
Appeal Decision

Site visit made on 28 March 2017

by Amanda Blicq BSc (Hons) MA CMLI

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

Decision date: 04 April 2017

Appeal Ref: APP/D3505/W/17/3166561
Tye Farm, Tye Road, Monks Eleigh IP7 7JN

- 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 C Paterson against the decision of Babergh District Council.
 - The application Ref B/16/00624/FUL/AS, dated 6 May 2016, was refused by notice dated 1 November 2016.
 - The development proposed is use of land for stationing of lodge for use as holiday accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for use of land for stationing of lodge for use as holiday accommodation at Tye Farm, Tye Road, Monks Eleigh IP7 7JN in accordance with the terms of the application, Ref B/16/00624/FUL/AS, dated 6 May 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing labelled 'Use of land for stationing of lodge for use as holiday accommodation', Scale 1:1250, Promap Licence 100022432; Drawing labelled 'Appeal by Mr C Paterson', Scale 1:10000, Promap Licence 100022432.
 - 3) Details of any external illumination to be installed or operated at the hereby approved development shall be submitted to and approved in writing by the local planning authority before such illumination is in use. Development shall be carried out in accordance with the approved details.
 - 4) The occupation of the development hereby approved by any persons shall be restricted to holiday use and shall not be as a sole or main residence, including any use within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended). Occupation by any person shall be limited to a maximum of 28 consecutive days, and persons shall not reoccupy any unit on the site at any time during the first 28 days following their most recent stay. Details of the name(s), permanent home address(es) and vehicle registrations of all occupiers of the development hereby approved shall be kept in a register which shall be made available to the local planning authority within 48 hours of request.
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- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order with or without modification):-
- i) No building/s or enclosure/s, swimming or other pool/s required for a purpose incidental to the enjoyment of the land use hereby permitted shall be erected, constructed or provided; and
 - ii) No container/s used for heating purposes for the storage of oil or liquid petroleum gas shall be erected, constructed or provided; and
 - iii) No hard surface/s for a purpose incidental to the enjoyment of the land use hereby permitted shall be erected, constructed or provided; and
 - iv) No gate, fence, wall or other means of enclosure shall be erected, constructed or provided.

Procedural Matters

2. The Council refers to reasoning in another planning application¹ on the appeal site to support its argument². Although missing appendices were requested during the appeal process, the evidence now before me does not contain concerns not raised elsewhere. I have considered only the information before me in my reasoning.
3. The lodge is already in place but I note that the appeal relates to the change of use of the land, rather than the lodge itself.

Main Issues

4. The main issues are:
- whether the development would be contrary to relevant local and national policies with particular reference to rural tourism; and,
 - the effect of the development on the character and appearance of the area.

Reasons

Rural tourism

5. The development would comprise the stationing of a modest timber clad mobile structure on agricultural land close to the cluster of residential and agricultural buildings that forms Tye Farm. The lodge would be used for holiday accommodation.
6. Tye Farm is situated some 1.4km from Brent Eleigh, 1.5 km from Monks Eleigh and some 4 km from the historic village of Lavenham. I noted on my visit that the farm also has a small swimming pool which is used by the local community. Driving to the site I noticed local tourist attractions such as cafes and garden centres located between villages, and that the lanes had very little traffic. Between Monks Eleigh and Brent Eleigh I passed one cyclist, one person with a pushchair and a man walking a dog. There were no other vehicles using the lane. Although I recognise this is a snapshot in time, I concluded that use of the lane by vehicular traffic is limited, at least outside peak hours. I also

¹ B/13/01503/FUL

² Appeal statement 4.6

- noticed several public footpaths crossing the lane and giving access to the countryside.
7. Although Policy CS17 of the Local Plan³ (LP) states that the rural economy will be supported through a number of measures including farm diversification and sustainable tourism and leisure based businesses, the Council argues that the development would be unsustainable as its use would encourage reliance on the private car and this harm would not be outweighed by the small economic benefits.
 8. However, I disagree with the Council on this point as the harm generated from the holiday use of a small lodge would be very limited. Furthermore, as I have noted above, other businesses in the area are located outside settlements yet appear to be reliant upon the tourist trade. Consequently, I consider the harm associated with additional vehicle journeys from this development would not outweigh the benefit to be derived from the diversification of Tye Farm and the support for other rural businesses.
 9. Furthermore, in this predominantly rural landscape with limited options for public or sustainable transport, a large proportion of leisure developments are likely to generate additional journeys by car. In addition, given the site's location in a quintessential rural area and its proximity to quiet lanes with walking and cycling opportunities, I would expect future occupiers to select the site for its peaceful location and those opportunities. Moreover, the villages nearby are close enough for active holidaymakers to access them on foot or on bikes, weather permitting.
 10. The Council argues that the appellant has not set out a case of need, but I concur with the appellant that there is nothing in the policies cited which requires the establishment of a proven need, so I give this argument little weight.
 11. The Council has cited LP Policy CS2 in support of its argument but as this sets out a settlement strategy, it is not of particular relevance to this appeal. In any case, the supporting text to the policy recognises that smaller hinterland villages fall within functional clusters and that many of the larger villages in the area are primarily supported by the smaller villages and communities, including visitors, in their catchment area. As such, I am not satisfied that the development would be contrary to LP Policy CS 2.
 12. Nor do I find any conflict with LP Policy CS15 which requires development to respect the local context and character of the different parts of the district and which also states that development should strengthen or diversify the local economy, or LP Policy CS17 which sets out measures to support the rural economy. Moreover, I do not find any conflict with Paragraph 28 of the National Planning Policy Framework in respect of the diversification of land based businesses. LP Policy CS1 is a general policy applying the presumption in favour of sustainable development and is less relevant to this appeal than the principle policies I have referred to above.

