



Appeal Decision

Site visit made on 23 January 2020

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 February 2020

Appeal Ref: APP/X3540/W/19/3232028

Green Barn, Land to the rear of Old Nurseries, Burgh, Woodbridge, Suffolk, IP13 6JN

- 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 Daniel Fermor (Universal Property Services Ltd) against the decision of East Suffolk Council.
 - The application Ref DC/19/1465/FUL dated 5 April 2019, was refused by notice dated 5 June 2019.
 - The development proposed is described on the application form as "Demolition of existing storage buildings with prior approval for conversion to residential use, and erection of new single storey dwelling and associated works".
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Decision

1. The appeal is dismissed.

Procedural matter

2. Although the Council makes reference to the emerging Local Plan¹, there is no evidence before me of whether there are unresolved objections to the submission version that are relevant to the appeal, or that this document has yet been found sound by the Secretary of State for Housing, Communities and Local Government². Given the uncertainties regarding the outcome of that process, I have given this document limited weight.

Main issues

3. The main issues are:
 - whether the development is in an appropriate location, with particular regard to the adopted development plan settlement hierarchy and access to shops, services and community facilities and transport choices other than the private car;
 - the effect of the development on the character and appearance of the area.

¹ Suffolk Coastal Local Plan, Final Draft Plan, January 2019, Representations period 14th January to 25th February 2019, Suffolk Coastal District Council.

² Strategic Plan progress – 1 February 2020, GOV.UK website.

Reasons

Appeal site context

4. The appeal site contains a mature barn of functional agricultural character and is primarily laid to grass with well-established landscaping to its boundaries, together with a recently constructed close-boarded fence. The surrounding area is characterised by agricultural fields and small woodland areas.

Whether the development is in an appropriate location

5. Policy SP19 and Table 4.1 of the Core Strategy³ identify a settlement hierarchy, which defines Burgh as falling within the countryside. Policies DM3 and SP29 of the Core Strategy collectively restrict new residential development within the countryside to a number of exceptions, such as; (a) replacement dwellings on a one to one basis; (b) affordable housing; (c) sub-division of an existing dwelling; (d) conversion of an existing building; (e) small-scale infilling; (f) where it complies with other policies in the Core Strategy; or (g) special circumstances set out in national policy. There is no evidence before me that the scheme falls within any of the categories of residential development that are deemed permissible in the countryside.
6. The appeal site falls some distance away from settlements with shops, services and community facilities and there is no interconnecting footway that would enable safe walking to them. Whilst I recognise that some of these settlements could be reached by cycling, I would only expect a small proportion of trips to be made in this way given the intervening distance and time it would take. There are also no details before me that would indicate the presence of a sufficiently frequent local bus service to these other settlements to significantly diminish the reliance of future occupiers on the private motor car.
7. I recognise that in rural locations access to sustainable rural transport solutions will be typically less than that of an urban area and that development in one village may support services in another nearby. However, in this case, I found the overall level of day-to-day access to shops, services and community facilities by walking, cycling and public transport to be of such a poor standard, and consequential reliance on the private motor car to be so high, that I consider the appeal site's location to be inappropriate for new residential development.
8. In view of the above, I conclude that the development would conflict with Policies SP1, SP19, SP29 and DM3 of the Core Strategy and Policy SSP2 of the Site Allocations Plan⁴ which collectively seek, amongst other things, to; (a) guide new development to sustainable locations via a defined settlement hierarchy; (b) sustain the countryside as an important economic, social and environmental asset; and (c) reduce the overall need to travel.
9. I also find that the scheme conflicts with Paragraphs 9 and 103 of the Framework⁵ as it would result in; (a) a planning decision not playing an active role in guiding development towards sustainable solutions; and (b) the planning system failing to actively managing patterns of growth in support of

³ Suffolk Coastal District Local Plan, Core Strategy & Development Management Policies, Development Plan Document, July 2013, Suffolk Coastal District Council.

⁴ Site Allocations and Area Specific Policies, Development Plan Document, January 2017, Suffolk Coastal District Council.

⁵ National Planning Policy Framework, Ministry for Housing, Communities and Local Government, February 2019.

the transport objectives outlined in Paragraph 102; - namely, that it would be heavily car dependant and not promote walking, cycling and public transport.

