



Appeal Decision

Site visit made on 15 December 2020

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd January 2021

Appeal Ref: APP/D3505/D/20/3259204

Plum Tree Barn, Bury Road, Thorp Morieux, Bury St Edmunds IP30 0NW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Colin Walker against the decision of Babergh District Council.
 - The application Ref DC/20/02103, dated 6 June 2020, was refused by notice dated 21 July 2020.
 - The application sought planning permission for the conversion and extension of redundant barn to form residential dwelling, with detached garage using existing access on to the highway without complying with a condition attached to planning permission Ref B/14/01197/FUL/BEL, dated 29 June 2015.
 - The condition in dispute is No 2 which states that: *The development hereby permitted shall be carried out in accordance with the following approved documents or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission; or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non material amendment following an application in that regard:*
Defined Red Line Plan: The Defined Red Line Plan for this application is Blackwells OS plan received 18 September 2014 only. This drawing is the red line plan that shall be referred to as the defined application site. Any other drawings approved or refused that may show any alternative red line plan separately or as part of any other submitted document have not been accepted on the basis of defining the application site.
Approved Plans and Documents: 4951-01D received 11 June 2015, 4951-02 received 18 September 2014, Historic Building Analysis received 8 April 2015 and Planning Statement received 8 April 2015.
 - The reasons given for the condition is: *No reason given.*
-

Decision

1. The appeal is allowed and planning permission is granted for the conversion and extension of redundant barn to form residential dwelling, with detached garage using existing access on to the highway at Plum Tree Barn, Bury Road, Thorp Morieux, Bury St Edmunds IP30 0NW in accordance with the terms of the application Ref DC/20/02103, dated 6 June 2020, without compliance with condition number No 2 previously imposed on planning permission Ref B/14/01197/FUL/BEL, dated 29 June 2015 but otherwise subject to the conditions set out in the attached schedule.

Background and Main Issue

2. Planning permission was granted for the conversion of an existing barn into a dwelling. The appellant now wishes to install domestic solar panels on the roof.

There is an agreement between the parties that, although the appeal building is not statutorily listed, due to its architectural interest and structural integrity, it is nonetheless a non-designated heritage asset. The main issue, therefore, is the effect of the development on the significance of a non-designated heritage asset.

Reasons

3. The appeal site lies within a remote rural location and contains a timber framed barn that dates from the 17th or 18th century, with later additions. Its significance is largely derived from its architectural interest and structural integrity. The appeal building has been granted planning permission to be converted into a residential dwelling which included an extension and changing the building from a single storey barn to a two storey dwelling with the insertion of rooflights and its covering with pantiles.
4. The proposal seeks to erect a bank of 12 solar panels on the southern roof plane of the building. The panels would be located to the rear of the building which overlooks its garden area and then onto the open countryside. I acknowledge that the site has adequate area for the panels to be ground mounted and that solar panels are not a traditional feature of rural agricultural buildings. However, in this particular case, the conversion of the building has resulted in a domestic appearance of the former barn with the inclusion of roof lights and the insertion of additional windows. Moreover, the appellant has demonstrated that the panels would sit flush with the roof plane.
5. Therefore, given the remote location of the appeal site, the panels would only be visible from distant public views. Coupled with the flush siting of the panels on the roof, and the works that have been undertaken to convert the barn into a dwelling, I am not persuaded that their introduction would result in harm to the significance of the non-designated heritage asset.
6. Consequently, having regard to paragraph 197 of the National Planning Policy Framework (the Framework), and taking a balanced judgement to the scale of any harm, I find the development would preserve the significance of the non-designated heritage asset and thus, it would not be in conflict with Policies CN01 and CN06 of the Babergh District Council Local Plan 2006 which seek, amongst other things, that developments preserve the special character of the building.

Conditions

7. The national Planning Practice Guidance makes it clear that decision notices for the grant of planning permission under Section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. This would also result in a new planning permission being created. A condition relating to the commencement of development is not needed since it has already been started.
8. The appellant has provided me with the Council's confirmation that several conditions from the original permission have been discharged¹ which I reworded to ensure compliance with their approvals. This relates to conditions 2,3,4,6,7,8,9,11,and 12 on the attached schedule. Condition 1 refers to the

¹ Conditions 3, 4, 5, 7, 8, 9, 10, 12 and 13 of planning application DC/18/00347 dated 14 March 2018

approved plans and therefore is relevant as it relates to the proposed development for solar panels and provides certainty.

9. In order to protect the character of the building, conditions 5 and 13 seek to remove of permitted development rights for the external painting of the building and certain developments under Article 3, Schedule 2 of the Order². Condition 14 also seeks to ensure that a void space within the building is also retained, to achieve a similar aim. In order to ensure that adequate parking is available on the site, condition 10 seeks to ensure that the garage provided at the site was retained for that purpose. Condition 15 also ensures that boxes are provided for bats that may have been displaced by the conversion of the building into a dwelling.
10. I have considered the conditions in accordance with the PPG and I am satisfied that they meet the tests as set out at paragraph 55 of the Framework.

Conclusion

11. For the reasons set out above I conclude that the appeal is allowed. I have granted a new permission with the disputed condition varied to allow the scheme to be undertaken in accordance with the changes proposed to include solar panels on the roof of the building.

