



Appeal Decision

Site visit made on 18 April 2023

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 August 2023

Appeal Ref: APP/W3520/W/22/3299544

Barn at Green Farm, Ashbocking Green, Ashbocking, Ipswich IP6 4EQ

- 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 SE Kent Partnership against the decision of Mid Suffolk District Council.
 - The application Ref DC/21/06447, dated 28 November 2021, was refused by notice dated 8 March 2022.
 - The development proposed is described as the "demolition of all buildings except timber frame barn; conversion, alteration, extensions and change of use to residential of timber frame barn and associated curtilage; erection of cartlodge; installation of package sewage treatment plant; means of access to B1078; and structural landscaping".
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by SE Kent Partnership against Mid Suffolk District Council. This application will be the subject of a separate decision.

Procedural Matters

3. The postcode of the appeal site differs within the submitted documentation. Therefore, for the avoidance of doubt, in the banner heading above, I have taken the postcode from the appeal form and the Council's decision notice as this would seem to be more accurate than that contained within the planning application form.
4. The fourth reason for refusal on the Council's decision notice references Policy H16 of the Mid Suffolk Local Plan, adopted 1998 ('the LP'). This policy seeks to protect existing residential amenity. However, it is clear from the Council's officer report and the wording contained within the reason for refusal that this policy has been included in error, and the relevant policy should be LP Policy H17. I have therefore determined the appeal on this basis.
5. The appellant has submitted amended plans with the appeal that seek to alter the design of the proposed road by making it more curved. Interested parties have not had the opportunity to comment upon these amendments and would be prejudiced by their inclusion. I have therefore not taken these drawings into consideration when determining the appeal.

Main Issues

6. The main issues are:

- a) the effect of the proposed development on the character and appearance of the existing barn, including the significance of the building as a Non-Designated Heritage Asset (NDHA);
- b) the effect of the proposed development on the character and appearance of the surrounding area;
- c) the effect of the proposed development on the living conditions of future occupiers, with particular reference to noise and disturbance;
- d) the effect of the proposed development on the operation of the existing farm; and
- e) whether the site is in a suitable location for housing development.

Reasons

Character and Appearance of the Existing Barn, Significance of NDHA

7. The appeal site comprises part of an existing farm that includes a timber framed agricultural threshing barn with an array of more modern agricultural buildings that are both attached to, and surround, this building. It is proposed to demolish the modern agricultural buildings, convert the existing timber framed barn and erect various extensions to the barn to create a dwelling. The surrounding land would be changed to garden with a parking and turning area to the west and a detached double garage. A new access would be created across the field to the south that would exit onto the B1078 that would be used by the proposed dwelling. The existing access to the west would continue to be used by agricultural vehicles, while the remaining agricultural buildings to the south and east of the appeal site would be retained and continue to be used for agricultural purposes.
8. There is no dispute between the main parties regarding the demolition of the modern agricultural buildings. The building to be converted comprises the timber framed threshing barn that has a steeply pitched tiled roof. It consists of five bays and has a concrete floor with two square indents to one end, although the floor provides no structural support to the barn. The exterior walls consist of timber cladding, although a large proportion of the cladding is missing where the walls abut other buildings. The submitted Structural Report¹ concludes that the barn is in a poor state of repair but would be suitable for conversion without alteration to its existing structural format. From the information before me, I have no reason to disagree with these findings.
9. Although not referred to as a NDHA within the Council's officer report, the Council's pre-application advice and the comments of the Council's Archaeological Officer state that the building comprises a NDHA and a Heritage Impact Assessment has been submitted. The existing barn is said to lie within the historic farmstead of Green Farm which is identified on the Suffolk Historic Environment Record as a NDHA. The barn is depicted on the Tithe Map within a farmstead laid out in a dispersed cluster plan and is considered to pre-date

¹ Structural Report, Green Farm House, The Green, Ashbocking, Ipswich, IP6 9JX, produced by JMS Group, dated 12 November 2021

circa 1840. It is therefore a building of historic and architectural interest and evidential value.

