
Appeal Decision

Site visit made on 4 February 2020

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th March 2020

Appeal Ref: APP/X3540/W/19/3238701

Site South of Redmay, Lodge Road, Walberswick IP18 6UP

- 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 J Cronin against the decision of East Suffolk Council.
 - The application Ref DC/19/1823/FUL, dated 3 May 2019, was refused by notice dated 20 June 2019.
 - The development proposed is conversion of stables/outbuildings to single bedroom accessible dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of stables/outbuildings to single bedroom accessible dwelling at Site South of Redmay, Lodge Road, Walberswick IP18 6UP in accordance with the terms of the application, Ref DC/19/1823/FUL, dated 3 May 2019 subject to the following conditions:
 - 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: Existing Plans, Elevations & Site Plan GA04; Proposed Plans, Elevations & Block Plan GA06.
 - 3) 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 or relevant phase of development is resumed or continued.

Procedural Matters

2. On the 1st April 2019 Suffolk Coastal District Council was dissolved and along with Waveney Borough 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 Suffolk Coastal 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 Suffolk Coastal District Council.

Main Issues

4. The main issues are the effect of development on:
 - the character and appearance of the area, including the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB).
 - the Minsmere-Walberswick Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar Site

Reasons

Character and appearance

5. The appeal proposal seeks to convert an existing stable building and link it to an adjoining building to form a dwelling. It is located outside of the settlement boundary and as such is in the countryside for the purposes of applying planning policy.
6. The site is located off Lodge Road, a narrow rural access track with the stable block forming the last property within this grouping. The stable sits within a landscaped plot, with an ornamental pond and other domestic landscaping present. Immediately adjacent to the appeal site is a paddock.
7. From within the site it is possible to see the neighbouring dwellings and the site forms part of the continuous run of properties which front either side of this part of Lodge Road. There is a clear transition between the developed part of Lodge Road, which the appeal site forms part of, and the countryside which continues on beyond the appeal site.
8. The two buildings are relatively modern, having been granted planning permission in 2001, and are constructed of weatherboarding, with clay pantiles to the roof of the stable and profile sheeting for the studio. The appellant indicates that they were approved for the private keeping of horses on the site on a small scale. The boundaries are enclosed by landscaping and hedgerow and the buildings are served by their own existing access.
9. Policy DM3 of the DPD¹ sets out that new housing will be allowed in the countryside where it comprises the conversions of existing buildings subject to certain controls (set out within DM13). DM13 sets out 10 criteria which must be satisfied for conversions of redundant buildings in the countryside. Of relevance to this main issue are DM13(a) that the design aspects, particularly the scale and character are suitable for the rural location and DM13(i) that the conversion reflects any architectural interests of the original building. The building should make a useful contribution to the character of the countryside through its presence in the landscape, DM13(ii) and that the creation of a residential curtilage will not have harmful impact on the character of the countryside DM13 (iii).

¹ Suffolk Coastal District Local Plan Core Strategy and Development Management Policies Development Plan Document 2013.

10. The Council consider that the requirements of Policy DM13 mean that residential conversions must involve the retention of a heritage asset, however I agree with the appellant that the policy does not specifically require the buildings to have a specific architectural merit, only that any conversion must take into account any architectural or heritage interest. I do not consider that the policy discounts the conversion of modern buildings.
11. The buildings proposed to be converted, are of modest proportions. The use of timber weatherboard and clay tiled roof ensure that the design and appearance does contribute positively to the rural character of the area and therefore is of some architectural merit. The alterations to the building include the construction of a glazed link between the stable and studio. The use of glazing for the link would ensure that its appearance would not be a dominant feature and therefore the conversion would still maintain the original proportions of the building. Therefore, I consider the conversion would comply with Policy DM13 parts (a) and (i). The works proposed would also not result in substantial reconstruction of the buildings.
12. The existing site already has the appearance of a domestic curtilage with the ornamental pond located centrally within the plot and other forms of domestic landscaping around the site, therefore I consider that the creation of a residential curtilage will not have a harmful impact on the character of the countryside as required by Policy DM13(iii).
13. Policy DM13 (ii) requires conversions of buildings to make a useful contribution to the character of the countryside through its presence in the landscape and lead to an enhancement of its immediate setting. I consider that the site, given its position at the end of the row of built development within Lodge Road, provides an important contribution in the transition from built development to open countryside. The site is already developed, and the buildings will remain largely unaltered as part of the conversion. The appellant has confirmed that the buildings are no longer required for their original purpose and providing them with an alternative use would enhance the immediate setting of the area as it will ensure the site is maintained and has an ongoing purpose.
14. I note the concerns raised with regard to the introduction of parking and turning areas for vehicles and external lighting leading to an urbanising effect on the countryside. However, the access to the site already exists with entrance gates. Vehicles would already access the stable block and its equestrian use may require larger vehicles and horse boxes to be parked on the site, and therefore I do not consider the sites use for residential purposes would result in any significant change to the appearance of the parking and turning area.
15. External lighting of any building can have a detrimental impact within rural areas, and I have also had regard to the inclusion of the glazed link and the potential for light to be visible from that structure. However, the link is relatively small and is not intended to form a habitable space. It is also positioned between the two existing buildings and the site is well screened by existing landscaping. All of these factors together would help to limit light spill outside the site. As the existing use of the site would result in external lighting during winter months, I consider that the residential use of the site would not increase the potential for light pollution.

