



Appeal Decision

Site visit made on 23 July 2019

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 28 August 2019

Appeal Ref: APP/D3505/W/18/3212219

Vine Farm, Nedging Road, Nedging Tye, Ipswich IP7 7HJ

- 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 Mrs Ruth Kingsbury against the decision of Babergh District Council.
 - The application Ref DC/17/06324, dated 22 December 2017, was refused by notice dated 6 April 2018.
 - The development proposed is alterations and extension to a former farm building to create a new dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The postcode above is taken from the appeal form rather than the application form or decision notice, as this more accurately locates the site's address.

Main Issues

3. The main issues are:
 - (a) the effect of the development on the use of rural buildings, including the effect on protected species;
 - (b) whether the development would have acceptable access to everyday services and facilities; and
 - (c) the effect of the development on the living conditions of occupiers of neighbouring properties.

Reasons

Use of rural buildings and the effect on protected species

4. The appeal site is located to the rear of the Grade II listed Vine Farmhouse on Nedging Road. The site contains a barn/workshop/cart lodge, along with a small pond and large area of green space. The building is within the curtilage of the listed farmhouse and, based on its age and function, is considered to form part of the listed building for control purposes. Listed building consent (ref DC/17/06325) has already been granted for the conversion of the building to residential use.

5. Policy CR19 of the Babergh Local Plan 2006 (LP) permits the conversion of barns or other redundant or under-used buildings in the countryside into dwellings or hotel accommodation provided that 8 criteria are met. The Council has raised concerns with the first, second and final criteria.
6. The first and second criteria relate to whether alternative uses for business, community and leisure have been thoroughly explored and discounted, and that the location makes it unsuitable for conversion to other uses. The condition of the appeal building is poor and needs renovation. While no marketing appears to have taken place, the appellant's evidence indicates that the market value of using the building for employment purposes would be significantly lower than the proposed cost of renovating and converting the building for such purposes. As such, it would not be viable. The evidence also highlights that the remote rural position of the building and its proximity to residential properties would not make it suitable for an employment related use. Therefore, I consider that the development would not conflict with the first and section criteria.
7. The final criterion relates to no material adverse impact on protected species, particularly bats and barn owls. Ecological survey work in 2015 revealed that great crested newts were present in both the on-site pond and a pond immediately adjacent to the site. Further great crested newt survey work in April-May 2017 concluded that any ground disturbance on the site is highly likely to impact on this species if precautions and mitigation are not implemented. The 2015 survey found little evidence of water voles although recommended further assessment prior to development commencing on site. The 2015 survey also found a reasonable likelihood of bat roosts occurring within the barn and recommended further survey work as impacts could not be ruled out.
8. I have not been provided with details of any further survey work relating to bats. I also note that the report for the 2017 great crested newt survey states on page 11 that if there is a delay of over two years before site works begin then an updated survey is recommended. As a consequence, I am not satisfied that I have sufficient and up to date information on bats and great crested newts to conclude that there would be an acceptable impact on protected species. It would not be appropriate to leave this matter to a planning condition or a note informing the appellant of their responsibilities, as the information is needed to inform the planning decision.
9. Concluding on this main issue, it has not been adequately demonstrated that the development would have an acceptable effect on the use of rural buildings having regard to the evidence before me on protected species. Therefore, the development would conflict with LP Policy CR19.

Access to services and facilities

10. The site is located within a small cluster of dwellings and agricultural buildings along Nedging Road. The settlements of Nedging and Nedging Tye at either end of the road are not large and contain few facilities. Bildeston to the north-west contains more everyday facilities, but Nedging Road has no pavement or street lighting with sections at the national speed limit, and it connects with busier B roads. In combination with the distance to Bildeston of approximately 1 mile, these conditions would not encourage future occupants of the development to walk or cycle. With no public transport nearby, occupants are likely to be

largely reliant on the private car to access services and facilities. The development would not be isolated given existing dwellings, while accessibility is only one part of sustainability. However, there would be negative social and environmental effects arising from the site's location.

11. Concluding on this main issue, the development would not have acceptable access to everyday services and facilities. Therefore, it would conflict with Policy CS2 of the Babergh Core Strategy 2014 (BCS) which seeks to direct development towards larger settlements, and criteria (xviii) of BCS Policy CS15 which seeks to minimise the need to travel by car. The development would also not meet the sustainable development objectives in paragraph 8 of the National Planning Policy Framework (NPPF) in terms of achieving accessible services and using natural resources prudently.

Living conditions

12. The site is to the rear of residential properties at Vine Farmhouse and Vine Farm Barn. The physical bulk of the development would largely follow the existing barn/workshop/cart lodge and so would have little effect on outlook. Window openings at first floor would be restricted or face away from the neighbouring properties to reduce impacts on privacy. There would be some increase in noise and disturbance and domestic paraphernalia arising from a residential use, but as Vine Farmhouse and Vine Farm Barn already experience this from each other, the increase would not be significant. Lighting from vehicle movements would likely be limited given the proposal only involves a single new dwelling.
13. Concluding on this main issue, the development would have an acceptable effect on the living conditions of occupiers of neighbouring properties. Therefore, it would accord with LP Policy CN01 which, amongst other things, requires development to pay particular attention to the scale, form and nature of adjacent development and the environment surrounding the site.

Planning balance

14. Although the Council's appeal statement asserts that it can now demonstrate a 5 year supply of housing land, evidence provided by the appellant indicates that there is no such supply. The appellant also argues that LP Policy CR19 is out of date due to inconsistencies with national legislation and policies that take a more flexible approach to the re-use of rural buildings for other purposes including housing. The appellant considers the BCS as a whole is now out of date due to the length of time since its adoption. However, national policy and regulation only stipulates a requirement to review a local plan every 5 years. The age of a policy does not automatically mean it is out of date.
15. A lack of 5 year housing land supply and/or LP Policy CR19 being out of date would trigger the 'tilted balance' in NPPF paragraph 11(d)(ii) which states that where the policies which are most important for determining the application are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.
16. In terms of adverse impacts, the proposal would not have acceptable access to everyday services and facilities. The fact that the proposal only involves a single dwelling moderates this adverse impact. However, it has also not been

adequately demonstrated that the proposal would have an acceptable effect on the use of rural buildings having regard to protected species. While LP Policy CR19 may not be consistent with the NPPF, the NPPF seeks to protect and enhance biodiversity in Section 15. As such, I attach significant weight to the overall adverse impacts and policy conflicts.

17. Turning to the benefits, the proposal would provide an additional dwelling to help boost local supply as well as help the local economy. However, as a single dwelling, the above benefits are modest. The proposal would also enhance a heritage asset by converting it to a new use and could result in biodiversity improvements. However, in the absence of adequate information on protected species, I can only give these benefits limited weight.
18. Therefore, even with the application of NPPF paragraph 11(d), the adverse impacts would significantly and demonstrably outweigh the benefits. The presumption in favour of sustainable development would not apply which indicates that planning permission should not be granted in this instance.

Conclusion

19. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR