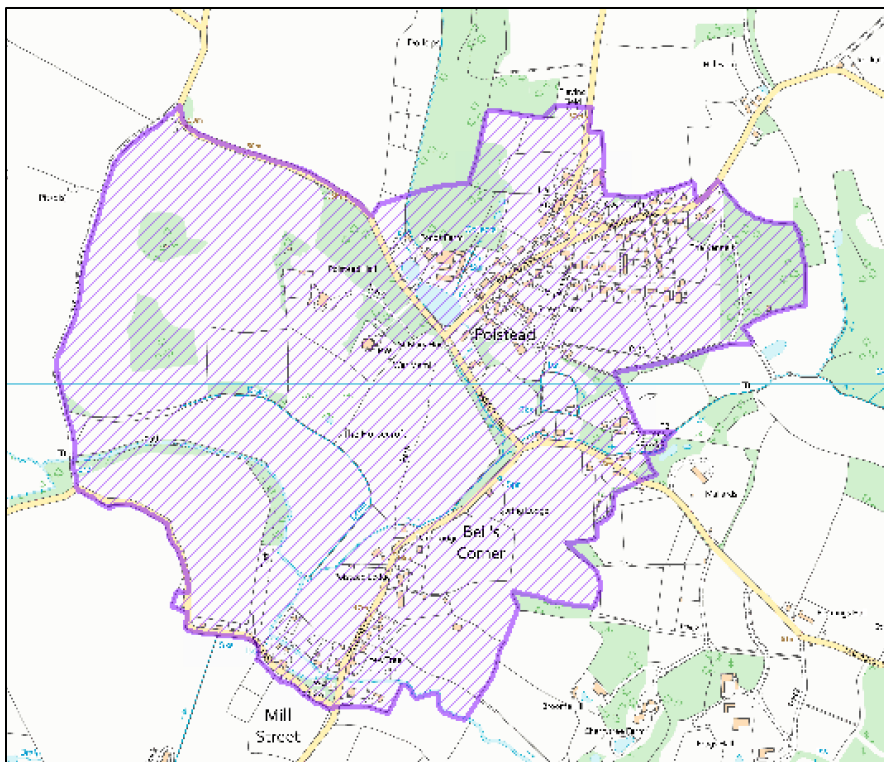
#### **Woolverstone (Shotley Peninsula)**



## Monks Eleigh and Chelsworth

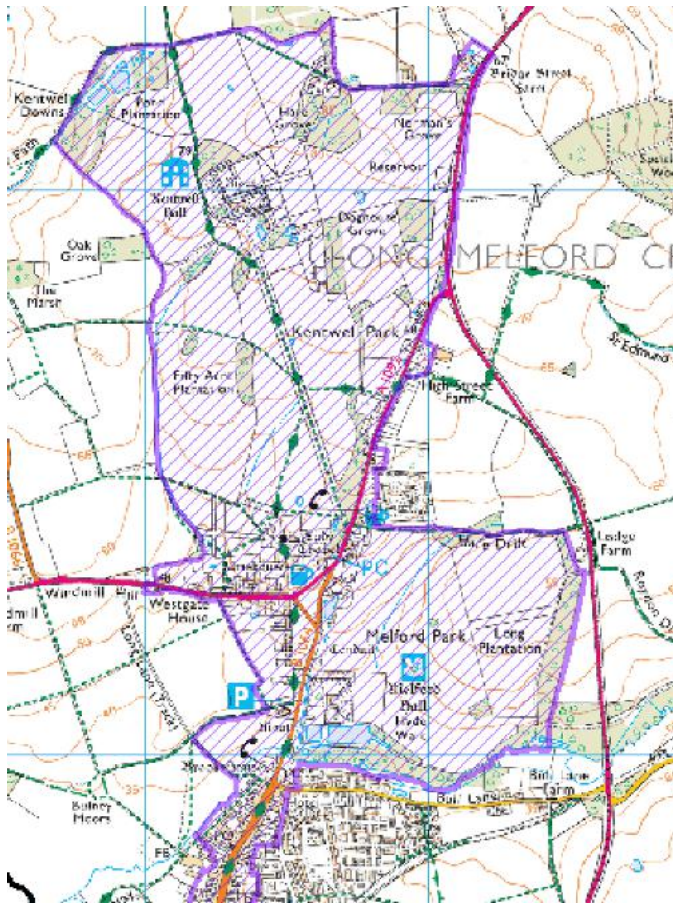


## Polestead





## Long Melford



### 4.4.0 ARE THE STATUTORY CRITERIA UNDER S69 PLBCAA SATISFIED AND SHOULD A CONSERVATION AREA BE MADE ACCORDINLY

- 4.4.1 Unquestionably, the cluster of four high-grade listed buildings and the one high grade outlier within the western part of the PBCA (*taking the route of the mainline London to Ipswich/Norwich as the divide*) are themselves of special architectural or historic interest (in these cases almost certainly both)
- 4.4.2 The fact that they are listed as being either of Grade I or II\* clearly demonstrates this. Grade I listing is reserved for just 2.5 % of all listed buildings and represents those that are of ‘*exceptional interest*’. Around only 5.8% of all listed buildings are designated as Grade II\*, the requirement being they must be of ‘*more than special interest*’.
- 4.4.3 Within the eastern part of the PBCA, the listed buildings are all designated as Grade II – this being of ‘*special interest*’. (*as is one other listed building in the western part*).





- 4.4.12 Whether through an accident of history or the efforts of their various owners over centuries through until today, it is not just the buildings that survive.
- 4.4.13 Extensive ancient woodlands associated at one time with the Tollemache family have also survived. Between the C13th and C16th the Tollemache family occupied various of Manors in Bentley, and at times a number. Their influence within Bentley appears to have largely (but not completely) waned after the family seat moved to Helmingham Hall in Mid Suffolk. That said the Countess of Dysart (nee Tollemache) retained ownership of the ancient woodlands for the family into the C19th/C20th. Another Tollemache, Stanhope re-purchased land and property in Bentley in the late C20th having been a prominent local businessman in the local brewery industry Tollemache Brewery in Ipswich.
- 4.4.14 As the Tollemache's influence has come and gone other landowners have acquired the manorial land and buildings and they too have exerted their own influence in ways that have protected the special architectural or historic interest of the area.
- 4.4.15 Recognition that the Manorial system has exerted lasting historic influence in Suffolk is given in the Suffolk Landscape Character Assessment. Shotley Peninsula, including Bentley is characterised by reference to 'Estates' when describing the predominant landscape type to be found hereabouts.
- 4.4.16 These categories include:
- Ancient Estate Claylands
  - Ancient Estates Farmlands
  - Rolling Estates Farmlands



figure 65: **Extent of Estates Landscape Types – Shotley Peninsula**

- 4.4.17 Within Suffolk this 'Estates' descriptor (blue outline above) is focused principally on the Shotley Peninsula
- 4.4.18 Within Bentley the predominant descriptor is Estates Farmland. Whilst it is being used as term to describe landscape it arises because that particular landscape is the product of the manorial system and the system that produced large 'Estates' that were managed by dominant and powerful landowners. Often these estates have parkland associated with them – as is the case in parts of the PBCA.
- 4.4.19 That tells us much about the social history of not just Suffolk but of much of England. It has historical and often architectural interest, especially when the effect of that system remains ingrained within the structure of a place such as it does in Bentley.

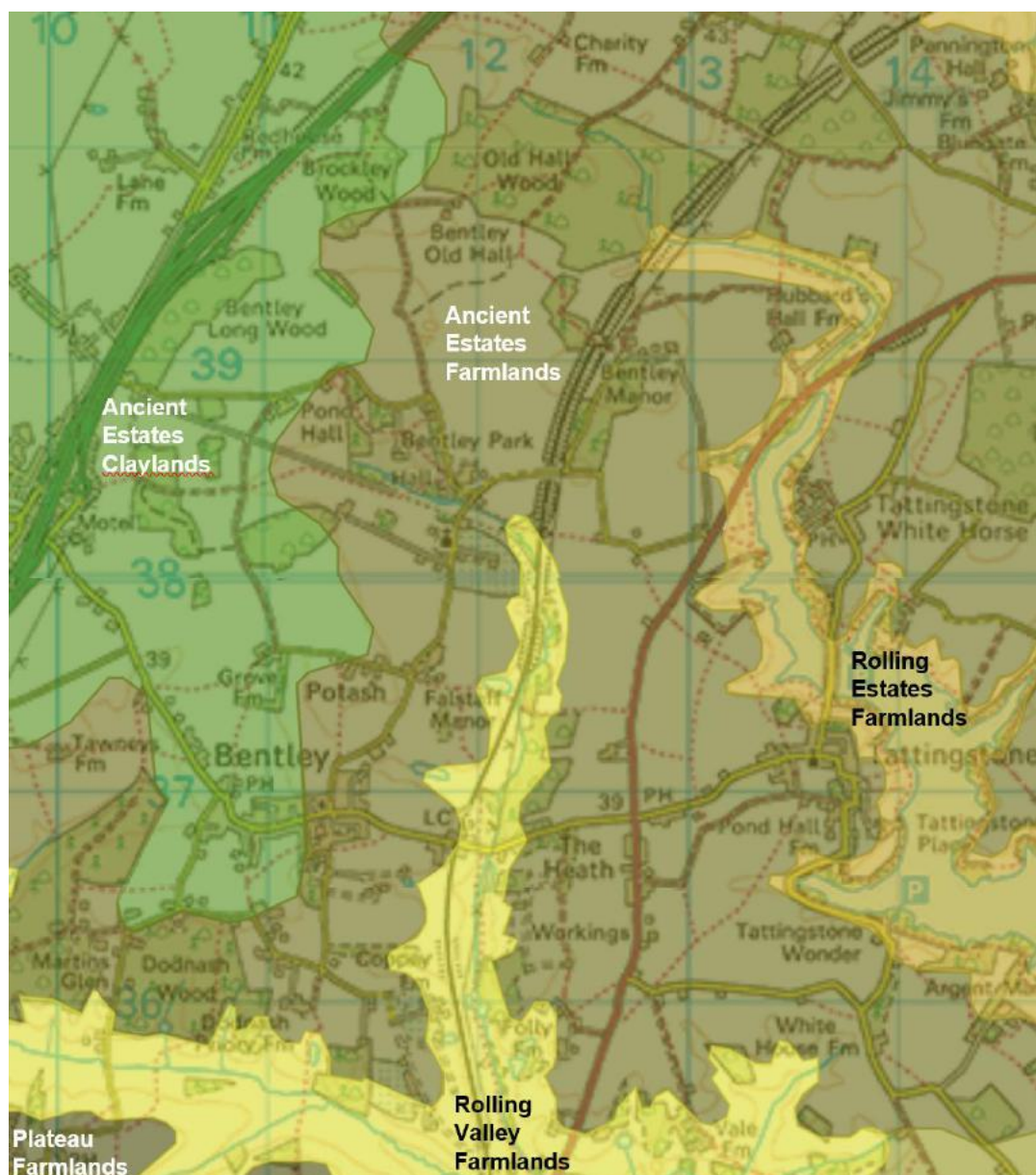


figure 66: **Specific Estates Landscape Types – in and Around Bentley**, 108

- 4.4.23 There is often much to tell us about the social , economic and morphological story of urban places less so about rural life in ancient countryside. Bentley does that.
- 4.4.24 It is accepted that much of the land within the PBCA is farmland and that it is actively farmed. That farmland does however form part of the manorial structure that persists within the PBCA and remains legible.
- 4.4.25 Within the inside sweep of the arc of woodlands the farmland is criss-crossed by a lattice of ancient lanes and footpaths that permitted movement to and fro and allowed farm workers to work the fields and their families to get to Church.
- 4.4.26 The woodlands provided an additional source of income for their owners, from timber and today areas exhibit plantation planting with trees set out in rows (for example Newcombe Wood) – as timber felled for timber is replaced to produce another crop. These areas have provided commercial opportunities for centuries. Indeed at one time they would have been invaluable for ship building and construction purposes (timber framed).
- 4.4.27 This report speculated earlier about the origin of the name Potash Lane and its possible link to the production of potassium for fertiliser that relied on the burning of wood to produce ash.
- 4.4.28 The A12 and its alteration in the 1970's did much to sever the special historic and physical linkage between Bentley and Capel St Mary.
- 4.2.29 This was provided by footpath connections that allowed people in Bentley to walk to Capel St Mary and such facilities and services as it offered - as the maps and images below highlight.



