



Appeal Decision

Site visit made on 5 June 2024

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th June 2024

Appeal Ref: APP/X3540/W/23/3331207

Peartree Farm Barn Annexe, Ipswich Road, Otley, Suffolk IP6 9JP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Peter Groenvelt against the decision of East Suffolk Council.
 - The application Ref is DC/23/1457/FUL.
 - The development proposed is change of use of residential barn (annex) to residential use (C3).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. During my visit I observed that the existing annexe does not reflect that shown on the submitted plans¹. There are deviations in respect of the internal layout of the building, the position and size of fenestration particularly contained within the eastern, southern and western elevations, the provision of a flue and the infilling of the car port to form an outbuilding. It would also appear that the ridge height of the roof may be higher and the area of hardstanding and access track to the north of the annexe has a marginally larger extent and alignment than that depicted on the plans. Nevertheless, these are the plans which were before the Council at the time of determination.
3. I am satisfied that there is sufficient detail on the drawings provided on which to properly assess whether the appeal site would be in a suitable location for a dwelling. In reaching my decision I have assessed the development as shown on the submitted plans and not as built on site.

Main Issue

4. The second reason for refusal on the Council's decision notice relates to insufficient evidence regarding the effect of the development on Habitats Sites (European Designated Sites) within East Suffolk. Since the refusal the appellant has made a financial contribution to the Council such that the proposal is considered to comply with The Suffolk Coast Recreation Disturbance Avoidance and Mitigation Strategy (RAMS). On this basis, the Council has confirmed that it does not wish to pursue the second reason for refusal.
5. Therefore, the main issue in respect of this appeal is whether, the proposal would be in a suitable location for a dwelling, having regard to the development plan.

¹ Drawing numbers 3054 1 G and 3054 5 -.

Reasons

6. The appeal site comprises a detached building which has the appearance of a converted barn. It has permission for use as a residential annexe in association with the dwelling of Pear Tree Farm. There is a considerable distance between the main dwelling and the annexe which also benefits from its own outdoor seating area, a large outbuilding and separate car parking area. The submitted plans also indicate the provision of spacious living accommodation including 2 bedrooms. Nevertheless, the occupancy of the annexe is restricted by condition for use incidental to the main dwelling by a relative, employee or parent of the householder or their spouse².
7. Both parties agree that the appeal site lies within the countryside outside of any defined settlement. Policy SCLP3.3 of the Suffolk Coastal Local Plan (SCLP) 2020, states that new residential development will not be permitted in the countryside except where specific policies in the SCLP indicate otherwise. Policy SCLP5.3 is one such policy which allows for residential development through the conversion of an existing building (e), subject to compliance with the criteria set out within Policy SCLP5.5.
8. The appellant advises that the appeal building does not require conversion³ and is clear that no physical alterations are intended to facilitate the proposed change of use. I have not been directed to a definition of 'conversion' within the development plan. Taken in its ordinary sense to mean the process of converting something from one thing to another, this chimes with my observations that the existing building has already been converted and occupied for residential purposes, albeit as an annexe.
9. Whilst the Council may have previously considered the annexe building to be a redundant barn, that is clearly not the current situation. It seems to me that it would not be the case that Policy SCLP5.3 is not relevant. Rather, if the proposal is not considered to be a conversion, it would not meet the limited circumstances for development within the countryside set out within Policy SCLP5.3. Even if Policy SCLP5.3 was not relevant, the appellant has not directed me to an alternative policy within the development plan that would support the creation of an open market dwelling within the countryside.
10. If I could consider the proposal to be a conversion, the proposal would be required to comply with the criteria of Policy SCLP5.5. Criteria a) requires the host building to be redundant. Although the appeal building may contain all of the features necessary for independent occupation, no evidence has been presented to demonstrate that the appeal building is redundant as an annexe to the main dwelling. My findings in this regard are consistent with appeal decision APP/X3540/W/20/3257951.
11. The Historic Environment SPD 2021⁴ is not relevant to the proposal given that the appeal building is neither a heritage asset, nor an agricultural building. However, I can see that the questions posed in paragraph 11.3 may be helpfully applied to other circumstances where redundancy is in doubt, and that is how the Council treated the guidance.

