



Appeal Decision

Site visit made on 18 December 2024

by **H Jones BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13th February 2025

Appeal Ref: APP/X3540/W/24/3344468

Watermill House, Mill Lane, Kettleburgh, Suffolk IP13 7JS

- 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 Harris against the decision of East Suffolk Council.
- The application Ref is DC/23/4809/FUL.
- The development proposed is described as “conversion of existing ancillary residential building to form a 2 bedroom self contained dwelling with associated amenity, parking and ev charging provision.”

Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 12 December 2024, a revised version of the National Planning Policy Framework (the Framework) was published, and the Council and the appellant have been given the opportunity to comment upon it. In making my decision I have had regard to the revised Framework insofar as it is relevant to the appeal.
3. The appellant has submitted an amended proposed site plan (reference 1.3 Rev A) which was not before the Council when it made its decision. The amended plan shows a proposed boundary fence being replaced with hedgerow and a single tree being removed which, it is submitted, would be replanted in another location. From my site visit the tree proposed for removal on the amended plan is a small specimen. These amendments represent modest rather than substantial or fundamental changes to the proposal. Neither are they of a nature that I find anyone would be prejudiced by the absence of consultation having taken place upon them. I am satisfied that it is procedurally fair to accept the amended plan. Therefore, I have determined the appeal having regard to the amended plan.

Background

4. The building the subject of the appeal was originally constructed as an annex associated with Watermill House following a grant of planning permission in 2007¹. In 2022 planning permission was sought to change the use of the annex building to an independent office, but this was withdrawn². In 2023 planning permission was granted for alterations to the building to facilitate its use as a holiday let³.

¹ Planning application reference C06/1853/FUL

² Planning application reference DC/22/1671/FUL

³ Planning application reference DC/22/3499/FUL

Main Issues

5. The main issues are:

- Whether the appeal site provides a suitable location for the development proposed having particular regard to the development plan's spatial strategy, its policies on housing and the conversion of buildings within rural areas, and the site's accessibility credentials; and
- The effects of the proposed development upon trees.

Reasons

Location

6. Policy SCLP3.2 of the Suffolk Coastal Local Plan (LP) establishes a settlement hierarchy, and it identifies Kettleburgh as a small village within the fourth tier of that hierarchy. The appeal site is not within the village's settlement boundary, and it is within the countryside as defined by LP Policy SCLP3.3. The site is not on Kettleburgh's fringes and is, instead, well-separated from it by mainly undeveloped land including woodland. The building the subject of the appeal is adjacent to a small group of other buildings. Policy SCLP3.3 states that in the countryside residential development will not be permitted unless policies within the LP or a relevant neighbourhood plan indicate otherwise, and it further sets out that such development will be carefully managed, including in accordance with national planning policy guidance.
7. Policy SCLP5.3 lists types of housing developments which are appropriate within the countryside. This includes criterion e) relating to building conversions where they would accord with the dedicated policy on building conversions: Policy SCLP5.5.
8. Policy SCLP5.5 sets out that conversions of buildings in the countryside for the purposes of housing will be permitted where certain criteria are all met. The first criterion within the list being that the building sought for conversion should be redundant.
9. The appellant points out that alterations to the building to form the holiday let were completed. I have no reason to disagree. Citing that the management of the holiday accommodation has proven too onerous, and a poor uptake, the appellant submits that the building is no longer being marketed or utilised for this purpose.
10. The references to the works undertaken and the problems encountered with managing the building as a holiday let indicates to me that the building has been used for this holiday let purpose. As that planning permission facilitating the use of the building as a holiday let was granted in 2023, I can only deduce that the use of it for such purposes has been taking place recently. The evidence before me of the cited poor uptake of the building for holiday let purposes is not substantive.
11. The building's condition, both externally and internally, is good, and it is very much capable of being used. In combination, the indications which are before me of the building's use together with the building's well-appointed and ready-to-use condition leads me to conclude that the building is not no longer needed nor is it not useful. In turn, I find that the building is not redundant. As a result, the proposal

does not meet Policy SCLP5.5's criteria, and it conflicts with the policy. In turn, the proposal fails to comply with criterion e) of Policy SCLP5.3.

