



Appeal Decision

Hearing held on 22 February 2023

Site visit made on 22 February 2023

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2023

Appeal Ref: APP/W3520/W/21/3286408

Land North-West of Moat Farm Barns, The Tye, Barking, Ipswich IP6 8JE

- 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 & Mrs H Ruffle against the decision of Mid Suffolk District Council.
 - The application Ref DC/21/03800, dated 3 July 2021, was refused by notice dated 24 August 2021.
 - The development proposed is described on the planning application form as 'Change of use of land - Erection of 1no, two storey, self-build/agricultural workers dwelling, integral office/garage/store utilising existing vehicular access.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's third reason for refusal asserts that insufficient information was provided to allow the effect of the proposal upon Great Crested Newts (a protected species) to be established. The appellant provided additional ecological information¹ as part of this appeal. Given that this information does not alter the development as originally considered and consulted on by the Council I have taken it into account.
3. During the Hearing both main parties referred to Core Strategy² Policy CS2 which was not included within the Council's reasons for refusal. Given that the main parties had the opportunity to discuss this policy at the Hearing, I have had regard to it in considering this appeal.

Main Issues

4. The main issues are:
 - Whether the site is suitable for the proposed development with regard to the Council's strategy for the location of residential development and in particular, whether there is a proven, essential and immediate need for a rural worker's dwelling in the location proposed.

¹ Habitat Suitability Index Assessment produced by Liz Ford (25 August 20210)

² Mid Suffolk District Core Strategy Development Plan Document (September 2008)

- The effect of the proposal on the character and appearance of the local area including consideration of the special attention that should be paid to the desirability of preserving the setting of the nearby Grade II listed buildings.

Reasons

Location

5. The appeal site is located in the countryside, approximately half a kilometre from the settlements of Ringshall and Barking Tye, which are located to the west and east respectively. Core Strategy Policy CS2 outlines that development in the countryside will be restricted to defined categories of development. The appellants have suggested that an unrestricted market dwelling would be acceptable in this location in planning policy terms. However, such a dwelling would conflict with Core Strategy Policy CS2.
6. Core Strategy Policy CS2 refers to 'agricultural workers dwellings' as a type of development which is permissible in the countryside, subject to compliance with other relevant development plan policies. Indeed, the information submitted with the planning application indicates that this is the basis upon which the appellants sought planning permission from the Council.
7. Saved Local Plan³ Policy H10 relates to 'dwellings for key agricultural workers'. It outlines that in the countryside, dwellings for key agricultural personnel will be permitted where it can be demonstrated that there is a proven essential and immediate agricultural need for a dwelling on the holding.
8. The appellant and his father both work on the farm, with the appellant taking a more active role which includes the husbandry of livestock. The appellants' evidence indicates that the livestock operation comprises of approximately 100 lambing ewes. However, during the Hearing I established that this is a very small part of the agricultural enterprise with the vast majority of the enterprise comprising arable farming.
9. The evidence indicates that the ewes lamb twice a year and they need checking every 3 to 6 hours for a duration of 4 to 6 weeks during these periods. The appellant and his father both live within approximately 1 mile of the appeal site and it takes them approximately 3 minutes and 5 minutes respectively to drive to the appeal site. Given these very short journey times and the limited duration and seasonality of the lambing periods, it is not at all clear why it is essential for a new dwelling to be located on the appeal site. Indeed, no substantive evidence has been advanced to indicate that there are any animal welfare issues which arise at present which would justify an on-site presence.
10. The appellants indicated that it is their intention to expand the livestock element of the enterprise. However, no business plan or other substantive evidence was advanced to support this assertion. In any case, even if I were to accept this, there is still no clear justification as to why a dwelling needs to be located in the location proposed.
11. No detailed evidence has been advanced concerning the extent to which the proposed dwelling would reduce the likelihood of future thefts from the agricultural units. For example, details such as crime reference numbers have

³ Mid Suffolk Local Plan (September 1998)

not been provided. In any event, the existing agricultural units are opposite a number of residential properties which currently provide passive surveillance. As such, it is not clear that siting a dwelling in the location proposed would have any significant beneficial impact in this regard.

12. The appellants also suggested that the dwelling would provide more suitable accommodation for a growing family. However, this consideration does not provide a justification for siting a dwelling in this particular location given that the prospect of finding existing suitable accommodation locally has not been ruled out and evidenced.
13. I conclude that it has not been adequately demonstrated that there is an essential need for a dwelling in this location to support the farming enterprise. This is compounded by the close proximity of the existing agricultural units to the appellant's place of residence. For these reasons the proposed development does not accord with saved Local Plan Policy H10. As such, the proposed development conflicts with Core Strategy Policy CS2 which limits development in the countryside to certain categories.
14. The appellants contend that the appeal site is not isolated within the terms of National Planning Policy Framework (the Framework) Paragraph 80, given its close proximity to the cluster of dwellings on the opposite side of the highway. In allowing an appeal⁴ for 2 dwellings opposite the appeal site in 2016 an Inspector concluded that 'the proposed dwellings would not appear isolated given the existing four properties'. However, it is by no means clear whether this conclusion was reached with reference to the relevant provisions of the Framework or in more general terms.
15. In any case, that appeal decision pre-dated the judgement in Braintree District Council v Secretary of State for Communities and Local Government, Greyread Limited & Granville Development Limited [2017], which addresses the consideration of the term 'isolated' within the context of the Framework. The Court of Appeal Judgement⁵ in the same case makes it clear that the word 'isolated' in the phrase 'isolated homes in the countryside' simply connotes a dwelling that is physically separate or remote from a settlement. As such, whether a site is isolated is dependent on the site-specific circumstances and is a matter of planning judgement.
16. Whilst the appeal site is in close proximity to a cluster of existing dwellings, these do not comprise a settlement. They are a sporadic cluster of dwellings which have become established incrementally. This cluster of dwellings does not comprise any features (other than the buildings themselves) which might be expected within even a small settlement. For example, there are no footways linking the dwellings along the highway and there is no street furniture or lighting. Furthermore, the appeal site is physically and functionally separated from the nearest small settlements of Barking Tye and Ringshall. Taking these factors into account, the appeal site is in an isolated location within the terms of Framework Paragraph 80.
17. Framework Paragraph 80 outlines that planning decisions should avoid isolated homes in the countryside unless certain circumstances apply. The first relates to an essential need for a rural worker to live permanently at or near their

