

Appeal Decision

Site visit made on 15 May 2017

by Graham Chamberlain BA (Hons) MSc MRTPI

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

Decision date: 5 June 2017

Appeal Ref: APP/J3530/W/17/3170139

Hillbrow Farm, Tuddenham Lane, Witnesham, Suffolk IP6 9HL

- 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 Len Chinnery against the decision of Suffolk Coastal District Council.
 - The application Ref DC/16/4349/FUL, dated 13 October 2016, was refused by notice dated 7 December 2016.
 - The development proposed is conversion of and infill extension (to link redundant agricultural buildings) to form single residential dwelling including rear balcony and associated amenity area.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of and infill extension (to link redundant agricultural buildings) to form single residential dwelling including rear balcony and associated amenity area at Hillbrow Farm, Tuddenham Lane, Witnesham, Suffolk IP6 9HL, in accordance with the terms of the application, Ref: DC/16/4349/FUL, dated 13 October 2016, subject to the conditions in the attached schedule.

Preliminary Matters

2. During my site visit I observed that the proposed conversion has commenced with the development largely complete but unoccupied.

Main Issues

3. The main issues in this appeal are: 1) Whether the proposal amounts to a conversion of the original building; and 2) The effect of the proposal on the character and appearance of the area.

Reasons

Whether it would amount to a conversion of the original building

4. Policy DM13 of the CSDMP¹ lists a number of criteria that are required to be satisfied for a re-use and conversion of a rural building to be granted planning permission. When applying the Policy's criteria, the Council have suggested that the proposal does not amount to a conversion because the size of the extension has resulted in a substantial reconstruction of the building. Policy

¹ Suffolk Coastal District Local Plan Core Strategy and Development Management Policies Development Plan Document 2013

DM13 defines 'substantial reconstruction' as the preparation of new foundations or floor slab or the complete rebuilding of any two external load bearing walls and more than 50% of the original roof.

5. Nevertheless, Policy DM13 does not explicitly preclude the extension of a building as part of its conversion or place an upper limit on the size of any extensions. The Council suggest that the term 'substantial reconstruction' effectively prevents any extensions, as this would require foundations to be laid. However, I favour the appellant's interpretation of the term – that it only refers to substantial works of reconstruction to the original building. This is because an extension is the addition of something new – a construction as opposed to a reconstruction. Thus the term 'substantial reconstruction' more appropriately refers to something that is already there that requires rebuilding. The appeal scheme did not require the rebuilding of the building's walls or roof.
6. Moreover, if the laying of a foundation for an extension is considered to be a 'substantial reconstruction' then even very modest extensions as part of a conversion would have to be considered a 'substantial' operation, which is counterintuitive. As such, in the absence of greater clarity on this matter², the term 'substantial reconstruction' is considered to refer to any works to the original building that are necessary to facilitate its conversion but not extensions.
7. In light of the above, I have not been presented with evidence to suggest that the conversion required the re-building of any two external load bearing walls and more than 50% of the roof of the original building. Nor has it been demonstrated that the original building required any new foundations or slab level. As such, the original building has not been substantially reconstructed as part of the conversion. Nevertheless, it has been the subject of a notable extension but this should be considered with reference to the requirements within Policy DM13 that a conversion should be suitable to the rural location and setting of the site and that it reflects any architectural or historical interest of the original building. This is a point I return to below.
8. I therefore conclude that the original building has not been substantially reconstructed and therefore the proposal amounts to a conversion of a rural building in the context of Policy DM13. As such, the proposal does not fall to be considered in the same way as a new building in the countryside and thus assessed against other strategic and development management policies of the development plan in the way envisaged in Policy DM13³. Consequently, it is unnecessary to consider the appeal site's accessibility to services and facilities as this is not a requirement of Policy DM13.

The effect of the appeal scheme on the character and appearance of the area

9. The appeal building is part of a complex that includes a former farmhouse and agricultural buildings. The buildings in the complex are generally of a traditional scale and form and exhibit a rural pallet of materials including pan tiles, black boarding and red bricks. The appeal building is the most prominent within the complex with the others appearing as subservient accretions. The complex is intrinsically linked to the rural landscape in which it is situated.

