



Appeal Decision

Site visit made on 6 June 2023

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 July 2023

Appeal Ref: APP/X3540/W/22/3292259

Fordley Meadows, Butchers Lane, Kelsale cum Carlton, Suffolk, IP17 2PH

- 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 Trevor and Jacky Phillips against the decision of East Suffolk Council.
 - The application Ref DC/21/2982/FUL, dated 17 June 2021, was refused by notice dated 10 August 2021.
 - The development proposed is conversion of redundant barn to one bedroom dwelling to allow onsite management of Suffolk Horses and improve security of livestock .
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue in this appeal is whether the appeal site represents an appropriate location for the proposed development, having regard to the spatial strategy in the development plan.

Reasons

Policy Context

3. The site is located outside of the defined settlement boundary within a small group of dwellings which is clearly separate from the nearby village of Kelsale-cum-Carlton and is therefore within the countryside for planning purposes.
4. Policy SCLP3.1 of the Suffolk Coastal Local Plan 2020 (LP) provides the overarching spatial strategy for development. It seeks to protect and enhance the quality of the natural environment. Policy SCLP3.2 provides the settlement hierarchy, with the nearby village of Kelsale being designated as a small village, where small groups of housing may be permitted in the settlement boundary. Policy SCLP3.3 sets out that proposals for new development outside of the settlement boundary will be carefully managed in accordance with national planning policy guidance and the strategy for the Countryside.
5. Policy SCLP5.3 sets out the strategy for the Countryside and permits rural workers dwellings where there is an essential need for a rural worker to live permanently at or near their place of work and is linked to policy SCLP5.6. It also permits the conversion of an existing building, subject to the criteria outlined in Policy SCLP5.5.
6. Paragraph 80 of the National Planning Policy Framework (the Framework) states planning decisions should avoid the development of isolated homes in the countryside unless there is an essential need for a rural worker to live

permanently at or near their place of work in the countryside, or the development would re-use a redundant or disused building and enhance its immediate setting.

Rural workers dwelling

7. Policy SCLP5.6 confirms the Councils approach to rural workers dwellings and sets out a number of additional criteria beyond that required by the Framework, but it is consistent with the considerations provided within the Planning Practice Guidance (PPG). The PPG advises that considerations that may be relevant include evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of a land based rural enterprise. Therefore, I am satisfied that the policy provides an appropriate basis for establishing whether or not there is an essential need for a rural worker to live permanently on the site.
8. Turning firstly as to whether there is a functional need for someone to live on site, the evidence provided indicates that the appellant is an active breeder of Suffolk Punch Horses, which are rated by the Rare Breeds Survival Trust as a critically endangered species.
9. The appellant's evidence indicates that they have up to 8 horses and foals stabled at Fordley Meadows and that they have 2 breeding mares, although at the time of my visit no horses appeared to be present at the site.
10. There would be potentially two foalings on site in a calendar year and it is accepted that there would be a need for a presence on site during these periods, but I am satisfied that there is sufficient space within the site, including within the existing building subject of this appeal, to provide a level of sitting up accommodation during any periods of foaling where closer supervision may be required.
11. However, no evidence has been submitted to indicate the number of foals that have been born during the time in which Mr and Mrs Philips have been breeders, or how this process has been managed in previous years. Whilst the letter provided from the local vet indicates that a foal died in 2017, there is little to explain the circumstances around this unfortunate event, or whether this outcome would have been avoided if someone was living on site.
12. It is evident that the horses are currently able to reside on the site and that this has not led to any significant problems. Although horses require daily attention, usually at least twice a day. It is not uncommon for horses to be stabled and grazed in locations which do not have a residential occupant within sound and site. Therefore, the existence of the horses alone is not sufficient justification for someone to live permanently on the site.
13. Other options for monitoring the horses, to check for any incidents and to improve security, would be possible including through the use of CCTV. The evidence before me does not demonstrate that all of these have been fully explored and discounted by the appellant.

14. As I have found that the functional need has not been demonstrated, I have not gone onto consider whether there are other alternative options in terms of accommodation, nor have I considered whether the unit and rural activity is financially sound, as this would only be necessary if a functional need had been established. In any event there is a lack of submitted evidence on both of these points.
15. There would be some benefits associated with a reduction in the need for the appellants to travel to the site to tend to the horses, albeit I have not been provided with details of how far they travel from their existing home. However, occupiers of the proposed development would be likely to be reliant on the private car to access a full range of community facilities such as shopping, healthcare, leisure and entertainment, given the distance to the nearest sizeable town. Therefore, this is a neutral effect in terms of the travel undertaken by the appellant.
16. In conclusion there is insufficient evidence to demonstrate that there is an essential need for a rural worker to live at the appeal site. Therefore, in this regard the development conflicts with policies SCLP3.3, SCLP5.3 and SCLP5.6 of the LP.

Conversion of rural building

17. Policy SCLP5.5 sets out that the conversion of buildings in the countryside for residential use will be permitted provided a number of criteria are met and of these the Council consider that the first part of the policy is not met, as it has not been demonstrated that the building is redundant.
18. From the evidence before me, it has not been adequately demonstrated that the building is redundant from its use as a hay/straw barn given that it remains a building which is capable of use as such and the wider site also accommodates a number of stables. The building is also a relatively modern structure, having gained planning permission in 2013 and therefore there is no indication that it can not continue to serve its intended purpose.
19. The policy also requires the conversion to enhance the immediate setting of the area. The building is black weather boarded under a tiled roof and is typical of a rural building associated with both equine and agricultural uses. Whilst the Council have indicated that the building is of limited architectural merit and does not contribute positively to the rural landscape, I found that it was a pleasant building which was not alien or incongruous within its setting. The works to convert the building result in the introduction of rooflights, additional openings and the insertion of glazing. Overall this would result in fairly modest changes to the external appearance of the building.
20. However, the building would also be separated from the existing stable block, leading to a more domestic appearance. The proposal would also extend residential development along this part of Butchers Lane, altering the character and appearance of this rural site, including an associated increase in domestic paraphernalia. Therefore, both the proposed use and the associated alterations to the building would fail to enhance the immediate setting of the area as required by LP policy SCLP5.5.

21. Therefore, I am not persuaded that the building is redundant, nor would the proposal enhance the immediate setting of the area and therefore the proposed development fails to accord with policies SCLP3.3, SCLP5.3 and SCLP5.5 of the LP for the reasons set out above.
22. In not according with the Council's spatial strategy for the Countryside, the development also fails to accord with policies SCLP3.1 and SCLP3.2

Other Matters

23. The Council have indicated that the appeal site falls within a 'Zone of influence' for a European designated site. As the competent decision making authority, if I had been minded to allow the appeal it would have been necessary for me to confirm further details of the European designated site and to complete an Appropriate Assessment for this scheme. However, as I am dismissing the appeal for other reasons, I have not taken the matter further.

Conclusion

24. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. For the reasons given above, I conclude that the appeal should be dismissed.

G Pannell

INSPECTOR