



Appeal Decision

Site visit made on 18 August 2020

by P Mileham BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2020

Appeal Ref: APP/W3520/W/20/3250353

Land at Meadow View, Earsham Street, Wingfield IP21 5RH

- 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 and Mrs Feavearyear against the decision of Mid Suffolk District Council.
 - The application Ref DC/19/04902, dated 16 October 2019, was refused by notice dated 13 December 2019.
 - The development proposed is the conversion and extension of outbuildings to form a single dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The suitability of the outbuildings for conversion to a dwelling
 - Whether the proposed development is in a suitable location for a new dwelling

Reasons

Suitability for conversion

3. The appeal site is a brick outbuilding with clay pantiled roof which has been subject to a recent extension on the south elevation to provide a garden store. The garden store has a brick plinth with a black weatherboarding above and clay pantiles to the roof. This element, due to its very recent construction, is in good condition.
4. Policy H9 of the Mid Suffolk Local Plan (1998) ('the MSLP') which deals with conversion of rural buildings to dwellings states that the proposed conversion must respect the structure, form and character of the original building and retain any important architectural features. The original brick outbuildings appear to be in a very poor state of repair and the appellants have indicated in their appeal statement that in order to support a conversion, the outbuilding would require an entirely new roof due to its poor condition. I observed that the roof of the older part of the outbuilding is in a particularly poor state of repair due to the failing of many of the roof timbers and tiles. Furthermore, I observed a significant separation occurring between the open store section of the original outbuilding and the wall of main store area to the north side elevation. A significant amount of rebuilding would undoubtedly be required to

the walls along with the replacement of the roof in order to facilitate any conversion. As such, a large amount of the original outbuilding would need to be rebuilt resulting in a substantially new building.

5. The proposed development includes a rear extension to provide a lounge which the appellant has indicated would be necessary to provide the proposal with an appropriate standard of living. The rear lounge element would be located perpendicular to the original elements of the building resulting in a new rear gable. However, the siting and scale of the extension in the context of the linear form of the original structure would be significant and due to its size and position would become broadly 'L' shaped. The building has already been subject to a recent extension for the garden store, and as result, the proposed lounge element of the proposal would also adversely affect the legibility of the original simple outbuilding, significantly detracting from its character.
6. The appellant has indicated that the proposed dwelling would appear unaltered when viewed from the road. However, the boundary of the site to the north is also open in character and the northern elevation and the aforementioned lounge element would be able to be seen from Earsham Street when travelling from north to south. As such, due to the extent of new additions and scale of remedial work required to facilitate a conversion, I consider this would likely result in the creation of what would be tantamount to a new dwelling.
7. In light of the above, I conclude that the outbuildings would not be suitable for conversion to a dwelling. As such, the proposed development would be contrary to policies H7 and H9 of the MSLP which state that in the interests of protecting the existing character and appearance of the countryside, outside settlement boundaries there will be strict control over proposals for new housing and proposed extensions should not detract from the appearance or character which warrants the original building being retained as a feature in the countryside.

Suitable location

8. The appeal site is located in the village of Wingfield albeit outside any defined settlement boundary but is adjacent to a dwelling known as 'Meadow View'. In addition to the neighbouring Meadow View, there are dwellings directly opposite the site on Earsham Street. In light of the adjacent dwelling and the properties directly opposite, the proposed development would not result in the creation of an isolated dwelling for the purposes of paragraph 79 of the National Planning Policy Framework ('the Framework').
9. Policy CS1 of the MSLP seeks to restrict development in the countryside to particular types, and Policy CS2 of the MSLP goes on to specify those categories of development via a closed list. The restrictions contained within these policies result in them being inconsistent with the Framework which does not include such limitations. As these policies are of the most important for determining the proposal, the conflict results in them being out of date for the purposes of paragraph 11d) of the Framework. Therefore, the weight that can be attached to these policies as a result of this conflict is reduced.
10. Policy H10 of the MSLP provides an exception for agricultural workers dwellings to be located in the countryside. The appellant has indicated that the proposal would comply with the Council's policies relating to dwellings for agricultural works as he farms the land and the dwelling would allow him to retire and for

his son to take over the business. However, this position was not promoted during the determination of the original application and no supporting evidence has been submitted with this appeal to justify a dwelling for an agricultural worker. As such, the evidential case to demonstrate the need for a dwelling for an agricultural worker has not been made. As such, compliance with Policy H10 has not been demonstrated.

11. The village of Wingfield is small and does not contain any services or facilities. As such, day-to-day services and facilities would need to be accessed in other larger settlements. Earsham Street itself is narrow and unlit and there are no footpaths in the vicinity of the site. Furthermore, no evidence has been provided of any public transport services to higher order centres. As such, future occupants would be reliant on the use private vehicles for journeys to access day-to-day services and facilities in other settlements. The appellant has indicated that the number of cars owned may decrease in future and any vehicles would likely be electric lessening the proposal's environmental impact. However, the number of private vehicles that may be owned or their fuel type is not a matter that can be addressed through the planning process. As a result, I consider the cumulative effect of vehicle movements over time will result in a significant number of journeys.
12. In light of the above, I consider the proposed development is not in a suitable location for a new dwelling. As such, it would be contrary to policies CS1, CS2 and H10 of the MSLP which state that development will be restricted to particular types of development to support the rural economy, meet affordable housing, community needs and provide renewable energy, and in the countryside development will be restricted to defined categories in accordance with other core strategy policies, and dwellings for key agricultural personnel will be permitted only where it can be demonstrated to the satisfaction of the district planning authority that there is a proven essential and immediate agricultural need for a dwelling on the holding. It would also be contrary to policies FC1 and FC1.1 of the Mid Suffolk Core Strategy Focused Review (2012) which state that planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved and development proposals will be required to demonstrate the principles of sustainable development.

Other matters

13. The proposed development would result in the creation of an additional dwelling which would make a positive contribution to meeting housing needs and have a positive economic benefit as a result of its construction. However, as the proposal would only result in the creation of a single additional dwelling, the extent of these benefits is limited and not sufficient to outweigh the concerns I have identified.
14. Support has been expressed for the proposal has been provided from a third party, which is caveated on the restriction of the use of wood burners. However, the control of internal heating measures is not normally a matter that can be addressed through the planning process. As such, this is insufficient to outweigh the harm I have identified in the main issues and therefore has not altered my conclusions.

Planning balance and Conclusion

15. Due to the status of the development plan policies as identified above, policies CS1 and CS2 of the MSLP are considered to be out of date and as a result, paragraph 11d) of the Framework is engaged. This is the 'tilted balance' or the presumption in favour of development which states that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework when taken as a whole.
16. In light of the harm I have identified in respect of the suitability of the building for conversion and the suitability of the location for a new dwelling, the proposal would fail to comply with the Development Plan. Although there are benefits of the proposal in terms of the creation of a new dwelling and its construction, due to the proposal being for a single dwelling these are limited.
17. As a result, I consider the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole.
18. For the reasons given above I conclude that the appeal should be dismissed.

P Mileham

INSPECTOR