² Including the Supplementary Planning Document referred to in Paragraph 5.35 of the CSDMP, which I assume is yet to be prepared

³ Including Policies DM3 and DM4 of the CSDMP and Paragraph 55 of the National Planning Policy Framework

10. The proposal has resulted in a significant extension of the original barn that has diluted the original form. Nevertheless, the original hipped form of the building has been retained on the southern end of the building. A half hip is provided on the northern end to hint and the original roof form. Moreover, the depth of the roof mirrors the original and the width of the building following its extending is not excessive given the commensurate proportions of nearby buildings. Importantly the roof tiles are of a high quality and enable the old and new to seamlessly blend. As such, the extension harmonises with the original building and therefore ensures the proposal is of a scale and character that is suitable for the rural setting.
11. The conversion has kept the number of openings on the three elevations visible from the road to a minimum. As such, the building retains a solid agricultural character when viewed from these vantage points. The appellant has also left the flint and rubble brick work exposed and this retains a sense of rustic simplicity to the appearance of the building. Consequently, the conversion has retained some of the features of the original building that are of interest and therefore its traditional design has been respected.
12. There are however a number of aspects of the proposal that are less successful, which means the enhancement of the buildings setting, which has arisen from its conversion, is only marginal. The new brick work has been pointed in a grey mortar which has resulted in a jarring appearance between the old and new brickwork. Additionally, the new bricks do not wholly match the original ones. However, there is some articulation due to the slightly recessed position of the linking extension and this distinguishes the old and new brickwork. Moreover, the complex is, in part, characterised by a mixture of different bricks. As such, the appearance and quality of the brickwork finish does not justify a refusal of planning permission.
13. The application of concrete boarding, as opposed to painted timber, means the it will not weather in a conventional way. But only a small section of boarding is visible from the road and this does not amount to a harmful impact. The boarding also conceals Fletton bricks, which would arguably have a greater jarring impact with the surrounding brickwork than the boarding that has been used.
14. The windows used in the conversion are plastic and this is generally out of keeping with a rural building, as plastic windows tend to have a more domestic character. Nevertheless, the plastic windows are finished in a dark material with a wood grain effect and those facing the road are devoid of glazing bars and have a balanced composition. These factors lessen the impact of the windows in this instance.
15. The western elevation of the appeal building has a domestic character due to the design and layout of the residential fenestration employed. This is compounded by the decking. The number of windows and doors in the western elevation has also reduced its solid agricultural appearance, with the roof lights being a particular failing in this respect. However, the western elevation is not visible from the road and therefore the domestication of the building does not harm the wider rural character of the area. As such, the building generally appears from the road as a converted agricultural building that continues to contribute to the character of the agricultural complex.

16. Taking the above together I conclude, on balance, that the proposal would preserve and marginally enhance the rural character and appearance of the appeal building and its setting. Consequently the proposal adheres to Policies DM13 and DM21 of the CSDMP.

Other Matters

17. The Council have suggested that the proposal is not a heritage asset but if it were, then the conversion does not represent the optimal viable use of the building. However, the proposal has not resulted in the substantial reconstruction of the building and the extension and other works preserve its rural character. Thus it is unnecessary for the appellant to demonstrate the building is a heritage asset or for me to reach a finding on this matter.
18. The Council have referred to appeal decision APP/J3530/W/16/3147793 but the scheme considered during that appeal is materially different to the proposal now before me. This is because as the parties in that appeal agreed the proposal would constitute substantial reconstruction and that the up lift in floor area would be disproportionate. Consequently, there is no inconsistency between my findings and those of the other Inspector.

