



Appeal Decision

Site visit made on 12 January 2022

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th January 2022

Appeal Ref: APP/W3520/W/21/3274979

Pendles, Nettlestead Road, Baylham, IP6 8JU

- 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 Mrs Charlotte Coathupe against the decision of Mid Suffolk District Council.
 - The application Ref DC/20/03328, dated 5 August 2020, was refused by notice dated 28 April 2021.
 - The development proposed is conversion of existing stable block to residential dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for conversion of existing stable block to residential dwelling at Pendles, Nettlestead Road, Baylham, IP6 8JU in accordance with the terms of the application, Ref DC/20/03328, dated 5 August 2020, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The Council has stated that the structural report submitted with the appeal has addressed the second reason for refusal relating to whether the building was capable of conversion. I see no reason to disagree with this conclusion, and therefore do not need to comment further on this matter.

Main Issues

3. The main issues are therefore:
 - The effect of the proposed development on the character and appearance of the area,
 - Whether the appeal site is in a suitable location, having regard to local and national policies concerning rural housing; and,
 - The effect of the development on European Designated Sites.

Reasons

Character and appearance

4. The appeal site lies within the Rolling Valley Farmland Special Landscape Area (the SLA). This is typified by sloping valley sides with agricultural field patterns being a key feature of the landscape. Policy CL2 of the Mid Suffolk Local Plan 1998 (the LP) requires that development within SLAs be sensitively designed, with high standards of layout, materials and landscaping.

5. The building is a three bay stables with an open store at one end. It is a low-level structure of an appearance in keeping with its rural setting. The appeal site is elevated significantly above street level, with the adjacent field sloping upwards still further above the ground level around the stables. There is therefore limited visibility of the stables building in the surrounding area, and a well-established hedgerow along the road boundary largely conceals it from view at street level.
6. The proposed glazing would principally be concentrated on a single elevation facing towards the field. It would not be a prominent feature of the building in the wider area. The single window facing along the access drive would be modest in size, and not harmful to the character of the building. The open store, which is an unattractive and unsympathetic structure with a monopitch roof and which is finished in corrugated sheeting, would be demolished and replaced with a smaller and more sympathetically designed and finished extension. The conversion of the building would therefore be sympathetic to its appearance, and the wider rural character of the area. The works would enhance the appearance of the building and its immediate setting.
7. The residential use of the building would inevitably result in a change of the character of the site, such as the presence of domestic paraphernalia. However, any such change would be small given the size of the site and as the proposal is only for a one-bedroom house. Given the limited visibility of the site in the wider area, it would not be harmful overall to its character.
8. My attention has been drawn to other appeal decisions for residential development in the vicinity of Baylham. I have limited information regarding these cases but note that the proposal at Greenbanks sought permission for four new houses while the Chalky Bottom Orchard case related to the construction of one new house. Both cases therefore differ significantly from the proposal before me, and therefore I can only give them limited weight in determining this appeal. Permission was sought for the conversion of an existing stable building on land north of Glebe Close. Based on my colleague's decision that was a more prominently visible site with a larger scale of development than is proposed in this instance. Given these differences, this decision also carries limited weight in my assessment of this appeal. This appeal must, in any case, be determined on its own merits, which I have done.
9. The proposed development would therefore not be harmful to the character and appearance of the area. It would consequently accord with Policies CL2 and GP1 of the LP and Policy CS5 of the Core Strategy 2008 (the CS). Collectively these require, in addition to the criteria set out above, that development be of a high quality design. It would also accord with the relevant criteria of the National Planning Policy Framework relating to the re-use of redundant or disused buildings in the countryside to create new homes.

Location

10. The appellant indicates that the site is visited twice a day for the care of the horses. This is typical for such a site in my experience. The proposal is for a one-bedroom house that would be likely to generate a similar volume of traffic. While the site is distant from any settlement and any future residents are likely to be dependent on private vehicles, the appeal proposal would be unlikely to result in a significant increase in traffic to and from the site.

11. The Council notes that permitted development rights exist for the conversion of agricultural buildings to houses, but these rights do not apply to equestrian buildings. Nevertheless, this appeal seeks planning permission and must be determined accordingly.
12. The appeal site is therefore in a suitable location for housing, having regard to Policy H7 of the LP and Policies CS1 and CS2 of the CS. Collectively these policies direct the majority of new development towards existing settlements, but allow for the reuse and adaptation of buildings for appropriate purposes.