figure 67:  
**Bentley – Capel  
interconnectivity Old  
London Road pre-A12**





4.4.30 Capel St. Mary also had a post office and grocer's shop and would have attracted regular visits from Bentley.



figure 70: **The White Horse Today – London Road Capel**

4.4.31 The Hadleigh Branch line allowed passengers in Bentley and Capel St Mary to access the full train network and Capel Station was in fact located on Bentley side of the London Road.

4.4.32 Passenger services ran until 1932.

4.4.33 Then fact that route of the former branch line can still be seen and walked along in the PBCA is itself of special historic interest. It tells us much about the power of those who promoted private railway ventures who in this case included prominent businessmen whose influence persisted into the latter half of the C21st – such as the Cobbold's. The fact that the branch line passed between two of the finest houses in Bentley makes a powerful statement.

4.4.34 It also helps brings to life the story of the railway in rural areas, and its demise something rural communities are now experiencing with public transport in the form of poor, massively cut back or non-existent bus services.

4.4.35 It is therefore in and of itself of special historic interest





figure 71: **The Walkable route of the former Hadleigh Branch Line railway from Bentley Park to Capel St Mary**

- 4.4.36 Land adjacent to the east south-east side of the A12 continues to serve as the natural interface between the two settlements of Capel St Mary and Bentley, as it did when the previous Roman Road/London Road divided the two, but perhaps not as brutally as the A12.
- 4.4.37 This part of Bentley has historically always physically turned it back to Capel St Mary screened behind Long Hall Wood but views in and out have always existed and can still be enjoyed.
- 4.4.38 These external views need to be recognised in the CAAMP.
- 4.4.39 Representation has been received that the north-west corner of the PBCA should be excluded because it has no special interest.
- 4.4.40 The case officer believes that not to be the case.
- 4.4.41 It is a gap in the historically important ring of Manorial ancient woodland that arcs the western and northern edges of the PBCA.
- 4.4.42 That gap has historically afforded access to and from the manorial lands from the Old London Road and land north of the main heart of the village of Capel St Mary.
- 4.4.43 Views from the A12 towards the clearing between Bentley Long Wood and Brockley Wood and out over Bentley Long Wood are important because it allows the passer-by to appreciate the outer edge of the manorial woodland and catch fleeting glimpses deeper into the distance.
- 4.4.44 Any encroachment into this space represents a threat to the integrity of the woodlands historic relationship to the London Road and Capel St Mary. This gap allows the woodland to stand free of its otherwise modern setting otherwise dominated by the A12 trunk road spaghetti fast moving traffic and significant numbers of hgv's travelling to and from Felixstowe Port via the A12 to the A14.
- 4.4.45 Including this corner in the PBCA means that its part in the wider manorial jigsaw that is of special architecture or historic interest is recognised and valued and the merits of any future development proposal must be assessed in terms of its ability to preserve or enhance the character or appearance of this part of the PBCA. (if it is designated)
- 4.4.46 The areas of land beyond Bentley Long Wood are an intrinsic part of the historic manorial structure of this part of Bentley and it is important to be able to protect these sites from unsympathetic development pressure if the special architectural



and historic interest of the ancient woodland areas is to be safeguarded from encroachment and erosion.

- 4.4.47 On the east side of the PBCA, the A137 has a less harmful impact on the quality of place such is its nature, being a simple two-lane road, and there are no settlements to speak of on the other side of it – in part because Alton Water snakes its way beside it. Tattingstone is some distance away. It sits in its own setting on the western shore of Alton Water. It is part of its own Manorial story.
- 4.4.48 The A137 therefore forms a natural edge to the PBCA.
- 4.4.49 Between the A137 and the mainline railway sit four grade II listed buildings, a non-designated heritage asset set in its own parkland.
- 4.4.50 The historic or architectural interest here is different to that on much of the western side of the PBCA because here you have an ancient hall – Hubbard's Hall a traditional C16th jettied farmhouse, a much altered (1890's) former lodge now styled as Bentley Manor with a front elevation that has Helmingham Hall references (possibly because the work was commissioned by its then owner - Stanhope Tollemache). Behind the front elevation is a simpler and less flamboyant but none the less elegant house.
- 4.4.51 Bentley Manor dominates its own parkland setting (principal front elevation is not visible from a public vantage point) which adds to the sense of grandeur and it is approached by a long driveway.
- 4.4.53 Further to the south the rural story and special historic interest revolves around a small farmhouse and associated cottages sitting together amongst fields and hedgerows. It speaks not of the grandeur and power of landowners elsewhere within the PBCA but of traditional rural farm life that is no less special. It is however brought into unusual sharp focus by the juxtaposition of the building and land to which they relate rubbing shoulders with the finer 'higher status' parts of the PBCA.
- 4.4.54 The backdrop to this group of buildings is woodland associated with the Manorial estates to the west. You therefore see this group as being 'apart but connected by the fact that the woodland here is the outer edge of the Manorial estates. Nevertheless experiencing this part of the PBCA when seen from the lane serving the properties from the A137 and which eventually snakes into the western half of the PBCA via a railway bridge to exit just north of Bentley Park and Bentley Hall Barn is highly delightful and allows in one short journey so much of the special historic interest of the PBCA to be absorbed appreciated and understood.

4.4.55 The same is true of external views into the PBCA hereabouts from the A137.



figure 72: **From within the PBCA – in and around Maltings House**



figure 73: **From the A137**







Maltings Cott



Maltings Farm



Maltings Farm

figure 74: **Towards Maltings Farm**





figure 75: **PBCA interface with A137**



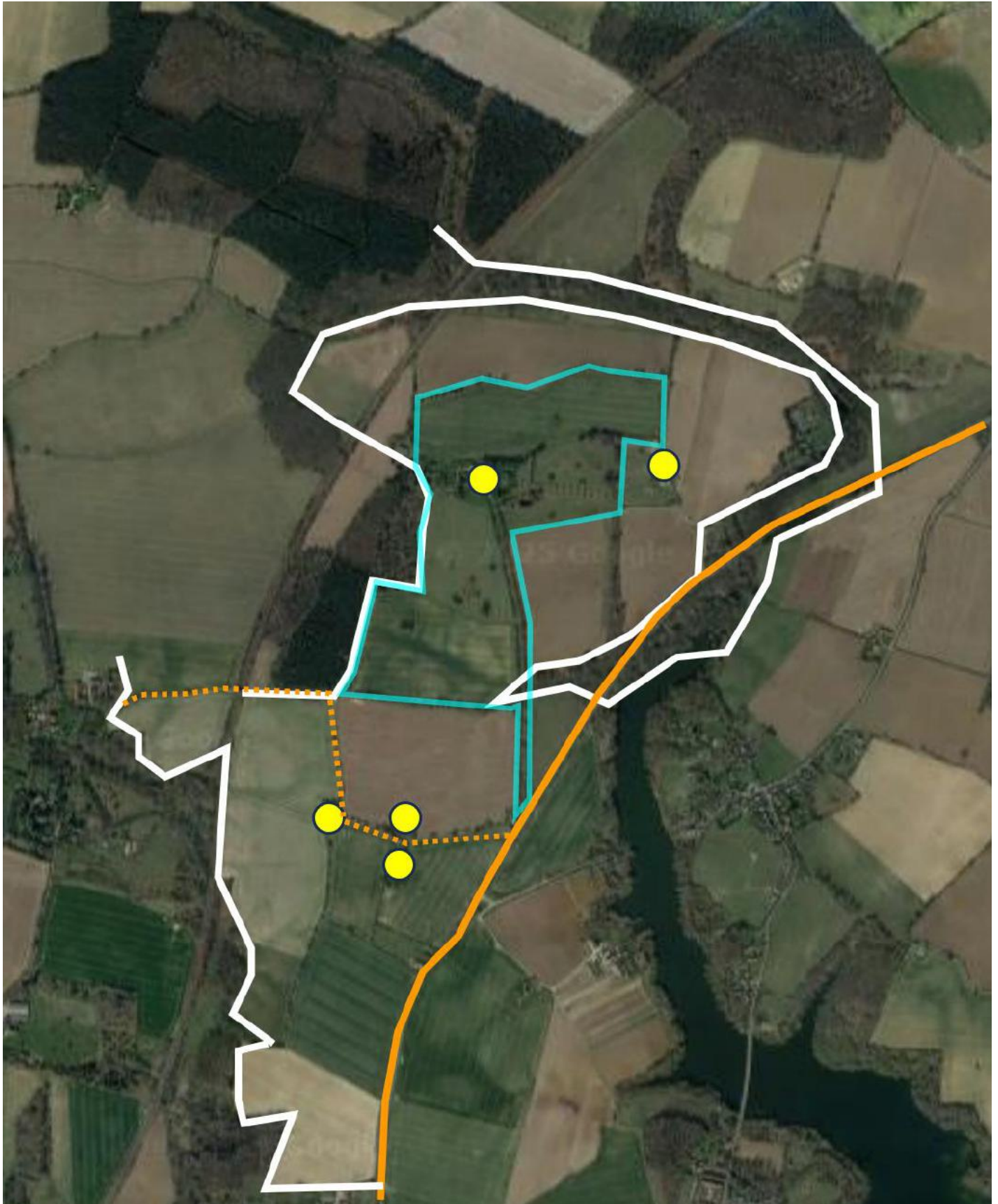


figure 76: **Relationship between former 'estate' land buildings between railway line and A137 and Manorial Woodland**

4.4.56 Moving to the southern section of the western part of the PBCA the question has been posed by some respondents (objectors) ‘Why include Potash Lane and the farmland immediately to its north?’ and ‘There is nothing of special architectural or historic interest there!’