Conditions

19. The Council have not suggested any planning conditions. I have nevertheless had regard to the Planning Practice Guide and the conditions recommended following the Council's consultation on the planning application. It is necessary in the interests of highway safety to ensure refuse storage and parking is provided and maintained. Although the conversion has commenced and is largely complete, it is necessary to ensure an investigation is undertaken into the risks of land contamination prior to occupation.
20. Given its age, method of construction and location, the original appeal building may have been suitable as a habitat for bats and birds (including owls). It is unclear whether the appellant undertook any biodiversity surveys before commencing development. Nevertheless, Policy DM13 seeks to protect wildlife and the Framework seeks to encourage opportunities to incorporate biodiversity in and around developments. Therefore, a scheme to enhance biodiversity should be implemented in the form of bat and bird boxes.
21. It is unnecessary to stipulate a commencement period as the works have started. As it is unclear whether the conversion is entirely complete, it is necessary to ensure the development is implemented in accordance with the approved drawings. This will also confirm the residential curtilage of the new dwelling as being that set out in the block plan on drawing 2014067/01.

Conclusion

22. The appeal scheme would adhere to the development plan taken as a whole. Accordingly, for the reasons given above, and having regard to all other matters raised, I conclude the appeal should be allowed.

Graham Chamberlain
INSPECTOR

Schedule of Conditions

- 1) Before the development is occupied details of the areas to be provided for storage of refuse/recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details with the areas provided before the development is brought into use. The areas shall thereafter be retained as approved and used for no other purpose.
- 2) The conversion shall not be occupied until bird and bat boxes have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 2014067/01, 2014067/02, 2014067/03, 2014067/04, 2014067/14, 2014067/15 and 2014067/16.
- 4) The development shall not be occupied until a written report(s) assessing and fully investigating and characterising potential contamination (including ground gas) at the site (whether or not it originates from the site) has been submitted to and approved in writing by the Local Planning Authority.

The report(s) must be conducted in accordance with prevailing guidance and good practice (including BS10175:2014 and CLR:11) and must include, but are not limited to a desk study, including a site reconnaissance, which must include at least:

- a detailed appraisal of the site's history;
- an inspection and assessment of the current condition of the site;
- an assessment of the potential types, quantities and locations of hazardous materials and contaminants considered to potentially exist on site;
- a conceptual site model; and
- a preliminary assessment of the risks from contamination at the site to the relevant receptors defined within the prevailing edition of the Environmental Protection Act 1990:Part 2A Contaminated Land Statutory Guidance including human health, ground waters, surface waters, ecological systems and property (both existing and proposed).

And where it is deemed appropriate from the desk study;

An intrusive investigation which must include at least:

- details of the locations and types of sampling points and justification for the sampling strategy;
- sampling point logs including subjective descriptions of the ground encountered;
- explanation and justification for the selection of analytes;
- results from the laboratory analysis of soil and water samples;
- a revised conceptual site model; and
- an updated assessment of the risks from contamination at the site to the relevant receptors defined within the prevailing edition of the Environmental Protection Act 1990:Part 2A Contaminated Land Statutory Guidance including human health, ground waters, surface waters, ecological systems and property (both existing and proposed).

- 5) Unless otherwise agreed in writing by the Local Planning Authority under Condition 4, a detailed remediation method statement (RMS) must be submitted to and approved in writing by the LPA prior to the occupation of the development. The RMS must be written in accordance with prevailing guidance and good practice (including CLR:11) and must include, but is not limited to:
- an explanation, including justification, for the selection of the detailed remediation methodology;
 - detailed information for all works to be undertaken including drawings and plans, materials, specifications and site management procedures;
 - proposed remediation objectives and remediation criteria;
 - proposals for validating the remediation and, where appropriate, for future monitoring.

As a minimum the RMS must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved Remediation Method Statement must be completed in its entirety.

- 6) Unless otherwise agreed in writing by the Local Planning Authority (LPA) under Conditions 4 and 5, a validation report must be submitted to and approved in writing by the LPA prior to any occupation or use of the approved development. The validation report must include, but is not limited to:
- evidence that the approved Remediation Method Statement has been carried out competently and effectively in its entirety; and
 - evidence that the remediation has been effective and that the site is now suitable for the approved development.
- 7) Before the development is occupied the areas to be provided for the manoeuvring and parking of vehicles including secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details with the areas provided before the development is brought into use. The areas shall thereafter be retained as approved and used for no other purpose

End of Schedule