



Appeal Decision

Site visit made on 2 May 2023

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 16 June 2023

Appeal Ref: APP/W3520/W/22/3309752

Junedale, Chapel Lane, Stoke Ash, Suffolk IP23 7EU

- 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 Scott against the decision of Mid Suffolk District Council.
 - The application Ref DC/22/04071, dated 12 August 2022, was refused by notice dated 10 October 2022.
 - The development proposed is the conversion of a building to a dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of and extension to outbuilding to form 1 No dwelling at Junedale, Chapel Lane, Stoke Ash, Suffolk IP23 7EU in accordance with the terms of the application, Ref DC/22/04071, dated 12 August 2022, subject to the schedule of conditions set out in this decision.

Preliminary Matters

2. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording, matching that used on the Decision Notice has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. However, as both main parties have used this description in their submissions, and it forms a clearer description of the development proposed, I have used it in the formal decision above.

Main Issue

3. The main issue is whether the proposed development would be in a suitable location, with particular reference to the accessibility of services and facilities and reliance on the private car.

Reasons

4. The appeal site comprises an existing building that is located at the end of a short ribbon of development along Chapel Lane. To the south is the adjacent dwelling 'Junedale' and to the north and east is agricultural land. Directly opposite the appeal site to the west is what appears to be a grass paddock. The appeal site therefore forms part of a small group of buildings that are located within open countryside.
5. Policy CS 1 of the Core Strategy Development Plan Document Adopted September 2008 (CS) sets out a settlement hierarchy in order to direct the majority of new development to towns and key service centres whilst allowing

some provision for meeting local housing needs in primary and secondary villages. The policy states that in the rest of Mid Suffolk, including settlements not listed, will be designated as countryside and countryside villages and development will be restricted to particular types of development to support the rural economy, meet affordable housing, community needs and provide renewable energy.

6. CS Policy CS 2 goes on to set out a list of defined categories of development that, if proposals are in accordance with other CS policies will be supported. One of those included in the defined categories is rural exception housing that includes the possible conversion of rural buildings. There is therefore support under Policy CS 2 for the 'possible conversion of rural buildings' to housing. There is no definition as to what a 'rural building' is defined as, or any exceptions in relation to the type of building where the policy would not apply. I therefore consider that the proposal would fall under the list set out under Policy CS 2 as a possible conversion of a rural building.
7. The appellant states that policies CS 1 and CS 2 of the CS are out of date given that they represent a more restrictive approach to the location of new development. The Council contend that in countryside locations such as the appeal site, policies CS 1 and CS 2 remain in date. I consider that the policies are more restrictive in their approach to the acceptability of development compared with the more balanced approach set out in the National Planning Policy Framework (the Framework). However, the policies do still direct development to settlements where there are facilities, services, employment and access to public transport provision. I therefore attach substantial weight to policies CS 1 and CS 2. In any case, I have found that the proposal would be consistent with the approach in Policy CS 2 which allows for the 'possible conversion of rural buildings'.
8. The Council have provided an appeal decision¹ in support of their case. Whilst this did consider whether policies CS 1 and CS 2 are out of date, it did not relate to the conversion of an existing building and therefore is not comparable to this appeal proposal.
9. Policy H9 of the Mid Suffolk Local Plan Adopted September 1998 (LP) considers the conversion of rural buildings to dwellings. This policy states that in the countryside, the conversion and change of use of agricultural and other rural buildings whose form, bulk and general design are in keeping with their surroundings will be favourably considered, subject to three further criteria. As is the case of Policy CS 2 of the CS, there is no definition set out under Policy H9 as to what is meant by the term 'other rural building', or a list of the types of buildings that are excluded from being covered by this term.
10. The Council assert that because the building has not been in agricultural or an other type of use relevant to a rural setting, that it does not fall under the category of being an 'other rural building', as required by Policy H9 of the LP. The building subject to this appeal is a building located in a countryside location and therefore is situated in a rural setting.
11. The Council have provided the planning history of the site, identifying that the building was granted permission for use as a commercial workshop relating to the sale and repair of used cycles and accessories. Whilst the building has not

¹ APP/W3520/W/22/3305372

been actively used for the permitted use in more recent times, there is no substantive evidence before me to suggest there has been an intervening use or that the building has become domestic as a result of it not being in active use. In any case, looking at the terminology of the policy, even if the building were to be in use for domestic storage, there is nothing to exclude this type of use from the definition of an 'other rural building'.

