



Appeal Decision

Site visit made on 19 January 2021

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th March 2021

Appeal Ref: APP/X3540/W/20/3259820

Greenside Farm, St Margaret, South Elmham IP20 0PR

- 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 Dr Kristopher West against the decision of East Suffolk Council.
 - The application Ref DC/20/0513/FUL, dated 4 December 2019, was refused by notice dated 2 April 2020.
 - The development proposed is described as "Building operations associated with the conversion of a Dutch Barn to a dwelling house (application complements a parallel Class Q(a) prior approval application for the change of use)".
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The site has been the subject of a previous appeal decision¹ (the previous appeal) which allowed the change of use of the building from agriculture to a single dwelling house under Schedule 2, Part 3, Class Q(a) of the Town and Country Planning (General Permitted Development)(England) Order 2015 (the GPDO). I have had regard to this in consideration of the development before me.

Main Issues

3. The main issue in this appeal is whether the nature and location of the residential development proposed would be appropriate with regard to local and national planning policies.

Reasons

4. The appeal site forms an agricultural building which is described as a Dutch barn with a central curved roof element and lean-to wings either side. The proposal seeks to demolish the existing wings and convert the remaining central element into a two storey, five bedroom dwelling. The appeal site lies within a rural area and Policy WLP8.11 of the East Suffolk Council Waveney Local Plan 2019 (LP) supports the conversion of rural buildings where it meets the qualifying criteria listed therein.
5. There is no disagreement between the parties that the resultant curtilage would not have a harmful effect upon the character of the countryside, and

¹ APP/X3540/W/20/3255996

that the site would be served by an appropriate access. From the evidence that has been presented, I see no reason to disagree with that assessment.

6. Turning to the design or external appearance of the building, the Council consider that the alterations required to enable it to function as a dwelling would alter the rural character of the building. However, one must consider the overall functional shape and form of the building was only ever constructed for an agricultural use. Although I accept that the conversion of such buildings has its obstacles, one of which is to create a development that would have an acceptable appearance that would not harm the character of an area while providing adequate living accommodation, the emphasis on good design should not be diminished.
7. The proposed fenestration and elevations have a symmetry which I find respects the design of the existing building. Full height glazing on such conversions is not unusual given the size of openings found on agricultural buildings. The use of vertical cladding reflects that found on the existing building, while metal and timber create interest in an otherwise utilitarian structure. The development would have a simple appearance in sympathetic materials which, to my mind, would not result in an unduly prominent or discordant building, but one that seeks to retain its existing agricultural character. Consequently, I am satisfied that the design of the proposal maintains the structure, form, and character of the rural building.
8. However, although the curved roof and internal trusses are considered to be design features, there is no clear evidence before me to support the appellant's suggestion that the appeal building is worthy of retention as a non-designated heritage asset (NDHA). In addition, I have not been provided with any substantive evidence, such as a local list of historic buildings or an historic environment record, that enables me to conclude that the appeal property has been identified as a NDHA against the criteria as set out at Appendix 6 of the LP. Consequently, notwithstanding the comments of the appellant, I consider that the available evidence does not demonstrate the status of the building as locally distinctive and of architectural merit, nor as a NDHA.
9. Moreover, Policy WLP8.11 also supports the conversion of a rural building where it requires only minimal alteration. The appellant finds the term 'minimal' to be a high bar and excessive when compared to other policies from other nearby local authorities, which relate to rural conversions. Moreover, it is argued that any conflict with this particular element of Policy WLP8.11 must be weighed against the benefits of the proposal.
10. In this particular case, the existing barn is essentially a metal framed building and although it is partly walled at ground floor level to the rear, contains close boarded gated bays on the north-eastern elevation and some vertical cladding, it is nonetheless a largely skeletal building and one is able to view through the building to the front, back and, on the whole, through the sides. Therefore, notwithstanding the findings of the appellant's structural survey, the works required to convert the building for residential use would go beyond what one could reasonably consider to be minimal, with only the central roof and frame being utilised. All of the remaining elements to enable the building to function as a dwelling house would be new and thus the works required for its conversion cannot be considered to be minimal.

