



Appeal Decision

Site visit made on 17 October 2024

by Mr JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2024

Appeal Ref: APP/W3520/D/24/3336681

Manor Barn, Ashfield Road, Norton, Suffolk IP31 3NN

- 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 & Mrs Marshall against the decision of Mid Suffolk District Council.
 - The application Ref is DC/23/03176.
The development proposed is the replacement timber framed doors; installation of bifold doors; installation of air source heat pump; installation of an additional wood burner and chimney; alteration and change of use of existing garage to form a bedroom; extension to the property with the addition of a lean-to timber plant room; and additional outbuilding in the form of a separate cart lodge.
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Decision

1. The appeal is allowed and planning permission is granted for replacement timber framed doors; installation of bifold doors; installation of air source heat pump; installation of an additional wood burner and chimney; alteration and change of use of existing garage to form a bedroom; extension to the property with the addition of a lean-to timber plant room; and additional outbuilding in the form of a separate cart lodge at Manor Barn, Ashfield Road, Norton, Suffolk IP31 3NN in accordance with the terms of the application, Ref DC/23/03176, subject to the conditions in the attached schedule.

Preliminary Matters

2. Although I understand that planning permission and listed building consent have been granted subsequently for all elements of this scheme apart from the cart lodge (Council references DC/23/04959 and DC/23/04960 respectively), those elements still form part of this appeal and so fall to me to be determined.

Main Issue

3. The main issue is whether the proposed cart lodge is acceptable in principle.

Reasons

4. The appeal property is a Grade II listed, brick-built former barn from the 16th Century, which has been extended and converted to a dwelling. Its significance is partly historic and partly architectural as, despite the additions and the new use, it continues to display its agricultural origins, along with construction techniques from that period.
5. The cart lodge would stand away from the building, in what is now the dwelling's garden. It would be of a size, design and materials that alluded to

the appearance of a traditional, subservient farm building, and so respected and sympathised with the former barn and its original agricultural use. As such, the effect of the proposal on the setting of the listed building would not cause harm to its significance.

6. Manor Farmhouse and a further former barn (Grade II* and II listed respectively) are in the vicinity and these date also from around the 16th Century. Again they too have a historic significance as a consequence of their roles in the former farmstead, as well as an architectural significance in their construction detail. For the reasons given above, and mindful of the limited relationship the proposal would have with these other buildings, I consider it would not harm their significance.
7. Moreover, although outside any settlement boundary in the countryside, the cart lodge would be well screened by fencing and planting, and from where it could be seen it would be read as a reasonable domestic outbuilding of a sensitive design and scale for this rural location. Consequently, it would cause no harm to the character and appearance of the area.
8. The Council's objection to the case though is one of principle. In the recently adopted *Babergh and Mid Suffolk Joint Local Plan – Part 1* (the Joint Local Plan), Policy SP03 says outside of the settlement boundaries development will normally only be permitted where at least one of 4 circumstances apply. These are (a) the site is allocated, or (b) it is in accordance with a Neighbourhood Plan, or (c) it is in accordance with certain specified policies in the Joint Local Plan, or (d) it is in accordance with paragraph 80 (now 84) in the *National Planning Policy Framework* (the Framework). Joint Local Plan Policy LP03 is one of those specified in Policy SP03(c), but this only concerns residential extensions. It is the Council's case that as the proposal is detached it is not an extension, and there is no policy support for detached ancillary buildings in domestic curtilages outside of the settlement boundaries. Therefore, it found the scheme is contrary to Joint Local Plan Policy SP03.
9. I acknowledge that, using the Council's approach to what constitutes an extension, the scheme does not fall under any of the 4 circumstances given in Joint Local Plan Policy SP03 where development outside of a settlement boundary is accepted. This policy though is headed '*The sustainable location of new development*', and so it is reasonable to assume achieving that is its underlying aim. Indeed, in its supporting text it highlights this, saying

'development needs to be accommodated in settlements where the need to travel can be reduced, through good access to facilities and services and where significant adverse impacts can be avoided or mitigated. National policy also emphasises the importance of recognising the intrinsic character of the countryside. To this end the plan seeks to restrict most development outside defined settlement boundaries.'
10. However, there is no basis to consider that the aim of achieving the sustainable location of new development would be in any way compromised by the cart lodge before me. Rather, it is replacing an existing domestic garage that has permission to be converted, and so would have no bearing on vehicle movements to or from the site or the need to travel. Furthermore, as stated above it would not harm the character of the countryside and no other adverse impacts, significant or not, have been identified.

