
Appeal Decision

Site Visit made on 2 November 2021

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 December 2021

Appeal Ref: APP/W3520/W/21/3269886
Noahs Barn, Green Street, Hoxne IP21 5AZ

- 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 Harry Irwin against the decision of Mid Suffolk District Council.
 - The application Ref DC/20/02493, dated 22 June 2020, was refused by notice dated 28 August 2020.
 - The development proposed is change of use and conversion of an agricultural barn to dwellinghouse utilising existing access
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Decision

1. The appeal is allowed and planning permission is granted for change of use and conversion of an agricultural barn to dwellinghouse utilising existing access, at Noahs Barn, Green Street, Hoxne, IP21 5AZ in accordance with the terms of the application, Ref DC/20/02493, dated 22 June 2020, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. I have taken the description of development from the decision notice as this more accurately describes the proposed development than that included on the application form. The appellant has agreed to this approach.
3. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (the Framework). Accordingly, both parties were invited to provide representations in relation to this matter. I have therefore considered this appeal with regard to the revised Framework.

Main Issue

4. The main issue is whether the appeal site is a suitable location for the proposed development, with particular regard to the Council's strategy for the location of new residential development.

Reasons

5. The appeal site comprises an existing agricultural barn and access track. The building has recently been partially re-constructed following a fire. The existing barn is surrounded by trees to the south, east and west, with agricultural fields separating it from Green Street, to the north. The site is located within the countryside, approximately 500 metres from the village of Hoxne.
6. The Council suggests that the proposed development is not a 'conversion'. However, the Structural Survey submitted by the appellant indicates that the

building is largely intact and capable of conversion without extensive re-building. The proposed development would not significantly alter the scale, bulk, orientation or general design of the building. One of the lean-to roofs would be replaced with a pitched roof but this would be a minor alteration which is not tantamount to a complete re-build. As such, the proposed development comprises a 'conversion' as opposed to a new-build dwelling.

Strategy for the location of residential development

7. Policy CS1 of the Core Strategy¹ (2008) states in part that only certain types of development will be permitted in the countryside. Core Strategy (2008) Policy CS2 lists types of development which might be supported within the countryside. It does include 'the reuse and adaption of buildings' as defined by other Core Strategy policies. However, neither party has identified any other Core Strategy Policies of the type referred to under Policy CS2. Both of these policies are inconsistent with the Framework, as they take a more restrictive approach to development in the countryside.
8. The objectives of Saved Local Plan² (1998) Policy H7 are also outdated, as they suggest an even more stringent approach to residential development in the countryside, stating that such development will be strictly controlled. Whilst Policy H7 does not define the meaning of the term 'strictly controlled', Saved Local Plan (1998) Policy H9 allows for the conversion of agricultural buildings to dwellings, in the countryside, subject to certain criteria.
9. The Council allege that Policy H9 is not applicable because the existing building comprises few traditional or architectural features which warrant retention. However, Policy H9 does not require that the existing building should hold any special architectural merit or historic interest.
10. Policy H9 states that it applies to buildings with a form, bulk and design which are in keeping with their surroundings. This is a requirement which is not consistent with Framework Paragraph 80(c), which takes a less restrictive approach to the conversion of redundant or disused buildings in isolated locations.
11. Notwithstanding this, despite the fact that the barn has been substantially re-constructed following a fire, the existing building has the appearance and function of an agricultural barn. Therefore, its appearance is in keeping with its rural surroundings. Policy H9 is therefore applicable to the proposed development.
12. The criteria outlined within Policy H9, require that the development respects the character of the 'original building'; retains any important architectural features; and does not incorporate additional extensions, curtilage or features which would harm the character of the original building and surrounding area.
13. I consider that the 'original building' for the purposes of applying Policy H9 is the existing agricultural building in situ in comparison to the proposed conversion. The proposed development would almost entirely retain the scale, orientation and layout of the existing building. There would be modifications to the elevations, including the installation of fenestration and doorways. There would also be minor alterations to the roof. However, taken together, these

¹ Mid Suffolk District Core Strategy Development Plan Document (September 2008)

² Mid Suffolk Local Plan (September 1998)

alterations would not significantly alter the existing character of the building and as such, there would be no harm in this regard.

14. The curtilage of the proposed dwelling would comprise an area of land between the open agricultural fields and the trees which surround much of the site. Therefore, whilst I accept that there would be parking of vehicles and other residential paraphernalia within the curtilage of the building, the visual impact of this would be very limited, even taking into account the adjacent Public Right of Way.
15. For these reasons, the proposed development would comply with saved Local Plan (1998) Policy H9. As a result, given that the development plan should be taken as a whole, the proposed development would not conflict with the Council's strategy for the location of residential development as set out under Core Strategy (2008) Policies CS1 and CS2 and saved Local Plan (1998) Policy H7.
16. Core Strategy Focussed Review³ (2012) Policy FC2 is not relevant as it relates to allocations and previously developed land.

Other matters

17. The existing barn is located approximately 230 metres from Mulberry Cottage, which is a Grade II listed building. In accordance with section 66 (1) and section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have had special regard to the desirability of preserving this building, its setting and any features of special architectural or historic interest. Given the small scale of the proposed development, that the development would retain the existing rural character of the building and the significant distance between the barn and this listed building, I am satisfied that the proposed development preserves these interests and there would be no harm in this regard.
18. The Council states that the site is within a Special Landscape Area (SLA). Saved Local Plan (1998) Policy CL2 states that particular care will be taken to safeguard landscape quality in SLAs and that where development does occur, it should be sensitively designed. The Council does not assert that there is a conflict with Local Plan CL2 within the reasons for refusal. However, in undertaking the planning balance the Council does allude to a 'low level' of harm within the Officer Report.
19. The development would largely retain the agricultural character of the existing building and would not be prominent in the wider landscape setting, given that it is surrounded by woodland on three sides. I therefore consider that the proposed development would safeguard the landscape quality of the SLA and as such, there would be no harm in this regard. As such, the proposed development would not conflict with saved Local Plan (1998) Policy CL2.

