



Appeal Decision

Site visit made on 6 August 2019

by David Wallis Bsc (HONS) PG DipEP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 August 2019

Appeal Ref: APP/W3520/W/19/3229678

Stables and premises opposite Knowle House, Church Lane, Claydon IP6 0EN

- 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 and Mrs Harrison against the decision of Mid Suffolk District Council.
 - The application Ref DC/18/05588, dated 18 December 2018, was refused by notice dated 18 February 2019.
 - The development proposed is the conversion of an existing barn to form a residential dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues for the appeal are:
 - whether the proposal is an accessible development with regard to national and local policies,
 - the effect of the development upon highway safety, and
 - whether the proposal represents an acceptable form of development within the countryside having regard to national and local policies.

Reasons

Whether the proposal is an accessible development with regard to national and local policies

3. Objections have been raised by the Council, particularly in terms of accessibility to local facilities, shops and public transport. The parties agree the site is not isolated having regard to the judgement of *Braintree v SoSCLG & Ors* [2018] EWCA Civ 610, therefore paragraph 79 of the National Planning Policy Framework (the Framework) is not engaged. This does not however mean that the development would be in an accessible location.
4. The village of Claydon is the nearest settlement containing facilities and services to support day-to-day living. It is approximately 2 kilometres west of the appeal site, with all connectivity provided by Church Lane. Church Lane, by virtue of its width, bends, lack of lighting and speed, is unlikely to be attractive

for cycling by occupiers of the proposed dwelling. The nearest public footpath at Highfield Drive is approximately 1 kilometre away, meaning that pedestrians would have to walk in the carriageway of Church Lane between the appeal site and the starting point of this footpath. Given my above assessment of the condition of Church Lane, I consider walking is not a safe or viable mode of transport.

5. The nearest bus stops are outside the High School and the Crown Public House within Claydon itself. The appeal site is remote from these public transport facilities and therefore occupiers of the dwelling would be heavily reliant on the use of the private car.
6. Therefore, I conclude that the appeal site is not located in an accessible location and that most journeys to day to day amenities and services would be undertaken using the private motor vehicle at odds with the objectives of environmental sustainability set out within the Framework.

The effect of the development upon highway safety

7. Suffolk County Council (SCC), acting as the Highways Authority, rely upon the Design Manual for Roads and Bridges (DMRB) in their objection. That document states in Section 1 that it shall be applied to the appraisal and design of motorways and trunk roads.
8. The appellants say that the guidance in Manual for Streets 2 (MfS2) should be used. That document states in Section 1.3 that it is recommended the starting point for any scheme affecting non-trunk roads should be MfS2; it is said that DMRB may be used, but only where the guidance in MfS2 is not sufficient or where there is particular evidence that MfS2 is not applicable.
9. The SCC have provided little reasoning as to why MfS2 is not applicable except for Church Lane being unclassified, having free-flowing traffic and having a rural feel. However, Church Lane is not a trunk road. Therefore, MfS2 is the starting point when considering this main issue.
10. Church Lane is straight for a significant length outside of and across the span of the appeal site and therefore it is not inconceivable that a vehicle could reach high speeds at this point. At the time of my mid-morning site visit, the road was quiet although this was only a snap shot in time. The evidence before me suggests that the likelihood of interactions between vehicles leaving the appeal site and oncoming traffic is therefore low, although the likelihood for vehicles to be travelling at high speeds passed the site is a possibility.
11. I observed that views in an easterly direction from the access were obstructed by fencing and mature vegetation on the edge of the carriageway, meaning vehicles leaving the site would need to project forward of these obstructions to see oncoming traffic. The road is narrow so two cars could not pass each other comfortably, so any projecting bonnet could conflict with passage of vehicles travelling in a westerly direction.
12. The appellants state that the site is currently visited twice a day, thus resulting in 4 movements over a 24-hour period. Whilst these movements would not take place post-development, regular reliance on the private motor vehicle in association with use of the building as a dwelling would be needed to reach services, facilities and shops causing vehicle movements that are not currently generated from the appeal site. Movements may also be necessary to access

employment. In relative terms, this would increase the number of movements from the site on a daily basis and thus increase the potential frequency of interactions with traffic on Church Lane. This increased usage, in light of the impaired visibility to the east, would lead to a potential hazard to highway safety.

13. Whilst I acknowledge that larger equestrian-based transport such as trailers and horseboxes may use the entrance at present, these movements would be limited in number.
14. For the reasons outlined above, I conclude that the proposal would cause unacceptable harm to highway safety and thus would be contrary to saved policy T10 of the Mid Suffolk Local Plan 1998 (LP) and paragraph 109 of the National Planning Policy Framework (the Framework) which seeks to ensure safe access from development sites.