16. The site is within the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB) and the Council have referred to paragraph 172 of the National Planning Policy Framework (the Framework) which requires great weight to be given to conserving and enhancing the landscape and scenic beauty within AONBs. As I have set out above, I consider that the proposal would conserve the landscape as it involves the conversion of an existing structure within an area of land which already has the appearance of a domestic garden. The buildings siting in close proximity to the neighbouring dwelling of Redmay, creates a visual stop of built development and provides an important contribution in the transition from built development to open countryside. In securing the long term use of the building I consider there will be an enhancement of the landscape ensuring that the area around the building continues to be maintained.
17. I therefore conclude that the proposal would not have a harmful effect on the character and appearance of the area, including the Suffolk Coast and Heaths Area of Outstanding Natural Beauty and would comply with Policies DM3 and DM13 of the LP which supports the conversion of redundant buildings in the Countryside and SP1 of the LP which sets out the presumption in favour of sustainable development.

Minsmere-Walberswick Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar Site

18. The appeal scheme proposes a dwelling on a site that lies within the Zone of Influence of the Minsmere to Walberswick Heaths & Marshes Special Area of Conservation (SAC) and Special Protection Area (SPA). The interest features of the SAC and SPA include an important assemblage of rare breeding birds associated with marshland and reedbeds as well as European dry heaths and annual vegetation of drift lines.
19. The Conservation of Habitat and Species Regulations 2017 (the Regulations) require that the competent authority must ensure that there are no significant adverse effects from the proposed development, either alone or in combination with other projects, that would adversely affect the integrity of the SAC and SPA. The effects arising from the proposal need to be considered in combination with other development in the area and adopting a precautionary approach.
20. Since the development is for one dwelling only, the number of additional recreational visitors would be limited and the likely effects on the SAC and SPA site from the proposed development alone may not be significant. However, in combination with other developments it is likely that the proposal would have significant effects on the designated site. Given my findings, the Regulations place a duty on the competent authority to undertake an appropriate assessment of the implications of the appeal scheme in view of the site's conservation objectives.
21. The site is less than 1km from the SAC and SPA and at such close distance new residential development is likely to result in recreational pressure, which would, both alone and in combination with other development within the wider 13km zone of influence, have a likely significant effect on the interest features of the aforementioned site. Therefore, I consider that the development would have an adverse effect on the integrity of the site, but regard can be had to whether these adverse effects can be mitigated.

22. The Recreational Disturbance Avoidance and Mitigation Strategy for Ipswich Borough, Babergh District, Mid Suffolk District and East Suffolk Councils – Technical Report sets out a strategic approach to mitigation by several councils across the wider area. It details mitigation measures that would be funded by financial contributions at a specified tariff per dwelling. Since these include a range of habitat-based measures such as education, communication and monitoring, and have been endorsed by Natural England (NE), I am satisfied that the measures would adequately overcome any adverse effects of the proposal on the SPA and SAC sites.
23. The appellants have indicated that they have made a per dwelling contribution of £321.22 to fund the Suffolk Recreational Avoidance Mitigation Strategy (RAMS). The Council has stated that the payment has been made and that their second reason for refusal has been addressed. Natural England has also confirmed that they are content that this payment secures the deliverability of the measures. Given the evidence before me I am satisfied that the mitigation measures have been secured.
24. The contributions would be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of the Community Infrastructure Levy Regulations. As such, the contributions toward the mitigation schemes would count as mitigation toward maintaining the integrity of the sites.
25. Consequently, the proposal would not adversely affect the integrity of the SAC and SPA sites and would accord with Policies SP14 and SP27 of the DPD and SSP32 of the Suffolk Coastal District Local Plan, Site Allocations and Area Specific Policies Development Plan Document.

Other Matters

26. I have considered the comments received from interested parties and whilst I recognise that the site is outside of the defined settlement boundary for Walberswick, the policies of the Local Plan do allow for the conversion of buildings within the countryside subject to certain criteria being met. Whilst concern has also been raised that the development of the site may lead to future applications for the development within Lodge Road, each case is determined on its own merits. There is no substantive evidence before me that allowing the appeal proposal would affect the development of nearby sites, favourably or otherwise.

Conditions

27. The Council has suggested 8 conditions and 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.
28. 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. Having regard to the scale of development and the previous use of the site for equestrian purposes I consider that this condition is adequate and therefore conditions requiring a full survey, mitigation measures

if necessary and a subsequent validation report are not required prior to the commencement of development.

29. 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 as sufficient controls exist for development within an AONB.

Conclusion

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

G. Pannell

INSPECTOR