



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: 11th February 2021

Appeal Ref: APP/F3545/W/20/3259096

Oak Farm, The Green, Rougham IP30 9JU

- 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 R and D Balmer and Stannard against the decision of West Suffolk Council.
 - The application Ref DC/20/0680/FUL, dated 21 April 2020, was refused by notice dated 10 July 2020.
 - The development proposed is described as the "subdivision of the existing annexe for use as a separate residential dwelling".
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Decision

1. The appeal is allowed and planning permission is granted for the subdivision of the existing annexe for use as a separate residential dwelling at Oak Farm, The Green, Rougham IP30 9JU in accordance with the terms of the application, Ref DC/20/0680/FUL, dated 24 April 2020, subject to the conditions on the attached schedule:

Main Issues

2. The Council's decision notice refers to three reasons for refusal. However, reasons one and two are interlinked and relate to whether the proposal would comply with the development plan and the National Planning Policy Framework (the Framework) in seeking to protect the countryside from unsustainable development. The appellant agrees that the reasons for refusal can be clarified as such. Consequently, the main issues in this appeal are:
 - whether the appeal site is an appropriate location for the development having regard to the development plan and the Framework, and;
 - the effect of the development on the significance of a designated heritage asset.

Reasons

Appropriate Location

3. The appeal site forms a two storey annexe building which is attached perpendicular to the main dwelling. The site lies within a rural location and forms part of a small cluster of dwellings that are located close to the junction of Almshouse Road. The Council confirm that the site lies beyond the settlement boundary of Rougham, and is within the countryside as defined under Policy CS4 of the St Edmundsbury Core Strategy 2010 (CS). Policy RV1

- of the St Edmundsbury Rural Vision 2031, adopted 2014 (RV) sets out the presumption in favour of sustainable development. Policy RV3 of the RV states that new residential development within settlement boundaries will be permitted where it is not contrary to other policies in the plan.
4. Policy DM5 of the West Suffolk Council Joint Development Management Policies Document 2015 (JDMPD) seeks to protect the countryside from unsustainable development and supports new or extended buildings where it meets the criteria as set out therein. This includes small scale residential development in accordance with Policy DM27, which states that new dwellings will be permitted in the countryside providing it is within a cluster of 10 or more dwellings, and the scale of development consists of infilling a small undeveloped plot. As the proposal does not satisfy that criteria, it would be in conflict with Policies DM5 and DM27 of the JDMPD.
 5. Policy DM33 of the JDMPD also supports the re-use or replacement of buildings in the countryside, providing the proposal includes the residential use of a building, where it is in accordance with Policy DM28. However, as the building was in use at the time of my visit, the proposal would also be in conflict with Policy DM28 of the JDMPD, which supports the residential use of redundant buildings in the countryside.
 6. The Council also refer to paragraph 79 of the Framework which states that decisions should avoid isolated homes in the countryside unless, amongst other things, the development would involve the sub-division of an existing residential dwelling. Furthermore, having regard to the Braintree¹ judgement, the Council state that isolated, in the phrase "*isolated homes in the countryside*", simply means a dwelling that is physically separate or remote from a settlement.
 7. However, as the Council state, whether a dwelling would be isolated is a matter for the decision taker based on fact and planning judgement, taking into account the particular circumstances of the case in hand. Thus, although I acknowledge that the appeal site lies beyond the settlement boundary of Rougham, that does not place it within an isolated location for the purposes of paragraph 79 of the Framework. In this instance, the annexe is not isolated as it adjoins an existing dwelling and there are further residential properties very close to the appeal site on Moat Lane, Almshouse Road and Oak Lane. Therefore, the proposed development would not result in an isolated dwelling in the countryside. Consequently, paragraph 79 of the Framework is not a defining matter in this particular case.
 8. Furthermore, the thrust of the Council's argument is that the site lies within a location that is not well served by modes of transport to access services and facilities, resulting in an over reliance on the private motor car. I acknowledge that, given the local road network, it is highly probable that the occupiers of the dwelling would be largely reliant on the private car to access services and facilities. However, the annexe is already in residential use and as a result of the level of development proposed, any additional harm created by a separate dwelling would be very similar to the existing arrangement. Furthermore, paragraph 103 of the Framework states that opportunities to maximise sustainable transport solutions will vary from urban to rural areas and that should be taken into account in decision-making.

