



Appeal Decisions

Site visit made on 19 August 2019

by Sarah Dyer BA BTP MRTPI MCMi

an Inspector appointed by the Secretary of State

Decision date: 23 August 2019

Appeal A Ref: APP/E3525/W/19/3221049

**Land South of Broom Hall Farm, Freewood Street, Bradfield St George
IP30 0AY**

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 C R Rush Farms against the decision of St Edmundsbury Borough Council.

The application Ref DC/18/1095/FUL, dated 31 May 2018, was refused by notice dated 16 October 2018.

The development proposed is the construction of new vehicular access to serve agricultural building proposed for conversion to dwelling.

Appeal B Ref: APP/E3525/W/19/3221045

**Barn at Broom Hall Farm, Freewood Street, Bradfield St George,
Bury St Edmunds IP20 0AY**

The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Part 3, Class Q of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The appeal is made by C R Rush Farms against the decision of St Edmundsbury Borough Council.

The application Ref DC/18/1104/PMBPA, dated 31 May 2018, was refused by notice dated 16 October 2018.

The development proposed is change of use of barn and building operations to form a dwelling.

Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Procedural Matters

3. Since the Local Planning Authority issued their decision St Edmundsbury Borough Council has merged with Forest Heath District Council to become a single Authority, West Suffolk Council.
4. The appellants have confirmed that the postcode given for Appeal A is incorrect and should read 'IP30 0AY'.

5. The application site includes a barn and an area of land around two sides of it. The barn is identified as Barn 1 in the appellants' Planning Statement. Two further barns are annotated Barn 2 and Barn 3 in the same document and Barn 2 is shown as a possible store/garage on the layout plan. However, Barns 2 and 3 fall outside the application site boundary and for this reason I have regarded reference to them and their future use as for information only and they have not formed part of my decision on Appeal B.
6. The application form which was submitted for Appeal B details the address as 'Broomhall Farm', however the Council and the appellants refer to the address as 'Broom Hall Farm'. I have regarded the latter as correct for the purpose of my determination of Appeal B.
7. My attention has been drawn to the submission of two further applications to the Council in respect of development at the sites, however these applications are not before me and I have not considered them in my determination of these appeals.

Main Issues

8. The main issue in respect of Appeal A is the effect of the development on the character and appearance of the site and the surrounding area.
9. The main issues in respect of Appeal B are:
 - Whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of the GDPO, with particular reference to the extent of the building operations;
 - The transport and highways impact of the development; and
 - The effect of the development on the site as a habitat for wildlife.

Reasons

Character and appearance (Appeal A)

10. Freewood Street is a quiet rural thoroughfare, bounded on two sides by fields which sit at a higher level than the road and with ditches and grassed banks to its outer edges. The wider area is characterised by arable land with limited high-level planting in the form of rows and clusters of trees. This affords an expansive vista of the countryside and the sky and gives the landscape an open natural appearance within which man-made features are scarce.
11. Although Freewood Street has no pavements there is a byway and a footpath which run perpendicular to the road to each side of the application site. The footpath in particular provides views across the fields.
12. The appeal scheme would introduce an access drive running through the corner of a field closest to the road and to the rear of a small paddock, towards the group of buildings comprising Broom Hall Farm. The plans show the existing ditch would be piped and the difference in land levels between the road and the field would necessitate the new road running steeply off Freewood Street. In combination the width and alignment of the access, the bridge over the ditch and the visibility splays would result in the new drive being a very prominent man-made feature in the landscape. Given the importance which I have placed on the open, natural appearance of the countryside and the visibility of the

appeal site from the public domain, the new access would be an alien and incongruous feature which would be harmful to the character and appearance of the site and the surrounding area.

13. The appellants argue that during a large part of the year the crops in the field would screen the access and that a new hedgerow could be planted on the site frontage. Whilst these screening features would obscure part of the access, its junction with Freewood Street and the necessary visibility splays and engineering solution to bridge the ditch and address the levels would continue to adversely affect the street scene. Therefore, the screening would have only a moderate effect. Moreover, during the winter months much more of the access would be visible.
14. The appellants also suggest that a surface treatment to the access could be selected which would be akin to an agricultural access which would not be out of place in the countryside. Such an access would be characteristic of the area, however in this case no agricultural need has been advanced which would outweigh the harmful impact which would result from the introduction of an access in this location.
15. I conclude that the appeal scheme would have a harmful impact on the character and appearance of the site and the surrounding area. The development is therefore contrary to Policies DM2, DM5 and DM13 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (2015). These policies jointly require all development to recognise and address key features of landscape character, protect the countryside and restrict development where it would have an unacceptable adverse impact on the character of the landscape. For similar reasons the development would not be in accordance with the National Planning Policy Framework particularly in terms of the conservation and enhancement of the natural environment.

