
Appeal Decision

Site visit made on 10 February 2022

by David Spencer BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28th February 2022

Appeal Ref: APP/X3540/W/21/3279326

Barns at Ringsfield Hall Farm, Hall Road, Ringsfield Suffolk NR34 8JR

- 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 Shaun Lake against the decision of East Suffolk Council.
 - The application Ref DC/20/4878/FUL, dated 30 November 2020, was refused by notice dated 2 February 2021.
 - The development proposed is full planning application for self build and conversion of barns, including interconnecting extension following successful approvals of DC/20/1541/FUL and DC/19/4532/PN3.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Local Planning Authority's (LPA) decision notice contained a reason for refusal relating to the appeal site's location within a 13 kilometres protection zone of European Designated Sites. During this appeal the appellant has made direct payment to East Suffolk Council (dated 10 January 2022) towards a Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). If I were minded to allow the appeal, I would need to undertake an appropriate assessment in accordance with the Habitat Regulations. This would include consideration of whether this payment would provide effective mitigation in relation to the harm arising from potential disturbance caused by additional visitors to the European Designated Sites.
3. As part of the appeal process the appellant submitted amended plans that were not before the LPA when it made its decision. They are not fundamental changes and only moderately amend the detailed design by removing a small porch element. Consequently, I have taken these amended plans into account when assessing the appeal proposal and consider no one would be prejudiced by me determining the appeal on this basis.

Main Issue

4. The main issue is whether the appeal site would represent a sustainable location for the type of housing proposed in accordance with the development plan policy framework.

Reasons

5. The appeal site is situated in rolling countryside some distance from the villages of Ringsfield and Ilketshall St Andrew. There is a conversion of a

traditional rural building to residential use adjacent to the appeal site, a bungalow a short distance away on the access track to the appeal site and the Ringsfield Hall buildings a short distance to the west. There is no identifiable settlement at the appeal location. Accordingly, the appeal proposal is in an isolated rural location.

6. The starting point for determining planning applications is the development plan. The legislation at Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) states that decisions must be made in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration. The development plan comprises the East Suffolk Council Waveney Local Plan 2019 (the WLP).
7. The WLP sets out a spatial strategy at Policies WLP1.1 and WLP7.1 to, amongst other things, appropriately manage the location of housing development across what is a predominantly a rural area. To logically assist the implementation of the spatial strategy, Policy WLP1.2 applies settlement boundaries beyond which is countryside where a limited scale of new housing is expected to come forward only in compliance with certain policies. This includes Policy WLP8.11 in relation to the conversion of rural buildings. This strategy and policy framework is consistent with the NPPF at paragraphs 11a) and 79 in order to promote a sustainable pattern of development, including for rural housing. The development plan does not impose a blanket restriction on new residential development in the countryside and broadly allows for the exceptional circumstances for isolated homes identified at NPPF paragraph 80.
8. Policy WLP8.11 permits the conversion of rural buildings to residential use where it secures or safeguards a heritage asset or where other criteria are met, notably that the building is locally distinctive and of architectural merit. The appellant submits the policy requirement is unduly onerous and not consistent with paragraph 80c) of the NPPF which sets out a broader circumstance that development would re-use redundant or disused buildings and enhance the immediate setting. In this regard I am directed to a recent appeal decision which found Policy WLP8.11 to be inconsistent with the NPPF and therefore not up to date and of reduced weight.
9. Whilst I recognise the benefit of consistency in appeal decision making, I cannot share the conclusions of my colleague in that decision¹ for the following reasons. Policy WLP8.11 was examined against the NPPF where there has been consistency in national policy on isolated dwellings in the countryside, including reuse of rural buildings. This includes paragraph 55 of the 2012 NPPF, paragraph 79 of the 2018 NPPF and paragraph 80 of the 2019 NPPF. There has been no material change such that a recently examined development plan policy should now be deemed inconsistent with national policy. Moreover, there is little purpose for development plan policies to slavishly repeat the broad parameters of national policy and not to include valid criteria that are grounded in local evidence and circumstances². Accordingly, it is justifiable for local development plan policy to soundly set requirements for development that are moderately more stringent than national policy to appropriately reflect local circumstances. In coming to this view, I share the similar assessment of my