¹ Braintree District Council v SSCLG and others [2017] EWHC 2743 (Admin)

9. Thus, although the proposal for a separate residential dwelling would not accord with the Council's spatial strategy, the conflict with the development plan would be limited since the annexe is already in residential use, albeit linked to the main dwelling. Therefore, for the reasons detailed above, the appeal site would constitute an appropriate location for the proposed scheme, as there are sufficient considerations in favour of the development which justify taking a decision other than in accordance with the development plan.

Heritage Assets

10. Oak Farmhouse is a grade II listed building. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to pay special attention to the desirability of preserving a building or its setting or any features of special architectural or historic interest which it possesses. Moreover, the Framework also states that the significance of a heritage asset derives not only from its physical presence, but also from its setting.
11. Therefore, in undertaking this duty, I have based my assessment on the evidence presented before me and the observations I made during my site visit. The listing for the main dwelling and its annexe is described as a former farmhouse and I find the significance of the heritage asset to be largely derived from its historic and architectural quality and its setting within a rural location.
12. The development does not propose any external alterations to the building, although there are a number of internal alterations to create a separate unit of accommodation, which themselves would require a separate listed building consent. The proposal would also result in the existing garden area to the rear of the annexe being severed from the Oak Farmhouse to create a private garden area for the newly formed dwelling. The Council raise a concern that the subdivision of the plot has the potential to affect the setting of the heritage asset. Furthermore, limited information has been provided by the appellant describing the significance of the asset and any contribution made by their setting.
13. The appeal site is bound to the rear and along Almshouse Road by an existing hedge and the appellant has confirmed that an additional hedge would be provided to create a separate garden area for the proposed dwelling. As the rear garden is already in residential use, coupled with the rural location of the appeal site, I am satisfied that subdivision of the plots through the provision of a hedge would result in neutral effect on the setting of the designated heritage asset.
14. Thus, the development would not be in conflict with Policy DM15 of the JDMPD, Policy CS3 of the CS and section 16 of the Framework which seek, amongst other things, to ensure that developments respect the existing building, its character, and its setting.

Conditions

15. The Council has suggested a number of conditions that I have considered in accordance with the Framework and the national Planning Practice Guidance. I have amended or reworded some of the conditions in the interest of precision. Along with the standard time condition (1), the approved plans (2) should also be specified to provide certainty.

16. To protect the special interest of the building, the appellant is required to submit details of any new/replacements doors (3) and exterior items such as extractor fans and security lights (4). In the interest of highway safety, the access must be surfaced with a bound material (5), an area for the storage of wheeled bins identified (6) and manoeuvring and parking areas provided within the site (7).

Other Matters

17. For the reasons given above, and having regard to the development plan when read as a whole, the appeal is allowed.

Graham Wyatt

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun not later than 3 years from the date of this permission.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents:

Site Plan (1:1250)
Site Layout Plan (1:200 at A3)
Existing East, South and North Elevations ((1.50 at A1)
Existing Floor Plans (1.50 at A1)
Existing West and South Elevations ((1.50 at A1)
Proposed East, South and North Elevations (1.50 at A1)
Proposed West and South Elevations (1.50 at A1)
Proposed Floor Plans (1.50 at A1)
3. No works involving new/replacement doors shall take place until elevation(s) to a scale of not less than 1:10 and horizontal and vertical cross-section drawings to a scale of 1:2 fully detailing the new/replacement internal/external doors and surrounds to be used (including details of panels and glazing where relevant) have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority all glazing shall be face puttied. The works shall be carried out in complete accordance with the approved details.
4. No mechanical and electrical extract fans, ventilation grilles, security lights, alarms, cameras, and external plumbing, including soil and vent pipe shall be provided on the exterior of the building until details of their location, size, colour and finish have been submitted to and approved in writing by the Local Planning Authority.
5. Before the development hereby approved is first occupied, the vehicular access onto the highway as identified on the Site Layout Plan, shall be properly surfaced with a bound material for a minimum distance of 5 metres from the edge of the metalled carriageway and permanently retained thereafter.
6. Before the development hereby approved is first occupied, the areas to be provided for storage of Refuse/Recycling bins as shown on the Site Layout Plan shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.
7. Before the development hereby approved is first occupied, the areas within the site shown on the Site Layout Plan for the purposes of manoeuvring and parking of vehicles has been provided and thereafter those areas shall be retained and used for no other purposes.

~End~