Character and appearance

10. Whilst I recognise that the proposed dwelling has incorporated some characteristics and materials that would reflect the architectural style of a barn, it would nonetheless be clearly residential in character with a large number of window/door openings of a domestic size and appearance, together with a flat roof element linking the two gable roofed buildings. It would as a consequence have a wholly different character and appearance to the existing barn, which even if converted to residential use would retain much more of its original agricultural character.
11. The appeal scheme would also have a much greater curtilage than the barn conversion development previously granted⁶, which would result in a significantly larger domestic garden and a greater amount of associated residential paraphernalia. As a consequence, while the general collective scale and bulk of the proposed dwelling would be similar to that of the existing barn, its detailed design and corresponding use would draw attention to it and give it a much greater degree of prominence. The proposed dwelling would also project further into the centre of the site than the existing barn, which would intensify the scheme's harmful impact on the rural character and appearance of the appeal site.
12. The appellant states that the development would assimilate into its surroundings as a result of mature landscaping that surrounds the site. However, the private garden area would still be visible from the highway, as demonstrated by the prominence of the existing close-boarded fence. In any event, I do not consider the screening or softening of a development by landscaping to be a sound basis upon which to justify an otherwise harmful scheme as this could be repeated too easily and often for all forms of poor quality development.
13. In view of the above, I conclude that the development would be harmful to the rural character and appearance of the area. The proposal would therefore conflict with Policies DM8 and DM21 of the Core Strategy, which collectively seek, amongst other things, to ensure that new development relates well to the character of the surrounding area and that extensions to residential curtilages would not result in visual intrusion.
14. I also find that the scheme conflicts with Paragraphs 127 and 130 of the Framework which collectively seek, amongst other things; (a) development that is sympathetic to local character; and (b) the refusal of permission for poorly designed development that fails to take the opportunities available to improve the character and quality of an area.

Other matters

15. The Local Highway Authority has raised concerns that sufficient visibility splays could not be provided either side of the site access point on land within the appellant's control or on public highway land. However, there is no evidence before me to suggest that the access would be significantly more dangerous than the barn conversion scheme previously granted and I am satisfied that it

⁶ Council ref: Prior Notification DC/18/1837/PN3 granted on 26 July 2018.

would be possible to ensure the provision of suitable visibility splays via planning condition. As a consequence, I conclude that the scheme would not be harmful to highway and pedestrian safety.

16. The Council has confirmed that a financial contribution to mitigate the impact of the scheme on nearby Special Protection Areas and Ramsar sites has not been secured from the appellant. However, given that I am dismissing the development for other reasons, it has not been necessary for me to carry out an appropriate assessment of the scheme and consider the requested financial contribution as it would not alter the outcome of the appeal.
17. My attention was drawn by the appellant on-site to another residential development taking place to the east of the site. However, I do not have the full background and details to this case to enable any meaningful comparison with the current proposal which must be considered on its own merits.

Planning balance

18. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that the determination of applications should be made in accordance with the development plan unless material considerations indicate otherwise.
19. The appellant asserts that the previous scheme granted for the conversion of the existing barn to a residential dwelling constitutes a fallback position and that the proposed development has a similar overall scale and impact to this. However, whilst I consider it highly likely that the previous scheme would be implemented if the current appeal is dismissed, and have given this substantial weight in my assessment, the proposed development would be in a much more prominent and visible position closer to the centre of the appeal site and substantially different in appearance. The fallback position is therefore materially different from the scheme before me and does not therefore justify its approval. In any event, the appeal scheme would be considerably more harmful than the fallback position in terms of its overall impact on the character and appearance of the area for the reasons described above.
20. Although the Core Strategy is over 5 years old, Paragraph 213 of the Framework states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework and that due weight should be given to them according to their degree of consistency with the Framework.
21. Policies SP1, DM8 and DM21 the Core Strategy are generally compliant with the Framework insofar as they relate to the main issues of this case. However, Policies SP19, SP29 and DM3 of the Core Strategy and Policy SSP2 of the Site Allocations Plan adopt a restrictive approach to development in the countryside which does not fully accord with the more balanced and open position of the Framework.
22. In view of the above, and despite me attaching only moderate weight to the scheme's conflict with Policies SP19, SP29, DM3 and SSP2 in this balancing exercise, I am nonetheless satisfied that the proposal conflicts with the development plan when taken as a whole.
23. The scheme would result in a range of benefits, namely; (a) the construction of an energy-efficient dwelling; and (b) local employment during construction. However, it is my view that when considered collectively, these benefits would

be of limited value given the quantum of development proposed, and when taken cumulatively would not outweigh the harm to the character and appearance of the area I have identified. I therefore conclude that the material considerations I have considered, including that of the fallback position, do not indicate that that the proposal should be determined other than in accordance with the development plan.

Conclusion

24. All representations have been taken into account, but no matters, including the benefits of the development and the scope of possible planning conditions, have been found to outweigh the identified harm and policy conflict. For the reasons above, the appeal should be dismissed.

Robert Fallon

INSPECTOR