12. Another one of Policy SCLP5.3's housing developments considered appropriate in the countryside are those which accord with Policy SCLP5.4 which concerns housing within existing clusters. The dedicated Housing in Clusters and Small Scale Residential Development Supplementary Planning Document (SPD) assists in the interpretation and implementation of Policy SCLP5.4.
13. Policy SCLP5.4 does not refer to the conversion of buildings. As part of the SPD's introduction, paragraph 1.4 reaffirms that housing development within clusters is one of the limited circumstances when housing development is acceptable within the countryside. Paragraph 1.5 goes on to state "Other policies in the Local Plan also provide for other circumstances under which housing could come forward in the countryside, such as affordable housing, conversions or rural workers dwellings, however the guidance in this SPD is focused on Policy SCLP5.4". Later paragraph 1.14 states "Other policies within the Local Plans cover other various scenarios when development within the Countryside may be appropriate....These policies cover development such as....and conversions." Such statements indicate to me that building conversions are a form of development scenario to be assessed against other policy criteria and not that under SCLP5.4. In addition, the various illustrations within the SPD which depict potential housing sites (either suitable or unsuitable ones) are each free of buildings.
14. Consequently, and in the light of the SPD's assistance, I find it to be inappropriate to apply Policy SCLP5.4 to building conversions. The policy is, therefore, not relevant in this particular case and, in turn, the proposal does not comply with Policy SCLP5.3 on the grounds of meeting criterion b). Since the proposal is for a building conversion rather than a newbuild, and since Policy SCLP5.4 is not applicable to it, the scheme the subject of the Inspector's decision in Newbourne⁴ is not comparable to that before me and does not weigh in favour of the proposal to any meaningful extent.
15. Compliance with criterion g) of Policy SCLP5.3 is another means by which housing can be acceptable in the countryside. This criterion allows for other residential development which would be consistent with policy concerning residential development in the countryside contained within the Framework.
16. Policy SCLP5.3 does not explicitly set out which policies concerning residential development within the Framework criterion g) relates to. However, as they comprise of forms of residential development which are not listed within Policy SCLP5.3's other criteria, I consider this to relate to the likes of isolated homes of exceptional design quality (paragraph 84 e) of the Framework) but also housing that would enhance or maintain the vitality of rural communities (paragraph 83 of the Framework).
17. The appeal site is poorly related to the quite limited services that Kettleburgh has to offer. One option to walk or cycle to the village would be by road without dedicated paths and streetlights. It would involve travelling along quite lengthy stretches of road bounded by sections of hedgerow and embankment where, for pedestrians in particular, finding refuge from passing vehicles would be difficult. The length and character of this route would serve as a strong deterrent to

⁴ Appeal decision reference APP/X3540/W/22/3294378

accessing Kettleburgh, including its bus services to other settlements, by a means other than by car.

18. Kettleburgh Public Footpath 26 does provide an alternative route to Kettleburgh. However, it is not a hard-surfaced route, there are areas where plantings along its route are overgrown, and it is without lighting. This route was very muddy at the time of my site visit. Again, I expect these factors to be a strong deterrent to the footpath's use to access the village frequently.
19. Overall, I find that the site would not be served by credible options of accessing the typical array of services and facilities that occupiers of the proposed development would require by a means other than a car. The appeal site's degree of detachment from local services in this particular case leads me to the conclusion that it would not enhance or maintain the vitality of rural communities. The proposal therefore fails to accord with the content of paragraph 83 of the Framework. In turn, criterion g) of Policy SCLP5.3 is not complied with.
20. It is not submitted to me that any of Policy SCLP5.3's remaining criteria apply to the proposal. I have no reason to come to a different conclusion.
21. For the above reasons the appeal site does not provide a suitable location for the development proposed having particular regard to the development plan's spatial strategy and its policies on housing, the conversion of buildings within rural areas, and the site's accessibility credentials. As a result, the proposal conflicts with Policies SCLP3.2, SCLP3.3, SCLP5.3 and SCLP5.5 of the LP which I have referred to above. I also find that the proposal would conflict with Policies SCLP3.1, SCLP7.1 and SCLP12.34 which, amongst other matters, provide support for appropriate growth in rural areas which would sustain existing rural communities and require development to encourage travel using means other than a car.

