



Appeal Decision

Site visit made on 14 December 2021

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th January 2022

Appeal Ref: APP/F3545/W/21/3276550

All Saints Hotel, The Street, Fornham St Genevieve IP28 6JQ

- 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 M&D Developments Limited against the decision of West Suffolk Council.
 - The application Ref DC/21/0128/FUL, dated 14 January 2021, was refused by notice dated 3 June 2021.
 - The development proposed is described as the "erection of two storey extensions to the existing bedroom wing and new bedroom wing approved under planning approval DC/18/1372/FUL to create 9 no. serviced and leasehold dwellings".
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the submission of the appellant's appeal, the revised National Planning Policy Framework (the Framework) was published and came into force on 20 July 2021. In this instance, the issue most relevant to the appeal remains unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

Main Issues

3. The main issues in this appeal are:
 - whether the location of the proposal is appropriate having regard to the development plan,
 - the effect of the development on the character and appearance of the area, and,
 - the effect of the development of the living conditions of future occupiers, with particular regard to noise and disturbance.

Reasons

Location

4. The appeal site comprises a hotel and leisure complex known as All Saints Hotel and Country Club. The site provides various facilities such as a golf club, spa, fitness centre and restaurant/bar and holds corporate events and weddings. As the site lies beyond the settlement boundary of Fornham St.

Martin and Fornham St. Genevieve it is located within the countryside, where development is restricted to certain types and for certain purposes.

5. The proposal seeks to erect nine apartments at the site through the alteration and extension of the existing building. Policy DM5 of the St Edmundsbury Joint Development Management Policies Document 2015 (DMPD) sets out those circumstances where development would be acceptable in the countryside. This includes those proposals which comply with Policy DM27 of the DMPD and includes the small scale residential development of a small undeveloped plot. Policy DM27 requires the proposal to be within a closely knit 'cluster' of 10 dwellings or more, or the proposal to consist of infilling a small undeveloped plot by one dwelling or a pair of semi-detached dwellings, commensurate with the scale and character of existing dwellings within an otherwise continuous built up frontage.
6. As the extension of an existing commercial operation to provide nine apartments, it is evident that the development does not comply with either scenarios listed within Policy DM27. Nevertheless, as Policy DM5 supports proposals for economic growth and expansion of all types of business and enterprises, the appellant argues that the proposal would facilitate the expansion of the existing business.
7. However, whilst the proposal is an extension to the existing building, the development sought is for private and serviced dwellings and not for the expansion of the business. Thus, I am not persuaded that Policy DM5 of the DMPD supports the development in that regard and is a matter that I will return to later in this letter.
8. Thus, the development would be in conflict with Policies DM5 and DM27 of the DMPD, the specific requirements of which are specified above.

Character and Appearance

9. The area is generally rural in character, with the existing building located within a prominent position within the landscape and is clearly visible from the adjoining golf course. The proposal seeks to develop over an existing bedroom extension and extending perpendicular to the main building, connected via a curved link.
10. Given the distance of the appeal site from the neighbouring villages and the intervening rural landscape and open areas, I do not share the Council's concerns that the development would result in the reduction of a gap between the adjoining settlements. Nonetheless, following the removal of the existing bedroom wing roof, the development would add two floors to the existing building and a further five storey extension. The addition of such a large mass of built development, both over the building and in conjunction with the proposed extension, would overwhelm the existing building and appear as a dominant development when viewed against the building that currently exists on the site.
11. Moreover, as the land rises from the golf course towards the appeal site, the existing building is very conspicuous in the landscape, especially when viewed from the footpaths to the south. Thus, the proposed additions and alterations would be constantly visible from the golf course, appearing as a fundamental change to the character of the existing building and an overbearing

development that would profoundly alter the proportions and scale of the existing building.

12. I accept that the site has an extant permission to extend the building to create a 42 hotel bedroom extension that would be in the same position as the proposal before me. However, the hotel extension would largely follow the same form and height of the existing bedroom extension that it would be connected to. The proposal before me is much larger and would be more dominant in the landscape. Thus, I am not persuaded that the extant permission to extend the hotel represents an appropriate reason to find in favour of the proposed apartment extension that is before me, nor does it outweigh the harm that I have identified above.
13. The appellant suggests that landscaping would soften the scheme. However, given the overall scale of the development and its elevated position in the landscape, I am not persuaded that landscaping would be effective in that regard. Moreover, the use of landscaping to shield or soften development seldom negates the overall effect of it on the character and appearance of the area and cannot be relied upon to remain in perpetuity.
14. Thus, the development would result in harm to the character and appearance of the area. It would be in conflict with Policies DM2, DM13, DM22 of the DMPD, Policy CS3 of the St Edmundsbury Core Strategy 2010 and paragraph 174 of the Framework which seek, amongst other things, to ensure that developments do not have an unacceptable adverse impact on the character of the landscape.

