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## Appeal Decision

Site visit made on 16 January 2017

**by Graham Chamberlain BA MSc MRTPI**

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

**Decision date: 20<sup>th</sup> January 2017**

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**Appeal Ref: APP/E3525/W/16/3159660**

**Barn, Pigeon Lane, Fornham All Saints, Suffolk IP28 6JP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr David Harris against the decision of St Edmundsbury Borough Council.
  - The application Ref DC/16/0815/OUT, dated 18 April 2016, was refused by notice dated 14 September 2016.
  - The development proposed is the change of use of a redundant barn to residential use for 2 No. 3 bedroom dwellings with associated alterations to access and roadway.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The application was submitted in outline with all matters of detail reserved. The drawings submitted by the appellant do not contradict this intention. I have considered the appeal accordingly.
3. The appellant and the Council were afforded an opportunity to provide additional representations on any implications that may arise if I were to find that the appeal building is redundant or disused. I also sought clarification on the relevant development plan policies as I have been presented with two copies of Policy DM28 of the DMD<sup>1</sup>, which differ from one another. I have taken the additional submissions into account in my consideration of the appeal scheme. In respect of the last point, I have considered Policy DM28 as a policy relating to the residential reuse of redundant buildings in the countryside, as guided to by the Council, and not housing in the countryside in a more general sense.

### Main Issue

4. The main issue in this appeal is whether the appeal site would constitute a suitable site for housing having regard to local and national rural housing policy.

### Reasons

5. The appeal site is located towards the southern end of Pigeon Lane, a residential street which radiates out from the centre of Fornham All Saints.

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<sup>1</sup> Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document Feb 2015

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- The southern half of Pigeon Lane is characterised by ribbon development on the eastern side of the road that backs onto a golf course.
6. The appeal site is located outside of the settlement boundary of Fornham All Saints, which is defined in the development plan. Thus, it is in the countryside and subject to countryside policies. Policy CS13 of the Core Strategy 2010 states that development outside of defined settlements will be 'strictly controlled' and that the policies in the DMD will set out what development would be appropriate in countryside locations.
  7. The appeal site encompasses a barn and yard which is broadly enclosed by hedging. At the time of my visit, the building was entirely empty and, other than a few remnants of the previous use, such as a skip, the yard was also empty. As such, the building is currently disused.
  8. The appellant has also stated that the building is redundant as it is no longer required as a green keepers store and workshop in connection with the adjoining golf course, following the construction of a new store and workshop elsewhere within the golf course. I have no reason to disagree. The Council have suggested that it has not been adequately demonstrated that the building is redundant, but it is unclear what additional information the Council is expecting to see to determine this. Nevertheless, based on the information before me, I am satisfied the appeal building is both disused and redundant. As a consequence, Policy DM28 of the DMD is engaged.
  9. Policy DM28 flows from Policy DM33, which permits the re-use, conversion and alteration of buildings in the countryside, including residential uses subject to Policy DM28. Policy DM28 permits the residential re-use of a redundant buildings in the countryside if, amongst other things, alternative uses for employment/economic development tourist accommodation, recreation and community facilities have been fully explored and discounted. This approach is intended to support the vitality of rural communities as outlined further in the Council's Rural Vision 2031.
  10. This approach is not echoed by Paragraph 55 of the National Planning Policy Framework (the Framework), which identifies the reuse of buildings in the countryside as a special circumstance that can justify housing in the countryside. It is also clear in the Framework that the Government is seeking to significantly boost housing supply. However, this objective is to follow a planned approach through the preparation of distinctive local plans. Additionally, the Framework must be read as a whole and Paragraph 28 contained therein seeks to support a prosperous rural economy through the conversion of existing buildings to support rural enterprise.
  11. Policy DM28 is a development management policy which post-dates the publication of the Framework and is consistent with Paragraph 28 of it. As such, Policy DM28 can be afforded full weight as part of a distinctive development plan that reflects the needs and priorities of the community. I have seen no substantive evidence to suggest it is unnecessary in a broader sense to seek to fully explore the alternative uses listed in Policy DM28 prior to a residential use being permitted. Moreover, I have not been presented with evidence to suggest the Council are currently unable to demonstrate a five year housing land supply, which would render Policy DM28, as a policy affecting the supply of housing, as out of date.

