

Appeal Decision

Site visit made on 6 September 2016

by Christa Masters MA (hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 September 2016

Appeal Ref: APP/W3520/W/16/3151816

Green Farm, Crowfield Road, Stonham Aspal, Suffolk IP14 6AW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs R Kurz against the decision of Mid Suffolk District Council.
 - The application Ref 0039/16, dated 5 January 2016, was refused by notice dated 26 February 2016.
 - The development proposed is demolition of various outbuildings and lean-to structures. Conversion of redundant barn to dwelling with single storey extensions comprising single storey wing to west and 2 bay cartlodge. Installation of package sewerage treatment plant, domestic oil tank, air source heat pump and associated landscaping to provide residential amenity at Green Farm, Crowfield Road, Stonham Aspal.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr & Mrs R Kurz against the decision of Mid Suffolk District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The appellant has questioned the status of the decision notice at paragraph 2.15 of the appeal statement. This is due to a typographical error on the second page of the decision notice. The appeal has been validated and I have determined the appeal on the basis of the reasons for refusal as set out on the decision notice date 26 February 2016.

Main Issues

4. The effect of the proposed development on the character and appearance of the surrounding area, having regard to sustainable development.

Reasons

The effect of the proposed development on the character and appearance of the surrounding area, having regard to sustainable development

5. The appeal site comprises a collection of outbuildings accessed from Crowfield Road. The buildings are set back from the public highway behind a large
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grassed area. There are residential properties either side of the appeal site and the area has a distinctly spacious and rural feel. Whilst the buildings on the site are in a varying state of repair, they are generally resonant of many buildings in a countryside setting.

6. The appellant has referred to policy H9 of the Mid Suffolk Local Plan (LP) 1998 which sets out a criteria based approach to the conversion and change of use of agricultural and rural buildings in the countryside. This criteria includes, amongst other things, that the proposed conversion must respect the structure, form and character of the original building and extensions should not dominate the original building or detract from the appearance or character of the area. The extension proposed would measure some 23m in length and 5.5m in width and would link to the existing barn with a lightweight structure finished in glazing and weatherboarding with a grey zinc roof.
7. Whilst I acknowledge that there would be a net loss of built form on the site, there can be no doubt that the extension as proposed would be a significant addition to the building which in my view would dominate the original structure in both size and location, presenting a visually intrusive feature in this rural location. It would also fail to respect the existing character of the area. In this way, the proposal would fail to accord with the broad objectives of policy H9 outlined above. The Council have raised specific concerns regarding the number of roof lights proposed. The addition of this domestic feature adds weight to my concerns regarding the scale and appearance of the dwelling in this rural location.
8. As a result of the above, the introduction of a residential dwelling in this location would cause harm to the character and appearance of the area. Policy CS1 of the Core Strategy (CS) 2008 defines Stonham Aspal as a Secondary Village. The supporting text to the policy states that these villages are unsuitable for growth but capable of taking appropriate residential infill and development for local needs only. It also states that the settlement boundaries will be retained around these settlements. The appeal site is located some distance outside of the village boundary which ends at the junction of Crowfield Road and The Street.
9. My attention has also been drawn to policies H7 and H10 of the LP. Policy H7 advises that outside of settlement boundaries, there will be a strict control over proposals for new housing in the interests of protecting the existing character and appearance of the countryside. The policy goes on to note that the provision of new housing will normally form part of existing settlements. Policy H10 is a specific policy relating to the provision of agricultural workers dwellings. As this does not form part of the proposal before me, I concur with the views expressed by the appellant that this policy is not of direct relevance to the issues before me.
10. The appellant states that the site is within walking distance of the village centre where there is a primary school, village shop and recreation ground. However, there is no public footpath along Crowfield Road and I consider it would be unrealistic to expect parents with children to make this walk into the village centre on a regular basis. Appendix 2 of the appeal statement provides a map indicating the appeal site relative to the Stonham barns retail site. This remains some distance from the appeal site and in my view would mean that there would be a reliance on the use of the private car to access this facility.