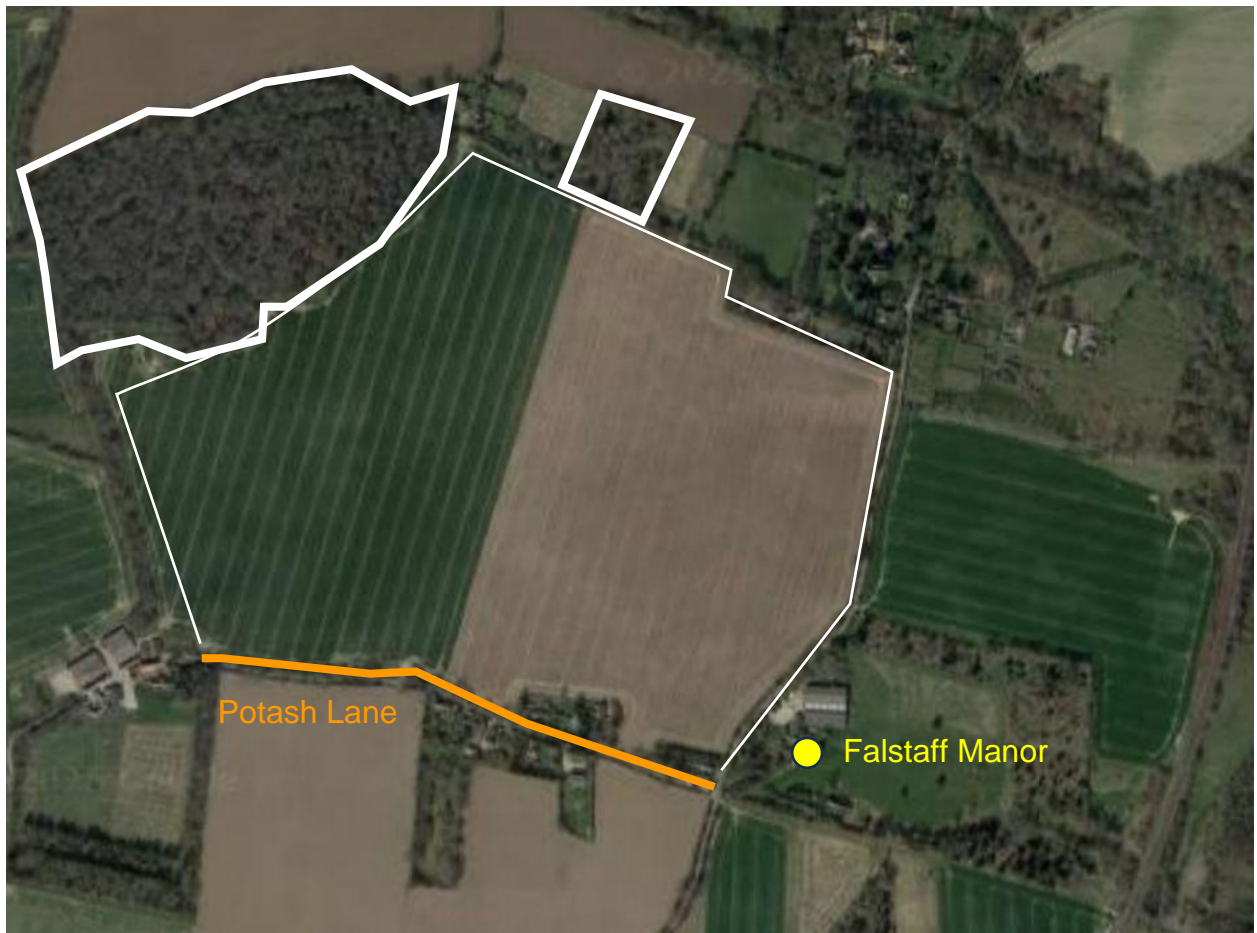


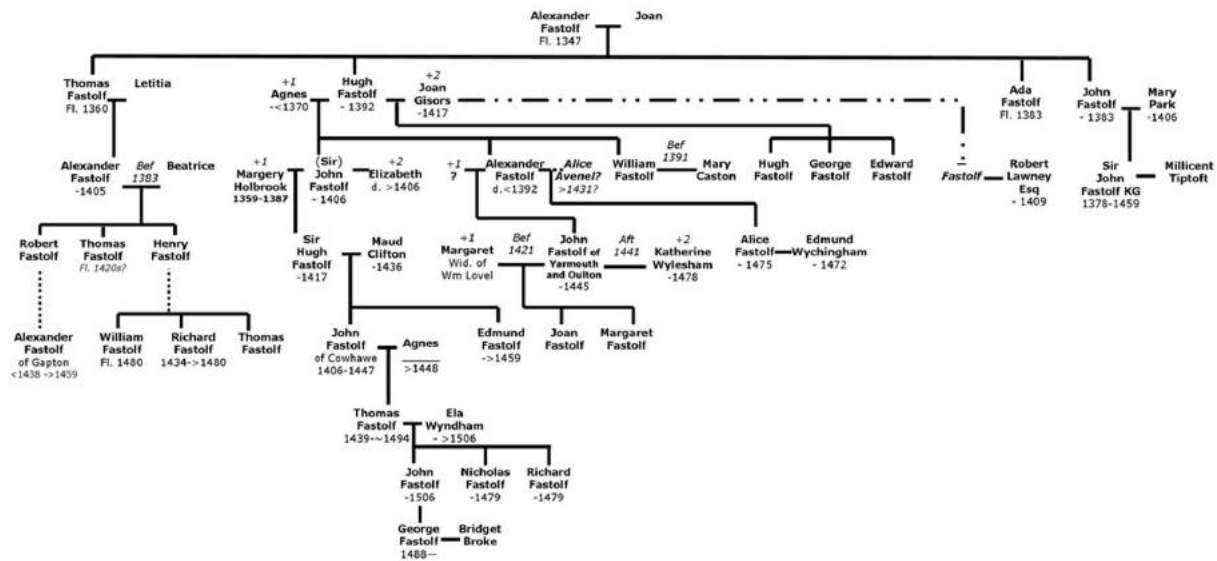
figure 77: **Relationship between former Manorial Farmland, Manorial Woodland, Potash Lane and Falstaffs Manor**

4.4.57 Here the key influencers in respect of special historic interest are

- (i) Falstaff Manor (originally Bentley Falstolfs) one of the four original Manors of Bentley. The Falstolf family appears to have an interest in Old Hall in the C15th and Falstolfs in the C14th through Sir John Falstolf.

4.4.58 In his paper a fleet of Fastolfs: The Descendency of Alexander Falstolf, Burgess of Great Yarmouth, Matthew Hovious<sup>26</sup> provides a proposed family tree of the East Anglian Family.

<sup>26</sup> <https://fmg.ac/phocadownload/userupload/foundations3/JN-03-02/083Fastolf.pdf>



4.4.59 In his paper he references:

*“..A few lands possibly matching some which had been mentioned in the 1448 Inquisition Post Mortem of Thomas’ father, such as tracts at Bentley, Kirkley and Rendlesham, do figure in Sir John’s<sup>27</sup> own inquisition a decade later. “*

4.4.60 He writes.

“In a struggle to secure the wardship of Thomas Falstolf Sir John wrote to the Duke of Norfolk securing the latter’s help against Sir Philip Wentworth another claimant of Thomas’ wardship”

Matthew Novious claims that on the back of the letter was the following list of the heirs inheritance.

‘Br[adwe]ll juxta Jernemut.  
Kirkley juxta Leystoft, viii £.  
Foxhole [&]  
Cowhaw in Nakton on this side Yepiswich, iii. myl. xviii £. Langston in  
Brustall, ii. myle beyond Yepiswich iii £.  
Bentele, ii. mile beyond Brustall, xiii £.’

Is Brustall, Burstall (which is a mile beyond Ipswich), and

<sup>27</sup> Sir John Falstolf KC



Is Bentele, Bentley (which is a mile from Burtsall)

- 4.4.61 This reinforces the Falstolfs involvement in shaping life in Bentley during the C14th and C15th
- 4.4.62 The farmland north of Potash Lane is believed to be farmed from Falstaff Manor today and if so that reinforces the special historic interest in the Manorial structure of Bentley that still exists today.
- 4.4.63 The other important influence is
- (ii) The proximity and effect of the ancient manorial Engrey/Ingrey Wood along with boundaries to St Mary's Church and Manors to the North.

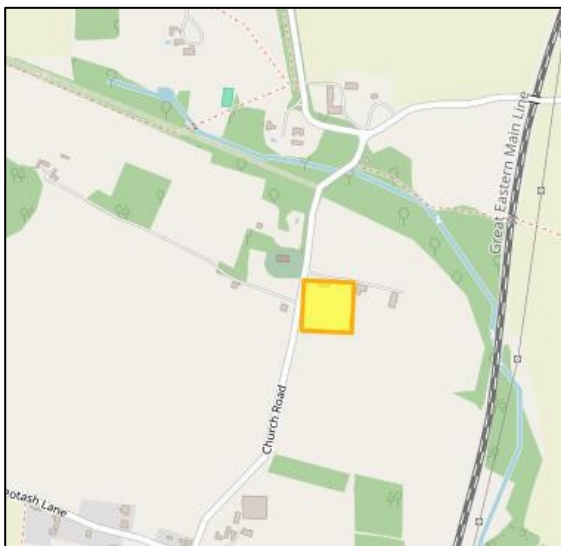


figure 78: **Limiting Factors on Field Size North of Potash Lane**

- 4.4.64 This area is a self-contained pocket edged to the south by Potash Lane, Falstaff Manor to the east and a ring of woodland planting (some Manorial) in an arc from west through north to the east.

- 4.4.65 In one vista from Potash Lane you can see the tower of St Mary's Church in the north-west and Church Farm in the distance to the north.
- 4.4.66 Another criticism of the CAAMP from some objectors is that no archaeological investigation was undertaken to inform it.
- 4.4.67 A look at the Suffolk Historic Environment Record (HERS) reveals that although very little development has occurred to trigger investigation there are a number of interesting finds. Objectors cite the fact that no archaeological investigation was undertaken to inform the CAAMP as a reason for the case for there being 'special interest' having not been made.
- 4.4.68 Whilst there may not have been resource to undertake such investigation the HERS record does identify that there is, not unexpectedly, some tantalising evidence of the past from the neolithic period onwards. These are detailed below.