10. It is proposed to use the barn as an open-plan, double height living room, dining room and kitchen, retaining the open and spacious character of the existing barn. Single storey extensions would be attached to three of the barn's elevations, with only the eastern elevation of the original barn left exposed. While the demolition of the modern agricultural buildings could allow for a greater appreciation of the barn, the siting and scale of the proposed extensions would envelope and largely conceal its original form.
11. The proposed extensions would be extensive, more than doubling the existing floorspace of the barn. They would dominate the original building. While I appreciate that the proposed extensions would be in place of the existing modern agricultural buildings that would be demolished, I am not persuaded that their scale, siting or design would be sympathetic to the existing barn or its setting. The proposal would introduce domestic features such as a double height entrance porch that would alter the roof shape of the barn; multiple rooflights, including significantly large rooflights within the roof of the barn; and large glazed windows including a feature glazed gable. While the appellant asserts that it is not uncommon for converted barns within Suffolk to have similar glazing, this has not been substantiated with evidence. New openings would be created within the barn and pastiche barn doors would be hung either side of a double height glazed opening. Consequently, the proposed extensions and alterations would fundamentally affect the character and appearance of the existing barn and its significance as a NDHA.
12. Paragraph 197 of the National Planning Policy Framework ('the Framework') requires that in weighing applications that directly or indirectly affect NDHAs, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
13. I appreciate that the proposal would bring the existing barn back into use and would likely preserve the existing building. However, I have already found that the proposal would harm the significance of the NDHA. The proceeds from the disposal of the appeal site could enable the appellant's company to reinvest the funds into its operation, however, I have not been provided with a mechanism to ensure this would be undertaken. Limited information has been provided to ascertain the most appropriate use for the NDHA and while the appellant asserts that the proposal is the most viable, this has not been supported by evidence. Consequently, I am not persuaded that these matters could not be achieved by an alternative proposal that is less harmful to the NDHA. Accordingly, I attach limited weight to these matters.
14. The provision of one dwelling weighs in favour of the proposal and would make a contribution, albeit small, to the Government's objective of significantly boosting the supply of new homes. The proposal would provide some economic benefit during the construction period, albeit this would be short-term, and the proposal could contribute to the local economy through future occupants spending money in the locality. I therefore attach moderate weight to these matters.
15. I have assessed the proposal on its own merits and for the reasons set out above, I have found that harm would be caused to the significance of this

NDHA which would not be outweighed by the other identified matters which attract limited or moderate weight.

16. In respect of the first main issue, the proposed development would adversely affect the character and appearance of the existing barn, including the significance of the building as a NDHA. It would conflict with Policies GP1, H9 and H13 of the LP which, amongst other things, seek to ensure the proposed conversion respects the structure, form and character of the original building; new openings should be kept to a minimum; and where proposed extensions are essential, they should not dominate the original building or detract from the appearance or character which warrants the original building being retained as a feature in the countryside. It would also conflict with chapter 12 of the Framework that seeks to achieve well designed places.

Character and Appearance of the Surrounding Area

17. The proposed dwelling would be served by a new road that would cross the field to the south of the farm, with a new access created onto the B1078. The road would be 5m wide, with a grass verge and drainage ditch to either side. It is proposed to plant a native hedge along both sides of the road that would be interspersed with trees. The resulting fields to either side of the proposed road would be sizable and therefore could still be used for agricultural purposes. However, the proposed road would be of a significant length and width and therefore, it would create an urbanising feature in an otherwise agricultural field that would significantly harm the surrounding rural landscape.
18. I acknowledge that the proposed road would follow, in part, the former field boundaries shown on the 1880s Ordnance Survey mapping that have subsequently been removed. However, the proposed road would not follow these in their entirety and the provision of two parallel hedgerows separated by a road would not be comparable to a former field boundary. The proposed road would therefore result in a significant discordant feature across an undeveloped agricultural field. I also note the former gently curved field enclosure to the east of the proposed road. However, the proposed road would be a substantial distance from this former feature, and for the reasons given above, would not be comparable to a field boundary.
19. I have considered the comments of the planning officer at the neighbouring East Suffolk Council and LSDP Landscape Arboriculture Sculpture. However, for the reasons given above, I disagree with their findings.
20. There is an existing access to the west of the appeal site that adjoins the B1077 which has been used to access the farmstead. While concern is expressed regarding the adequacy of the existing access from a highway safety perspective, limited evidence has been submitted to substantiate this view. Furthermore, while information has been provided regarding the inability of HGVs to be able to turn into the site when travelling from the south, this would not be a requirement of the proposed development.
21. It is said that the Highways Authority has objected on highway safety grounds to previous proposals at the farm due to an inability to provide the requisite visibility splays at the existing access. However, this matter has not been substantiated with evidence, nor has evidence been provided that the existing access cannot be upgraded to provide the necessary visibility splays. Furthermore, the planning history detailed in the Council's officer report