Reference has also been made to a bus service serving the village. However, I have not been provided with any information regarding the frequency of this service, the location of bus stops or where it may connect to. I can therefore place only very limited weight on this statement.

11. In relation to the environmental aspects of sustainability, I have already concluded above that there would be very significant adverse effects on the character and appearance of the area as a result of the appeal proposal. This fact weighs heavily against the proposal. I recognise that the introduction of 1 dwelling house would deliver some economic and social benefits. However, as matters stand in the context of sustainability, I do not consider that these benefits would outweigh the environmental effects of the new proposed dwelling in this countryside location.
12. As matters stand, I therefore conclude that the proposed development would have an adverse effect on the character and appearance of the surrounding area, and would not constitute sustainable development. It would, as a result, conflict with policies CS1 and CS2 of the CS, as well as policy H7 of the LP. Policy CS2 relates to development in the countryside and countryside villages and advises, amongst other things, that development will be restricted within the countryside to a number of defined criteria.
13. For the same reasons, the proposal would also conflict with policy FC 1 of the CS which relates to sustainable development and policy FC 1.1 which sets out the Mid Suffolk approach to delivering sustainable development. This policy identifies, amongst other things, that proposals must conserve the local character of the area. The proposal would also be contrary to Paragraph 55 of the National Planning Policy Framework (the Framework) which states that new isolated homes in the countryside should be avoided unless there are certain defined special circumstances, none of which apply in this case.

Other matters

14. The third reason for refusal refers to a failure to secure the appropriate financial contribution towards the provision of open space and social infrastructure. The Council have identified a policy basis for these contributions. The appellant has identified a willingness to enter into such an agreement, although the appeal statement also states that the contributions are no longer required. As set out in both the Planning Practice Guidance as well as the Written Ministerial Statement dated 28 November 2014, there are specific circumstances where contributions should not be sought from small scale development. These circumstances include developments of 10 units or less.
15. The appellant states that the Council are unable to demonstrate a 5 year supply of housing sites. The Council are silent on this matter. On the basis of the very limited evidence presented to me, I do not consider that it would be possible for me to reach a conclusion on this matter. In any event, I consider that in this case the contribution that a single proposed dwelling would make towards addressing an undersupply of housing does not outweigh the harm the scheme would cause to the character and appearance of the area. It is thus not the sustainable development for which there is a presumption in favour. In reaching this view, I have had regard to paragraphs 47-49 of the Framework and in particular, its guidance that planning should take account of the different roles and characters of different areas (paragraph 17).

16. The appellant states that the site falls within the definition of previously developed land and it is therefore a 'brownfield' site which paragraph 111 of the Framework encourages the effective use of. However, the definition of previously developed land as provided by the Framework specifically excludes agricultural or forestry buildings.
17. Reference has been made to a number of appeal decisions and recent approvals for residential development which are located outside of settlement boundaries. I have not been provided with the decision notices or full details in connection with these proposals. The appellant has explained that in the appeal decision at Barham¹, the site was within a village with no settlement boundary. This is different to this appeal. Furthermore, the other appeal decision referred to² indicates the proposal was for 175 dwellings. The proposal before me is for 1 dwelling. As such, on the basis of the limited information provided, I am unable to conclude with any certainty if there are any site characteristics which would be directly comparable in locational terms to the appeal site. The weight I can attach to these cases is therefore limited. In any event, each proposal must be considered on its own merits, as is the case here.

Conclusion

18. For the reasons given above, the proposal would result in an unsustainable form of development as defined by paragraph 7 of the Framework. In accordance with the Framework and the clear policy conflict, I must attach significant weight to this. I have also concluded that the proposal would result in harm to the character and appearance of the area.
19. In reaching this conclusion, I have considered all other matters raised but found nothing that changes the balance of my decision that the appeal should be dismissed.

Christa Masters

INSPECTOR

¹ APP/W3520/A/14/221508

² APP/W3520/W/15/3139543