
Appeal Decision

Site visit made on 14 July 2022

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 11TH August 2022

Appeal Ref: APP/D3505/W/21/3286928

Ardley House, Lavenham Road, Great Waldingfield, CO10 0SF

- 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 P Edwards against the decision of Babergh District Council.
 - The application Ref. DC/21/04425 dated 5 August 2021, was refused by notice dated 7 October 2021.
 - The development proposed is the erection of 1 No. holiday unit (Unit 5).
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 1 No. holiday unit at Ardley House, Lavenham Road, Great Waldingfield, CO10 0SF in accordance with the terms of the application, Ref DC/21/04425, dated 5 August 2021, and the plans submitted with it, subject to the conditions set out in the schedule at the end of this decision.

Main Issues

2. The main issues in this case are: i) whether the site is a sustainable location for the development proposed, and ii) the effect of the proposal on the character of the area.

Reasons

Whether the site is a sustainable location for the development proposed

3. The site is located on the northern side of Lavenham Road, in the countryside to the north of the village of Great Waldingfield. The site comprises land surrounding the two-storey Ardley House, with the portion of the site to the rear of the farmhouse accommodating a series of agricultural outbuildings, currently being converted into 4 No. holiday lets pursuant to planning permission DC/20/01475.
4. The officer's report states that the approved holiday units were justified, amongst other matters, on the basis of a fallback position (residential conversion) under Class Q (Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development)(England) Order 2015 [as amended]) and the fact that the units were being brought forward principally through the conversion and re-use of underutilised building stock. The development therefore found support from saved Policy CR19 and Policy CS17, the latter encouraging the re-use of redundant rural buildings.

5. Policy CS17 of Babergh Core Strategy 2014, 'The Rural Economy', supports the economy in the rural area by encouraging farm diversification, the re-use of redundant rural buildings and sustainable tourism. Since I consider that policy CS17 is the most applicable policy in this appeal, I set out the relevant elements:
"Policy CS17: The Rural Economy
Historic villages, such as Lavenham and Long Melford and coastal villages such as Chelmondiston and Shotley play an important role in tourism and leisure within the district, and appropriate new development that supports this role will be encouraged.
The economy in the rural area will be supported through a number of measures including:
a) through the encouragement of:
 - *proposals for farm diversification;*
 - *the re-use of redundant rural buildings;*
 - *sustainable tourism and leisure based businesses (including those offering a diverse range of visitor accommodation, activities or experiences); ...".*
6. For the most part this policy sits reasonably well with the National Planning Policy Framework (the Framework), paragraph 84 which states:
"Planning policies and decisions should enable (a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; b) the development and diversification of agricultural and other land-based rural businesses; and c) sustainable rural tourism and leisure developments which respect the character of the countryside;" d) not applicable here.
7. The emerging Joint Local Plan Policy LP16 focuses on countryside tourist accommodation, stating that new tourist accommodation in rural locations will be considered on an 'exceptional' basis. Since this is an emerging plan, at this stage it carries limited weight.
8. Policies CS2 'Settlement Pattern Policy' and CS15 'Implementing Sustainable Development in Babergh' are also cited by the council. Policy CS2 has an exceptional circumstances test that applies to all land outside a settlement boundary. This is not consistent with the Framework, which favours a more balanced approach to decision-making, and therefore I consider it to be out-of-date and not to be determinative.
9. Turning to Policy CS15, it includes in the preamble, development proposals *"... will be assessed against the presumption in favour of sustainable development – as interpreted and applied locally to the Babergh context (through the policies and proposals of this Local Plan), and in particular ...".* This is a long policy, the majority of which consists of criteria by which proposals will be judged. Whilst many of these reflect matters dealt with in the Framework, it does not fully accord with the Framework's more balanced approach. In any event, bearing in mind the specific policy of CS17, and the contents of paragraph 84 of the Framework, I do not find it necessary to analyse its contents in relation to the appeal proposal.
10. Policy CS17 and Framework paragraph 84 are clearly supportive of the type of development proposed in this appeal. However, in terms of a sustainable location, from the point of view of minimising travel by unsustainable means, holiday accommodation of this sort in a district such as Babergh is likely to be

car based to a large extent. Nevertheless, the site lies a short distance from the village of Great Waldingfield, which itself lies about 2 miles from the thriving market town of Sudbury with its numerous facilities and branch line railway station. Great Waldingfield itself has a post office/general store, a village hall, play area and public house. Even the public house, at the further point in the village from the appeal site, is within what a holiday maker might well consider a reasonable walking distance, for the most part in attractive surroundings. In terms of a sustainable (viable) business, I have no reason to think that the scheme would do other than prosper.

