



Appeal Decision

Site visit made on 4 February 2020

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th March 2020

Appeal Ref: APP/X3540/W/19/3239266

**Concrete Barn, Beacon Hill Farm, Bealings Road, Martlesham,
Woodbridge IP12 4RP**

- 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 & Mrs Abbott against the decision of East Suffolk Council.
 - The application Ref DC/19/2403/FUL, dated 14 June 2019, was refused by notice dated 7 August 2019.
 - The development proposed is described as the "Conversion of agricultural storage barn to private residential use, comprising 2no. 3 bedroomed dwellings, including partial demolition, and insertion of first floor, together with associated works. Alternative scheme to that approved under DC_19_0785_PN3".
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr & Mrs Abbott against East Suffolk Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are 1) whether the appeal site is in an appropriate location for the development having regard to the development plan and other material considerations; and 2) the effect of the development on European Designated sites.

Reasons

4. The appeal site forms a detached agricultural barn that lies beyond the physical limits boundary of Martlesham and therefore lies within the countryside. Policy SP1 and SP1A of the Suffolk Coastal District Local Plan – Core Strategy and Development Management Policies 2013 (the Core Strategy) applies the presumption in favour of sustainable development set out in the National Planning Policy Framework and the broad approach to delivering sustainable development in the District.
5. Policy DM3 of the Core Strategy sets out instances where new housing within the countryside will be accepted, which includes the conversion of existing buildings, subject to certain controls as set out within Policy DM13 of the Core Strategy. Policy MAR1 of the Martlesham Neighbourhood Plan 2016-2031 (the MNP) also requires developments outside of the physical limits boundary of

Martlesham to accord with the policies in respect of appropriate uses in the countryside as set out within the Core Strategy and relate to necessary utilities infrastructure where no reasonable alternative location is available.

6. Policy DM13 of the Core Strategy supports the conversion and re-use of redundant buildings within the countryside, subject to the criteria set out therein. While I am not persuaded that the building is indeed redundant, as it was being used for the storage of various materials and equipment at the time of my visit, replacing the current roof from profiled cement cladding to profiled sheet metal, the development would be contrary to Policy DM13 which states that the substantial reconstruction of a building, which includes more than 50% of the original roof, must be assessed as a new building in the countryside and thus, against other strategic policies within the Core Strategy. Moreover, the proposal would conflict with Policies SP1 and SP1A of the Core Strategy which seek, amongst other things, to direct development to the more sustainable parts of the District so that they relate to employment, transport links and services to secure improvements to the economic, social and environmental conditions in the area.
7. However, the appellants do not argue that the development would comply with Policies SP1, SP1A or DM13 of the Core Strategy, but rather that the site has extant permission to convert the building into two dwellings via a prior approval application¹ under Class Q of the GPDO², and the amendments proposed are considered minor to that scheme. As such, the prior approval should have been taken into account when determining the planning application for two dwellings at the site.
8. The appellants also refers to the High Court decision that considered the *Mansell v Tonbridge*³ case which confirms that it is not always necessary for a permission to have been granted for a fallback position to be a material consideration. Furthermore, the *Carroll*⁴ case also found that an alternative potential use of a site is also a material consideration. The appellants therefore argue that as the site has an extant permission to convert the barn into two dwellings, this is a material consideration that weighs significantly in favour of the proposal.
9. However, planning permission requires development to be determined in accordance with the development plan unless material considerations indicate otherwise. I acknowledge the fall-back position can be attributed weight in planning decision making, and notwithstanding that conditions attached to the prior approval have not yet been discharged by the Council, in this instance the implementation of the Class Q development would nonetheless deliver two residential units at the appeal site. Moreover, the clear intention of Class Q is to make use of existing agricultural building stock, irrespective of locational matters. It does not follow that this is a method to gain the construction of new dwellings that would side-step the spatial policies of the Core Strategy.
10. Furthermore, the extent of operational development permitted in respect of Class Q is intentionally limited and only reasonably necessary to convert the building. In this case, I find the objectives of the development plan and of the

¹ Application DC/19/0785/PN3

² The Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended)

³ *Mansell v Tonbridge and Malling Borough Council* [2017] EWCA Civ 1314

⁴ *Carroll v Secretary of State for Communities and Local Government & Ors* [2016] EWHC 2462 (Admin)

GPDO to be mutually exclusive. Consequently, although of significant weight, the fall-back position would not be a determinative factor. To afford it over-riding importance would prejudice the Council's spatial housing policy which is based on, amongst other things, accessibility to services and employment.

11. Notwithstanding the appellants argument that the development would comply with Policy DM3 of the Core Strategy in relation to replacement dwellings and visual intrusion, the fact remains that the building on the appeal site is a barn and not a dwelling. Therefore, I am not persuaded that the development could be considered to comply with Policy DM3, which allows for a replacement dwelling, as there is currently no dwelling to replace.
12. Thus, the development would be in conflict with Policies SP1, SP1A, DM3 and DM13 of the Core Strategy and Policy MAR1 of the MNP, the requirements of which are specified above.

European Designated Sites

13. The site lies within the Zone of Influence of the Special Areas of Conservation (SAC) and Special Protection Areas (SPA) as identified within the emerging Suffolk Recreational Disturbance Avoidance and Mitigation Strategy. The Council identifies that there are significant concerns with regard to the potential for an adverse effect on the integrity of the SACs and SPAs from use associated with the new dwellings, in combination with other developments. Although the appellants have provided a contribution towards mitigation of any impacts, given my findings on the first main issue, I have not considered this matter further, including whether an appropriate assessment is required.

Other Matters

14. The Council has questioned the validity of the appellants prior approval application stating that, notwithstanding it has issued its decision, there remains a doubt over the size of the proposed curtilage to serve the dwellings and the restrictions as set out within the GPDO. However, it is not for me as part of this appeal under section 78 of the Town and Country Planning Act 1990 to determine whether a development would comply with the provisions of the GPDO, as other mechanisms exist to resolve such matters.

Conclusion

15. For the reasons given above, and having regard to the development plan when read as a whole, the appeal is dismissed.

Graham Wyatt

INSPECTOR