⁴ APP/W3520/16/3144431

⁵ Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610

place of work. For the reasons already given, the development would not fulfil this exception and neither would it fulfil any of the other exceptions listed at Paragraph 80.

Character and Appearance

18. The appeal site comprises an agricultural field adjacent to four large agricultural units. On the opposite side of the highway there is a small cluster of residential development. These buildings include Moat Farmhouse which is a Grade II listed building and a former stable range 30 metres to the west of Moat Farmhouse, which is also a Grade II listed building.
19. Under section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I am obliged to have special regard to the desirability of preserving both of these listed buildings, their settings and any features of special architectural or historic interest.
20. Moat Farmhouse primarily derives its significance from its well-preserved 17th century architecture, with distinctive features including a plaintiled roof and redbrick chimney. It also derives significance from its grandeur relative to the more diminutive buildings to the west. Indeed, this reflects its historic function as a farmhouse set within a wider agricultural context. In this regard, the rural agricultural landscape also contributes positively to the significance of the listed building. The former stable range, opposite the appeal site, primarily derives its significance from its association with the Farmhouse and its similarly well-preserved 17th Century architectural features. It also partially derives its significance from its setting within the rural landscape.
21. Having regard to the historic agricultural function of these heritage assets, the appeal site, which comprises an agricultural field in relatively close proximity, makes a small positive contribution to their setting and thereby their significance. Despite this, the proposed dwelling would have a fairly traditional barn-style appearance which would reflect the historic agricultural function of the surrounding heritage assets. Furthermore, whilst the scale of the dwelling would be relatively extensive, it would be dwarfed in comparison to the adjacent agricultural units to the east. The proposed area of outside space would be large and would alter the existing character of the field, however, this change would not result in any harm to the significance of the heritage assets, given the predominantly rural character of the proposed development.
22. For these reasons, the proposal would not result in any harm to the character and appearance of the area and the setting of the Listed Buildings would not be harmed. As such, the proposed development would comply with saved Local Plan Policies GP1 and HB1, which seek to ensure that development is in keeping with local character and protects the settings of listed buildings, respectively.
23. The proposed development would also comply with the relevant provisions set out under Chapter 16 of the Framework in relation to heritage assets. It would also accord with Framework Paragraph 130, which outlines in part that development should be sympathetic to local character.

Other Matters

24. Framework paragraph 11d sets out the approach to decision-taking where there are no relevant development plan policies, or where the policies which

are most important for determining the application are out-of-date. Within this context, saved Local Plan Policy H10 and Core Strategy Policy C2 are the 'most important policies' for determining this appeal. This is because they are the only development plan policies before me which directly concern the principle of development on the appeal site.

25. Core Strategy Policy CS2 states that development in the countryside will be restricted to certain types of development. However, the list of categories of permissible development is relatively extensive and not overly prescriptive. Indeed, it includes agricultural workers dwellings as a type of development which might be acceptable in such locations.
26. The appellant asserts that saved Local Plan Policy H10 is out-of-date because it is not consistent with the less restrictive approach taken in Framework Paragraph 80, as it applies to all locations as opposed to only those which are isolated. However, given that the appeal site is located in an isolated location, this is a moot point. In addition, given the conflict which I have identified with Framework Paragraph 80, the approach in the Framework only reinforces the conflict which I have found with Local Plan Policy H10.
27. Taking all of this into consideration, for the purposes of this appeal the most important policies are consistent with the Framework and are not therefore out-of-date. As a result, the approach at Framework Paragraph 11d does not apply.
28. There would be some economic and social benefits associated with the proposal, resulting from the increase in the housing stock. However, these would be limited given that only one dwelling is proposed. These limited benefits would not outweigh the harm which would be caused to the Council's strategy for the location of residential development.
29. The Appellants assert that the Council has not identified what specific harm would arise. However, the Framework is clear that the planning system should be genuinely plan-led. Furthermore, there is no evidence to indicate that the Council's strategy is failing in terms of housing land supply or delivery. As such I afford substantial weight to the conflict with the development plan.
30. In considering the additional ecological information submitted by the appellant, the Council has confirmed that it no longer intends to defend the third reason for refusal. However, given that I have dismissed this appeal for other reasons it is not necessary to consider this matter further.

Conclusion

31. The proposed development would be in keeping with local character and would not result in any harm to the nearby listed buildings. However, it would not accord with the Council's strategy for the location of residential development. As such, the proposal conflicts with the development plan taken as a whole.
32. There are no material considerations raised which are of sufficient weight to indicate that a decision should be made other than in accordance with the development plan. The appeal is therefore dismissed.

Luke Simpson

INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

Phil Cobbold MRTPI	Planning Consultant
Henry Ruffle	Appellant
John Ruffle	Appellant's Father

FOR THE LOCAL PLANNING AUTHORITY:

Steven Stroud MRTPI	Strategic Projects and Delivery Manager
Jasmine Whyard	Senior Planning Officer