



# Appeal Decision

Site visit made on 1 November 2023

**by A Wright BSc (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 4<sup>th</sup> January 2024**

**Appeal Ref: APP/X3540/W/23/3317733**

**White House Farm, Stoney Road, Grundisburgh, Suffolk IP13 6RR**

- 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 Miss Apryl Eley against the decision of East Suffolk Council.
- The application Ref DC/22/4249/FUL, dated 26 October 2022, was refused by notice dated 20 December 2022.
- The development proposed is the change of use of land to site storage container and two portakabins for a dress hire business and storage of musical equipment with associated office (Class E and B8).

## Decision

1. The appeal is allowed and planning permission is granted for the change of use of land to site storage container and two Portakabins for a dress hire business and storage of musical equipment with associated office (Class E and B8) at White House Farm, Stoney Road, Grundisburgh, Suffolk IP13 6RR in accordance with the terms of the application, Ref DC/22/4249/FUL, dated 26 October 2022, subject to the following 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: 22162 1A; 22162 2B and 22162 3B.
  - 3) The premises hereby permitted shall only be open to the public between the following hours:

0800 – 2000 Mondays – Fridays

0800 – 1600 Saturdays

The premises shall be closed to the public on Sundays and Bank Holidays and at all other times. Any deliveries to and collections from the premises shall only be within the above opening hours.
  - 4) The development hereby permitted shall not be used for any purpose other than for retail and storage uses associated with dress hire and for storage of musical equipment (including ancillary office space) and for no other purpose.

## Preliminary Matters

2. The description in the banner heading above is taken from the application form and is also used in other appeal documents. However, the Planning Practice Guidance states that where land or buildings used for different uses which fall into more than one class, then the overall use of the land or buildings is

regarded as a mixed use, which will normally be outside a use class (sui generis). I sought a response from the appellant and Council on the implications of this for the proposed development. Both parties agree that the proposal is for a mixed use and that this would not have any implications for how the application was originally determined. I have dealt with the appeal on this basis.

3. A revised block plan (drawing number 22162 3B) was submitted during the consideration of the planning application and the parties agree that this is the version of the plan on which the decision was based. This shows the aerial photo underlay removed from the original block plan (drawing number 22162 3A). I have limited evidence of consultation on the revised plan, but it does not change the proposal and my consideration of it would not cause prejudice to interested parties. Therefore, I have determined the appeal based on the revised block plan and this is the one referred to in condition 2 above.
4. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issue in this case, the parties have not been invited to make further comments.

### **Main Issue**

5. The main issue is whether this is an appropriate location for the proposed development, having regard to Local Plan policies.

### **Reasons**

6. The appeal site lies within a rural area at White House Farm, accessed from Stoney Road via a track which is a public right of way. It comprises a grassed area adjacent to existing storage containers and part of a hardstanding separating a barn from several storage outbuildings and the farmhouse. There are fields and orchards to the north and south.
7. The site lies in the countryside, outside the settlement boundaries identified in Policy SCLP3.3 of the East Suffolk Coastal Local Plan 2020 (LP) where employment development will not be permitted except where specific LP policies indicate otherwise. The strategy for rural areas set out in Policy SCLP12.34 includes seeking to deliver opportunities for employment development alongside the protection of existing employment uses.
8. Outside the settlement boundaries, LP Policy SCLP4.2 requires employment uses to demonstrate a need or that no sequentially preferable land is available within existing employment areas or settlement boundaries. It also requires them to not have an unacceptable adverse impact on surrounding land use. In addition, such development needs to avoid any adverse impact on the character of the surrounding area and landscape or the natural or historic environment, matters on which the Council does not find harm. The supporting text indicates that evidence of need should justify the locational requirements for the development and review the land available for the proposed development. It states that the review of land should assess whether this is suitable, available and achievable.
9. The proposed storage container and portakabins would accommodate an entertainment and dress hire business operated by the appellant. The dress hire business relies on a very local customer base with some clients visiting the premises. The businesses currently operate from a nearby site, which was

approved under different plan policies, but the appellant has been given notice to vacate that site as it has planning permission for houses. The proposal would allow two existing rural businesses to continue to operate which provide a service to local people and employment for the appellant. Therefore, there is a clear need for a site in the locality and it provides some economic benefits.