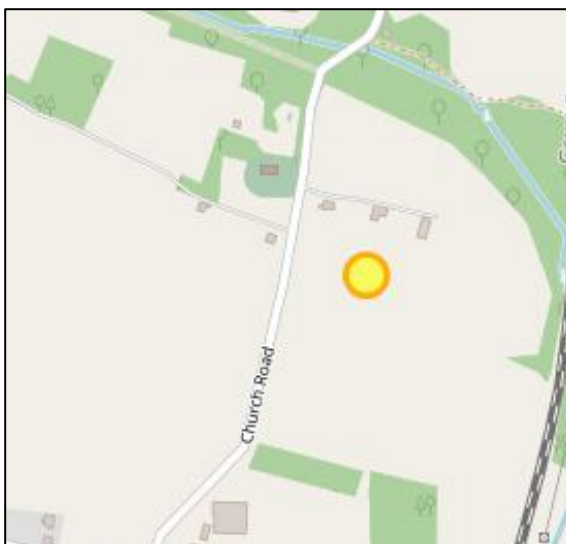
### Historic Environment Record (HER)



TM 13NW

94296 Early Mesolithic (9000BC - 8000BC)

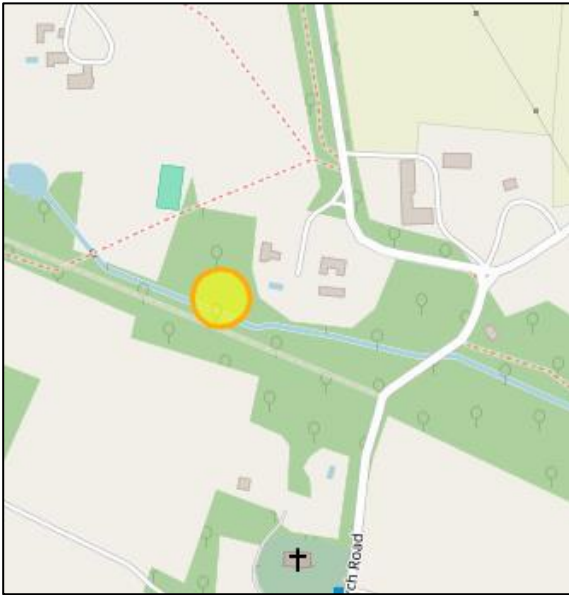
Tranchet axe between 10 and 20 cms long, identified as Mes by J J Wymer (S1). IPSMG described this as Neolithic, 5.5 inches long, weighing 8.5 ozs. Picked off a field stone heap.



TM 12 38 (point) poorly located

BTY 045

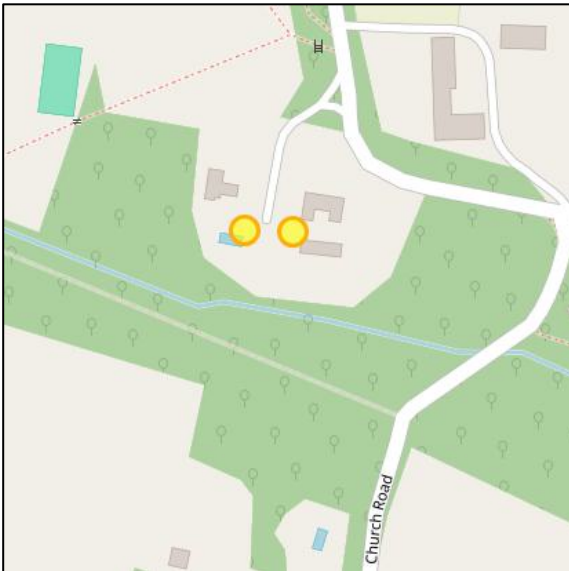
Bronze sheet vessel of unknown date



TM 1178 3836 (50m x 50m)

BTY 012

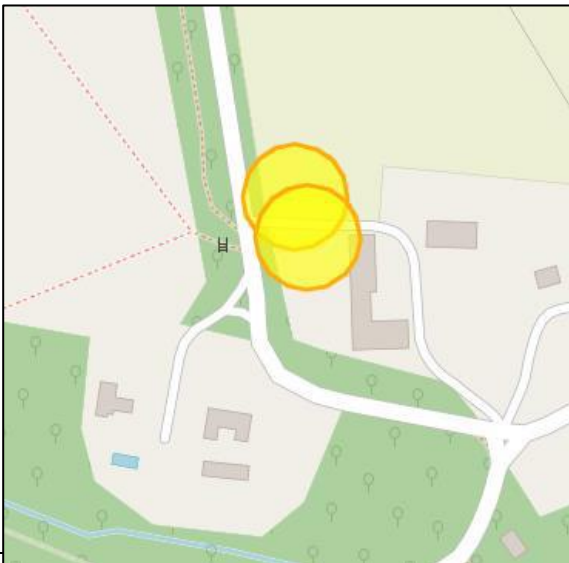
Sceatta. Medieval token and late Saxon? relief decorated strap end



TM 118 383 (27m x 5m)

BTY 033

Post medieval pits and remains of garden wall



TM 11907 38496 (57m x 69m) (27m x 5m)

BTY 025

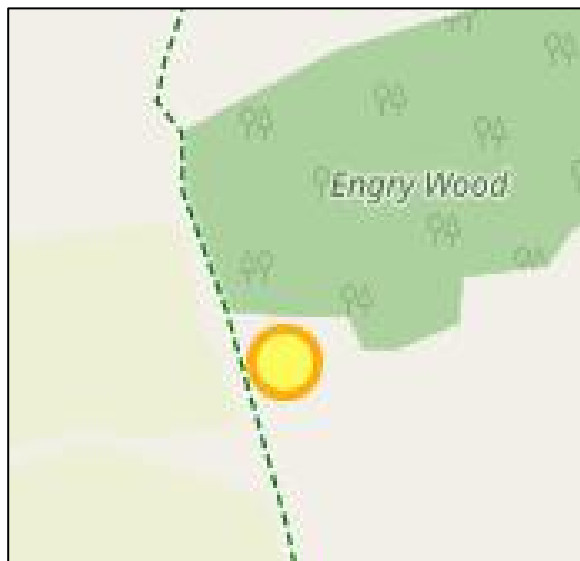
Anglo Saxon copper alloy stirrup mount

TM 11 38 (point) poorly located  
Iron Age (800BC - 42 AD)

BTY 055

Small tripartite urn with herringbone decorated cordons in IPSMG 123 (R1)

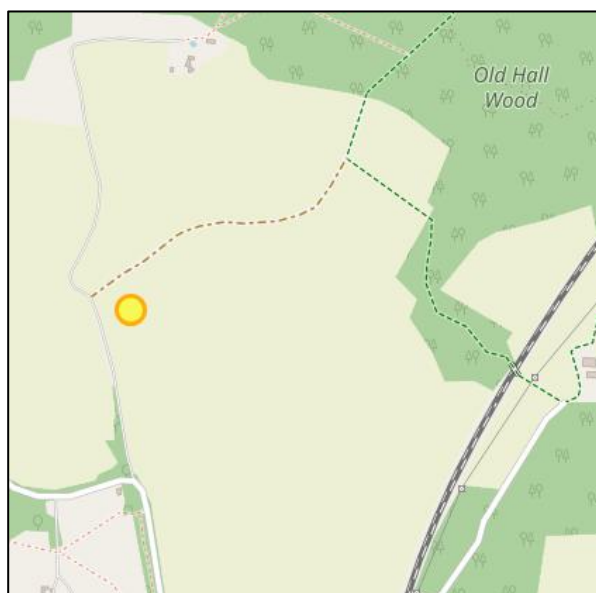




TM 1177 3917 (point)

BTY 048

Two Post-Medieval coins and a hooked bronze mount



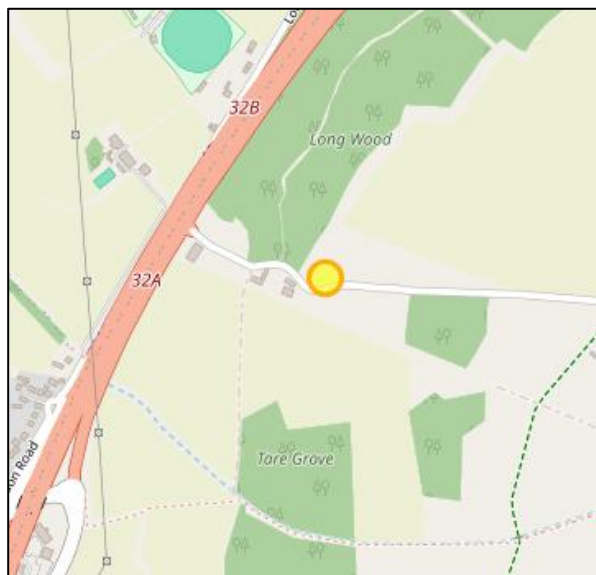
TM 10554 38850 (point)

BTY 055

Artifact scatter

86499 Roman (43AD – 409AD)

86499 Post Medieval (1540AD – 1900AD)



TM 1146 3922 (44m x 57m) centred on (point)

BTY 009

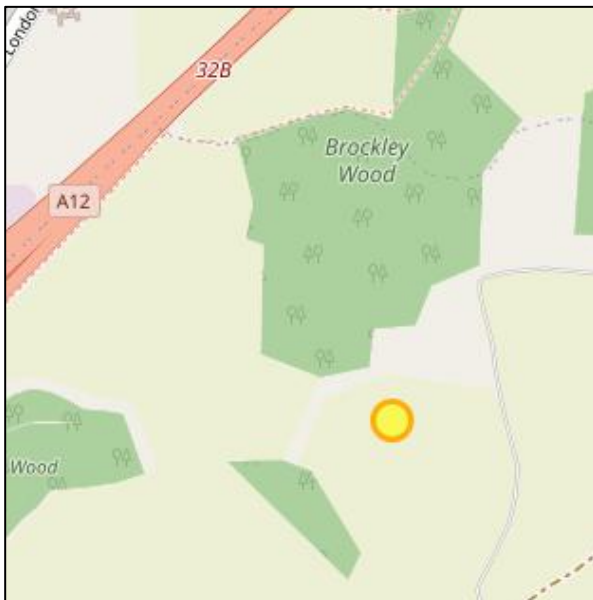
Causewayed enclosure and interrupted ditch system, visible as cropmark, of unknown date



Centred TM 11 39 (1000m x 1000m)

BTY 046

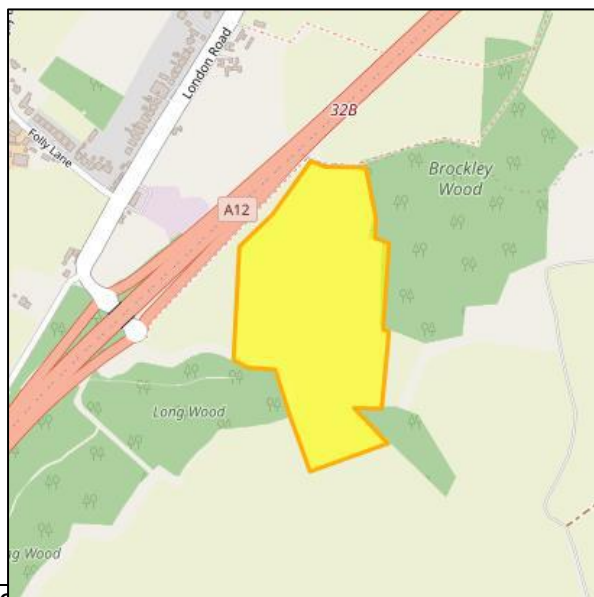
Medieval deer park recorded in Domesday Book (location unknown (S1)(S2)(R1))