² Condition 3 of planning permission DC/17/2094/FUL.

³ Sections 1 and 2 of the appellant's appeal statement.

⁴ As provided within appendix 6 of the appellant's appeal statement.

12. On the basis of the evidence before me, the proposed development would not be in a suitable location for a dwelling and would conflict with Policies SCLP3.3, SCLP5.5 and SCLP5.3 as set out above.

Other Matters

13. The parties agree that the site is not isolated, such that I do not need to consider this further. However, much of the appellant's evidence suggests that the appeal site is in an accessible location due to its proximity to Otley, defined within the settlement hierarchy as a large village⁵. Undisputed, the Council advises that the main village centre is approximately 1km from the appeal site. Even if I could accept that this is a short distance, the roads to Otley are largely rural in character, unlit and with no pavement, with Ipswich Road also having a 60mph limit. Such conditions would discourage travelling by walking, particularly for those with young children or mobility issues, especially after dark as it would not feel safe or pleasant to walk even for a short distance.
14. I saw no evidence during my visit that a bus service operates from the B1078. If a bus stop does exist, I am not satisfied that the road conditions as described above, would encourage future occupants of the proposed dwelling to walk to it. Even if a bus service does exist, I have not been presented with evidence of its frequency to indicate whether it could be relied upon as alternative means of transport to the private car.
15. On the basis of the evidence presented, I do not consider the location of the appeal site optimises the ability of future occupiers to meet their everyday needs via alternative means of transport to the private car, such that it could be considered to be accessible and therefore a benefit of the scheme.
16. Reference is made to the possibility of returning the appeal building back into an agricultural barn in order that it could then be demonstrated as redundant for residential accommodation. Such action would require planning permission and would be perverse, as the appellant would lose their home if implemented. Consequently, it would not be a fallback position that has a realistic prospect of being realised.
17. There is no evidence before me to suggest that the proposal would result in the provision of affordable housing that would meet any definition in the development plan or as set out within Annex 2 of the Framework. I am not aware if there is a shortfall in housing land supply within the district. Even if there was, the proposal for one dwelling would make only a very limited contribution to housing supply. Any associated social or economic benefits would be limited given that the appeal building is already occupied for residential purposes, albeit as an incidental use to Pear Tree Farm.
18. Reference is made to the presumption in favour of sustainable development. The Framework is clear that this presumption, does not change the statutory status of the development plan as the starting point for decision making. Where a proposal conflicts with an up-to-date development plan, permission should not usually be granted unless material considerations indicate that the plan should not be followed. I have found that the appeal proposal conflicts with development plan policy.

⁵ Policy SCLP3.2 of the SCLP as provided on page 10 of the appellant's appeal statement.

19. Reference is made to 2 appeal decisions relating to sites within different local authority areas such they have a different planning policy context⁶. The main issue in both appeals related to the location of the sites with regard to accessibility to services and facilities. That is not a matter of dispute presented by the Council. Thus, the decisions do not affect my findings.
20. The proposal would result in a net increase in dwellings within the zone of influence of the Habitat Sites in the Suffolk Coast area. As I am dismissing the appeal on other substantive grounds, I have not been required to consider further whether the financial payment would adequately mitigate the proposal's effect upon the integrity of the protected sites. The appellant's financial contribution to the Council is a matter for the parties.

Conclusion

21. For the reasons given above, the proposal conflicts with the development plan when considered as a whole and there are no material considerations presented of sufficient weight to indicate that a decision should be made otherwise than in accordance with it. The appeal is dismissed.

M Clowes

INSPECTOR

⁶Appeal decision APP/J1915/W/21/3273513 and APP/X1545/W/19/3233679.