



Appeal Decision

Site visit made on 1 June 2021

by Nick Palmer BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th June 2021

Appeal Ref: APP/D3505/W/20/3259002

Rose Cottage, 2 Daisy Green, Groton, Sudbury CO10 5EN

- 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 Roland Cheeseman against the decision of Babergh District Council.
 - The application Ref DC/20/01938, dated 18 May 2020, was refused by notice dated 9 July 2020.
 - The development proposed is described as "completion of previously approved detached storage barn and change of use as 4 bedroom dwelling".
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Decision

1. The appeal is dismissed.

Background and Procedural Matters

2. Planning permission¹ has previously been granted for a barn for storage of a horse lorry and box and agricultural machinery. I have been provided with plans² of the approved barn. On my visit I saw that construction has commenced but that the partially constructed building differs from that shown on those plans. In place of an open covered area to the side of the barn, the construction is of an enclosed part of the building, similar to what is shown on the plan of the proposed development.
3. An altered description was used on the Council's decision notice but there is no record before me of the parties having agreed this description. I have used the description given on the application form in the header above.

Main Issues

4. From the Council's decision and the officer's report, the main issues in the appeal are:
 - i) the effect of the proposal on the character and appearance of the area;
and
 - ii) its accessibility to services and facilities by sustainable means.

¹ B/13/00717

² Refs. 2090/02B and 2090/03B

Reasons

Character and Appearance

5. The appeal site is located in the countryside outside any settlement boundary as defined in the development plan. It includes a stable, menage and horse walker, and is adjacent to a row of cottages that are part of a small group of dwellings known as Parliament Heath.
6. Policy CR19 of the Local Plan (LP)³ allows for conversion of barns or other redundant or under-used buildings in the countryside into dwellings, subject to stated criteria. Because the previously approved barn has not been constructed the proposal would not amount to a conversion and it would not accord with that policy.
7. The appellant has referred to the possibility of the approved barn being constructed and then subsequently converted as a fallback position. Amongst other matters, Policy CR19 requires demonstration that alternative uses for business, community and leisure uses have been thoroughly explored and can be discounted. Marketing requirements are set out in paragraph 6.67 of the LP. In the absence of such demonstration it cannot be assumed that such conversion would be approved, and this cannot therefore be given weight as a fallback position.
8. Policy CS2 of the Core Strategy (CS)⁴ states that, in the countryside development will only be permitted in exceptional circumstances subject to a proven justifiable need. No such need has been demonstrated and the proposal does not accord with that policy.
9. The proposed dwelling would have a materially different appearance to that of the approved barn. Its dimensions appear to be slightly greater than those of the barn. This, together with the enclosure of the covered area would give the building greater bulk and a more intrusive appearance. The proposed fenestration would give the building a residential rather than agricultural appearance and the creation of a residential curtilage would alter the rural character of the site and its surroundings.
10. For these reasons the proposal would not accord with Policy CS15 of the CS which requires development to respect the local context and character. This requirement is consistent with the National Planning Policy Framework (the Framework)⁵. I conclude on this issue that the proposal would unacceptably harm the character and appearance of the area.

Accessibility to services and facilities

11. The site is 1.2 miles from Edwardstone, which is identified as a Hinterland Village in the settlement hierarchy set out in Policy CS2 of the CS. Because of this distance, the development would not have a close functional relationship with that village and does not accord with Policy CS11 of the CS in this respect.

³ Babergh Local Plan Alteration No. 2 (2006)

⁴ Babergh Local Plan Core Strategy and Policies (2014)

⁵ Framework paragraphs 127 and 170

12. The highway authority has advised that the nearest available bus service is in Boxford, which is over 2 miles from the site. I have not been provided with details of any other services or facilities that may be available in the area but it is clear to me that occupiers of the dwelling would be likely to be entirely reliant on the car to access services and facilities necessary for day to day living.
13. While I recognise that opportunities to maximise the use of sustainable transport will vary between urban and rural areas, on the evidence before me there would be no such opportunity in this instance. The proposal does not accord with Policy CS15 (xviii) of the CS which seeks to minimise the need to travel by car. This policy requirement is broadly consistent with the Framework⁶. For these reasons the proposal would be inaccessible to services and facilities by sustainable means.

Planning Balance

14. For the reasons given above, the proposal does not accord with the development plan as a whole. Policies CS2 and CS11 are policies which are most important for determining the application and they are inconsistent with the Framework which allows for rural housing in a wider range of circumstances than is allowed under those policies. On this basis they are out of date and paragraph 11(d) of the Framework applies.
15. Policy CS15 includes criteria which are to be considered as appropriate to the proposal. The requirements of Policy CS15 that apply to the proposal are not out-of-date. I give full weight to the identified conflicts with that policy but limited weight to the conflicts with Policies CS2 and CS11.
16. In providing a new dwelling, the proposal would be of social benefit, but this would be limited given that the Council states that it has 6.74 years' housing land supply. The dwelling would be remote from services and facilities and there is no evidence before me to demonstrate that it would enhance or maintain the vitality of rural communities. I give limited weight to the social benefit.
17. The proposal would also be of economic benefit in that its occupiers would support the local economy and employment would be provided during construction. However, the scale of this benefit would be limited, and I give it limited weight.
18. Measures to limit carbon and to provide for energy and water efficiency would be necessary as part of the development. It has not been demonstrated that there would be any net ecological benefit.
19. I give significant weight to the harm to the character and appearance of the area. I give limited weight to the harm resulting from reliance on the car for transport because the number of trips generated by a single dwelling would be limited. These combined weights significantly and demonstrably outweigh the limited weights that I have given to the identified benefits.
20. In coming to my conclusion, I have taken into account the permission that was granted by the Council for a new dwelling to the north-west of Daisy Green in

⁶ Framework paragraphs 102 and 103

2016. I note that that decision was contrary to the officer's recommendation and I see no reason to alter my conclusion in the light of that decision.

21. I have also taken into account the appeal decisions that have been referred to. The circumstances of each of those schemes vary and those decisions do not alter my conclusion.

Conclusion

22. For the reasons given, I conclude that the appeal should be dismissed.

Nick Palmer

INSPECTOR