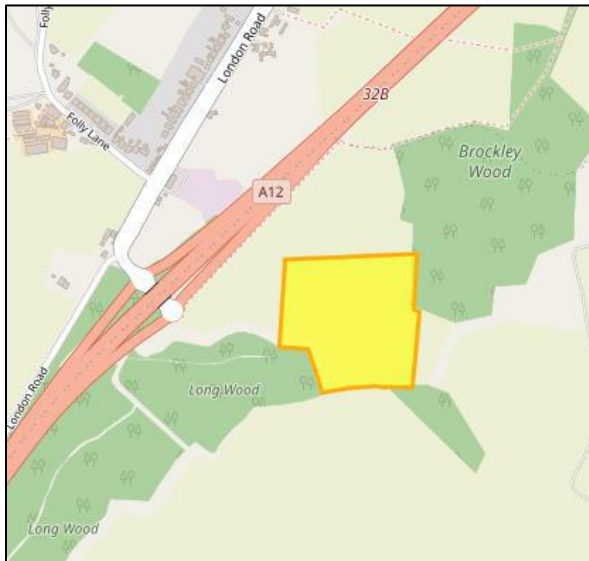


Centred TM 111 396 (322m x 632m)

BTY 003

Traces of field system, of unknown date

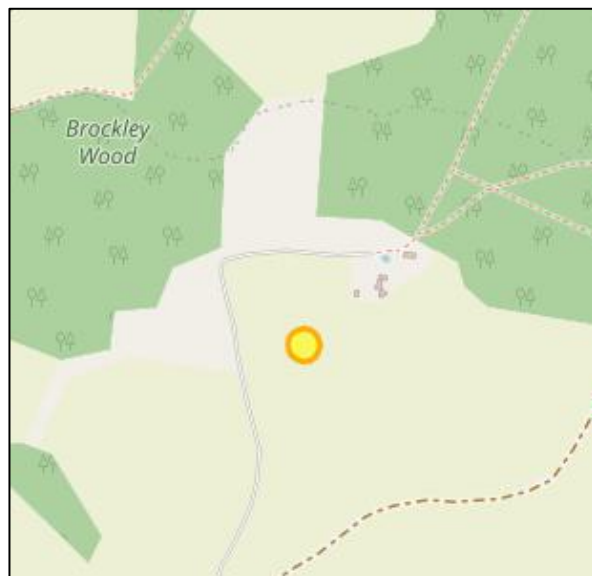




Centred TM 1116 3955 (288m x 296m)

BTY 003

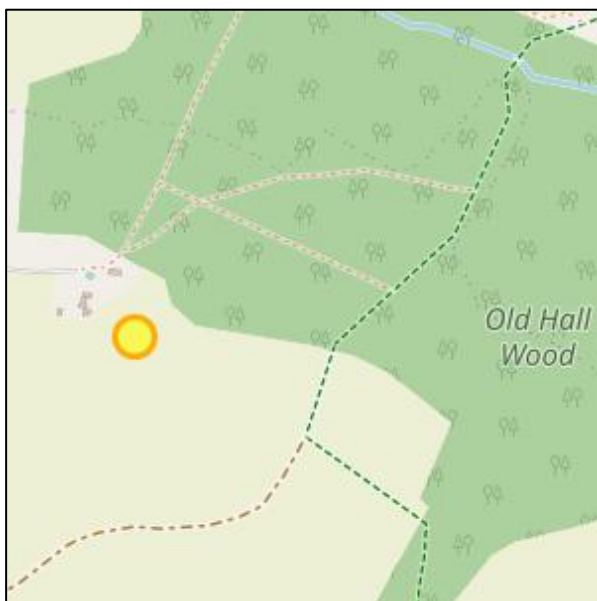
Cropmarks of field boundaries and an extractive pit



Centred TM 1176 3960 (50m x 50m)

BTY 008

Bronze -Age cake with a possible sword embedded in it



Centred TM 119 396 (point)

BTY 053

Medieval short cross penny (?John 1199-1216), a gilded harness pendent and a harness bit fragment





Centred TM 121 396 (100m x 100m)

BTY 010

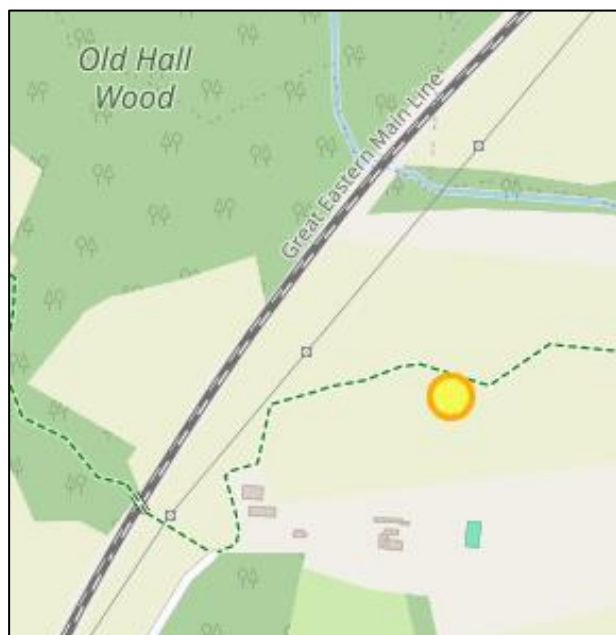
Bronze mount in the shape of a stylized human head. (S1)



Centred TM 1180 3938 (217m x 75m  
100m)

BTY 039

Cropmarks of a field boundary of possible  
Medieval date



TM 1300 3925 (point)

BTY 051

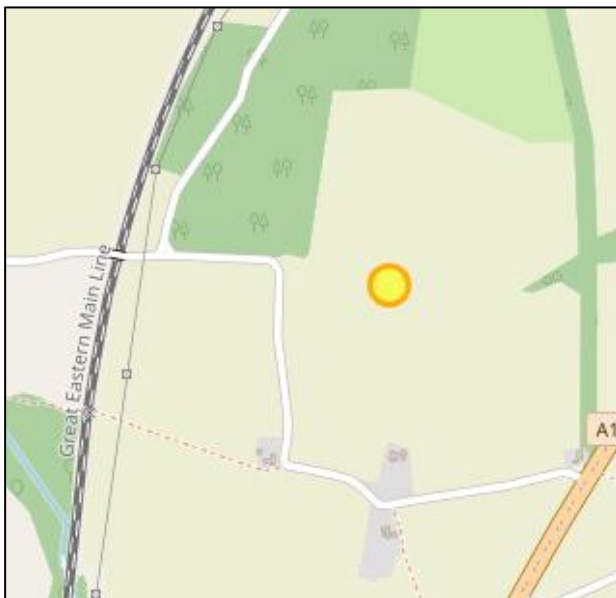
Gold half-groat of Elizabeth I, 1556



TM 1313 3844 (50m x 50m)

BTY 041

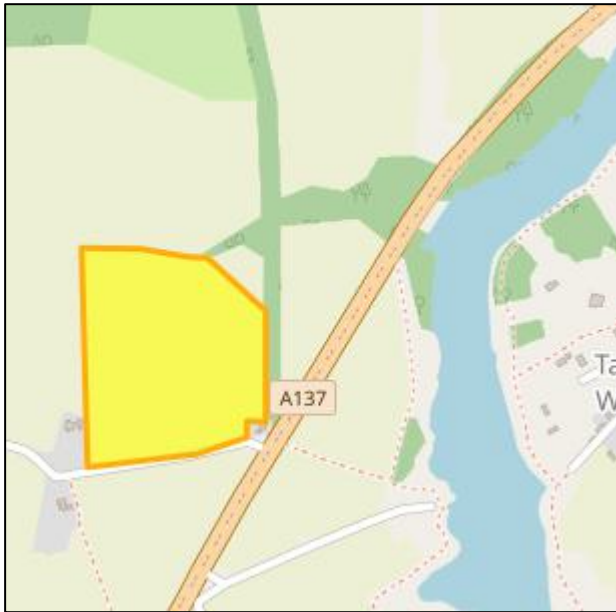
Cropmarks of ring ditch which may represent a former mill of post medieval date



TM 12759 38453 (point)

BTY 049

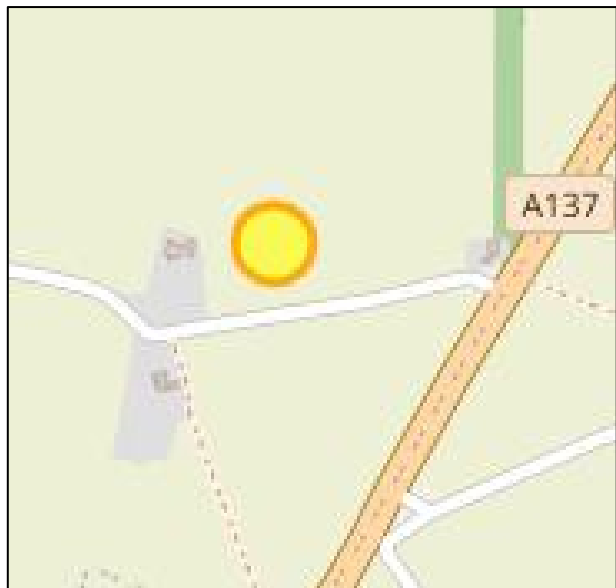
Post Medieval bronze and lead animal and cherub heads and fitting and a C17th coin



Centred TM 1292 3829 (282m x 322m)

BTY 040

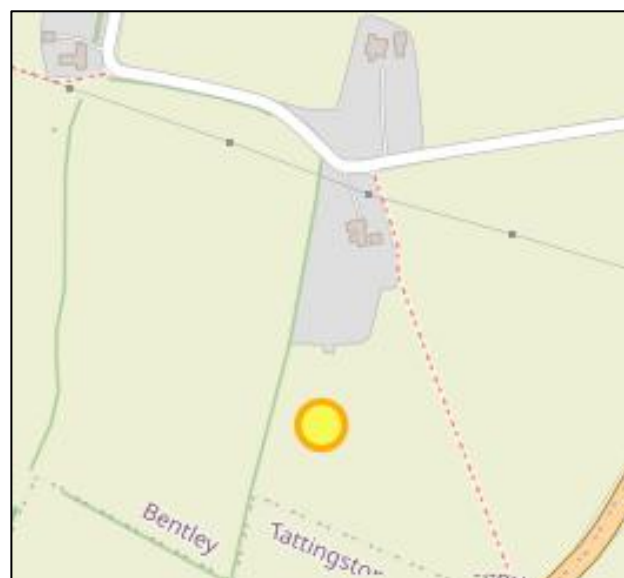
Cropmarks of an incomplete rectilinear enclosure possibly of pre-historic date



