
Appeal Decision

Site visit made on 25 November 2020

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 December 2020

Appeal Ref: APP/X3540/W/20/3251671

Seventeen Acres Barn, East Lane, Bawdsey IP12 3AR

- 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 Chris Mann against the decision of East Suffolk Council.
 - The application Ref DC/20/0616/FUL, dated 13 February 2020, was refused by notice dated 28 April 2020.
 - The development proposed is the demolition of side wings and conversion of barn to a dwelling, erection of associated cartlodge, lifting of concrete apron and associated landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Between the determination of the planning application and my consideration of this appeal, the Council have adopted the Suffolk Coastal Local Plan (LP), in September 2020. The policies of the LP superseded those under which the Council considered the appeal scheme. Specifically of the Suffolk Coastal District Local Plan Core Strategy and Development Management Development Plan Document 2013. The Council set out the new policy landscape in their appeal statement. The appellant has made comment. I have determined the appeal with regard to the adopted development plan.

Main Issues

3. There are two main issues. These are a) the principle of the proposed development; and b) the effect of the proposed development on the character and appearance of the area.

Reasons

The Principle of Development

4. The appeal building is in the countryside and is for the provision of new housing. Policy SCLP5.3 sets out circumstances where this may be permitted. One of which is, subject to certain criteria in Policy SCLP5.5, the conversion of an existing building.
5. For conversion to residential use, the appeal building would see both side wings demolished. The central bay is mostly open to the side wings and thus both new side elevations would be new walls. Some of the front opening would be

infilled and reconfigured to be inset from the frontage. A similar approach would be used at the rear. There would be a third inset section to the side elevation containing a courtyard garden. The external walls and roof would be in a mix of blockwork and corrugated sheet material as existing and thus emulate the building's agrarian character. The specification on the plans however suggests this would all be new, indicating it would only be the metal frame that would be retained from the original building. There would be a new first floor and loft space inside.

6. When taken together, I feel these works would be substantial and rather than truly convert the building into a dwelling, they seem more as a scheme to build a dwelling that happens to incorporate a skeletal part of the original building. The conversion in this case would therefore require significant alteration.
7. The appeal scheme would see the central section of the appeal building changed to a dwelling. A garage would be erected to the front, accessed by a hard surfaced gated driveway from East Lane. The curtilage would be a substantial area of land around the front, side and rear of the building. Enclosed by hedging. Whilst there are large residential curtilages close to the appeal building, the proposed development would still enclose what is a substantial area of open and flat land that relates noticeably and thus contributes positively to the local, largely uninterrupted, agrarian landscape. The introduction of other domestic features such as a detached garage, large areas of manicured garden and a driveway would exacerbate how the scheme would jar with its surroundings. In this case therefore, the appeal scheme would have a harmful effect on the character of the landscape, and, by virtue of that fact, the conversion would accordingly fail to enhance the immediate setting of the area.
8. The Council have expressed some concerns, under the auspices of both the previous and new LP, over whether the appeal building is redundant. There is evidence to suggest the building was in use when Council officers visited the site during consideration of the planning application and thus not redundant. However, the Council also state that the building, based on the appellant's case, may be redundant by virtue of it reaching the end of its operational life.
9. The appellant has provided evidence of the previous and historic use of the building as well as their opinion on its practical and logistical usefulness for other suitors going forwards. The LP contains no definition of what is meant by redundancy for its purposes. It does say in supporting text to Policy SCLP5.5 that there are instances where commercial uses are no longer viable, and a residential use may be appropriate but stops short of explicitly requiring any applications to necessarily demonstrate a case in this context.
10. To me, redundant means superfluous, no longer needed or useful. Whilst it may be a factor in some cases therefore, this is not to necessarily say that in every case a building has to be unused or not in active use for it to be redundant. At the time I saw the building at my site visit it was empty albeit there was evidence of recent activity such as vehicle tracks and detritus inside the building and on its apron. The building appears to be weather tight but suffering from some damage in isolated areas. It does not appear to be part of a farmyard or other agrarian activities locally. Between these matters, the appellant's evidence and the Council's comments I am satisfied that the building is redundant for the purposes of the development plan.

