



Appeal Decision

Site Visit made on 25 May 2021 by Emma Worby BSc (Hons) MSc MRPTI

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2021

Appeal Ref: APP/F3545/W/21/3269660

Elms Farm, Elms Farm Barns, Elms Road, Freckenham IP28 8JG

- 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 a condition subject to which a previous planning permission was granted.
 - The appeal is made by Mr and Mrs Oliver and Carole Thomas against the decision of West Suffolk Council.
 - The application Ref DC/20/1528/VAR, dated 9 September 2020, was refused by notice dated 6 November 2020.
 - The application sought planning permission for the conversion of barns into 1no. dwelling without complying with a condition attached to planning permission Ref DC/20/0822/FUL, dated 20 August 2020.
 - The condition in dispute is No 2 which states that: The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents: PPS20 2179 BP10B, PPS20 2179 EL1C, PPS20 2179 EL2C, A01 02, A01 03, PPS20 2179 FP1A, PPS20 2179 LP1C, PPS20 2179 BP1 REVC.
 - The reason given for the condition is: To define the scope and extent of this permission.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of barns into 1no. dwelling at Elms Farm, Elms Farm Barns, Elms Road, Freckenham IP28 8JG in accordance with the terms of the application, Ref DC/20/1528/VAR, dated 9 September 2020, without compliance with condition number 2 previously imposed on planning permission Ref DC/20/0822/FUL, dated 20 August 2020 and subject to the conditions contained in the schedule to this decision.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is the effect that amending condition 2 would have on the character and appearance of the surrounding area.

Reasons for the Recommendation

4. The appeal site is currently occupied by a large barn with a smaller projection to the side, set in a rural location adjacent to several dwellings and agricultural

fields. There is currently a consented scheme¹ to convert the barn into a dwelling, this is following prior approval² for the conversion to a dwelling under permitted development rights. The consented scheme is a significant material consideration and represents a clearly valid fallback position whether a commencement has taken place or not. The variation of condition 2 of the consented scheme would allow design changes to the proposed conversion, including an increase in the ridge height, the addition of a chimney and a dormer window, a larger porch and an increase in glazing on the front elevation.

5. These features and alterations would represent domestic additions to the existing barn structure, with the principle of a residential property on the appeal site having been established and the changes proposed not significantly different from the design that has been previously approved. I am not persuaded that the further minor increase in ridge height of the roof would represent a significant change over what has already been approved, and the other alterations would appear consistent with the expectation of a domestic use of the site and the more residential appearance of the building. I am also satisfied that the general structure and visual indication of the agricultural origins of the barn would remain. The resultant building would therefore still be in keeping with the agricultural character of the site and, as a barn conversion, would sufficiently respect the former use of the building and its countryside location.
6. The proposed chimney on the front elevation and dormer window on the side elevation would admittedly be more unusual additions to a typical agricultural barn. However, I recognise that they are features which are not uncommon within the wider area on other residential properties. Furthermore, due to the large size and bulk of the existing building, these features would not appear overly dominant and, as it would be apparent that the building is in domestic use, I am not persuaded that they would be unduly incongruous additions to the buildings new use.
7. I therefore conclude that the variation of condition 2 would not result in any significant harm to the character and appearance of the surrounding area and would not conflict with Policy CS3 of the Forest Heath Core Strategy Development Plan Document (2010) and Policies DM1, DM2, DM28 and DM33 of the West Suffolk Joint Development Management Policies Document (2015). These policies collectively seek to protect the local distinctiveness of the District's landscape, allowing the residential use of redundant buildings in the countryside providing the proposal is a high quality design and the method of conversion retains the character of the building. It would also comply with the design objectives of the National Planning Policy Framework.

Conditions

8. The guidance in the Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect. The Council have sent a list of conditions and I shall impose all those that I consider remain reasonable and relevant. In the event that some others

¹ DC/20/0822/FUL

² DC/17/2327/PMBPA

have in fact been discharged, that is a matter which can be addressed by the parties.

Conclusion and Recommendation

9. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

Emma Worby

APPEAL PLANNING OFFICER

Inspector's Decision

10. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Martin Seaton

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans/documents: PPS2D-2179-LP1, PPS2D-2179-BP1, 1953-2A, 1953-4A, 1953-1A.
- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking and re-enacting that Order) no development permitted by Article 3 and Part 1 Classes A-H (inclusive) of Schedule 2 to the Order shall be erected/carried out within the site other than any expressly authorised by this permission.
- 4) The development shall be carried out in accordance with the materials approved under DC/20/0822/FUL.
- 5) The development shall be carried out in accordance with the landscaping details approved under DC/20/0822/FUL. Any retained trees removed, dying or becoming seriously damaged or diseased within five years of commencement shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.
- 6) All planting comprised in the approved details of landscaping (approved under DC/20/0822/FUL shall be carried out in the first planting season following the commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

- 7) Within 3 months of the commencement of development, details of the treatment of the site boundaries have been submitted to and approved in writing by the Local Planning Authority. The details shall specify the siting, design, height and materials of the screen walls/fences to be constructed or erected and/or the species, spacing and height of hedging to be retained and/or planted. The approved screen walling and/or fencing shall be constructed or erected before the development to which it relates is first occupied. The approved soft landscaping to be planted shall be done so within 12 months of the date when the development to which it relates is first occupied. Any planting removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by soft landscaping of similar size and species to those originally required to be planted.
- 8) Prior to first occupation, the dwellings shall be provided with an operational electric vehicle charge point at reasonably and practicably accessible locations, with an electric supply to the charge point capable of providing a 7kW charge.
- 9) The use shall not commence until the areas within the site shown on Drawing No. PPS2D-2179-BP1 for the purposes of manoeuvring and parking of vehicles have been provided and thereafter that areas shall be retained and used for no other purposes.
- 10) The use shall not commence until the details of the areas to be provided for secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.