Centred TM 1286 3820 (70m x 70m)

BTY 013

Roman artifact scatter of two corroded brooches, an enamelled disc type and a sitting bird

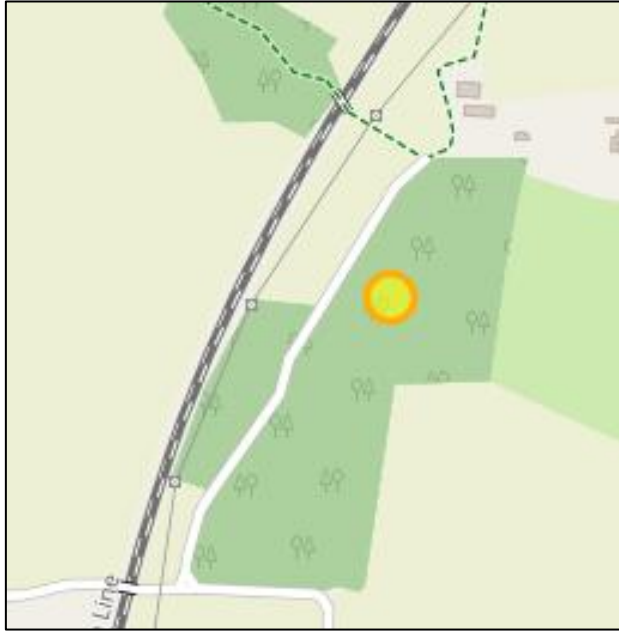


Centred TM 1275 3795 (point)

BTY 054

Bronze Roman brooch of Colchester derivative hinged type





Centred TM 126 388 (point)

BTY 052

Post- Medieval copper dividers

4.4.68 This is suggestive of there being significant archaeological and therefore historical interest within the PBCA.

Character map follows

# CHARACTER and SPATIAL ANALYSIS MAP LEGEND

	listed manor house (one of the four original Bentley Manors)		PROW. 2
	non-designated early manor house (one of the four original Bentley Manors)		65
	listed building		36
	historically important non-designated heritage asset		18
	ancient manorial woodland		3
	fields		21
	inward facing edge of woodland (internal to BCA)		61
	outward facing edge of woodland (towards area adjacent to BCA)		7
	established hedgerow		11
	formal drive		11A
	loose field edge trees		28, 27, 70, 12, 68
	parkland boundary		5, 6
	former Branch Line railway <u>walk</u>		69
	Falstaff Manors garden		15
	gateway into PBCA		64
	gateway into PBCA		interface
	gateway into PBCA		woodland clearing & gap
	quiet lane		point of historic connectivity
	St Mary's Church & environs		main road
	1 Church Area		A12
	2 Bentley Park		mainline railway
	3 Bentley Manor Park		A Long Wood
	4 Falstaff Manor		B Long Wood/Tare Grove clearing
			C Long Wood/Brockley Wood clearing
			D A137 wooded frontage/interface
			E Potash Lane interface
			F Branch Line junction wood
			G Fruit farm/plantation

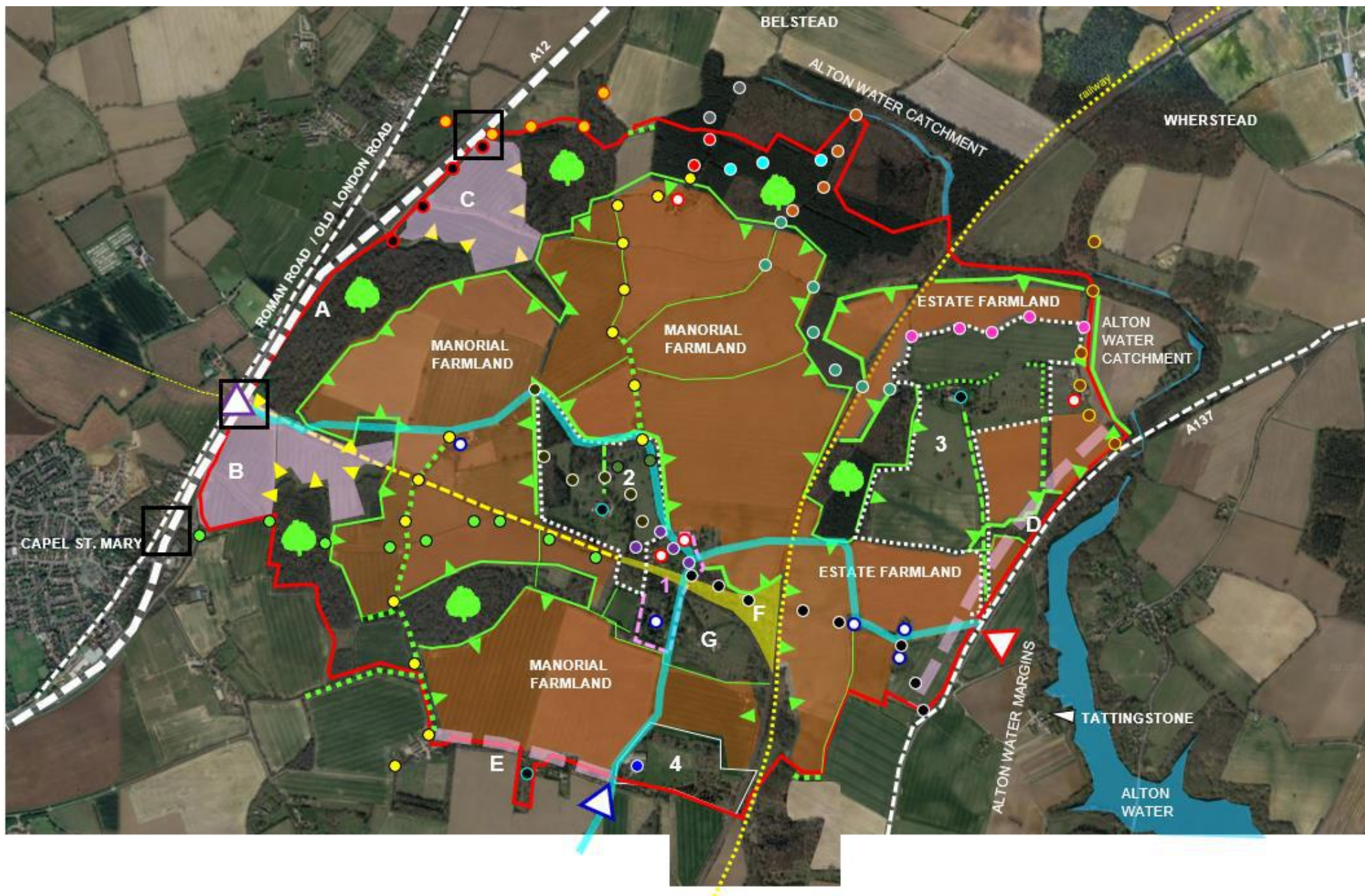


figure 79: **Spatial Analysis and Character Plan**



#### 4.5.0 CONCLUSION (IN RESPECT OF DESIGNATION OF A CONSERVATION AREA)

4.5.1 Putting the decision that needs to be taken by the Interim Director of Planning into the context of S69(1)(b) (Designation) based on the CAAMP and analysis in this report S69(1)(a) of the PLBCAA, he needs to be satisfied that the Area (boundary defined in the CAAMP) is an area of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance.

4.5.2 Currently there is no definition of 'special interest' to assist a decision taker.

4.5.3 Laurie Handcock (Iceni) in his independent heritage advice to the Council comments thus:

*"... 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."*<sup>28</sup>

4.5.4 What is clear as is discussed on part 4 of this report is that the Interim Director of Planning must be satisfied that the 'whole' area included in the PBCA has 'special architectural or historic interest'. Certainly Handforth Heritage and your case officer do. That is contrary to the opinion of objectors and consultants acting for certain objecting parties.

4.5.5 Laurie Handcock (Iceni) in independent advice to the Council

*"Overall, my view is that the CAAMP is detailed and clear. It establishes clearly the basis for its identification of special interest"*

4.5.6 He does however add some caveats.

- He suggests that some further analytical imagery would be beneficial to robustly demonstrate the extent to which historic landscape features remain

4.5.7 The case officer considers this a useful addition to the CAAMP for establishing a baseline audit in the document but the case officer is satisfied that the ancient woodland elements within the PBCA are justified on the grounds of them being intrinsic parts of the Manorial landscape as a whole hereabouts, their strong association with the Tollemache family who figure not just significantly in the history of Bentley but also in the history of the United Kingdom. And also the

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<sup>28</sup> Advice from Iceni Independent Advice dated 31 March 2025

connection with Jogn Constable RA through his brother who managed the woodland for a period and John Constable's own links with his Patrons The Earl, and Duchess Dysart (nee Tollemache) .

- Mr. Handcock recognises that the bar for 'Designation' is 'high'. Like many decisions in planning t is he suggests:

*"There will overall, be a judgement for the Council<sup>29</sup> to make as to whether or not they believe 'special interest' is established."*

- 4.5.8 Laurie Handcock (Iceni) in that independent advice to the Council does however opine:

*"In my view, accordingly, a compelling case is made for the Area as a whole possessing 'special interest'. "<sup>30</sup>*

- 4.5.9 He again adds comments beyond that statement saying that further spatial analysis and mapping would allow a clearer view to be taken by Babergh Council. That work has been undertaken in this report to inform the recommendations.

- 4.5.10 The IDoP and CM will note from the report before them that the case officer has provided a substantial level of additional information that respond to the comments made by Laurie Handcock, particularly in respect of analytical spatial and character mapping. It is this additional research and content that has satisfied your case officer that the whole area included within the PBCA does have special architectural and historic interest.

- 4.5.11 The whole area has 'special interest' in that it still retains a Medieval structure. This structure is based around the important position of the Church of St Mary and three manor houses from which three of the original four Manors of Bentley were controlled. Within the PBCA are a group of high grade listed buildings some of which date back to the C14th. Falstaff Manor whilst not listed is certainly a locally important non designated heritage asset as is Bentley Park, and Bentley Manor.