11. The council makes the point that a new holiday let building is not sustainable in the same way that the reuse of an existing building is considered sustainable (as approved adjacent to the appeal site). Whilst that is true, it does not mean that an additional structure to enlarge the offering must be ruled out. In the case of this site, it builds upon an existing business and is in a location where there are extensive recreational and leisure opportunities within relatively short driving distances, thus the use of non-sustainable modes should be relatively limited.

The effect of the proposal on the character of the area.

12. I saw at my site visit that the area around the site is attractive well farmed countryside. However, the site has screening with existing hedging, so that the additional unit would be barely visible in long views from across the fields, and would only be glimpsed through breaks in the roadside trees and shrubs. That, coupled with the fact that it would be set alongside the existing units, with further agricultural buildings behind, satisfies me that there would be no harmful effect on the character of the area.

Conclusions

13. The appeal proposal sits well in relation to the aims of policy CS17 and Framework paragraph 84. It is clearly a type of development that should be encouraged unless there is harm that outweighs the benefits. In this case I find the opposite to be true.

Conditions

14. The Council has suggested a number of conditions in the event that the appeal is upheld. I have considered these in the light of Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG I have amended some of the text. I consider that the conditions should be imposed for the following reasons: condition 2 is required to ensure that the units are used only for the permitted purpose so as to contribute to tourism and the economy of the area; condition 3 is to ensure that the holiday lets are not operated separate from the residential use of Ardley House, given their physical relationship with Ardley House and the potential for noise, activity and disturbance detrimental to the amenity of that principal dwelling; condition 4 is to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles in the interest of the safety and convenience highway users; condition 5 is to ensure the protection of the amenities of the occupiers of the holiday lets hereby approved; conditions 6 and 7 are to conserve and enhance protected and priority species and habitats in accordance with duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and the Wildlife &

Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

Terrence Kemmann-Lane

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The holiday unit hereby approved shall not be occupied other than for holiday purposes and shall not be used as a residential dwelling, including any use within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended). Occupation of the holiday unit shall not be undertaken by the same occupant for any period exceeding 28 continuous days and shall not be re-let thereafter to the preceding occupant for a further period of 28 days. Details of the name, permanent home address, and vehicle registration shall be kept in a register a copy of which shall be made available to the Local Planning Authority for inspection at any time.
- 3) This permission shall only authorise the use and occupation of the holiday let hereby approved for tourist accommodation purposes in connection with the principal dwelling known as Ardley House; and does not permit the use of the accommodation separate from the residential use of Ardley House. The operator of the holiday lets shall be the principal occupant(s) of Ardley House only.
- 4) The use shall not commence until the area within the site shown on drawing 2634/11 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.
- 5) Prior to any work above slab level, details of the acoustic performance of windows and ventilation provisions for all bedrooms hereby permitted shall be submitted in writing to the Local Planning Authority for approval. The approved glazing and ventilation shall be installed prior to first occupation and thereafter retained and maintained unless otherwise agreed in writing with the Local Planning Authority.
- 6) Prior to first occupation of the development hereby permitted, all mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Skilled Ecology, February 2020) as submitted with the planning application and already agreed in principle with the local planning authority.
- 7) Prior to first occupation of the development a Biodiversity Enhancement Strategy for Protected and Priority species shall be carried out in accordance with a strategy previously submitted to and approved in writing by the Local Planning Authority, following the details contained within the Preliminary Ecological Appraisal (Skilled Ecology, February 2020). The content of the Biodiversity Enhancement Strategy 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) details of the timings of the implementation of the various elements of the strategy;
- e) persons responsible for implementing the enhancement measures;
- f) 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.