



Appeal Decision

Site Visit made on 23 November 2020

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th December 2020

Appeal Ref: APP/X3540/W/20/3257951

Lime Tree Farm, Marlesford, WOODBRIDGE, IP13 0AE

- 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 Ms S Higham against the decision of East Suffolk Council.
 - The application Ref DC/20/0671/FUL, dated 17 February 2020, was refused by notice dated 14 May 2020.
 - The development proposed is subdivision of large dwelling to form two separate dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council issued its decision it has adopted the East Suffolk Council – Suffolk Coastal Local Plan (LP). The policies in the LP supersede those referred to in the Council’s delegated report. It is incumbent upon me to base my decision upon the most up to date planning policy and this is what I have done. The appellant had an opportunity to address the change in policy through their appeal submissions.

Main Issue

3. The main issue is whether the existing annexe is redundant in terms of its use.

Reasons

4. The appeal site is located off Lime Tree Farm Lane and comprises an outbuilding, which has been used as a residential annexe in association with Lime Tree Farm, a two storey red brick dwelling. Adjacent to the site are several weatherboarded barns which have been converted to dwellings and together these form an attractive group. The buildings have been identified within the Marlesford Conservation Area Appraisal as positive contributors to the Conservation Area.
5. The site is located outside of any defined settlement boundary and is in the Countryside for the purposes of planning policy. The appellant contests the Council’s position that the site is isolated and remote from day to day

services. The Court of Appeal¹ have held that the word 'isolated' in the phrase 'isolated homes in the Countryside' simply connotes a dwelling that is physically separate or remote from a settlement.

6. The site is linked to Marlesford by a footpath, which is designated as Countryside under policy SCLP3.2 of the LP, these include settlements which have no or very few services and facilities. However, the lack of services within Marlesford is not the only consideration with regard to whether a dwelling is isolated. In this case, having regard to the proximity of the site to the settlement, the links provided by the public footpath network and its grouping with other dwellings I conclude that the site is not isolated in the context of paragraph 79 of the National Planning Policy Framework (the Framework).
7. Policy SCLP3.3 states that new residential development will not be permitted in the Countryside except where specific policies in the LP indicate otherwise. Policy SCLP5.3 is one such policy, which allows for residential development through the conversion of an existing building, subject to the criteria outlined in Policy SCLP5.5.
8. Policy SCLP5.5 sets out that the conversion of buildings in the countryside for residential use will be permitted provided a number of criteria are met and of these the Council consider that the first part of the policy is not met, as it has not been demonstrated that the building is redundant.
9. I have had regard to the submissions in relation to the meaning of redundant, and that given the lack of definition provided within the LP or the Framework the ordinary dictionary meaning should be favoured which sets out that redundancy means superfluous, can be omitted without loss of significance or no longer needed. From the evidence before me, it has not been adequately demonstrated that the building is redundant from its use as a residential annexe given that it remains a building which is capable of occupation as such. In addition, the use of the building as an annexe is ancillary to Lime Tree Farm House, and I have not been provided with any evidence to demonstrate that the building is no longer required for any purposes ancillary to the occupation of the main dwelling.
10. Therefore, I am not persuaded that the building is redundant and therefore the proposed development fails to accord with policies SCLP3.3, SCLP5.3 and SCLP5.5 of the LP for the reasons set out above.

Other Matters

11. The Council have indicated that the appeal site falls within a 'Zone of influence' for a European designated site. As the competent decision making authority, if I had been minded to allow the appeal it would have been necessary for me to confirm further details of the European designated site and to complete an Appropriate Assessment for this scheme. However, as I am dismissing the appeal for other reasons, I have not taken the matter further.

¹ Braintree District Council v SSCLG, Greyread Ltd & Granville Developments Ltd [2017] EWHC 2743 (Admin); [2018] EWCA Civ 610

12. As required by the statutory duty under S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. I have given consideration to whether the proposal would preserve or enhance the character or appearance of the Conservation Area. The proposal will not result in any physical alterations to the external appearance of the building and therefore the character value of the building is retained and consequently the character and appearance of the Conservation Area would be preserved.
13. I have been referred to another appeal (APP/X3540/W/19/3232531), for which I was the Inspector and therefore I am familiar with the details of that case. In that example the building to be converted was isolated and therefore paragraph 79 of the Framework was relevant. In addition, the appellant's evidence demonstrated that the building was redundant from its former use as a garage. Therefore, this example does not represent a direct parallel to the appeal proposal before me.
14. I have taken into account that the development would result in an additional dwelling that would contribute to housing supply in the area. Whilst there would be modest benefits associated with the provision of an additional dwelling, these do not outweigh the harm identified above.

Conclusion

15. For the reasons given above I conclude that the appeal should be dismissed.

G Pannell

INSPECTOR