Whether the proposal represents an acceptable form of development in the countryside

15. The appeal site is rural in character and context. It contains existing buildings in a central position to the land, surrounded by grazing paddocks demarcated with fencing.
16. The appeal building is central to the appeal site and sits north of a courtyard formed by three equestrian-related buildings. It has a utilitarian appearance reflective of the rural countryside character. Only the barn door and a single window exist on the southern elevation at present. Access to the appeal building is on foot only via either the courtyard or the adjoining grazing land.
17. The building's lawful permitted use is for storage ancillary to equestrian use, and such storage would be displaced by the development. Whilst the appellants point out this is already accommodated in another building on site, the proposal would nonetheless result in the loss of storage space related to equestrian use.
18. I recognise the proposal is for conversion of the building to a dwelling and not strictly for rural worker accommodation. Nonetheless, the proposal is described as being for convenience, so the appellants do not have to travel for the purposes of caring for their horses by effectively living with them on the appeal site. No other reasoning or justification is offered. The appellants' intended occupation of the appeal building would therefore be intrinsically connected with the adjoining equestrian activities.
19. There is no identified curtilage for the dwelling, although I note the appellants suggest there is room to provide a private garden on site. In any case the building (and any garden) would remain encircled by grazing land and equestrian activities. A resident would have to walk through land used for equestrian purposes to access the dwelling. This physical relationship is evidence of a connection between the proposal and the equestrian use of the land. I conclude therefore that the proposal conflicts with policy CL21 of the LP that states new dwellings connected with equestrian activities will not be permitted.
20. The appellants consider policy CL21 of the LP to be inconsistent with paragraph 79 of the Framework, which allows rural worker dwellings, even though this appeal is not for a rural worker dwelling. I agree that saved policy CL21 of the

LP, which seeks to restrict dwellings associated with an equestrian use, is not consistent with the less restrictive paragraph 79 of the Framework. To that extent, the policy is out of date having regard to paragraph 213 of the Framework. Accordingly, I afford the identified conflict with policy CL21 of the LP limited weight in the overall planning balance.

21. The appellants draw attention to saved policy H9 of the LP that allows the change of use of rural buildings, subject to character and appearance considerations. There are no preclusions within the policy based on the age or physical condition of a rural building.
22. However, the development introduces a proliferation of fenestration on all elevations including rooflights. The full-glazed panels either side of the front door are a feature of suburbia rather than the rural countryside. The consequence of these is the domestication of the barn's external appearance, causing significant harm to its original form, character and rural purpose. I consider that this goes beyond what could be deemed as minimal and acceptable alterations, detracting from the rural character of the building and the wider rural setting.
23. In conclusion, I afford the identified conflict with policy CL21 of the LP limited weight. However, the proposal would cause significant harm to the character and appearance of the area in respect of the proposed external alteration to the building and hence the area. I therefore conclude that the proposal would represent an unacceptable form of development in the countryside. This conflicts with policy H9 of the LP that seeks conversions to respect the form and character of the original building.

Other Matters

24. My attention is drawn to other appeal decisions in the area. Those appeal developments may sit in similar circumstances but do not have the same characteristics as the appeal site in terms of layout or highway connectivity. Their circumstances are not therefore directly comparable with those in this appeal and I have, in any case, reached my own conclusions on the appeal proposal on the basis of the evidence before me.
25. The proposal would make effective use of previously developed land and introduce a new dwelling into the rural housing stock, contributing to the rural economy. There would also be benefits in terms of security for the horses through a residential presence on site. These are positive matters in favour of allowing the development.
26. Mid Suffolk District Council states it is currently able to demonstrate a deliverable five-year supply of housing sites. This differs from the position when it made its decision to refuse planning permission. The appellants dispute the claim made that a deliverable five-year supply can be demonstrated. On the evidence that is before me, I have been unable to reach a certain conclusion in respect of the housing land supply position. However, even in the scenario whereby a deliverable five-year housing land supply could not be demonstrated, thus engaging paragraph 11(d) of the Framework, the contribution to any housing undersupply position from one dwelling would be relatively limited and the adverse effects arising from the development proposal in respect of my conclusions on the main issues would significantly and demonstrably outweigh the above identified benefits.

27. None of the other matters raised alter or outweigh my overall conclusion on the main issues.

Conclusion

28. The proposal would cause unacceptable harm to highway safety and would be an unacceptable form of development within the countryside in conflict with local and national planning policies. Whilst there would be some benefits arising from the development, including boosting the supply of dwellings in the area, such benefits would not outweigh or overcome the adverse harm identified. I therefore conclude that the proposal would not therefore represent sustainable development and hence the appeal should be dismissed.

David Wallis

INSPECTOR