
Appeal Decision

Site visit made on 22 January 2024

by T Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 March 2024

Appeal Ref: APP/F3545/W/23/3321744

Barn at Hundon, Buntry Ln, Hundon CO10 8DU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr David Claydon against the decision of West Suffolk Council.
 - The application Ref DC/22/1712/P3QPA, dated 29 September 2022, was refused by notice dated 7 March 2023.
 - The development proposed is the conversion of an agricultural barn to form five residential dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the proposal is more extensive on the application form and differs from that on the council notice of decision. However, the description in the banner heading adequately describes the proposal and I am aware of the full details of the scheme having considered the evidence and visited the site.

Main Issues

3. Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) states that a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) together with building operations reasonably necessary to convert the building is permitted development, provided that the criteria set out within paragraph Q.1 are met.
4. Q.2 Conditions requires the developer to apply to the local planning authority for a determination as to whether the prior approval of the authority would be required as to a range of matters. These include (1)(e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order. It is in relation to this issue that there is disagreement between the parties and it is this matter which forms the main issue.

Reasons

5. The proposal would see the conversion of a modern style agricultural barn, which is set deep within the Suffolk Countryside to five dwellings. The barn,

despite its rural location is at the southern end of a cluster of dwellings set along Buntry Lane close to its junction with Mary Lane. The large garden associated with Owl Hall is set adjacent to what would be the rear elevations of the proposed dwellings.

6. I accept that there could be noise created associated with the agricultural use of the building, therefore any noise disturbance associated with the use of the building in a residential format would not cause concern in that context.
7. However, despite the efforts to restrain the window openings in the upper floors, including recessing them, limiting their size, and placing them within the corners of the rooms, the presence of that number of windows would substantially alter the existing situation for the occupiers of Owl Hall whose garden would be likely to be subject to overlooking from the upper floors of the multiple dwellings. Whilst I accept that the immediate private amenity space of Owl Hall would be largely unaffected, this would be to the detriment of the living conditions of the occupiers of that property.
8. Further, the external amenity space for the three smaller of the five dwellings, whilst located away from the road, would be especially small and severely restrained in depth and width. This would be likely to restrain the ability of future occupiers to use the space for normal day to day activities such as sitting out, drying clothes and for play and would be to the detriment of the living conditions of future occupiers. Whether other land could be incorporated within the curtilages of the dwellings at a future stage is unknown and I afford this matter limited weight.
9. Further, the proposal includes what would be a rather large car park, including 12 parking spaces and turning space. Set against the context of a sparsely developed rural area this would likely be clearly visible and prominent to those passing on Buntry Lane given the open nature of the building surrounds. It would cause substantial harm to the character and appearance of the area.
10. I therefore conclude that with regard to the proposal before me, the location and siting of the building makes it undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order.

Other Matters

11. I note that it is suggested that other nearby dwellings have comparable garden areas to those proposed here. However, some of those examples drawn to my attention appear to be wider and those properties also appear to incorporate a well sized private area to the front which increases the space on the plots. Further, I am unaware of whether those properties may have access to other land. I therefore afford this matter limited weight.

Conclusion

12. For the reasons given above, I conclude that the appeal should be dismissed.

T Burnham

INSPECTOR