European Designated Sites

13. The appeal site lies within the zone of influence for the Stour and Orwell Estuaries Special Protection Area and Ramsar Site, where new residential development is likely to have a cumulative significant effect through increased recreational pressures.
14. The Council's Recreational Disturbance Avoidance and Mitigation Strategy, which is supported by Natural England, seeks a financial contribution towards the management of the site, which has been paid by the appellant. That contribution is necessary to make the development acceptable in planning terms, directly related to the scale of development and fairly and reasonably related in scale and kind to the development. It therefore accords with Regulation 122 of the Community Infrastructure Levy Regulations and counts as mitigation towards maintaining the integrity of the Stour and Orwell Estuaries site. The development would not therefore result in a significant adverse effect on the integrity of the site.

Other Matters

15. It is suggested that the extent of works necessary to carry out the proposed development go beyond those identified as reasonably necessary in the *Hibbitt* judgment. However, that judgment related to works carried out under permitted development. This appeal seeks planning permission, and therefore the extent of works is not restricted to that which is reasonably necessary.

Conditions

16. I have had regard to the conditions suggested by the Council and amended the recommended wording in line with national planning practice guidance where necessary.
17. I have imposed the standard condition (1) relating to the commencement of works, and a condition specifying the approved plans (2) for the sake of certainty.
18. Conditions 3, 4 and 5 relating to the protection of wildlife and encouragement of biodiversity are reasonable and necessary given the rural location of the site, the presence of birds in the vicinity and potential to provide bat roosts in this location. Given the sensitivity of the site it is appropriate to require that details of the works be submitted prior to commencement of the approved development.
19. A condition requiring submission and approval of landscaping details for the site (6), including implementation and maintenance, is necessary to ensure that the overall appearance of the development is appropriate for the site.

20. I have imposed conditions relating to highway safety and vehicle access (7, 8, 9, 10 and 11) as the site is reached via a long, sloping access from a narrow country road with tall hedgerows to either side of the access.
21. A separate condition specifying the external materials is not necessary as these are shown on the approved plans.
22. The Council has not demonstrated why it would be reasonable or necessary to remove permitted development rights to extend or alter the proposed dwelling. Accordingly, no condition to this effect is imposed.

Conclusion

23. For the reasons set out above, the appeal succeeds.

M Chalk

INSPECTOR

Schedule of conditions: APP/W3520/W/21/3274979

Pendles, Nettlestead Road, Baylham, IP6 8JU

- 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: COATHUPE S1 20-01, COATHUPE SL1 20-01, COATHUPE EXS 20-01 and COATHUPE D1 20-01.
- 3) All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Bat Roost Assessment and Nesting Bird Survey (Eco-Check September 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.
- 4) Prior to commencement of the development hereby approved, a Biodiversity Enhancement Layout for Protected and Priority species shall be submitted to and approved in writing by the local planning authority, following the details contained within the Preliminary Bat Roost Assessment and Nesting Bird Survey (Eco-Check September 2020) The content of the Biodiversity Enhancement Layout shall include the following:
 - a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs to achieve stated objectives;
 - c) locations of proposed enhancement measures by appropriate maps and plans;
 - d) persons responsible for implementing the enhancement measures;
 - e) details of initial aftercare and long-term maintenance (where relevant).The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.
- 5) Before the dwelling hereby approved is first occupied a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

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 scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.
- 6) No development shall take place above slab level until there has been submitted to, and approved in writing by, the Local Planning Authority a scheme of hard, soft and boundary treatment landscaping works for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows in the surrounding area. A specification of soft landscaping,

including proposed trees, plants and seed mixes must be included. The specification should be in line with British Standards and include details of planting works such as preparation, implementation, materials (i.e. soils and mulch), any protection measures that will be put in place (i.e. rabbit guards) and any management regimes (including watering schedules) to support establishment. This should be accompanied by a schedule, with details of implementation, quantity, species and size/type (bare root, container etc). Hard landscape details such as surface materials and boundary treatments must also be included, including details for the surfacing of the vehicular access. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 7) No other part of the development hereby permitted shall be commenced until the existing vehicular access has been improved, laid out and completed in all respects in accordance with the approved details and with an entrance width of 4.5m and a gradient not steeper than 1 in 20 for the first five metres measured from the nearside edge of the adjacent metalled carriageway.
- 8) Before the dwelling hereby approved is first occupied details of the areas to be provided for storage and presentation 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 before the development is brought into use and shall be retained thereafter for no other purpose.
- 9) Before the dwelling hereby approved is first occupied details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.
- 10) Before the dwelling hereby approved is first occupied the area within the site shown on Drawing No. COATHUPE SL1 20-01 for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area shall be retained and used for no other purposes.
- 11) Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no means of frontage enclosure shall exceed 0.6 metres in height above the level of the carriageway of the adjacent highway.

End of schedule