- 4.5.12 In all there are listed within the PBCA. These along with the non-designated heritage assets are of special and architectural interest because they represent a broad spectrum of life in rural Bentley from the high status manor through, through to the medium status tenanted farm (Maltings Farm) and the cottage

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<sup>29</sup> *in this case the IDoP, in consultation with the CM*

<sup>30</sup> Advice from Iceni Independent Advice dated 31 March 2025

- 4.5.13 Perhaps the finest jewel in this crown is Bentley Hall Barn a Grade I listed building, which might be the largest Elizabethan barn still in existence in the country.
- 4.5.14 Certainly Bentley Hall Barn is an important part in the overall medieval structure that can be seen in the PBCA and is as a whole of special historic interest. (in the case of the Barn and the high grade listed buildings also their special architectural importance.
- 4.5.15 The IDoP and CM will also want to give careful consideration to the two points below which are linked and which dominate many of the objectors representations.
- (i) Does the extent of the PBCA devalue the concept of a Conservation Area.
- Paragraph 204 of the NPPF warns against this when it states:
- “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”*; and,
- (ii) A practical consequence of the purportedly excessive inclusion of land that has no special interest and therefore might be said to devalue the concept of a Conservation Area, is that it will require residents and businesses (and farming is an important business with the PBCA) to give the Council as local planning authorities 28 days formal notice of an intention to fell lop or carry out works to any tree within the Conservation Area. Landowners will a multitude of trees within their land holding are concerned that this will become a bureaucratic nightmare for them when good tree husbandry is an everyday aspect of farming. In some cases this may run to hundreds (if not more) trees.
- 4.5.16 Their concern is acknowledged as is the risk claimed that many more trees within the Area will become *‘diseased and dangerous’* if included within a Conservation Area - as a way of avoiding what is seen as unnecessary red tape.
- 4.5.17 Other Conservation Areas within Babergh District include many trees and areas that are actively farmed. The two need not be a point of conflict.
- 4.5.18 Much of the ancient manorial woodland that is of special historic interest within the whole manorial landscape is subject to TPOs. The Council’s arboricultural officer has advised that it is possible for landowners to agree an ‘Ongoing Maintenance Plan’ with the Council that would obviate the need for the type of paperwork and formal approvals that is seen by objectors as burdensome and cumbersome. He has also been asked whether a similar process could be agreed



with farmers who have extensive tree cover on their land and he believes it ought to be possible. The case officer includes reference to this issue and the possibility of exploring a solution in the recommendations.

- 4.5.19 Ultimately the test is of course that the boundaries of the PBCA have to be drawn to include those area which as a 'whole' are of special architectural or historic interest then the consequence of having to deal with additional controls is a what will help to preserve or enhance that character or appearance.
- 4.5.20 It is right that the IDoP and CM have regard to the Adopted Development Plan of which the Suffolk Minerals and Waste Plan is a part, as is the Bentley Neighbourhood Plan. The IDoP and CM is advised that Suffolk County Council as local planning authority has objected to the inclusion of land included within the boundary of the PBCA on the basis that it is in their opinion unwarranted as the land has no special interest. Indeed they have an application to determine that seeks approval to excavate minerals from a site adjacent to the PBCA and which secures access through a corner of the PBCA.
- 4.5.21 This report has considered all representations and objections and it is the opinion of the case officer that the woodland clearing in the north west corner of the PBCA does have special historic interest. It forms part of the manorial woodland structure that itself has special interest and has provided a point of connectivity into the Area and affords views into the area of special interest(including this clearing). The claim that this part of the PBCA has no special interest is therefore rejected.
- 4.5.22 The case officer has carefully and thoroughly considered the point that the PBCA is already subject to sufficient controls and the Council has adequate existing powers through the various means described earlier in this report to preserve and manage the character or appearance of the area. They argue that as a consequence Designation of a Conservation Area is unnecessary and unreasonable. The case officer in reporting on this issue to the IDoP and CM finds that the duty placed on the local planning authority under S69(1)(a) and (1)(b) is to determine 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. (s69(1)(a).
- 4.5.23 The consequence of determining that there is such special interest is prescribed in S69(1)(b) and that is the local planning authority shall designate those areas as conservation areas.
- 4.5.24 This is a binary choice. If the answer to S69(1)(a) is yes, then what follows is S69(1)(b) and the area shall be designated. There is no reference to first assessing what other controls or powers may be capable of being applied to achieve the same end. That's said it is, however, the case officer's opinion that

even if this was the case, of those existing powers each only deals with one particular element or feature within the PBCA/ These powers and controls do not provide the Council as local planning authority with the ability to consider planning applications in an holistic way whereby it must consider impacts on the Area as a whole and enables it to consider these impacts on the special interest of the Area as a whole. Existing powers and controls do not and cannot achieve that same width of scope.

4.5.25 The criticism more broadly misses the crucial point that Conservation Area 'Designation' immediately identifies that Area as a heritage asset

4.5.26 In such a circumstance, the Council is able to engage its heritage/conservation policies to applications within the whole area and must have regard to all the likely impacts from development that may adversely impact its special interest. The same is true with regard to the extent that Section 16 of the NPPF can be engaged to effect that same result.

4.5.27 Not being able so to do will limit the extent to which the Council as local planning authority is able to manage development in a way that preserves or enhances the character or appearance of this area and its special architectural and historic interest.

4.5.28 If we reflect on the examples at paragraph 72 of the HEAN it is the case officers opinion that the PBCA does indeed accord with the criteria for identifying special interest:

1. The area does high a high number of nationally or locally significant designated heritage assets for such a low density rural area. It does have a verity (?) of architectural styles across centuries of history and they certainly have historic associations at which is the Area's Manorial heritage
2. The Area does have a strong history link to individuals within the Tollemache family who have played and continue to play an important role in the life of the nation. Bentley was the place of origin from which the family built its power, prestige and influence for centuries before relocating to Helmingham Hall in the C16th. The Tollemaches did however retain an interest in Bentley through the ownership of the majority of the ancient manorial woodland by the Countess of Dysart (nee Tollemache) and the residency of Stanhope Tollemache at the cusp of Victorian to Edwardian eras.
3. The area does provide an opportunity to experience and appreciate what remains an essentially historically significant medieval structure of estate management ownership and rural social life. Whilst it may not retain a pattern of ridge and furrow fields and whilst there may no longer be serfs it nevertheless less exhibits the principal components of such a stricture. The dominance of the Church, the survival of all three of the original early medieval

manors and buildings from that time. The fields around these whilst not unchanged have a basic structural pattern that continue to provide the framework from which within smaller fields were managed. In places a small field stricture does survive which further adds to the Sreas special interest. The manorial woodlands which date back 600 years and provide the frame within which this these medieval manorial estates were managed. The woodland provided lumber for the needs of the owners as well as a finically valuable source of renewable income from sale of timber. Thes were such a valuable 'crop' that even when the Tollemaches had sold most of their land in Bentley the Countess of Dysart retained the woodland areas which had been retained in the family from the medieval period and their move to Helmingham.

4. It is also true to say that the Area includes buildings with a particularly special interest in terms of showing together in one place a group of fine rural country Manor and Halls from the and of course a magnificent (if tired) Elizabethan barn.
5. The extensive network of PRow that spread like tendrils across and into almost all parts of the PBCA provide the public with a chance to experience and enjoy, appreciate and understand the living drama of this essentially Medieval structure from what is public realm. In terms of the PRow that as through Bentley Park it offers the walker a chance to admire not just the main house which exhibits a range of styles from the C17th onwards within its somewhat stylistically varied but elegant form but also the parkland that surrounds it.

4.5.29 The Tollemache family has owned a significant number of these over time and although the Family moved to Helmingham Hall in the C16th, Tollemache's have at times resided in Bentley. Most prominently Stanhope Tollemache who lived in Bentley Manor at the end of the Victorian era and was responsible for re-modelling it with architectural references from Helmingham Hall. The estate extended eastwards to include Hubbard's Hall, Maltings Farm, Maltings House and Maltings Cottage. Others with Tollemache family links lived in two of the other fine houses in Bentley.

4.5.30 The ring of ancient woodland that arcs around much of the perimeter of the PBCA was and remains an essential component of the special historic interest that exists as a result of the Manorial structure that exists within the landscape within the PBCA- as are the fields, lanes and footpaths that criss- cross it providing a tracery of connectivity that has existed for centuries and would have been essential to manage the manorial land with farm workers and locals walking between fields and the Church

- 4.5.31 It is accepted that in much of the PBCA the detailed field pattern has inevitably changed and that what were once small fields even as recently as 1928 have now been combined to create larger fields that are easier to manage with large modern agricultural machinery. That said the ancient woodland and lane and footpath structure have limited the extent to which this is possible to achieve. The underlying structural pattern of fields remains intact, such as those around parts of Old Hall for example where it is possible to see an older pattern fields.
- 4.5.32 The ability to be able to walk along much of the route of the Former Hadleigh Branch Line is of special historical interest. For some 100 years stations in Bentley and Capel ST Mary connected people along the route to Hadleigh to the national mainline railway system. (and goods for some 130 years).
- 4.5.33 It is however a classic tale of rural England in that the Branch Line was closed in the 1960's and both local stations have been demolished. Whilst the village of Bentley is not isolated as it has access to the A12 it does demonstrate how public transport facilities have disappeared in rural locals. This tells us much about the social and economic history of this area.
- 4.5.34 Bentley is now largely separated from Capel St. Mary by the A12 but historically the two were linked by a network of paths that passed through clearing in the manorial woodlands themselves remain). Just as the loss of the railway tells us about the special transport interest in Bentley it demonstrates how the use of the motor car and movement of freight by road brought with it benefits to rural communities as well as disbenefits.
- 4.5.35 Some objectors to the PBCA comment that Bentley and the PBCA is not tranquil because of traffic noise from the A12 and the noise of trains on the mainline.
- 4.5.36 It is true that when you are in the PBCA you do hear the odd train horn or the occasional swoosh of a passing train but that is not intrusive. Indeed as much of the mainline track is in cutting you are often unaware of the presence of the railway unless you are in a part where the trains are at grade or are very close on a bridge.
- 4.5.37 The same is true of traffic noise from the A12.
- 4.5.38 The case officer is satisfied that the boundary of the PBCA in the CAAMP is drawn around what is an area of special architectural or historic interest and that landscape features and open areas of farmland are included for their special historic interest being essential components in revealing the Area's important manorial heritage and its significance from being able still to read that history on the ground. The case officer finds that the Tollemache family influence in Bentley does itself have special historical interest.



- 4.5.39 It is worth noting that in his independent heritage advice to the Council, Laurie Handcock (Iceni) opines:

*“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’.”*

- 4.5.39 He goes on to say:

*“..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”*

- 4.5.40 Having undertaken additional spatial analysis as detailed in this report and having produced a character map the case officer is satisfied that the case for designating a Conservation Area with the boundaries as included in the CAAMP has been made. The area does have special architectural and historic interest, the character or appearance of which it is desirable to preserve or enhance.

#### **4.6.0 CASE OFFICER’S CONCLUSIONS IN RESPECT OF THE CONSERVATION AREA APPRAISAL [CAA] COMPONENT OF THE CAAMP**

- 4.6.1 The CAAMP should be amended to refer to the new Conservation Area as the Bentley Conservation Area
- 4.6.2 It should include reference to the Tollemache Family’s historic use of slave labour on its plantation estates in Antigua.
- 4.6.3 It should include a character map
- 4.6.4 It should include a detailed photographic audit of all properties in the BCA where access can be secured either from a public vantage point or with the owner’s permission
- 4.6.5 It is also recommended that important views be amended to include views along the former Hadleigh Branch Line and views from outside the CA into it from adjacent locations.