12. As such, it is necessary for the appellant to demonstrate that the alternative uses listed in Policy DM28 have been fully explored and discounted. However, I have not been presented with substantive evidence that suggests this is the case. Nor has the appellant demonstrated that the barn is structurally capable of conversion to a dwelling. Therefore, the proposal would be at odds with Policies DM28 and DM33 of the DMD. The appeal scheme would thus harmful frustrate the Council's strategy for the balanced provision of residential and non-residential uses in the countryside.
13. The appellant has suggested that a conversion of the appeal building to the alternative uses listed in Policy DM28 would be undesirable because the appeal site is located close to other dwellings. However, I am not satisfied this is a sound basis on which to make such a judgement. This is because I have seen nothing to suggest the current use as a store and workshop has harmed the living conditions of neighbours. Additionally, some uses, such as those falling within a B1 use class, are by definition compatible with residential uses.
14. The Council have also suggested that when applying Paragraph 55 of the Framework, the appeal scheme would result in dwellings that would be isolated from services and facilities. I am not satisfied this would be the case as the appeal site is located only a short walk from the facilities, services and limited employment opportunities in Fornham All Saints as well as the more substantial array of services on the periphery of Bury St Edmunds. Access being from Pigeon Lane via a pedestrian route to the A1101. The site is also close to an hourly bus service in Fornham All Saints.
15. Moreover, the two dwellings would be seen as a continuation of the ribbon development along Pigeon Lane and would not appear as a discordant intrusion into the countryside or harmful to local distinctiveness. Any impacts on the countryside from a domestication of the site as a result of the appeal scheme could be limited through a sensitive design and landscaping scheme secured at the reserved matters stage.
16. As facilities would be available within a comfortable walk, and the site would appear physically well related to a settlement, the appeal scheme would not be a remote, detached or isolated form of development. Nevertheless, although the appeal site is not isolated, a conversion without having first given appropriate consideration to the alternative uses listed in Policy DM28 would be contrary to the DMD and thus harmful to the Council's strategy for supporting the rural economy through a more restrictive rural housing policy in some instances, such as the conversion of rural buildings. Therefore the guidance in Paragraph 55 of the Framework is not a material consideration that would outweigh the conflict with the development plan in this instance.
17. My overall conclusion is that in the absence of substantive evidence to the contrary, I cannot be satisfied that the alternative uses listed in Policy DM28 have been fully explored and discounted. The proposal would therefore not constitute a suitable site for housing and would be contrary to local and national policy when taken as a whole. In particular, Policies DM33 and DM28 of the DMD and Policy CS13 of the Core Strategy 2010. Policies I have already found consistent with the Framework.
18. The Council have referred to Policies DM1, DM2, DM5 and DM27 of the DMD in its reason for refusal, but for the reasons given above these are not the main policies against which the scheme falls to be considered.

## **Other Matters**

19. The appellant considers the proposal is sustainable development when the economic, social and environmental benefits are considered and weighed in an overall planning balance. The development would increase housing supply and choice but with only two dwellings proposed this is only a limited social benefit. The appeal scheme would facilitate some economic benefits to the construction industry, including jobs, but these would be for a limited time. There would also be some benefits to the local economy from the circulation of funds from future occupants but this is unlikely to be significant given the modest scale of the development. I therefore afford these benefits limited weight.
20. The appellant has suggested that the proposal would use land more effectively by providing housing on a redundant 'brownfield site'. However I do not share this conclusion in this instance because there is an absence of substantive evidence that demonstrates the alternative uses listed in Policy DM28 have been fully explored. An effective use of land can also include reusing land for non-residential economic development. As such, this is a matter of limited weight.
21. There may be some minor environmental and social benefits from resurfacing the lane and providing a turning head. However, it is unclear to what extent the current situation is a problem that needs to be addressed and therefore this is a limited benefit. The appeal scheme may 'tidy up' the site but it would also give the existing barn a domestic character. As such, the physical conversion of the building is neither a notable benefit nor a dis-benefit and is thus a neutral matter in the planning balance. The absence of harm in other respects, including from the possible design and to highway safety and living conditions, is not a benefit of the proposal as this is to be expected. These are also neutral matters.

## **Conclusion**

22. I have found no reason why the development plan policies relied upon by the Council should be regarded as being absent, silent or out-of-date. The application should be determined in accordance with the development plan unless there are material considerations which indicate otherwise. The proposal would result in significant harm to the Council's strategy of balancing housing and non-housing growth in the countryside. This carries considerable weight. The benefits that I have identified as material considerations carry only limited weight and are not sufficient to outweigh this conflict. As such, the development is not sustainable development for which the Framework carries a presumption in favour. Accordingly, for the reasons given above, and having regard to all other matters raised, I conclude the appeal should be dismissed.

*Graham Chamberlain*  
INSPECTOR