



Appeal Decision

Site visit made on 2 September 2024

By David Spencer BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th September 2024

Appeal Ref: APP/W3520/W/24/3338303

Christmas Tree Barn, Mill Lane, Weybread Suffolk IP21 5TP

- 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 Mr T Kent against the decision of Mid Suffolk District Council.
 - The application Ref DC/23/03323, dated 14 July 2023, was refused by notice dated 13 October 2023.
 - The development proposed is alterations to the approved DC/22/06261 and the introduction of a tourism use on the 1st floor of the 3-bay cart lodge.
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Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issues

2. Since the Local Planning Authority (LPA) made its decision, it has adopted the Babergh and Mid Suffolk Joint Local Plan – Part 1 in November 2023 [the JLP]. The National Planning Policy Framework (NPPF) was revised in December 2023. I am satisfied that main parties in this appeal have had the opportunity to consider these latest documents.
3. The main issue for this appeal is whether the proposed creation of a holiday let unit would be sustainably located, including the need for the proposal in a rural location.

Sustainable Location

4. The LPA has previously approved a 3 bay cart lodge at the appeal site under reference DC/22/06261. The appeal proposal would modify the approved building in terms of utilising the roof void at a first floor level to create habitable accommodation for a 1 bedroom holiday let. This would involve creating an external staircase access, a small balcony and inserting two new dormer windows and a small number of rooflights. The ground floor would be retained as two covered parking spaces with the third bay used as a store.
5. The appeal site is located beyond an identified settlement boundary for Weybread such that it is for purposes of the development plan in an area identified as countryside. The appeal site is on a narrow rural lane. There is a carp fishery a short distance to the east and two dwellings a short distance to the west. Various structures exist on the appeal site within what is generally a sylvan setting, with agricultural fields and the carp lakes surrounding. It is indisputably a countryside location and not part of the main settlement in Weybread which is either a moderate distance to the north-west or to the south of the appeal location.

6. Weybread is a generally linear settlement scattered along the B1116. From my observations I observed very few facilities in Weybread, namely the village hall, a church, a plant nursery and a car repair garage. The public house (The Crown) is currently closed and in a moribund condition. Ultimately, there are few facilities in Weybread to sustain or be sustained by occupiers of the proposed holiday let. Accordingly, visitors or holidaymakers would need to travel further afield for most, if not all, services and facilities during their stay.
7. There are bus stops in the village, including one close to the appeal site on the main B1116. The LPA says these bus stops are no longer served and this is not refuted by the appellant. Furthermore, access along the narrow, unlit Mill Lane, which is generally at the national speed limit (60mph), is not conducive to walking to the main B1116 road and to wider Weybread. The appellant suggests alternative pedestrian access can be achieved from the parallel public footpath to the north. This is a remote path with little natural surveillance and requires navigating through the plant nursery where the alignment of the path is not obvious or clearly marked. It would not be attractive to use in inclement weather. Overall, I am not persuaded that this path would form an appealing alternative pedestrian route into Weybread. Consequently, I find the absence of public transport services and the quality of pedestrian connection into Weybread to mean use of the private motor vehicle at the appeal location would be paramount.
8. The appellant submits that occupiers of the appeal proposal could cycle, using the extensive network of rural roads. The nearest major settlement is Harleston, approximately 2 miles to the north. To do so would most likely involve using the B1116 which is a relatively busy road. The majority of the journey would be in the countryside with cyclists having to negotiate various risky bends where visibility is compromised, long stretches with little natural surveillance. Large parts the route would be within the national speed limit (60mph). Furthermore, the route between Weybread and Harleston transects the Waveney valley such that there is a noticeably steep ascent into Harleston on the B1116 (indicated by 10% gradient road signs). I consider the combination of factors identified above would deter most cyclists at the proposed holiday let from venturing into Harleston or to other nearby settlements. Accordingly, I am not persuaded that cycling would be an attractive option to appreciably reduce the reliance on the private motor car.
9. The appellant refers to train stations at Diss and Halesworth. These are a considerable distance from the appeal location such that I consider it very unlikely that those using the holiday let would travel by train and then onward taxi to this relatively remote location. As set out above, without a car, the ability to explore this part of the Waveney valley and its hinterlands would be limited and potentially involve onerous taxi journeys to connect to main settlements and public transport. I do not consider the presence of relatively distant train stations to enhance the sustainability of the appeal site location.
10. I accept that the appeal proposal would provide for electric vehicle charging consistent with the existing cart lodge approval and that the NPPF includes electric vehicles within the definition of a sustainable mode of transport. There is no guarantee, however, that those occupying the proposed holiday let would have an electric vehicle. I do not consider electric vehicle charging facilities on their own would mean that the site would be accessible by a range of transport modes.