#### **4.7.0 Case Officer's Conclusions in respect of the Management Plan [MP] component of the CAAMP**

4.7.1 This is chapter 7 in the CAAMP and is divided into the following sections

- (i) Opportunities for Enhancement
- (ii) Heritage Statements
- (iii) Trees
- (iv) New Development
- (v) Improved Understanding and Awareness

4.7.2 It sets out the following:

*“(i) Opportunities for Enhancement*

*There are essentially three key areas where enhancements can be made in the area:*

- 1. Where buildings or landscape features are not appropriate to their context/ unattractive.*
- 2. Where buildings or landscape features are not being maintained and in a poor state of repair.*
- 3. Loss of architectural details/introduction of inappropriate features.*

*In relation to point 1, there are very few negative structures in the area, those that do detract have been highlighted on maps in the previous section. These primarily relate to large agricultural sheds and the MOT garage to the west of the area. In relation to the latter, if any redevelopment opportunities arise, they should seek to reintroduce the architectural language of the previous railway station on the site, to complement the surviving railway features in the area, as well as addressing the former railway line and main road. As a main entrance into the area, this is considered to have the potential to have a considerably positive impact on the area.*

*In relation to the agricultural sheds, if any redevelopment opportunities arise, they should be undertaken in a similar architectural style to that of the historic ancillary buildings associated with the principal building. This would help reinforce the vernacular nature of the area, whilst also minimising any competing elements with the principal building.*

*In relation to point 2, the most noticeable derelict building in the area is the grade I listed Bentley Hall Barn. This building is of the highest significance and it is imperative that a sensitive use is adopted for the building to ensure its future*

*survival and optimum viable use. The removal of modern elements of the building and reintroduction of historic structures (seen on the historic mapping and historic photograph in appendix 4) would provide a helpful framework for future development.*

*There are a few other structures in the area that have been neglected including the platelayer hut along the former Bentley-Hadleigh branch line and outbuilding close to Pond Hall. With regards to the former, this would benefit from repair and potentially information boards which would better reveal its significance. With the latter this would benefit from either demolition or repair/replacement.*

*In relation to point 3, there are a surprisingly limited number of buildings that have been insensitively adapted, with many featuring their original details or appropriate modern interventions. Some properties along Potash Lane have had their original fenestration details altered and replaced with unsympathetic uPVC units. The reintroduction of appropriate timber windows and original fenestration would have a beneficial impact on the building and in turn the wider conservation area. Similarly, one of the Falstaff cottages has had its facade replaced with stone external wall cladding. Stone is not found in modest domestic buildings in the conservation area and it has unbalanced the symmetry of the original building. Its removal, subject to the condition of the bricks beneath, would provide a beneficial impact to both the building and the conservation area. Historic photographs can also be a helpful source of information when deciding on what details are appropriate to reinstate (appendix 4).*

*Boundary treatments on the whole have a rustic and modest appearance. Where they have not been successful is where modern, tall, close boarded fencing, or industrial metal palisade fencing have been introduced. The former restricts views into the grounds having a negative impact on views, the latter introduces an incongruous industrial feature into the area. Both would benefit from removal for more sensitive open boarded fencing where possible. Similarly, a number of signposts have been erected in the area with a metal mass manufactured appearance and would benefit from replacement with bespoke timber units, which would be more complementary to a rural nature of the area.”*

#### **Officer recommendations to the Chief Planning Officer in respect of (i)**

- (a) With respect to the MOT garage the CAAMP needs to recognise that the building was granted planning permission by the Council and that it is a valuable local service. Whilst it is a modern shed it does make some references to its rural setting in so far as it has black cladding and a dull matt red roof. That business is authorised, as is the building. Should a redevelopment opportunity arise in the future then mot replacement may be negotiable but until then, the owner of the garage needs to be confident that

the Council is not seeking to threaten the business by its inclusion in the CA and reference to it as having a negative effect.

- (b) This section needs to acknowledge that much of the land within the CA is currently actively farmed for agricultural purposes and that the Council supports farming especially in areas such as this where much of the land is classified as Grade 2 and is therefore in the Best and Most Valuable category.
- (c) The MP should commit the Council to working with farmers to support agriculture in the CA whilst trying to ensure that new development is so far as is possible sympathetic with its special historic interest. The MP does not need to alienate farming land owners because farming is their livelihood and farmers can and do much to retain the character of the countryside.
- (d) The MP should commit to an action that requires a full audit of buildings within the CA in order to provide a proper baseline record.
- (e) A number of the used, underused and disused traditional and later (non large shed type) farm buildings in the CA make an important contribution to reinforcing the special historic interest that arises in the CA from farming. These should be retained, restored and if necessary, converted in order to ensure that it remains possible to understand and interpret daily life in this special community.
- (f) The MP needs to provide a commentary on farm diversity which may be better placed in section (iv)

(iii) *Heritage Statements*

*“All applications within the proposed conservation area and those which potentially affect its setting require an appropriately detailed Heritage Statement in accordance with the requirements of the National Planning Policy Framework. The findings of these reports also provide an opportunity to further inform the age and significance of the buildings within the area, many of which have not been academically studied.”*

**Officer recommendations to the Chief Planning Officer in respect of (ii)**

This is acceptable and necessary

(iii) *Trees*

*“All trees in conservation areas which have a trunk diameter of more than 75mm, at a height of 1.5m from the ground, are subject to protection. They may not be*



*felled or lopped unless six weeks written notice has been given to the Council. If the Council objects to the work a Tree Preservation Order may be issued. Any prominent trees, street trees, and trees with amenity value on private land throughout the conservation area should be monitored and maintained appropriately.”*

### **Officer recommendations to the Chief Planning Officer in respect of (iii)**

- (g) The MP needs to identify measures such as Ongoing Maintenance Plans/Agreements that can be agreed between owners of groups of trees and the Council's Arboricultural Officer that will allow for more convenient tree management and less bureaucracy for the land owner. The MP needs to identify the steps that need to be taken to agree such plans and describe how the Council will work with land-owners to achieve this efficient system of tree management in the CA.
- (h) The MP needs to include the need for an action that includes an carrying out of an audit of the nature value/biodiversity of areas within the CA to establish the resent baseline. In an area that has been largely left untouched, save for agricultural on parts but has large swaths of woodland, hedgerows, ponds , streams and ditches it will invariably have special historic interest in terms of its richness of flora and fauna.

### *(iv) New Development*

*“Any future development within the area needs to be respect the local character of the conservation area. Successful new development will:*

- *Relate to the geography and history of the place and the lie of the land*
  - *Sit comfortably in the pattern of existing development*
  - *Not detract from important views*
  - *Respect the scale of neighbouring properties*
  - *Employ materials that reflect those in the surrounding area.*
- The council should guide development in a positive manner by:*
- *Engaging with applicants through the Pre-Application process to ensure modern development is high quality in design, detail and materials*
  - *Seek opportunities for developers to make a positive contribution to the wider historic environment through legal agreements.*

### **Officer recommendations to the Chief Planning Officer in respect of (iv)**

- (i) This may be the place to pick up (i) (f)
- (ii) First sentence needs to include appearance and not just character.

- (j) Reference to employ materials that reflect those in the surrounding area should be changed to employ materials that reflect the traditional Suffolk vernacular palette
- (k) It needs to pick up addition of pv and other apparatus to dwellings
- (l) It needs to consider whether a need for an Article 4 Direction is appropriate to limit certain types of permitted development.
- (m) It needs to include guidance for assessing developments on sites outside the CA, but that may have potentially adverse impacts on its character or appearance.

(v) *Improved Understanding*

*“Despite the significance and historical importance of the area and the multitude of public footpaths and bridleways, there are no interpretation boards, signage, interactive QR codes etc. which improve an understanding of this. This would be an effective way to improve the awareness and enhance the significance of key buildings within the area, such as the Bentley Hall Barn. This could help encourage public participation in conservation efforts.”*

#### **Officer recommendations to the Chief Planning Officer in respect of (v)**

This is acceptable and desirable.

**Added note:** It might be possible to incorporate some of the recommended actions above into the CAA as completed tasks as officers do not recommend the Chief Planning Officer agrees the CAAMP at this time.

#### **4.8.0 FULL RECOMMENDATIONS from the case officer to the Interim Director of Planning**

As set out in 1.2.0 of this report

**APPENDICES** are provided in a separate document

**Decision record sheet follows**



## DECISION RECORD

**in Respect of the Matter of the Possible Designation of a Conservation Area within the area of Bentley, in the District of Babergh, in the County of Suffolk.**

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**I, Philip Isbell, The Interim Director of Planning for Babergh and Mid Suffolk District Council's have duly acted upon the Decision of Arthur Charvonja, the Chief Executive of Babergh and Mid Suffolk District Councils' recorded under minute [INSERT REFERENCE]**

I have:

- consulted with Councillor Sallie Davies, Cabinet Member for Heritage, Planning and Infrastructure
- read the CAAMP (Nov 2024)
- done so in the context of Historic England's Advice Note no. 12- Conservation Area Appraisal, Designation and Management
- reviewed the process
- considered the duty upon the Council, under S69(1)(a) of the Planning (Listed Buildings and Conservation Areas) Act 1990
- considered all existing powers available to the Council as local planning authority (and others) to currently protect key elements within the PBCA with the need for a Conservation Area
- had regard to all representations made from the public (as received in writing - letter and email), parish councils, consultants acting for parties affected by the PBCA
- considered the case officer's report and recommendations report dated [DATE], as presented to me on [DATE]
- considered all of the above in the context of independent heritage advice provided to the Council, at its instruction; and,
- considered the Legal Advice provided to the Council in regard to this matter
- made an unaccompanied site visit of the area myself

and considered all such other material matters as may be relevant.

Having done all of the above, I am satisfied that there is clear justification for the Designation of a Conservation Area for Bentley the boundaries of which are included in the CAAMP and the case officers report.

1. I hereby determine that the part of Bentley included within the CAAMP in the proposed Conservation Area boundary is an area of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance.

I do so in exercise of the duty provided by S69 (1) (a) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Then,

2. I hereby Designate the said Area as a Conservation Area, to be known as the Bentley Conservation Area under the power provided by S69(1) (b) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and as duly authorised by the Chief Executive's decision of [DATE]
3. Having done so, I then formally Agree the following actions in respect of the CAAMP

[insert such actions from the case officers report recommendations as shall have been agreed and/or such other actions as the Interim Director of Planning believes necessary].

Dated this day: [DATE]

Signed: [INSERT]

Philip Isbell  
Interim Director of Planning  
Babergh and Mid Suffolk District Councils



Minuted Decision of the Chief Executive  
Dated: 2 December 2024

Democratic Services

[Home](#) > Decision details

### BDC Urgent Decision - Bentley Historic Core Conservation Area

- [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:**

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**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:**

- 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.
- 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:**

- 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.
- 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