11. Moreover, the appeal site lies outside of any defined settlement and is located within the countryside. Through not meeting the requirements for permitting the residential conversion of rural buildings, this proposal would conflict generally with the spatial strategy of the LP, and specifically with policies WLP1.1 and WLP1.2. This is insofar as new development is focussed within identified settlements with better accessibility to services, reducing a reliance on private car journeys and protecting the undeveloped character of the countryside.
12. Therefore, the proposal would be in conflict with LP Policies WLP1.1, WLP1.2, WLP7.1, WLP8.7 and WLP8.11 which seek, amongst other things, that rural buildings for conversion to residential use are locally distinctive and of architectural merit, that the conversion only requires minimal alterations and seeks to focus new residential development to within identified settlement boundaries with better accessibility to services.

Other Matters

13. Both parties refer to the GPDO, with the appellant arguing that LP Policy WLP8.11 must be read alongside Class Q and the Council referring to the Hibbitt judgement². However, as the proposal before me seeks planning permission in its own right and not the prior approval of matters under Class Q(a) or Q(b) of the GPDO, I am not persuaded that I can only concern myself with the nature of the proposed building works, as the objectives of the Development Plan and that of the GPDO are mutually exclusive. Consequently, the permission granted to change the use of the building under Class Q(a) of the GPDO is not a determinative factor and to afford it overriding importance would undermine the Council's spatial strategy which seeks, amongst other things, to deliver sustainable development and growth within settlement boundaries that reflects the need to support villages across the district.
14. Moreover, although the building has prior approval to change its use from agriculture to a dwelling house under the previous appeal, the appellant is aware that an approval under Class Q(a) of the GPDO will serve no useful purpose in its own right if building works are required to enable it to function as a dwelling. Additionally, I am not persuaded that the requirements of the LP should be set against another local planning authority's Development Plan. In accordance with paragraphs 12 and 15 of the National Planning Policy Framework (the Framework), the LP is the starting point for decision making to ensure a genuinely plan-led planning system and I have not been presented with any material considerations that would indicate that the plan should not be followed.
15. The appeal site is adjacent to an existing dwelling and there are others in close proximity to the north of the site. 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 a settlement boundary, having regard to the Braintree judgement³, that does not place it within an isolated location for the purposes of paragraph 79 of the Framework. The proposed dwelling would not be isolated as it neighbours an existing dwelling and there are further residential properties very close and to the north of the appeal site.

² Hibbitt and another v SSCLG, Rushcliffe Borough Council [2016] EWHC 2853 (Admin)

³ Braintree District Council v SSCLG and others [2017] EWHC 2743 (Admin)

Therefore, as the proposed development would not result in an isolated dwelling in the countryside, paragraph 79 of the Framework is not a defining matter in this particular case.

16. The appellant refers to an appeal at Beccles⁴, whereby the Inspector commented that the wording "*locally distinctive and of architectural merit*" contained within LP Policy WLP8.11 is more restrictive than the wording of paragraph 79 c) of the Framework, which allows the conversion of redundant agricultural buildings, where it would enhance its immediate setting. However, for the reasons given above, I do not find paragraph 79 of the Framework a defining factor in the matters before me. Furthermore, whilst I respect the view reached by my colleague, the Council is nonetheless permitted to identify the criteria against which it would assess the conversion of rural buildings, as set out within its adopted Development Plan. In addition, my colleague also commented that minimal alterations would be required to convert the building. That is not the case before me.
17. The appellant also refers to the Corbett case⁵ and while I acknowledge its findings, the benefits that could be accrued through the provision of a single dwelling would not outweigh the conflict I have found with adopted LP policies.

Conclusion

18. Thus, for the reasons given above, I conclude that there are no material considerations of such weight as to indicate that a decision be taken other than in accordance with the Development Plan.
19. As I have found the proposal would be in conflict with the Development Plan, the appeal is therefore dismissed.

Graham Wyatt

INSPECTOR

⁴ APP/X3540/W/19/3232531

⁵ Cornwall Council v Corbett [2020] EWCA Civ 508