

## Heritage Statement of Common Ground.

### Between:

Pegasus Group on behalf of Green Switch Capital Limited. (the 'Appellant')

&

Babergh District Council (the 'Council')

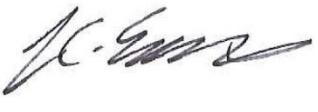
### Land at Grove Farm, Bentley

Date: December 2025

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

LPA Ref DC/23/05656

Pegasus Ref: P25-0480

<b>Signed:</b> 	<b>Signed:</b> 
<b>Name:</b> Laurie Handcock	<b>Name:</b> Laura Garcia – Senior Director – Heritage
<b>On behalf of:</b> Babergh District Council (The Council)	<b>On behalf of:</b> Pegasus Group (acting on behalf of the Appellant)
<b>Date:</b> 22/12/2025	<b>Date:</b> 22/12/2025



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## 1. Introduction.

- 1.1. This Heritage Statement of Common Ground (SoCG) is agreed between Laura Garcia, Senior Heritage Director at Pegasus Group (for the 'Appellant') and Laurie Handcock (on behalf of Babergh District Council; henceforth the 'Council') (together the 'Parties') following the refusal at Planning Committee by the Council to grant Planning Permission for the installation of a solar farm at land at Grove Farm and land east of the railway line, Bentley, Suffolk (the 'Appeal Site').
- 1.2. This SoCG has been jointly prepared by the Appellant and the Council to establish the matters in relation solely to Heritage on which the Parties agree and disagree.
- 1.3. This Heritage topic-specific SoCG was suggested within the Case Management Conference ('CMC') and set out in the post-CMC note issued 4<sup>th</sup> November 2025.
- 1.4. In order to make this SoCG focussed only on the Heritage, sections on Factual Background, the Description of the Appeal Site and Planning History and Planning Policy set out in the main SoCG with the Council are not included here for brevity. If there is a specific heritage matter relating to any of these sections, this will be set out below.
- 1.5. This SoCG reflects the position on heritage between the Parties on the date of issue and is set out as follows:
  - **Section 2 – Matters of Agreement.**
  - **Section 3 – Matters Not in Agreement.**
- 1.6. Matters pertaining to the 'planning balance' are set out within the main Statement of Common Ground.

## 2. Matters of Agreement

2.1. During the application process, consultation responses provided by Babergh Council's Heritage Officer identified a number of heritage assets, designated and non-designated, and set out that the application would result in a medium level of less than substantial harm. It is agreed that within that response, the Heritage Officer did not articulate precisely which assets mentioned within the wider response would experience this harm and concluded in their consultation response of 9<sup>th</sup> August 2024 "*I consider that the application in its present form would cause medium level of less than substantial harm to the significance and setting of designated and non-designated heritage assets.*" The scope of the Officer's assessment is set out in the second paragraph of 'discussion' (page 5):

*"this includes the Grade II\* Listed Church of St Mary, the Grade II\* Listed Bentley Hall and associated stables, the Grade I Listed Bentley Hall Barn, and the Grade II Listed Maltings House to the north. For non-designated assets there is "Red Cottages and Potash Cottages", Grove Farm, and Falstaff Manor to the south of the site, and Uplands, Little House, Glebe Cottage, Bentley House, and Church Farm to the north. Engry Wood, an ancient woodland, neighbours the site to the north-west."*

2.2. It is agreed that the wording is not specific in relation to the effect on each of these assets, but the discussion is focused on these assets.

2.3. It is agreed that the Committee Report did not explicitly identify the heritage assets, designated and non-designated, which were alleged as experiencing harm arising from the Scheme, but at 6.5 of the OR, the assets under consideration are set out. The level of harm was identified as low-medium less than substantial within the Committee Report. The level of harm arising to each individual asset was not set out.

2.4. It is agreed that all harm identified by the Heritage Officer and in the Committee Report was less than substantial.

2.5. The Heritage Impact Assessment and Supplementary Heritage Assessment produced by AOC Archaeology to support the application identified the following levels of harm to heritage assets:

- Church of St. Mary – lower end less than substantial harm;
- Bentley Hall Grouping of three listed assets – no harm;
- Maltings House – lower end of less than substantial harm;
- Red Cottage and Potash Cottages non-designated assets – medium harm;
- Bentley House & Glebe Cottage non-designated assets – no harm;
- Falstaff Manor non-designated asset – low harm;

- Church Farm and Barn non-designated asset – low harm; and
- Grove Farm non-designated asset – low harm.

2.6. The original Decision Notice did not identify all of the heritage assets alleged as experiencing harm, nor did it identify what level, within the range set out of low-medium less than substantial each asset would experience.

2.7. Historic England did not object to the application. They retained concerns over the effect of the Scheme upon the significance of the Grade II\* Church of St. Mary, agreeing that the Scheme would result in less than substantial harm. Historic England did not identify any other asset as experiencing harm in their consultation response (31st January 2024 and subsequently in an email of 14th July 2024). References were made to Bentley Hall and a 'potential historical link' with the site; the Council were encouraged to 'explore further' this point. Bentley Hall was not mentioned in their email of 14<sup>th</sup> July 2024. The responses made by Historic England, and any analysis of the heritage impacts of the proposal mentioned in the documents referred to in this section so far, pre-date the designation of the Bentley Conservation Area.

2.8. The parties agree that there is a strong but rebuttable presumption against a grant of planning permission in this case (as *Barnwell Manor*) where both parties identify material harm to relevant designated heritage assets including the Bentley Conservation Area. The duties under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are engaged and considerable importance and weight should be given to those harms in any planning balance.