Trees

22. The proposed development would be served by parking spaces and a turning area accessed via an existing shared driveway behind some cottages. There is very limited information before me on the materials which would be used to form the parking and turning area or in relation to its method of construction. During my site visit I noted that there was a gravelled area in situ, but its shape and size does not match that shown on the proposed plans. For the avoidance of doubt, I have assessed the proposal on the basis of the parking spaces and turning area shown on the plans.
23. Existing trees are positioned close to the location where the proposed parking spaces and turning area would be formed. This includes a tree growing amongst the hedgerow that separates the appeal site from the cottages beside it and a group of trees farther to the north-east close to a pair of gates. Given their height and stem diameters, each of these trees are quite mature and, given their scale and stature, they positively contribute to the character and appearance of the area.
24. As a result of the proximity of the proposed parking and turning area to these trees, coupled with the size and maturity of the trees, I consider it likely that works would be undertaken within root protection areas. The effects which could arise from this would include cutting roots and soil compaction. Such effects have clear potential to cause harm to the trees' health and, should this harm come into

fruition, the future of the trees could very well be compromised and the positive contribution that they currently make to the area has clear potential to be lost.

25. No arboricultural impact assessment, method statement or other form of tree report is before me. As a result, the proposal has failed to have proper account to important landscape features near to it and, moreover, I have no compelling evidence before me which indicates to me that the trees would not be affected in the ways I have described above.
26. Amongst other matters, Policies SCLP10.4 and SCLP11.1 of the LP require development proposals to take account of, and retain, important and distinctive landscape features. I am also mindful of advice within the Framework which recognises the intrinsic value of trees. Therefore, the larger and more mature trees within the vicinity of the proposed development are an important planning consideration even if they are not formally protected. As such, it is appropriate that the extent to which they may be affected by a proposed development is established before planning permission is granted. Otherwise, a very relevant material consideration may not have been properly addressed in making the decision. In these circumstances, I am not satisfied that it would be appropriate to defer the matter of the proposal's impact upon important trees to the imposition of a condition requiring the submission of a method statement at a later juncture.
27. As I have identified that the proposed development has clear potential to harmfully effect trees, I find that the proposal is in conflict with the aforementioned LP Policies SCLP10.4 and SCLP11.1.
28. The development would include new tree and hedgerow planting. However, I have limited detail in its regard, and it would be likely to take a quite considerable period of time to mature. I am not satisfied that the proposed planting would provide sufficient mitigation for the harmful effects upon existing trees which I have set out could arise.
29. In coming to these views, I have had regard to the appellant's submission that trees in the vicinity of the proposed development could be felled anyway since they are not formally protected. I accept that such felling is an option and one with a greater than theoretical prospect of happening. That said, given the evidence before me, I cannot be very certain that felling trees which make a positive contribution to the character and appearance of the area is the appellant's firm intention. Although this fallback suggested by the appellant is a factor to which I have attributed weight, in the circumstances, it is not one of sufficient weight to prevail and to overcome the conflict with the development plan policies I have identified.

Other Matters

30. The proposed development would boost housing supply. It would provide a choice of homes in the area. Given the nature of the development as a change of use, and the building's condition, the additional home would likely be delivered quickly. However, the contribution to the overall supply of housing would be very modest and, at the most, I can only attribute a moderate amount of weight to it as a result.
31. Given the scale and nature of the development, and the site's relationship to local services and facilities, I cannot agree with the appellant that the economic benefits

deriving from the proposal would be a matter of moderate weight. Rather, they would be very limited.

32. As I have established in my main issues a likelihood that harm would result to trees of value, I am not convinced of the appellant's assertions that an overall biodiversity enhancement would be likely to result, secured through the imposition of a condition.
33. It is submitted to me that the building the subject of the appeal would be occupied by the elderly appellant. The Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010 sets out the need to eliminate unlawful discrimination, harassment, victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. These protected characteristics include age. I have limited information before me in relation to the appellant's personal circumstances, requirements and alternative options available to them. In the particular circumstances of the case, the harms I have identified in my main issues are such that it is proportionate and necessary to dismiss the appeal despite the PSED.
34. It may be, in respect of a range of other planning considerations, that the development would not result in harmful effects. This may include its effects upon some environmental factors such as pollution levels. Even so, an absence of harm in respect of such matters is a neutral factor in my decision, and it does not outweigh the harms that I have identified.
35. Finally, the Council's second reason for refusal relates to the potential effects of the development upon the integrity of Habitats Sites in the area. More specifically, the potential for the interest features of those sites being affected by the proposal's contribution toward recreational activities and pressures. If I were minded to allow the appeal, I would need to be satisfied that the proposal would have no adverse effects upon the Habitats Sites. However, I am dismissing the appeal because of my findings on the main issues. Therefore, there is no requirement for me to undertake this assessment.

Conclusion

36. The proposed development conflicts with the development plan taken as a whole. There are no material considerations of sufficient weight to indicate a decision other than one in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

H Jones

INSPECTOR