Character and appearance

13. LP Policy CS15 states that the scale and nature development must respect the local context and character of different parts of the district, respecting the

³ Babergh District Council Local Plan 2011- 2031, Core Strategy and Policies – February 2014

landscape, landscape features, important spaces and historic views. The Council states that the development would be an alien and incongruous feature which would be harmful to the countryside and prevailing landscape character. However, although the appellant notes that the site lies within a Special Landscape Area, the Council has not alluded to this fact or referred to any relevant landscape character assessments or provided an objective analysis of the prevailing landscape and the elements of conflict. Consequently, I give this argument limited weight.

14. In any case, the mobile lodge cannot be seen from the road or in the context of the other farm buildings. To the north, there is open and rolling agricultural land but I have not been advised of any areas within the public domain from which the lodge can be seen across the fields. In any case, in distant views from adjacent farmland the lodge is seen against mature vegetation and in the context of the larger agricultural buildings to its east. I am not satisfied that it would be prominent or intrusive, or appear particularly incongruous.
15. The farm buildings themselves exhibit a variety of styles and materials. Whilst I appreciate the Council's concern in relation to the historic farm buildings, given the lodge is visually separate, I am not satisfied that it detracts in any way from the appearance or setting of those farm buildings. Furthermore, although I noted some farm buildings had vernacular features, others were more utilitarian. In any case, the evidence before me indicates that the farm buildings are not listed and nor do they fall within a Conservation Area. Accordingly, I give this argument little weight.
16. The Council also argues that the lodge does not have functional connectivity to the farm buildings but it is unclear what harm this would cause if the appeal was allowed. It is sited a short walk from the road and off-street parking area, but has easy access to the farmhouse. It benefits from a farm setting without being directly proximate to day to day noise and disturbance. As such, I give this argument little weight.
17. In the light of the above, I consider there would be no conflict with the provisions of LP Policy CS15 in respect of the character and appearance of the countryside.

Other matters

18. The Council has stated that the lodge is not an existing redundant rural building. However, the appellant has not relied on this argument and I have given it no weight.
19. The Council has also drawn my attention to previous applications on the appeal site and considers that the refused applications for the siting of mobile accommodation for holiday use are material considerations in this appeal. However, I have determined the appeal on its merits. Furthermore, References B/10/01374 and B/13/01503 predate the adoption of the policies cited in the reasons for refusal or in the Council's statement of case and as the Council's statement advises that copies of relevant policies have been submitted I see no reason to consider whether other policies might be relevant.
20. Reference B/03/00045 appears to refer to the conversion of existing farm buildings, and so is of no relevance here.

Conditions

21. I have considered the conditions put forward by the Council against the requirements of the national Planning Practice Guidance and the Framework. In respect of the plans, I have imposed a condition specifying the drawings upon which I have based this appeal, as this provides certainty.
22. I have imposed a condition restricting occupancy of the lodge to ensure it is not used for permanent residential accommodation as well as a condition requiring any external illumination proposals to be approved by the Council to ensure the rural character of the area is retained. With regard to the provision of information to the Council regarding occupancy I have set a time limit for the response, for the avoidance of doubt.
23. I have also imposed a condition restricting permitted development rights to ensure further development of the site is restricted, to safeguard the character and appearance of the area.
24. The Council has suggested a condition requiring the submission and approval of a scheme of landscape works. However, given the informal nature of the site and scale of the works hereby allowed I consider this would be both unreasonable and unnecessary to make the development acceptable in planning terms.
25. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance.

Conclusion

26. For the reasons given above and taking all matters into account, I conclude that the development would not be contrary to the relevant policies of the Council's Local Plan and that therefore the appeal should be allowed.

Amanda Blīc

INSPECTOR