Building Operations (Appeal B)

16. The scheme includes building works as part of the proposed development. Under paragraph Q.1 (i), development is not permitted by Class Q if development under Class Q(b) would consist of building operations other than those specified and partial demolition necessary to carry out those building operations.
17. The Planning Practice Guidance provides advice on the extent of building works which may be carried out in accordance with the permitted development right under this Part. In this regard, it makes clear that the right assumes that the agricultural building is capable of functioning as a dwelling. The right permits building operations which are reasonably necessary to convert the building, which may include those which would affect the external appearance of the building and which would otherwise require planning permission.
18. The barn is a rectangular, pitched roof structure with its ridge running roughly parallel to the boundary with Broom Hall. Along one of the short sides there is a mono-pitch projection with an open end, however the rest of the building is fully enclosed with roller door access. There is no upper floor or mezzanine within the barn.
19. The proposed works would involve the installation of exterior walls, windows and doors all of which fall within Class Q 1 (i) provided that they are

reasonably necessary for the building to function as a dwelling house. The extent of these changes would fulfil this requirement. However, there is very limited evidence to demonstrate that the structural integrity of the building is such that it could accommodate the extent of glazing generally and infill walling to the projecting part in particular without those elements being required to have a structural component. Therefore, it has not been demonstrated the barn is capable of conversion to residential use without operations that would amount either to complete or substantial rebuilding of the pre-existing structure. As such the works would go beyond what could be described as a conversion.

20. The appellants argue that the Council has adopted an inconsistent approach by refusing to grant prior approval for the conversion of the barn when a previous application (Council Ref: DC/16/0394/PMBPA) was approved which proposed identical works to the barn. The details within the Council's report suggest that the earlier consent has expired which reduces its weight as a material consideration. However, I acknowledge that on the basis of the information before me it does appear that the Council has not adopted a consistent approach. Whilst unfortunate this course of events does not outweigh my concerns regarding the lack of evidence to demonstrate that the barn is capable of conversion without significant structural support or alteration.
21. For the above reasons I conclude that the proposal would not comply with the limitations and restrictions specified as being applicable to the proposed development. As such, it could not benefit from deemed permission under Class Q.

Transport and highway impacts (Appeal B)

22. The submitted plans do not show a means of access to the public highway; however, it is clear that the intention is that the barn conversion be served by the new road which is proposed under Council Ref: DC/18/1095/FUL. This application was refused and is the subject of Appeal A. It will be seen from the preceding paragraphs that I have not found the new access road to be acceptable and it follows that it cannot be relied upon to provide access to the converted barn.
23. Although it is not shown as within the application site boundary on the submitted plans, the barn is currently accessed via a track which runs between the boundary of Broom Hall and the enclosed paddock. This track was deemed to be an acceptable access to serve the converted barn under Council Ref: DC/16/0394/PMBPA, subject to a condition requiring visibility splays to be provided and maintained (Condition 3). An appeal which sought the removal of Condition 3 was dismissed and the necessary works to the access have not been carried out. Were the barn to be converted it would be likely that residents and other people accessing the site would be tempted to use this existing access which could result in conflicts between road users at the junction with Freewood Street, resulting in an adverse effect on highway safety.
24. I conclude that the transport and highways impact of the development would be harmful.

Wildlife Habitat

25. The Conservation of Habitats and Species Regulations 2017 imposes a duty to consider whether there is a reasonable likelihood of European Protected Species being present and affected by development that is said to be permitted development, in a prior approval. The barn appears to be weathertight and is being used for storage and the Council accepts that it is unlikely that bats would roost in the building itself.
26. The issue of the potential presence of bats in the barns which are not the subject of the conversion works and in nearby groups of trees has been raised. These concerns manifest themselves in terms of the impact of lighting and activities associated with a domestic use. However, there is limited evidence before me to demonstrate that bats or any other protected species are present on the site, that the development would result in harm to them or that an appropriate level of mitigation could not be secured. On this basis I conclude that the appeal scheme would not have a harmful effect on the site as a habitat for wildlife.

Other Matters

27. Broom Hall which is a house standing in mature gardens between the appeal site and Freewood Street is a Grade II Listed Building. Where prior approval is sought for a change of use and conversion works, as is the case here, the matters to be considered include the design and external appearance of the building. It is thus necessary to consider the impact of Class Q development on the setting of a listed building.
28. The setting of Broom Hall is derived chiefly from its garden which is enclosed by tree and hedge planting and it has a limited impact on the character and appearance of the wider area. As such the converted barn would be mainly screened from the listed building and its setting and it would not have a harmful effect on this designated heritage asset. In reaching this conclusion I am mindful of the potential for screen planting to be removed or reduced in height, however that is not part of the proposed development and the principal outlook from the habitable rooms in the converted building would face away from this boundary.

Conclusions

29. For the reasons set out above Appeal A is dismissed.
30. For the reasons set out above Appel B is dismissed.

Sarah Dyer

Inspector