
Appeal Decision

Site visit made on 20 November 2017

by L Fleming BSc (Hons) MRTPI

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

Decision date: 07 December 2017

Appeal Ref: APP/J3530/W/17/3179341

Holly Tree Barns, Holly Tree Farm, Bell Green, Cratfield, Suffolk IP19 0DN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Richard Boddy against the decision of Suffolk Coastal District Council.
 - The application Ref DC/17/0415/ROC, dated 10 February 2017, was refused by notice dated 5 April 2017.
 - The application sought planning permission for conversion of barns to 3 No holiday units without complying with a condition attached to planning permission Ref C/04/0389, dated 7 April 2004.
 - The condition in dispute is No 2 which states that: The premises herein referred to shall be used for holiday letting accommodation and for no other purpose (including any other purpose in Class 3 of the schedule to the Town and Country Planning (Use Classes) Order 1987). The duration of occupation by any one person, or persons of any of the units shall not exceed a period of 90 days in any calendar year, unless otherwise agreed in writing by the local planning authority.
 - The reason given for the condition is: Having regard to planning policies: the size of units, communal land etc: the units are not suitable for permanent residential accommodation.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Richard Boddy against Suffolk Coastal District Council. This application is the subject of a separate Decision.

Background and Main Issue

3. The reason for imposing the condition relates to the standard of accommodation provided. However, there is no substantive evidence before which leads me to believe the units would not provide acceptable living conditions for permanent occupants.
4. The main dispute between the parties relates to whether the removal of the condition would accord with relevant policies concerning the provision of new dwellings in the countryside. Thus the main issue is whether the condition is reasonable or necessary having regard to local policy and national policy concerning the conversion of rural buildings to unrestricted dwellings in the countryside.

Reasons

5. The appeal building is a former farm building which has been converted into three units of holiday accommodation within the countryside close to Cratfield village. It is subject to a planning condition which restricts the occupation of the units to holiday accommodation and thus the removal of this condition would effectively result in three new dwellings in the countryside.
6. Policy SP19 of the Suffolk Coastal District Local Plan Core Strategy and Development Management Policies Development Plan Document (2013) (CSDMP) designates Cratfield as an 'other village' where new housing is restricted to that which accords with Policy SP28 of CSDMP.
7. Furthermore, Policy DM3 of the CSDMP restricts new housing in countryside to that which meets an essential need for a rural worker, replacement dwellings, affordable housing on exception sites and the conversion of existing buildings subject to certain controls set out in Policy DM13 of the CSDMP. Moreover, Policy SP28 of the CSDMP makes clear that new housing in other villages will be strictly controlled and limited to among other things the conversion of an existing building subject to certain controls set out in Policy DM13 of the CSDMP.
8. Policies SP7 and SP8 of the CSDMP are concerned with promoting economic and tourism development and do not explicitly state the conversion of tourism uses to residential uses is unacceptable. Furthermore, they do not require any justification for the loss of tourism or economic uses. Thus, I find they are not directly applicable.
9. However, there is no substantive evidence before me which demonstrates the proposal would address any specific local housing need. Thus the proposal is in conflict with Policies SP19, SP28 and DM3 of the CSDMP unless it can be demonstrated it accords with Policy DM13 of CSDMP.
10. I have considered the detailed information submitted to demonstrate the existing enterprise is unviable. However, the justification to Policy DM13 of the CSDMP refers to buildings in the countryside which are no longer required for their original purpose or become under-used.
11. Therefore even though there would be no physical alterations to the appeal building, it would be used for another purpose. Based on the financial information provided I am satisfied that the appeal building is at the very least under used. The proposal represents the re-use of a building and therefore Policy DM13 of the CSDMP is applicable.
12. Policy DM13 of the CSDMP supports the re-use of a building for residential use if the conversion reflects the architectural interest or historical interest of the original building which is desirable to retain; and would represent the optimal viable use of a heritage asset. Furthermore, the building to be converted must make a useful contribution to the character of the countryside through its presence in the landscape or because of its contribution to a group of buildings and would lead to an enhancement to the immediate setting. Moreover, it requires that the creation of residential curtilage will not have a harmful impact on the character of the countryside and that the proposal does not involve the conversion of a recently constructed agricultural building that has not been materially used for agricultural purposes.