11. The appeal building is a utilitarian structure, built out of a metal frame with part blockwork walls. The remainder of the walls and roof are finished in corrugated sheet material. It has a central bay with smaller wings either side. There is a large concrete apron to its frontage. The site as a whole is open to the landscape. The local area is predominantly flat and arable in character with a number of large fields with occasional trees.
12. Whilst typical of this sort of area, the appeal building was erected to fulfil a purpose. It is a modern agrarian building and there was no specific 'design' approach insofar as that a statement of intent in those terms was ever made. That said, the building has been designed with its landscape in mind in that its function is inexorably linked to it, intended to be part of it. I am unsure based on what I have read as to what may constitute something making a positive contribution to its landscape. There is no further explanation in the policy that may assist. However, and in this case, a positive contribution does not necessarily mean a building has to be 'pretty'. This is certainly not the case for the appeal building. However, insofar as how it relates to its agrarian landscape and how it has historically formed an integral part of it, I do consider the contribution it makes to be a positive one.
13. With the above and common ground in mind, the appeal scheme would comply with some of the criteria of Policy SCLP5.5, it would also however conflict with others. I am mindful of the appellant's arguments and citing of the case in *Corbett*¹. The criteria of Policy SCP5.5 are a closed list and it is clear from the list, and the use of 'and' prior to the final criteria that all must be fulfilled for a given development to be acceptable under it.
14. In the *Corbett* case, the Council had found that the development would cause limited harm to an area of landscape value and thus it was contrary to a specific policy. They however found the development was in accordance with the development plan. The High Court then quashed the decision, concluding that the Council had incorrectly considered the proposal was in accordance with the development plan. At the Court of Appeal, that decision was reversed. The judgment holding that the development plan pulled in different directions. Weight to be attached to policies and thus whether a proposal was in accordance with the development plan as a whole was a matter for the Council as the decision maker. It was further noted that a breach of a single policy could, as a matter of principle, give rise to a breach of the development plan as a whole.
15. The compliance with part of Policy SCLP5.5 and the reasons therefore would be a lack of harm which, by definition, cannot be used to weigh against it. The appeal scheme would constitute a conversion scheme that would require significant alteration and cause harm to the character of the landscape and, as a result, fail to enhance the area's immediate setting for the reasons I have given. This would render it in conflict with Policy SCLP5.5 and subsequently the principle of the proposed development would not be acceptable. I have set out the aims of Policy SCLP5.5 above. The appeal scheme would also be contrary to Policy SCLP5.3 of the LP which sets out situations where the development of new housing in the countryside will be acceptable.

¹ *Cornwall Council v Corbett* [2020] EWCA Civ 508

Character and Appearance

16. The appeal building is a large detached agricultural building. It is sat on an open parcel of land and surrounded by fields. Some scattered development and Bawdsey aside, the area is predominantly rural and the appeal building contributes positively to the agrarian character and function of that rurality. These features are typical of the prevailing character and appearance of the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB) within which the appeal building is located.
17. I have, to some extent, touched on this main issue in my earlier findings. Summarising them for the purposes of this main issue, the enclosure of the appeal site, the conversion of the building to a dwelling and the erection of in curtilage outbuildings (which would be sizable in themselves) would noticeably reduce the prevailing rurality of the area and how the existing building sits within it. The area of curtilage land would be large and whilst this is not an uncommon feature of other buildings close by, it would in and of itself represent a noticeable urbanisation of the area, when also factoring in how the land around the converted building would be used and function. These adverse effects would be, given the quality and importance of the local area in character and landscape terms, significant.
18. The Council do express concerns over how the appeal scheme could give rise to additional light pollution. Having given this some thought I would be content that, should the proposed development have been acceptable in this and other regards, a restriction on the use of any outdoor lighting could be reasonably secured by a planning condition.
19. As a result of the above, the proposed development would be harmful to the character and appearance of the area and, accordingly, the AONB. Thus, it would be contrary to the relevant criteria of Policies SCLP5.5 and SCLP10.4 of the LP. I have set out the aims of SCLP5.5 above. SCLP10.4 seeks to ensure, amongst other things, that new development will not be permitted where it will have a significant adverse impact on very sensitive landscapes or the natural beauty and special qualities of the Suffolk Coast and Heaths Area of Outstanding Natural Beauty.

Other Matters

20. There is some discussion in the evidence of the application of Paragraph 79 of the Framework². Specifically, where it considers development that would re-use redundant or disused buildings. Whilst the Framework here clearly addresses a provision relevant to what the appeal scheme is, the opening gambit to Paragraph 79 refers to circumstances where decisions should avoid the development of isolated homes in the countryside. Whilst in the countryside by virtue of being outside of a settlement, I feel the appeal building is an thus the dwelling would be far from isolated for the purposes of the Framework. It is adjacent other dwellings and a short distance from the edge of Bawdsey, a small rural village which comprises a cluster of dwellings and a school amongst other things. Since the appeal building and thus any subsequent dwelling would not be isolated, I do not therefore find the circumstances of paragraph 79 relevant to the appeal scheme.

² The National Planning Policy Framework 2019

21. There is some suggestion that the criteria of Policy DM13 of the former Local Plan and subsequently SCLP5.5 of the LP are inconsistent with the Framework. I disagree. To be inconsistent with the Framework a policy need not solely have either different wording or use words/criteria that are not mentioned in the Framework. I have explained above that, whilst only relating to the provision of isolated dwellings in the countryside, the Framework nevertheless suggests that there are some exceptions to the general rule that new housing will be restricted in the countryside to certain exceptions. This is in the interests of the establishment of sustainable patterns of new development as set out by paragraph 78 of the Framework, and the general direction of the Framework as a whole. A direction which is followed by, in this case, an up to date adopted development plan.
22. The appeal scheme would represent the establishment of a new dwelling which is a positive element of it. It would add to housing choice and mix locally. There would also be some investment in local trades and the construction industry. There is however no compelling evidence before me pertaining to a specific undersupply of housing. In addition, the economic impacts of the scheme would be limited to its scale and likely be mostly short term. These matters would unlikely therefore attract more than a moderate amount of weight. They would be insufficient therefore, in light of the multiple harms and conflicts with the development plan I have found, to allow the appeal.

Conclusion

23. As I have explained above, the appeal scheme would be harmful in terms of both its principle and how it would sit with the character and appearance of the area. In both cases, the harms I have found would result in conflict with the development plan. There are no other considerations sufficient to weigh against this and indicate a decision other than in accordance with it. The appeal is therefore dismissed.

John Morrison

INSPECTOR