Living Conditions

15. The proposed apartments would be sited within the confines of the existing complex which contains several facilities such as a bar/restaurant, various leisure services including a golf course and clubhouse, relaxation rooms with Jacuzzi and spa along with a fitness studio. The appellant also confirms that weddings and corporate events take place at the site. Thus, it is evident that the existing enterprise at the site caters for varying recreational, entertainment and leisure pursuits including business events, some of which would take place in the evening.
16. I have carefully considered the appellant's noise assessment¹ carried out in the Landscape function room, which had all its doors and windows shut and benefits from air conditioning. However, there is nothing before me to demonstrate that doors and windows would not be opened during times when loud music would be played and the assessment did not take account of doors opening and closing while guests and patrons come and go into and out of the room.
17. Moreover, there is also nothing before me to demonstrate that the myriad of potential sources of other noise have been taken into account, such as users of the golf course and indeed its club house, the comings and goings of people staying at the hotel or indeed those using the bar and restaurant. The slamming of doors, from both patrons and staff vehicles, and general chatting would result in noise and disturbance to future occupiers of the dwellings. Moreover, as the bar and clubhouse are likely to be open seven days a week

¹ Environmental Noise Assessment, Sound Acoustics dated 23 April 2021

and into the evening, the noise and disturbance would be experienced in the evening and during anti-social hours.

18. Furthermore, although the appellant states that the proposed accommodation would meet current building regulations with sound proofing between floors and potential double glazing, I have not been presented with any evidence that weddings or other events taking place during the warmer months could be effectively controlled so that guests do not spill out of the venue. Residents with windows open would therefore be subject of noise generated by such events and indeed other activities alluded to above.
19. Although I acknowledge the existence of mixed use developments, the proposal before me is adjacent to several leisure uses that have the ability to harm the living conditions of future occupiers through noise and disturbance. Therefore, I do not find the comparison to town centres and commercial premises to be comparable in that regard. Furthermore, although those wishing to purchase the proposed apartments may be made aware of the site's activities, this does not mean that excessive noise and disturbance would be tolerated.
20. Consequently, I am not persuaded that the noise assessment provided by the appellant adequately deals with all potential sources of noise at the site. Thus, the development would result in harm to the living conditions of future occupiers through noise and disturbance. It would be in conflict with Policy DM2 of the DMPD and paragraph 130 of the Framework which seek, amongst other things, to ensure that developments do not affect adversely the amenities of adjoining areas by reason of noise and other pollution.

Other Matters

21. The appellant confirms that the site was granted planning permission in 2018 for an extension to the hotel to create an additional 42 bedrooms. However, it is stated that the capital costs for this extension would be unviable and the proposed development and sale of apartments would assist, rendering the hotel extension a viable option that would in turn provide additional income for the business.
22. Moreover, it is argued that Policy DM5 of the DMPD supports the economic growth and expansion of all types of business. The proposed accommodation is required to enable the existing venture to diversify and to create a sustainable future for the business which has been hit by the Covid-19 pandemic as well as the previous recession. In support of this stance, the appellant has provided a financial report which details that the main source of income for the business over the last five years has been from room revenue with the leisure facilities such as the golf course, gym and spa operating at a loss.
23. I have carefully considered the appellant's financial reports and whilst I acknowledge that the Covid-19 pandemic may have exacerbated issues for the business, in the absence of persuasive evidence to the contrary, I cannot be certain that the financial issues that it is experiencing would be solved through a short term injection of funds to support the development of a hotel extension at the site. Moreover, whilst I accept the pressures that the pandemic has placed upon businesses such as golf courses, I have not been provided with any mechanism that would ensure the capital raised from the sale of the apartments would be directed towards an extension of the hotel.

24. Furthermore, it is evident that the proposed apartments would be constructed in the same position as the approved hotel extension and, as a result, it would not be possible to develop both the proposed apartments and the extant permission for the hotel bedroom extension. Consequently, should this appeal have succeeded, the appellant would still require planning permission for additional works to create an extension to the hotel and there is nothing before me to suggest that this would be forthcoming.
25. I also recognise that should the hotel extension be developed at the site, it has the potential to create additional employment in the area and economic benefits for ancillary services that would support the development. However, whilst noting the benefits that would result in this respect, I am not persuaded that these matters would overcome the harm that I have identified above. Furthermore, there is nothing substantive before me to suggest that the type of development proposed is indeed specialised and can only be achieved at a golf course.
26. I also fully appreciate the financial circumstances the business is facing, the size of the golf course at some 150ha, and that no objection to the development was received in relation to highway safety or flood risk. However, I do not consider the arguments put forward that the circumstances currently experienced by the business are so special as to represent an irresistible reason to find in favour of the development before me.
27. I have not been presented with any information relating to the club at Felixstowe that secured permission for six dwellings, in order that I can make a direct comparison to the proposed apartment extension. In any event, I have considered this appeal on its own merits which is a fundamental principle that underpins the planning system.
28. I note that representations were made by a local resident, raising additional concerns. However, given my findings on the main issues, it is not necessary to consider these matters in detail.

Conclusion

29. Thus, 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. Therefore, the appeal is dismissed.

Graham Wyatt

INSPECTOR