12. I therefore find that the appeal building could be reasonably described as an 'other rural building' and subject to the proposal meeting the criteria set out under Policy H9 of the LP, it would meet the requirements of this policy which in my view is the most relevant to this case.
13. Firstly, policy H9 requires that in order for a conversion and change of use to be acceptable the building must be in keeping with its surroundings. The existing building is located at the end of a ribbon of development and is of a form and massing that is complementary to the adjacent dwelling and other built form along Chapel Lane. It therefore responds appropriately, in terms of its design and materials used, to the context in which it sits.
14. Policy H9 goes on to require that the proposed conversion must be respectful to the structure, form and character of the original building and where extensions are proposed they should not dominate or detract from the character and appearance of the original building. In addition, the extent of residential curtilage attributed to the conversion should not adversely affect the character of the surrounding countryside.
15. The proposed conversion would include works to increase the height of the building in order to make the first floor space more usable. This upward extension, given it would be limited, would not alter the character and appearance of the existing building significantly. The proposed porch, whilst not identified as a reason for refusal is raised in the Council's officer report as being an overly domestic feature. However, the proposed porch, due to the subservient scale and design, would be sympathetic to the existing character and appearance of the building and would not represent a dominant addition. Limited alterations would be made to the fenestration. The garden space attributed to the converted building would be made up of part of the existing garden space serving 'Junedale' and therefore the provision of the garden space would not result in an adverse effect on the character of the surrounding countryside.
16. The Council have raised concerns about the accessibility of services and facilities for any future occupiers of the proposed conversion scheme, given the appeal site is removed from a settlement and that it would not promote sustainable modes of travel. However, neither Policy CS 2 of the CS or Policy H9 of the LP require specific accessibility requirements in order to support the conversion of buildings in countryside locations. Paragraph 105 of the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and that this should be taken into account.
17. The appellant asserts that the appeal site is within 400m of bus stops which provide access to a public bus service. I noted on my site visit that there was a footpath alongside the main road from opposite the turning into Chapel Lane to the White Horse Inn Public House where the nearest bus stops are located. During my site visit, I walked from outside the appeal site to the White Horse

Inn which took me ten minutes. The timetables provided by the appellant identify that there would be access to larger settlements with services and facilities via the bus service. I therefore find, that whilst there would not be direct access to services and facilities in the nearest settlements, there would be an opportunity to access the public bus service.

18. I therefore find that the proposal does meet the requirements of Policy CS 2 of the CS and Policy H9 of the LP. These policies seek, amongst other things, to support the re-use of rural buildings through conversion and to ensure that conversion schemes retain the existing character and appearance of the building and the surrounding countryside.

Other Matters

19. The Council have stated that they currently have a housing land supply of 9.54 years and therefore the delivery of a new home on the appeal site would not provide a significant social benefit. They also state that any economic benefits from the creation of jobs through the construction period would be limited and short term only given the scale of the proposal. Whilst this may be the case, the proposal is supported by the provision of Policy CS 2 of the CS and Policy H9 of the LP.

Conditions

20. The Council have provided a list of suggested conditions, should the appeal be allowed. I have considered the suggested conditions and amended and reordered them as necessary in the interests of precision and clarity, as well as to comply with the Framework and the advice set out in the Planning Practice Guidance (PPG).
21. A condition is needed to secure compliance with the approved plans, for the avoidance of doubt and in the interests of proper planning. The Council have suggested that pre-commencement conditions with regard to the provision of parking and manoeuvring on site and surface water drainage details are required. Whilst I find that the details for both of these are necessary in order to ensure that appropriate parking is provided and that the proposal does not increase flood risk on or off-site, given the nature of the existing site and the building works proposed I do not consider that details are required prior to the commencement of development. I have omitted reference to loading and unloading areas, since none are proposed.
22. A condition requiring the installation of an electric vehicle charging point has also been suggested. Whilst I have not been provided with evidence of a local requirement, paragraph 110 a) of the Framework states that in assessing applications for development it should be ensured that appropriate opportunities to promote sustainable transport modes can be taken up. I therefore find this requirement reasonable and necessary in this case.
23. Boundary treatment and landscaping conditions are reasonable and necessary in the interests of the visual amenity of the site and the surrounding area. However, given the scale of the proposal and given the existing use of the external space as garden area, the landscaping maintenance scheme for 5 and 10 years that has been suggested is not reasonable.
24. The Council suggested a condition removing a wide range of permitted development rights. However, the PPG states that conditions restricting the

future use of permitted development rights may not pass the test of reasonableness or necessity and that the scope of such conditions needs to be precisely defined so that it is clear exactly which rights have been limited or withdrawn. There is very little evidence before me to suggest why the removal of a wide range of permitted development rights would be reasonable or necessary in this case. Therefore, I have not attached a condition in this regard.

Conclusion

- 25.** For the reasons given above, having regard to the development plan taken as a whole, and all other relevant material considerations, I conclude that the appeal should be allowed subject to the attached conditions.

G Dring

INSPECTOR

Schedule of Conditions

- 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: 4340-01; 4340-04; 4340-05.
- 3) Prior to the completion of the extensions hereby permitted details of the areas to be provided for the manoeuvring and parking of vehicles including secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed before the development is first occupied and shall be retained thereafter.
- 4) Prior to the completion of the extensions hereby permitted details showing the means to prevent the discharge of surface water from the development onto the highway including any system to dispose of water, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed before the development is first occupied and shall be retained thereafter.
- 5) The development hereby permitted shall not be occupied until a scheme for electric vehicle charging infrastructure has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed before the development is first occupied and shall be retained thereafter.
- 6) The development hereby permitted shall not be occupied until a scheme for the details of the siting, design and materials of boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed before the development is first occupied and shall be retained thereafter.
- 7) Prior to the completion of the extensions hereby permitted details of the hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed changes in ground levels, the location of existing trees, shrubs and hedgerows on the site indicating any to be retained.
- 8) All changes in ground level, hard landscaping, planting, seeding or turfing shown on the approved landscaping details required by condition 7 shall be carried out during the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is sooner.