13. I acknowledge that the conversion of the farm building to holiday accommodation has already taken place and the proposal would not physically alter the appeal building. I also acknowledge that the original barn timbers and the clay lump wall of the cart lodge were retained.
14. However, the full details of application to convert the farm building to holiday accommodation are not before me. Furthermore, the presence of traditional elements of the original building is not sufficient to demonstrate architectural or historic interest nor that the appeal building is a heritage asset.
15. I accept that the appeal building is widely visible in the rural landscape. However, there is no substantive evidence before me which demonstrates that it adds value to that landscape, individually or as part of the wider farm complex. Furthermore, there is no substantive evidence to allow me to assess its historical significance as part of the wider complex of buildings.
16. Whilst I accept conditions could be imposed to control boundary treatments and other forms of domestic development, on the basis of the limited information before me I am also not satisfied that the creation of domestic curtilages would not harm the rural landscape.
17. That said, on the basis of the information before me I am led to the conclusion that the removal of the condition would be in conflict with Policy DM13 of the CSDMP.
18. However, paragraph 55 of the National Planning Policy Framework (the Framework) encourages housing in rural areas where it will maintain or enhance the vitality of rural communities but requires isolated new homes in the countryside to be avoided. Although broadly consistent, insofar as is relevant to the proposal, I find the Framework is more permissive of development in the countryside than Policies SP19, SP28, DM3 and DM13 of CSDMP.
19. The proposed dwelling would be next to a dwelling and a short walk to Bell Green, such that it would not be isolated. However, Cratfield has limited services and employment and there is no substantive information before me which allows me to form a view on the quality of public transport connections to nearby settlements. Furthermore, the route to Cratfield does not benefit from a pavement and is unlit for the majority of its length. Therefore, for convenience reasons, at night and in poor weather future occupants would be dependent on the private car for the majority of their journeys which is the least sustainable mode of transport.
20. With the absence of any substantive evidence to the contrary, I find the vehicle movements associated with residential accommodation occupied all year round and including accessing daily employment would far exceed the vehicle movements generated by the existing use.
21. I note the proposal would provide three new homes which could be occupied by families. Even taking into account the current tourism use, I acknowledge there would be economic benefits in terms of new customers and employees for local businesses. However, when all of the benefits are combined the proposal would have a negligible impact on the vitality of the local community and the combined modest benefits do not outweigh the conflict with the

development plan policies, and the harm arising from the dependence on the private car.

22. Overall, for the reasons given, I therefore find the condition is reasonable and necessary and without it imposed the development would not amount to sustainable development and on balance would not accord with the development plan or the Framework. It would specifically conflict with Policies SP1, SP19, SP28, DM3 and DM13 of CSDMP which seek to ensure the sustainable development of the District.

Other Matters

23. I have considered appeal decision APP/J3530/A/14/2217940. However, the full details of that case are not before me, particularly the evidence relating to the criteria of Policy DM13 of the CSDMP. I have therefore afforded it limited weight and determined the appeal on its own merits.
24. I acknowledge the appellants comments that the conversion to a tourism use took place prior to Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) coming into effect and such provisions would have applied to the appeal building. However, the appeal building is not in agricultural use, I have therefore afforded this matter limited weight.
25. I note that the Council's decision notice did not include detailed reasons for refusal with reference to relevant policies and I have also noted that the Council provided positive pre application advice. However, the Council's case is set out in the Officer's report and statement which refer to relevant policies and I have determined the appeal on its planning merits and none of these matters or any other raised outweigh the harm I have identified.

Conclusion

26. For the reasons set out above the condition is reasonable and necessary to ensure the development accords with the development plan and national policy, I therefore conclude that the appeal should be dismissed.

L Fleming

INSPECTOR