
Appeal Decision

Site visit made on 3 September 2019

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th November 2019

Appeal Ref: APP/X3540/W/19/3232531

Hill Farm Cottage, Englishes Lane, Ilketshall St John, Beccles NR34 8JE

- 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 Ron Mackie against the decision of East Suffolk Council.
 - The application Ref DC/19/1461/FUL, dated 4 April 2019 was refused by notice dated 29 May 2019.
 - The development proposed is proposed subdivision of existing residential property including conversion of existing outbuilding to form a separate dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the subdivision of existing residential property including conversion of existing outbuilding to form a separate dwelling at Hill Farm Cottage, Englishes Lane, Ilketshall St John, Beccles NR34 8JE in accordance with the terms of the application, Ref DC/19/1461/FUL, dated 4 April 2019, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Procedural Matters

2. On the 1st April 2019 Waveney Borough Council was dissolved and along with Suffolk Coastal District Council became a new non-metropolitan district council known as East Suffolk Council.
3. The development plans for the merged local planning authority remain in place for the former area of the Waveney District Council until such a time as they are revoked or replaced. It is therefore necessary for me to determine this appeal with reference to policies set out in the plans produced by the now dissolved Waveney District Council.

Main Issue

4. The main issue is whether the site represents sustainable development in respect of its location.

Reasons

5. The site is located off Englishes Lane and comprises two building which are ancillary buildings to the existing dwelling, Hill Farm Cottage. The site has been separated from Hill Farm Cottage, which has its own access and garden with boundary fencing and landscaping to define its boundaries. Another outbuilding

- sits adjacent to the appeal site, which is separated from both Hill Farm Cottage and the buildings subject to the appeal.
6. The appeal site contains a garage and storage building with an area of garden to the rear, the boundaries are enclosed by landscaping and hedgerow and the buildings are served by their own existing access. Both buildings appear relatively modern, constructed of a mixture of weatherboarding and red brick, with clay pantiles to the roof.
 7. The site is located outside of any defined settlement boundary and is in the Countryside for the purposes of planning policy. The appellant does not contest that the Council's position that the site is isolated and remote from day to day services.
 8. It has been put to me that the proposal would accord with para 79(d) of the National Planning Policy Framework (the Framework), as it results in the subdivision of the existing residential curtilage. Paragraph 79(d) allows for isolated homes in the countryside where the development would involve the subdivision of the existing residential dwelling. However, an outbuilding is incidental to a dwelling and not a dwelling in its own right. Therefore the proposal does not meet the criterion of Paragraph 79(d).
 9. However, the appellant has also referenced paragraph 79(c) of the Framework. The Council's reason for refusal refers to paragraph 79 in its entirety and its own Local Plan policy which is based on paragraph 79. Therefore I have considered the development against the paragraph as a whole.
 10. Policy WLP1.1 and WLP1.2 of the East Suffolk Council Waveney Local Plan 2019 (LP) restricts development in the countryside except where other policies in the LP indicate otherwise. Policy WLP8.7 provides for a limited amount of housing in the Countryside.
 11. Policy WLP8.11 of the LP provides one of the exceptions set out in policy WLP1.2 and allows for the conversion of rural buildings to residential use provided a number of criteria are met, including that such buildings are, amongst other things, locally distinctive and of architectural merit. I consider that this additional requirement is more restrictive than the Framework which allows for isolated homes in the countryside where the development would re-use a redundant or disused building and enhance its immediate setting. Whilst this policy postdates the publication of the Framework it is in conflict with it, as it is substantially more restrictive. I therefore give limited weight to this policy.
 12. The buildings are, redundant from their previous use as domestic ancillary buildings associated with Hill Cottage as they originally formed garage accommodation for the house, however Hill Cottage has subsequently been extended to provide a car port and as such the conversion would fall to be considered under paragraph 79(c).
 13. The building proposed to be converted, is of modest proportions and its use of timber weatherboard and clay tiled roof ensure that its design and appearance, does contribute positively to the rural character of the area and therefore is of some architectural merit. Minimal alterations are proposed to the building in order to facilitate the conversion and therefore its appearance would be broadly unaffected.