Graham Wyatt

INSPECTOR

² The Town and Country Planning (General Permitted Development)(England) Order 1995 (as amended)

Schedule of Conditions

1. The development hereby permitted shall be carried out in accordance with the following approved documents or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission; or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non material amendment following an application in that regard:

Defined Red Line Plan: The defined Red Line Plan for this application is Blackwells OS plan received 18 September 2014 only. This drawing is the red line plan that shall be referred to as the defined application site. Any other drawings approved or refused that may show any alternative red line plan separately or as part of any other submitted document have not been accepted on the basis of defining the application site.

Approved Plans and Documents:

4951-02 received 18 September 2014;
Historic Building Analysis received 8 April 2015;
Planning Statement received 8 April 2015;
Materials Schedule received 22nd January 2018;
Rooflight Specification received 22nd January 2018;
Archaeology Brief received 22nd January 2018;
Historic Building Record received 22nd January 2018;
4951-04 received 22nd January 2018;
4951-05 received 22nd January 2018;
4951-06 received 22nd January 2018;
4951-07 received 22nd January 2018;
4951-08 received 22nd January 2018;
4951-01E received 8th June 2020;
4951-01E A received 8th June 2020.

2. The development hereby permitted shall be undertaken in accordance with the approved details relating to the submission of the manufacturer and types and colour of the external facing and roof materials to be used in construction required under condition 3 of planning permission B/14/01197/FUL/BEL, dated 29 June 2015 and contained in application reference DC/18/00347 dated 14 March 2018.
3. The development hereby permitted shall be undertaken in accordance with the approved details relating to the submission of materials, finishes, method of opening, glazing and colour of all new or replacement windows, roof lights, doors and their surrounds to be installed required under condition 4 of planning permission B/14/01197/FUL/BEL, dated 29 June 2015 and contained in application reference DC/18/00347 dated 14 March 2018.
4. The development hereby permitted shall be undertaken in accordance with the approved details relating to the submission of the type of finish and colour to be applied to all external joinery required under condition 5 of planning permission B/14/01197/FUL/BEL, dated 29 June 2015 and contained in application reference DC/18/00347 dated 14 March 2018.

5. Notwithstanding the provision of Article 3, Schedule 2 Part 2 Class C of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking and re-enacting that Order with or without modification), the external timber cladding of the building shall be first painted/stained black and thereafter only be repainted/re-stained in black unless the Local Planning Authority has agreed otherwise pursuant to an application made in that regard.
6. The development hereby permitted shall be undertaken in accordance with the approved details relating to the submission of details showing the means to prevent the discharge of surface water from the development onto the highway as required under condition 7 of planning permission B/14/01197/FUL/BEL, dated 29 June 2015 and contained in application reference DC/18/00347 dated 14 March 2018.
7. The development hereby permitted shall be undertaken in accordance with the approved details relating to the submission of details of the vehicular access onto the highway, properly surfaced with a bound material for a minimum distance of 5 metres from the edge of the metalled carriageway as required under condition 8 of planning permission B/14/01197/FUL/BEL, dated 29 June 2015 and contained in application reference DC/18/00347 dated 14 March 2018.
8. The access shall be completed in all respects in accordance with Drawing No. DC101 and be available for use prior to occupation. The access shall be retained in its approved form as required under condition 9 of planning permission B/14/01197/FUL/BEL, dated 29 June 2015 and contained in application reference DC/18/00347 dated 14 March 2018.
9. The gates shall be set back a minimum distance of 5 metres from the edge of the carriageway and shall only open into the site and not over any area of the highway as required under condition 10 of planning permission B/14/01197/FUL/BEL, dated 29 June 2015 and contained in application reference DC/18/00347 dated 14 March 2018.
10. The garage/parking spaces shall be made available for use prior to the occupation of the approved dwelling and shall thereafter be retained for these purposes. Notwithstanding the provisions of Article 3, Schedule 2 of the Town & Country Planning (General Permitted Development)(England) Order 2015(or any Order revoking and re-enacting that Order with or without modification) no development shall be carried out in such a position as to preclude vehicular access to those car parking spaces.
11. The development hereby permitted shall be undertaken in accordance with the approved details relating to the submission of the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation as required under condition 12 of planning permission B/14/01197/FUL/BEL, dated 29 June 2015 and contained in application reference DC/18/00347 dated 14 March 2018.
12. The development hereby permitted shall be undertaken in accordance with the approved details relating to the site investigation and post investigation assessment has been completed, submitted to and approved in writing by

the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under condition 11 and the provision made for analysis, publication and dissemination of results and archive deposition as required under condition 13 of planning permission B/14/01197/FUL/BEL, dated 29 June 2015 and contained in application reference DC/18/00347 dated 14 March 2018.

13. Notwithstanding Section 55 (2)(a) of the Town and Country Planning Act 1990 as amended and the provisions of Article 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order with or without modification): No enlargement, improvement, insertion of new openings or other alteration of the dwelling house hereby approved shall be carried out; no satellite antennae shall be installed; and no gate, fence, wall or any other means of enclosure, building or structure shall be erected, except pursuant to the grant of planning permission on an application made in that regard.
14. The void space comprised within the conversion shall be provided, completed and thereafter retained in all respects in accordance with the drawings and details hereby approved or such amendments as may be approved, in writing, with the Local Planning Authority prior to the building being first occupied. There shall be no alteration and change to the internal walls and/or no additional walls or floors added that would decrease the approved void space except pursuant to the grant of planning permission on an application made in that regard.
15. Within 3 months of the hereby approved dwelling being occupied, bat boxes shall be installed on mature trees at three locations within the immediate vicinity of the site. Following installation, those boxes shall be retained and maintained thereafter.

~End~