11. Accordingly I conclude that, in principle, the detached cart lodge would not be in accordance with a plain reading of the wording of Joint Local Plan Policy SP03. However, not conflicting with the policy's aims of ensuring a sustainable location for new development constitutes a material consideration sufficient to justify a decision otherwise than in accordance with any conflict identified with the development plan.

Other Matters

12. The proposal before me also involves various alterations to the listed building, broadly comprising changes to windows, the formation of a chimney, the conversion of the modern attached garage, and the creation of a small lean-to. I consider these works would be sympathetic to the property. Moreover, they have subsequently received planning permission and listed building consent and so can be undertaken in any event.
13. As such, I conclude these works would not harm the building's significance or fail to preserve its special architectural or historic interest, and so would not conflict with Joint Local Plan Policy LP19, which aims to safeguard the historic environment.

Conditions

14. For the avoidance of doubt the development should accord with the approved plans. In the interests of safeguarding the historic environment the approval of rainwater goods is justified. This requirement though was not on the permission for DC/23/04959, and so it is imposed in relation to the cart lodge only. For this reason hard and soft landscaping should also be confirmed. Having regard to the neighbouring living conditions details of the air source heat pump and controls on the flue height should be agreed.
15. For reasons of biodiversity a biodiversity enhancement scheme should be approved. A condition was suggested saying ecological mitigation measures and/or works shall be carried out in accordance with the Preliminary Ecology Appraisal (dated August 2023). That appraisal was not before me, and so I have reworded the requirement, accepting that it may be addressed by the terms of that appraisal.
16. Many of these conditions accord with those on permission DC/23/04959 and so their details might already have been agreed, but that is a matter that can be resolved between the Council and the appellants.
17. Given the scale of development I see no reason to impose a requirement for a phasing plan or a construction management plan. Furthermore, as a lighting condition was not imposed on the earlier permission I see no justification for it being imposed on this decision. The suggested conditions also sought a screening for the air source heat pumps, but, given their location and mindful that nothing similar was imposed on the permission for DC/23/04959, I see no justification for such a condition in this instance.

Conclusion

18. Accordingly, I conclude the appeal is allowed.

JP Sargent

INSPECTOR

CONDITIONS SCHEDULE

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Unless otherwise amended under the conditions below, the development shall be undertaken in accordance with the following plans:
2306.3101.P0, 3102.P2, 3311.P0, 3312.P2, 4110.P2, 4120.P4, 4130.P2, 4140.P2, 4150.P4, 8110.P0, 8120.P0, 8130. P0, 8140.P0, 8150.P0, 8160.P0, 8170.P0, 9610.P4, 9620.P0, 9630.P0, 9640.P0, 9650.P0
- 3) Prior to the commencement of works above slab level, ecological mitigation measures and/or works, together with a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out in accordance with the approved details and timetable and thereafter retained.
- 4) Prior to the commencement of works above slab level, a Biodiversity Enhancement Layout for bespoke biodiversity enhancement shall be submitted to and approved in writing by the Local Planning Authority. The enhancement measures shall be implemented in accordance with the approved details prior to the development being first brought into use and all features shall be thereafter retained.
- 5) Prior to the commencement of works above slab level, details of all air source heat pump plant associated with the proposed development shall be submitted to and approved in writing by the Local Planning Authority. This shall include a full acoustic assessment relating to the air source heat pump noise from the site in accordance with MCS 020 - *Planning Standards for permitted development installations of wind turbines and air source heat pumps on domestic premises*. This assessment shall be carried out by a competent person and confirmation of the findings of the assessment and any recommendations shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall then be undertaken in accordance with the approved details, assessment and recommendations.
- 6) The chimney flue shall terminate at least 1 metre above the roof ridge level. The chimney flue shall discharge vertically upwards, and shall not be fitted with any restriction at the final opening such as a plate, cap or cowl. (Note: an efflux cone may be added to add dispersion, or a rain sleeve to prevent the ingress of rainwater)
- 7) Prior to the commencement of works above slab level a scheme of hard landscaping works for the site, which shall include any proposed changes in ground levels, shall be submitted to and approved, in writing, by the Local Planning Authority.
- 8) All changes in ground levels, hard landscaping, planting, seeding or turfing shall be carried out in full, in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority, during the first planting and seeding season (October - March

inclusive) following the commencement of the development (or in such other phased arrangement as may be approved, in writing, by the Local Planning Authority up to the first use or first occupation of the development). Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, are seriously damaged or are seriously diseased, within a period of 5 years of being planted, or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and species.

- 9) Prior to the installation of rainwater goods on the cart lodge, manufacturers' literature concerning those rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. The works shall then be implemented in accordance with the approved literature and thereafter retained.