suggests that permission was previously sought for housing developments comprising 8, 9 and up to 21 dwellings; for a mixed-use development comprising B1, A1, D1 and D2 uses; and for public open space and the provision of community facilities. These proposals would likely substantially increase the intensity of the use of the existing access and therefore are not directly comparable to the appeal proposal. Furthermore, no vehicle movement data has been provided to compare the former use of the site as an intensive pig farm to the proposed development including a smaller farm primarily used for storage purposes, nor has any vehicle speed data been provided for the B1077, to demonstrate that a reduction in the Highway Authority's requirements could not be justified.

22. While the Highways Authority consider the proposed access to be acceptable in highway safety terms, this does not infer that the existing access would be unacceptable. Therefore, from the information before me, I am not persuaded that the proposed dwelling could not be served by the existing access.
23. The proposed road could reduce potential conflict with other road users, such as pedestrians using the Public Right of Way that also traverses along part of the existing access road and reduce any potential disturbance to the occupiers of the dwellings to either side of the existing access. However, the existing access would be retained and I have no mechanism before me to prevent future occupiers of, or visitors to, the proposed dwelling, or vehicles associated with the farm from utilising this access. Furthermore, the appellant has stated that they are not aware of any complaints regarding the use of the existing access by the existing farm.
24. The proposed dwelling would be sited almost centrally within a sizeable plot with a parking/turning area and a detached double garage located to the front, and a large garden that would wrap around the dwelling. The plots of the dwellings in the surrounding area vary in size and shape. The proposed dwelling's plot would be comparable in size to other plots in the surrounding area and therefore it would not appear disproportionate.
25. In reference to the second main issue, the proposed development, with particular reference to the proposed access road, would harm the character and appearance of the surrounding area. It would conflict with Policy CL11 of the LP that seeks to encourage the conservation of agricultural land. It would also conflict with Section 15 of the Framework that seeks to recognise the intrinsic character and beauty of the countryside.
26. The Council's reason for refusal mentions LP Policy CL2, however, this policy relates to development within special landscape areas, of which the appeal site is not located. This policy is therefore not relevant to the determination of the appeal.

Living Conditions of Future Occupiers

27. The farm, incorporating the appeal site, is accessed from the B1077 to the west and comprises a single width track between two bungalows. It is stated that the existing access would be retained and used for agricultural traffic associated with the farm, while the proposed access would be used by the occupants of the proposed dwelling. Although, there is no mechanism before me that would restrict certain vehicles to each access. Consequently, agricultural vehicles could pass and manoeuvre in close proximity to the

proposed dwelling and its associated private amenity space. Furthermore, existing agricultural buildings would be retained to the south, southeast and east of the proposed dwelling, some of which would be in close proximity to the proposed dwelling and its private amenity space.

28. The information before me suggests that the proposal would comprise an open market dwelling and would not be linked to the agricultural use of the wider farm. Consequently, future occupiers of the proposed dwelling would be subject to noise and disturbance from the operation of the farm, including the comings and goings of agricultural vehicles. Furthermore, future occupiers would utilise the proposed access which would be sited between two existing agricultural buildings to be retained and along a section of the existing access that would also be used by agricultural vehicles.
29. I acknowledge that existing dwellings are located either side of the existing access and to the north/west of the existing farm buildings which are likely to be subject to noise and disturbance associated with the use of the farm. Furthermore, no evidence of complaints regarding the operation of the farm have been provided. However, one of these dwellings is occupied by an agricultural worker connected to the holding. Furthermore, the siting of these dwellings is not directly comparable to the proposed dwelling which would be surrounded by farm buildings and the yard area, and it would share part of the existing farm access.
30. In respect of the third main issue, the proposed development would have an unacceptable impact on the living conditions of future occupiers, with particular reference to noise and disturbance. It would be contrary to Policy H17 of the LP that, amongst other things, seeks to refuse residential development in areas which have, or are likely to have, significantly reduced amenity or safety by virtue of their proximity to noise, smell or other forms of pollution emanating from nearby agricultural or other premises.