2.9. The parties agree that whilst harm to a designated asset must be given considerable importance and weight, that weight is not uniform. As per the Forge Field judgment (*The Forge Field Society v Sevenoaks District Council [2014] EWHC 1895 (Admin)*), this consideration of considerable importance and weight does not mean that the weight a local authority should give to harm which it considers to be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. Further, as in the Palmer judgment (*Palmer v Herefordshire Council [2016] EWCA Civ 1061*), and as affirmed by the Court of Appeal in *City & Country Bramshill Limited v Secretary of State for Housing, Communities and Local Government [2021] 1 W.L.R. 5761*, it is agreed that where there is considerable weight identified, the weight the decision-maker must give to the duties of s.66 or s.72 is not uniform and will depend on factors such as the extent of the harm and the heritage value of the asset in question.

2.10. It is agreed that there would be no physical harm to the fabric of any listed building or non-designated building.

2.11. It is agreed that where harm is found to designated heritage assets, this harm is, in all cases, less than substantial.

2.12. It is agreed that the following designated assets are under consideration as part of the Appeal:

- Bentley Hall – grade II\* listed building;
- Meeting Hall Stables, Bentley Hall, Approximately 30 metres South of Bentley Hall – grade II\* listed building;
- Bentley Hall Barn – grade I listed building;
- St. Mary's Church – grade II\* listed building;
- Maltings House – grade II listed building; and
- Bentley Conservation Area.

2.13. There is disagreement between the parties as to whether all of the above designated assets would experience harm. Where harm is agreed, the parties dispute the level of harm, within the bracket of less than substantial any agreed harm would lie.

2.14. It is agreed that the less than substantial harm, appropriately weighted, should be weighed against the public benefits of the proposals in accordance with paragraph 215 of NPPF in decision making.

2.15. It is agreed that the following non-designated assets are to be considered as part of this Appeal:

- Falstaff Manor;
- Grove Farm;
- Potash Cottages;
- Red Cottages;
- Church Fam House and Barn;
- Bentley House; and
- Glebe Cottage.

2.16. There is disagreement over whether each of the above assets would experience harm arising from the Appeal Scheme.

2.17. Where harm is identified to non-designated heritage assets, it is agreed that there is no requirement for this to be placed within the scales of substantial or less than substantial harm. Paragraph 216 of the NPPF asks decision-makers to have regard to the 'scale of any harm or loss and the significance of the heritage asset' in the weighing of the application. Accordingly both parties have sought to clearly express what level of harm would, in their view, arise from the proposed development.

2.18. It is agreed that the effect of the proposals on the significance of non-designated heritage assets should be taken into account in the determination of the appeal, and a balanced

judgement will be required having regard to the scale of harm and the significance of the asset in accordance with paragraph 216 of NPPF.

- 2.19. It is agreed that the site now lies within the Bentley Conservation Area, which was designated in April 2025 – after the planning application was determined. The Conservation Area's designation was not subject to legal challenge. It is agreed that the Bentley Conservation Area Appraisal and Management Plan ("CAAMP") was formally adopted on 27 November 2025. The parties disagree on the level of harm that would result to the Conservation Area.
- 2.20. It is agreed that paragraph 220 of NPPF applies.
- 2.21. It is agreed that there are no current associations with the land within the Site and Bentley Hall or the Tollemache estate. It is agreed that the Scheme would not cause any physical impacts to identified areas of Ancient Woodland.
- 2.22. It is agreed the only area of Ancient Woodland in proximity to the Site is Engry Wood.
- 2.23. It is agreed that Potash Lane is not medieval in origin and was established in the late 18<sup>th</sup> century/early 19<sup>th</sup> century.
- 2.24. The appeal scheme would retain existing field patterns, boundaries and hedgerows.
- 2.25. It is agreed that the Site has seen significant internal boundary loss during the 20<sup>th</sup> century.
- 2.26. It is agreed that any harm identified to heritage assets arising from changes to setting will be limited within the scope of this consent to 40 years, until the decommissioning of the Scheme. As such, the harm would be limited to 40 years in duration
- 2.27. It is agreed that any harm identified to the Bentley Conservation Area through the construction and operation of the Scheme within the boundary will be limited within the scope of this consent to 40 years, until the decommissioning of the Scheme. As such, the harm would be limited to 40 years in duration.
- 2.28. It is agreed that matters relating to archaeology do not form part of the Heritage RfR and are not a consideration of this Appeal.

### 3. Matters Not in Agreement.

3.1. To assist in understanding where the Parties stand with regards to levels of harm to each asset under consideration in this Appeal, the following table is set out:

	Appellant	Council
Bentley Hall – grade II* listed building	No harm	Less than substantial – lower end
Meeting Hall Stables, Bentley Hall, Approximately 30 metres South of Bentley Hall – grade II* listed building	No harm	Less than substantial – lower end
Bentley Hall Barn – grade I listed building	No harm	Less than substantial – bottom end
St. Mary's Church – grade II* listed building	Less than substantial – lower	Less than substantial – middle range
Maltings House – grade II listed building	No harm	Less than substantial – lower end
Bentley Conservation Area.	Less than substantial – low	Less than substantial – upper end
Falstaff Manor	Low harm	Middle of the range
Grove Farm	Low harm	Middle to Upper Part of the Range
Potash Cottages	Low harm	Middle of the range
Red Cottages	Low harm	Middle of the range
Church Fam House and Barn	Low harm	Middle of the range

Bentley House	No harm	Bottom End
Glebe Cottage.	No harm	Bottom End

# Expertly Done.

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