Need for a rural location

11. The appellant refers to other tourism sites on Mill Lane in Weybread including the adjacent Weybread Lakes fishery and Orchard Cottage camping and caravan site. I have very few details on the circumstances of these two existing local businesses, including their history and their current viability and demand. There is also reference more generally to Mid Suffolk Culture, Heritage and Visitor Strategy 2023-28, although I have relatively few details before me about this document. Whilst there may be successful rural tourism businesses in the immediate locality and local strategies to promote rural tourism this does not demonstrate an overriding business need for the appeal proposal to be located in the countryside.

Conclusion on the main issue

12. I therefore conclude that the appeal site would not be a sustainable location for the development proposed and that a need for a rural location has not been demonstrated. Part 2 of Policy SP03 the JLP applies settlement boundaries outside of which development will only be permitted in the countryside where it accords with another policy set out in the JLP at Table 5. The most relevant policies in Table 5 are Policy SP07 (*Tourism*), Policy LP12 (*Tourism and Leisure*) and Policy LP13 (*Countryside Tourist Accommodation*).

13. The proposal would be appropriate to the scale, character and nature of the locality and so I find it would generally accord with JLP Policy SP07 which seeks to promote and support tourism across the settlements of Mid Suffolk. Whilst the proposal would attract and cater for visitors to this part of Mid Suffolk it would not be accessible by a range of transport modes. Accordingly, the proposal would be contrary to JLP Policies LP12 and LP13. The lack of demonstration that there is an overriding business need for tourist accommodation in a countryside location triggers further conflict with Policy LP13, which seeks to manage countryside tourist accommodation outside settlement boundaries on an exceptional basis. By virtue of conflicting with JLP Policies LP12 and LP12, the proposal would also fail to accord with JLP Policy SP03.

14. The NPPF supports the principle of a prosperous rural economy at paragraphs 88 and 89. JLP Policies SP03, LP12 and LP13 have very recently been adjudged to be consistent with the NPPF in a Mid-Suffolk context and so are up to date. The NPPF is an important material consideration, but it does not affect the primacy of the development plan¹ for decision-making, including the JLPs approach to secure sustainable patterns of development reflective of the circumstances particular to rural Mid Suffolk.

15. The appellant stresses that the appeal proposal would make “better use” of this previously approved building. The building does not exist and what comprises a “better use” would be a subjective matter. The appeal proposal would result in a more intensive use of the building in a way which, as identified above, would conflict with up-to-date development plan policies most important for determining the application. The appellant asserts a fallback position of implementing the extant permission under DC/22/06261 and then subsequently seeking a separate approval to convert the first floor to provide holiday accommodation. Be that as it may, a conversion proposal would still be

¹ Section 38(6) of Planning & Compulsory Purchase Act 2004 (as amended)

subject to JLP Policy LP13 given it would be creating tourist accommodation outside a settlement boundary. Consequently, I give minimal weight to the asserted fallback position.

Other Matters

16. The appellant has submitted an appeal decision² in Mid Suffolk which allowed, amongst other things, 10 glamping pods in the countryside, recognising the need and demand for tourists / holiday makers wanting a countryside-based experience. Nonetheless, I note in the decision that the site in that appeal was “just 450 metres from the urban edge of Ipswich”, which is in stark contrast to the very rural location of this appeal site in Weybread. Furthermore, that scheme, by its very scale, was deemed to generate economic and social benefits that outweighed identified environmental harms. In contrast the appellant has described this appeal proposal as being of “minimal scale” and would support “minimal growth” to the local tourism sector. As such there are clear material differences between the two proposals, including the recent adoption of the JLP in this case. As such I give very little weight to this appeal decision.

Balance and Conclusion

17. The appeal proposal would not be sustainably located. There is little evidence that there is an overriding need for the proposal to be located in the countryside. Consequently, it would not comprise a type of development in the countryside for which support can be found for in the development plan. The JLP is recently adopted, having been found to be consistent with national planning policy. Recent amendments to the NPPF in December 2023 do not change matters in relation to the main issue and the most relevant JLP policies in this appeal, which have full weight. As such the conflict with the development plan, and its broad aim for environmental and social reasons, to secure sustainable patterns of development in what is a predominantly rural District, is to be given substantial negative weight.
18. On the positive side, the proposal would provide a 1-bedroom holiday let which would result in very modest economic and social benefits for the local economy. These very modest benefits, however, do not amount to a material consideration sufficient to outweigh the conflict with the development plan. As such the proposal would not represent sustainable development.
19. I have had regard to all other matters raised, including the support for the proposal from Weybread Parish Council and a neighbouring resident, but there is nothing that leads me to conclude other than the appeal should be dismissed for the reasons given.

David Spencer

Inspector.

² APP/W3520/W/20/3256705