Effect on the Operation of the Existing Farm

31. Paragraph 187 of the Framework seeks to ensure that new development can be integrated effectively with existing businesses and that existing businesses and facilities should not have unreasonable restrictions placed upon them as a result of development permitted after they were established. As previously detailed, the siting of the proposed dwelling would materially affect the living conditions of future occupiers due to its proximity to a working farm and it could potentially be occupied by persons that do not have any association with the farm's operation. Consequently, from the information before me, I am not persuaded that the siting of the proposed dwelling would not result in conflict with the operation of the existing farm as existing, or in the future.
32. In respect of the fourth main issue, the proposed development would have an adverse effect on the existing farm. It would conflict with Policy CL12 of the LP that states that the planning authority will have regard to the effect of severance and fragmentation upon the existing farm and its operational structure. It would also be contrary to chapter 6 of the Framework that seeks to build a strong, competitive economy.

Suitable Location

33. According to Policy CS1 of the Mid Suffolk District Core Strategy Development Plan Document, adopted 2008 ('the CS') the appeal site is located within the countryside. Policy H7 of the LP states that to protect the existing character and appearance of the countryside there will be strict control over proposals for new housing, with the supporting text stating that the provision of housing in the open countryside may be permitted as an exception to normal policies if it involves replacement dwellings and conversions. Furthermore, LP Policy H9 is titled 'Conversion of Rural Buildings to Dwellings' and 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 a number of criteria.
34. I acknowledge that the Council has significantly exceeded its five-year housing land supply of deliverable sites, however, the target is not a maximum. Consequently, it does not prevent the approval of additional dwellings provided they comply with the development plan taken as a whole.
35. Consequently, in respect of the fifth main issue, the proposed development is in a suitable location for housing development. It would not conflict with the Council's strategy for the location of residential development detailed within Policy H7 of the LP that seeks to restrict housing development that is unrelated to the needs of the countryside.

Other Matters

36. The appellant suggests that LP Policies H7 and H9, and CS Policies CS1 and CS2 are inconsistent with the Framework because their approach to development in the countryside is more restrictive. Therefore, for the purposes of paragraph 11(d) of the Framework, the appellant considers these policies to be out-of-date. I appreciate that both the LP and CS are both of some age and pre-date the original and current versions of the Framework, but this alone does not make these policies out-of-date. This is especially so in the present case, where it is not disputed that the area has far in excess of a 5-year housing land supply of deliverable sites.
37. LP Policy H7 and CS Policies CS1 and CS2 advocate that rural housing should be located to enhance the vitality of communities, and that new homes should not be permitted in locations that are isolated. The aims behind the CS and LP policies seem to me to clearly reflect the intentions of other relevant policies within the Framework, such as paragraph 174 relating to the countryside's intrinsic character and beauty, and also paragraph 105 with regard to managing patterns of growth to promote sustainable travel. LP Policy H9 seeks to allow the conversion of existing buildings within the countryside, which is supported by paragraphs 80, 84 and 152 of the Framework. While LP Policy H9 is more prescriptive and restrictive than the Framework, the policy applies the local criteria to the consideration of these types of development and therefore I consider that it is broadly consistent with the Framework and full weight should be afforded to it.
38. In the absence of any clear inconsistency with the Framework as a whole, or any other evidence to the contrary, I see no reason to treat CS Policies CS1 and CS2, or LP Policies H7 and H9 as being out-of-date. I have found that the

most important policies for determining the proposal are consistent with the Framework and consequently, paragraph 11(d) is not engaged.

39. I have been directed to various appeal decisions and Council decisions by the appellant and I note that these counter my view regarding whether these policies are out-of-date. However, I have formed my own view based on the evidence before me.
40. Even if I had concluded that the policies most relevant in the determination of the proposed development were out-of-date and paragraph 11(d) was engaged, the harm I have identified would significantly and demonstrably outweigh the benefits I have set out in my reasoning above when assessed against the policies in the Framework taken as a whole.
41. The appeal site falls within the Zone of Influence (ZoI) of the Deben Estuary Special Protection Area/Ramsar site (SPA) which is afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended. While the appeal proposal would result in an increase of one dwelling, as I am dismissing the appeal, I do not need to consider this matter further as it could not lead me to a different conclusion.

Conclusion

42. For the reasons outlined above, having regard to the development plan as a whole and all other matters raised, the appeal should be dismissed.

A Berry

INSPECTOR