Planning Balance

20. Notwithstanding my conclusion that the proposed development complies with the development plan taken as a whole, the most important policies for the determination of this appeal are out-of-date, given their inconsistency with the Framework. Therefore, Framework Paragraph 11d applies. Given that there are

³ Mid Suffolk Core Strategy Focused Review (December 2012)

no relevant Framework policies which direct refusal within the terms of Framework Paragraph 11d(i), Paragraph 11d(ii) is engaged. As such, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole

21. Framework Paragraph 80 states that planning policies and decisions should avoid isolated homes in the countryside, except in certain circumstances, including exception 'c' - where the development would re-use redundant or disused buildings and enhance its immediate setting.
22. The existing building is located approximately 250 metres from the nearest adopted highway and 230 metres from the nearest residential building. Furthermore, it is physically and functionally separated from the village of Hoxne, which is some 500 metres to the east. The village is only accessible on foot via an unlit and undulating Public Right of Way or via Green Street, which does not include a footpath for much of the route. For these reasons, the appeal site is 'isolated' within the terms of Framework Paragraph 80.
23. The existing building is not in use. The proposed development would enhance the appearance of the building, which despite recent renovations, currently has a relatively dishevelled appearance. For these reasons, the proposed development would comply with Framework Paragraph 80.
24. I accept that the site has poor access to services and facilities, due to its isolated location. However, given that the proposed development would accord with Framework Paragraph 80, when the proposal is assessed against the Framework taken as a whole, there would not be any adverse impact in this regard.
25. There would be social and economic benefits associated with the development, which would be achieved through a small increase in the housing stock. These benefits can only be afforded moderate weight, given that the development is small in scale. There would also be some environmental benefits through the enhancement to the setting of the building and biodiversity enhancements. However, these enhancements would be minor and as such these benefits can also only be afforded moderate weight.
26. Framework Paragraph 11d states that permission should be granted where the benefits of the development significantly and demonstrably outweigh any adverse impacts. I have found no adverse impacts, against which the moderate benefits must be weighed. As such, this test is met, and planning permission should therefore be granted.

Conditions

27. I have considered the Council's suggested conditions in light of advice contained in the Planning Practice Guidance and the tests within the Framework. As a result, I have amended some of the conditions so that they are enforceable, precise, relevant, necessary and reasonable in all other respects.
28. Conditions relating to timeliness [1] and the identification of plans [2] are necessary to provide certainty.

29. A condition requiring details of the proposed bin store design [3] to be submitted and approved by the Council is required in the interest of the character and appearance of the surrounding area.
30. In the interests of securing sufficient and suitable on-site parking provision it is necessary to impose a condition requiring that parking and turning areas are laid out prior to occupation [4].
31. A condition requiring submission and approval by the Council of a lighting design scheme is also required [5], in the interest of avoiding adverse impacts on bats, a protected species.
32. In the interests of securing biodiversity enhancement, it is necessary to impose a condition requiring that the development is carried out in accordance with the biodiversity enhancement measures contained within the Ecological Survey (JP Ecology, June 2020) [6].
33. In the interest of avoiding adverse impacts on protected species, a condition requiring that the development is carried out in accordance with the mitigation measures contained within the Ecological Survey is necessary [7].
34. The Council recommended a condition requiring that the access is constructed in accordance with plan reference DM01. However, plan reference DM01 was not submitted by the appellant and is a Suffolk County Council document. This plan is not site-specific and includes a wide range of requirements which apply in different circumstances. Some of the requirements wouldn't apply to the development and others require submission of further details for approval. As such, a condition requiring that the access is laid out in accordance with this plan would not be precise or enforceable.
35. In any case, during my site visit, I noted that the existing access has good visibility, noting that the speed limit is restricted to 30mph on the highway. It is also a sufficient width and is constructed of suitable materials when taking into account the small scale of development proposed. As such, it is not necessary to impose a condition requiring that the access is altered or improved. Neither is it necessary to include a condition to control drainage from the access, given that the access would not be altered.

Conclusion

36. For the reasons given above, the proposed development would comply with the development plan taken as a whole. Having taken into account all other matters raised, including the provisions of the Framework, I conclude that the appeal should be allowed, subject to conditions.

Luke Simpson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 20-001, 20-002, 20-003 and 20-004.
- 3) Prior to the first occupation of the dwelling hereby permitted, details showing the design of the areas to be provided for storage of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to first occupation of the dwelling hereby approved. The development shall thereafter be retained in accordance with the approved details.
- 4) Prior to the first occupation of the dwelling hereby permitted, the on-site parking and turning areas, shall be provided in accordance with the details shown on the approved plan referenced No. 20-003. These areas shall be retained thereafter, available for that specific use.
- 5) No development shall take place above slab level until a lighting design scheme has been submitted to and approved in writing by the local planning authority. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the approved details.
- 6) Prior to the first occupation of the dwelling hereby permitted, the biodiversity enhancement measures detailed within Section 6 of the Ecological Survey (JP Ecology, June 2020) shall be implemented and shall be retained thereafter.
- 7) The development hereby permitted shall be carried out in accordance with the mitigation measures contained within Section 5 and 6 of the Ecological Survey (JP Ecology, June 2020).