¹ APP/X3540/W/19/3252531 (also repeated in 3257951)

² NPPF Paragraph 16(f)

colleague in the more recent appeal at Saint Margaret South Elmham³. As such I find Policy WLP8.11 as a recently examined and adopted policy is up-to-date and to be ascribed full weight in decision making. Both Policy WLP8.11 and national policy are consistent in that proposals to reuse rural buildings for dwellings must enhance the immediate setting.

10. The appeal site comprises four nondescript, modern farm buildings broadly arranged around a large concrete pad. As part of the appeal proposal, a small brick and tile outbuilding would be retained and a large, generally open-sided Dutch barn structure removed. The appeal proposal would extensively convert the remaining two buildings and connect them with a new glazed link to create a large single dwelling. Barn 1 comprises a modestly sized stables style building of generally modern brick, concrete blockwork and sheet roofing construction. Whilst structurally sound, it is not a building which is locally distinctive and of architectural merit. What constitutes minimal alteration for the purposes of Policy WLP8.11 is a matter of judgment. In my assessment, the alterations to Barn 1 would involve an extensive degree of alteration to create modern, habitable accommodation. This includes re-roofing with a contemporary zinc roof and enlarged and sizeable glazed openings including on the elevation facing towards the public footpath and the adjoining countryside. The simple appearance of Barn 1 would be radically altered including the highly conspicuous and incongruous glazed link to Barn 2 at the exposed north-east corner of the appeal site.
11. Barn 2 is a long, low modern sectional building comprising of a concrete portal framework supporting modern roof sheeting. Three sides of the building are infilled with modern concrete blockwork with minimal openings, the elevation onto the concrete yard has been opened up. Whilst structurally sound, it is a modern, utilitarian building which is not locally distinctive or of any architectural merit. Similar to Barn 1, in my assessment, the appeal proposal would require a degree of works that go beyond minimal alteration. This includes significant number of new glazed openings, a new zinc roof and an extensive amount of new cladding.
12. Additionally, to make Barn 2 functional for human habitation as part of this proposal would require the floor to be lowered by 500mm to ensure sufficient headroom under the existing low eaves. The appellant disputes that lowering the concrete floor in Barn 2 would amount to 'development' in terms of Section 55 of the Town and Country Planning Act and the Planning Practice Guidance at paragraph 13-001-20140306. Whilst it would not alter the external appearance of the building, the degree of proposed floor lowering would comprise, in my view, a structural alteration requiring a professional or competent builder, including in terms of ensuring how any new floor level related to the structural footings and wider stability of the building. As such, the proposed floor lowering would amount to more than a minimal alteration to make the building usable for practical residential occupation, without having to stoop to get under the eaves level.
13. The combined degree of alteration to both buildings, together with the proposed glazed link between the barns, would combine to result in a new sleek, contemporary dwelling in the countryside. There would be very little to suggest that the design and appearance of the scheme was the result of

³ APP/X3540/W/20/3259820, paragraph 16

converting buildings that have been part of the agrarian character of East Suffolk and thus worth preserving through a sensitive reuse. The appellant submits that there is no sequence or hierarchy to the criteria in Policy WLP8.11 but it seems immutable, in my view, that for a proposal to accord with the policy it must, as a basic principle and starting point, involve buildings that are worth preserving and retaining in the countryside, as part of its intrinsic character. The appeal proposal would not satisfy the key criterion of Policy WLP8.11.