14. Whilst the hedge to the front of the site would be required to be removed/reduced in height in order to achieve the appropriate access standards required by Suffolk County Council, this is a non-native evergreen hedge which detracts from the rural character of Englishes Lane and therefore any reduction in the extent of this hedging would enhance the immediate setting of Englishes Lane.
15. The appellant has also suggested the addition of a condition to ensure the site is further enhanced through additional planting of native species and I consider that this more appropriate landscaping would be a benefit of the scheme. I consider that the conversion to residential use would enhance its immediate setting as it results in the re-use of a redundant outbuilding with the removal of non-native hedgerow and its replacement with a more appropriate landscaping scheme.
16. In conclusion, having regard to the lesser weight to be attributed to policy WLP8.11 due to its conflict with the Framework, the development would bring into use a redundant building with minimal alteration, enhancing its immediate setting by removing a non-native hedgerow and would comply with paragraph 79(c) of the Framework and WLP1.1, WLP1.2, WLP 8.7 and WLP8.11 of the LP which directs development to appropriate locations, allowing for housing in rural areas through the conversion of redundant buildings.

Other matters

17. Although I acknowledge that future occupiers of the proposed dwelling would be reliant on the private car to access the services and facilities provided within nearby Beccles, I consider this harm would be limited given the scale of the dwelling proposed and the number of trips likely to be generated. In addition this harm would be outweighed by the benefits of bringing a redundant building into use.
18. The issue of a lack of an adequate water supply to serve an additional property has also been raised. I note that a consultation was carried out with Essex and Suffolk Water during the application process and they had no objection to the application but noted that a new water connection would be required. I am therefore satisfied that this matter would be adequately mitigated through consultation with Essex and Suffolk Water and not through the planning process.
19. It has also been raised that the other outbuilding adjacent to the site has been used/or is being used as a separate dwelling, known as Peacehaven and the existing dwelling Hill Farm Cottage is rented out separately. However, this part of the site is not before me for consideration and therefore I have dealt with the appeal on the basis of the information before me.

Conditions

20. The Council has suggested 9 conditions and the appellant has suggested one additional condition. I have considered these in light of the Planning Practice Guide and the tests of the Framework and where necessary amended them for clarity. In addition to the standard implementation condition it is necessary, for the avoidance of doubt, to define the plans with which the scheme should accord and the materials which are to be used in the development.

21. In order to ensure an appropriate standard of vehicular access in the interests of highway safety, I have found it necessary to impose conditions requiring the access to be improved to an agreed standard, with appropriate surfacing, visibility splays and surface water drainage be provided prior to occupation of the dwelling and retained for the life of the development.
22. I have imposed a condition to ensure that any unexpected contamination is appropriately assessed and remediated, which is necessary to ensure the safety of future occupiers. I have also imposed a landscaping condition to ensure appropriate native species are used to replace the non-native hedge that will be removed as part of the highway conditions and that this is allowed to establish over an appropriate timescale with sufficient maintenance.
23. I have not imposed a condition removing permitted development rights as the Planning Practice Guidance advises that conditions restricting the future use of permitted development rights "will rarely pass the test of necessity and should only be used in exceptional circumstances". I do not consider it is necessary in this instance.

Conclusion

24. For the reasons given above I conclude that the appeal should be allowed.

G. Pannell

INSPECTOR

Conditions Schedule

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 19101 001 (Site Location Plan), 19101 002 (Existing Plans and Elevations), 19101 003 (Proposed Plans and Elevations), 19101 005 (Existing and Proposed Block Plans),
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. 19101 003.
- 4) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 5) The building shall not be occupied until the existing vehicular access has been improved, laid out and completed in all respects in accordance with details that shall first have been submitted to and approved in writing by the local planning authority, and shall include details of surfacing and show the means to prevent the discharge of surface water from the development onto the highway. The access shall thereafter be retained for the life of the development.

- 6) No shrubs, trees or other vegetation shall be allowed to grow above 0.9 metres in height within the sight lines agreed under condition 5 and the existing hedge shall be reduced to 0.9 metres above the level of the adjacent carriageway before the improved access is brought into use.
- 7) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include a scheme for the landscaping of the site boundaries with native species.
- 8) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.