10. The appellant needs a site which can accommodate the customised container and portakabins and is cost-effective. The evidence indicates that the appellant has written letters to landlords and visited numerous local sites, and a map in the appellant's statement indicates that there are no available storage sites close by. The appellant states that other business sites are prohibitively expensive, and many do not allow portable accommodation units to be brought onto the land.
11. The Council considers that there is suitable land available within established business areas both allocated and approved which could accommodate the businesses. However, there is no evidence on the location of this or whether it would be viable to meet the needs of the proposed small rural businesses.
12. Therefore, a site search has been carried out and I am satisfied that there is adequate justification that no other suitable, available or achievable sites on sequentially preferable land can be identified.
13. The site is in an isolated rural location and can only be accessed by car. However, the proposed businesses would be small scale, operated by the appellant with clients visiting by appointment only, amounting to only a few additional car journeys each week. Furthermore, the portakabins and containers would be sited on grassland close to existing storage and would not obstruct any field accesses or harm existing agricultural operations. Therefore, the nature and location of the proposed development would not be incompatible with the surrounding land uses.
14. Policy SCLP4.3 relates to proposals to expand, alter or make productivity enhancements to existing employment premises subject to several criteria. The farm is an existing employment premises. Whilst the proposed development is for a new use in the farmyard and would not relate directly to the farm operation, it would help to make the existing farm business more viable. The Council has not identified harm to the highway network. Further, as set out above, there is justification for locating the business in an isolated rural location and the use would not be incompatible with surrounding uses. In addition, conditions restricting the hours of opening, delivery and collections and limiting the use of the premises would ensure that the development would not harm the living conditions of local residents. As such, the proposal would comply with this policy.
15. Policy SCLP4.5 of the LP outlines that proposals that grow and diversify the rural economy will be supported, particularly where this will secure employment locally, amongst other things. The development would make provision for two existing local businesses and the continued employment of the appellant in accordance with this policy.
16. LP Policy SCLP4.7 states that proposals for farm diversification schemes to support the continued viability of the farm will be supported subject to several criteria. As the rental income from the proposed businesses would help to provide a dependable and consistent income to the farm operator, it would

contribute to the viability of the farm as a whole and its continued operation. Therefore, it would generally support the aim of this policy.

17. Overall, I conclude that this is an appropriate location for the proposed development. It would comply with Policies SCLP3.3, SCLP4.2, SCLP4.3, SCLP4.5, SCLP4.7 and SCLP12.34 of the LP. It would also accord with the National Planning Policy Framework where it recognises that sites to meet local business and community needs in rural areas may have to be found beyond existing settlements, and in locations that are not well served by public transport.

### **Other matters**

18. The Parish Council is concerned that there would be no limits to the duration of the siting of the proposed container and portakabins on the site. It also raises concerns that the development would be detrimental to the visual character of the countryside and set a precedent for further undesirable development. However, the Council has not raised concerns in these respects. As the structures would be largely screened from views from the public right of way by their position to the side and rear of the existing storage containers, I see no reason to disagree with the Council on these matters.
19. White House Farmhouse is a grade II listed building. The special interest and significance of the building derives in part from it being a traditional 17<sup>th</sup> century rural farmhouse with a 19<sup>th</sup> century addition, with colourwashed render and whitewashed Flemish bond brick walls and a slate roof. The appeal site is over 50m from the farmhouse, with outbuildings located between the site and the listed building. Given the distance and position of the proposed development in relation to the designated heritage asset and the presence of farmyard buildings between them, the proposal would preserve the setting of the farmhouse and its significance would not be harmed. I note that the Council has no concerns in this regard either.

### **Conditions**

20. I have had regard to the Council's suggested conditions and considered them against the statutory tests outlined in the Framework and the advice in the Planning Practice Guidance. I have made minor amendments, where necessary, to ensure that the conditions comply with these requirements.
21. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty.
22. The Council suggests a condition restricting the hours of opening to the public and for deliveries and collections. I agree that such a condition is necessary to protect the living conditions of the occupiers of the farmhouse. However, I have altered the Council's suggested hours for Wednesdays-Fridays to align with those for Mondays and Tuesdays as I can see no reason why the same hours should not apply to all weekdays.
23. I have imposed a condition limiting the use of the premises to those set out in the description of development. This is necessary to ensure that the planning permission is correctly interpreted in order to control its future operation given its isolated rural location and to protect the living conditions of the occupiers of the farmhouse.

24. In terms of the Council's suggested condition restricting the use of the premises to the businesses operated by the appellant, the decision to grant planning permission does not reflect any personal circumstances of the appellant. Therefore, such a condition would not be necessary or reasonable.

**Conclusion**

25. For the reasons given, I conclude that the proposal would accord with the development plan and the Framework, and therefore the appeal is allowed.

*A Wright*

INSPECTOR