14. In terms of immediate setting, whilst the complex of buildings is in a generally poor condition they appear as utilitarian, modern agricultural buildings to be expected in the countryside. They are not especially harmful to the rural character, including for those using the adjacent public footpath. Accordingly, the proposed removal of the Dutch barn structure would not make a significant contribution to improving the immediate setting. On the other hand, the appeal proposal would result in an overt domestication of the character of the appeal site, including areas close to the rural public footpath. This would manifest itself in the extensive scale of the domestic curtilage proposed to the property which would be keenly felt in the wider rural landscape given the site occupies a somewhat exposed position on higher ground in the wider, rolling arable landscape. In particular, the orientation of large glazed openings and external decking onto the strip land adjacent to the public footpath would fundamentally change the rural character of this path, which landscaping would do little to mitigate in the short to medium term. Accordingly, the immediate setting of the buildings would not be enhanced.
15. I therefore conclude that the appeal proposal would not meet the development plan criteria for the conversion of rural buildings to residential use. As such, the isolated appeal site would not represent a sustainable location for the type of housing proposed. The proposal would be contrary to most of the criteria in Policy WLP8.11 of the WLP and fundamentally fail against the requirement that only buildings of local distinctiveness and architectural merit are to be supported for conversion to residential use. Accordingly, by creating a new dwelling in the countryside contrary to the provisions of WLP8.11, the proposal would also be contrary to the up-to-date spatial strategy in the WLP, including at Policies WLP1.1 and WLP7.1 which seek to carefully manage the amount and location of windfall housing in the countryside beyond identified settlement boundaries. Additionally, for the reasons identified above, the appeal proposal would not accord with NPPF paragraph 80c) by virtue of not enhancing the immediate setting of the buildings by resulting in a highly conspicuous dwelling and incongruous residential curtilage in an isolated and exposed rural context.

Other Matters

16. The appellant has a fallback in that Barn 1 has planning permission (ref DC/20/1541/FUL) for conversion of this building and enlargement of the residential curtilage. Furthermore, Barn 2 has the benefit of prior approval (ref DC/19/4532/PN3) but does not have the benefit of planning permission on the basis that the LPA has determined that there is not a realistic prospect of the prior approval being carried out. I have very few details before me about either consent and the degree to which they involve adaptation to the existing buildings and the character of the wider site. I share the LPAs submission that any prior approval scheme can only involve a modest curtilage area (equivalent to the footprint of the building) and minimal alteration/works to the building.

Given the limited information before me, including the appellant's building surveyor correspondence of July 2021, I am unclear as to whether the prior approval on Barn 2 remains capable of implementation and in what form it would take. Therefore, I attach limited weight to the fallback position.

Conclusion

17. The appeal proposal would conflict with the relevant and most important development plan policies for the reuse of isolated rural buildings, notably Policy WLP8.11 of the WLP, which is consistent with national policy and up to date. Contrary to the appellant's submission that the appeal proposal would largely conform with the criteria of the policy, I have found it would be contrary to the principal requirement to involve reusing buildings of architectural or historical merit and would also be contrary to other requirements including enhancing the immediate setting, not harming the character of the countryside, requiring minimal alteration and enhancing the form and character of the rural building. Accordingly, the harm arising from the conflict with development plan policy would be significant and carries full weight. In terms of material considerations, I have given only limited weight to the appellant's fall-back position based on the very limited evidence before me and the particular impact of the design of the scheme before me. I give only moderate weight to the temporary economic benefits during the construction phase. These limited factors do not point to a decision other than in accordance with the development plan.
18. As set out above, the appellant has made direct payment of RAMS fee to mitigate any likely significant effects on proximate protected habitats. However, as the appeal proposal is contrary to the relevant development plan policies I am therefore deciding to dismiss the appeal. Consequently, I have not taken this payment into account as part of undertaking an appropriate assessment as required by the Habitats Regulations.
19. I therefore conclude for the reasons given above, and having taken all other matters into consideration, that the appeal be dismissed.

David Spencer

Inspector.