



Appeal Decision

Site visit made on 8 January 2025

by **P Storey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 February 2025

Appeal Ref: APP/X3540/W/24/3346196

Doctors Meadow Barn, Walpole Road, Bramfield, Halesworth IP19 9AB

- 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 and Mrs Cunningham against the decision of East Suffolk Council.
 - The application Ref is DC/23/3445/FUL.
 - The development proposed is the conversion of Doctors Meadow Barn to provide a single storey dwelling with a domestic curtilage area and landscape enhancements.
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Decision

1. The appeal is dismissed.

Applications for Costs

2. An application for costs has been submitted by Mr and Mrs Cunningham against East Suffolk Council and is the subject of a separate decision.

Preliminary Matters

3. An update to the National Planning Policy Framework (the Framework) was published on 12 December 2024. The main parties have been given the opportunity to comment on the effect of the updated Framework for the appeal, and I have had regard to any comments received in my decision.

Main Issues

4. The main issues are:
 - whether the proposed development would be in a suitable location for new housing, having regard to the spatial strategy of the development plan, and access to services and sustainable transport; and
 - whether any works necessary to provide adequate visibility splays for highway safety would have an acceptable effect on the character and appearance of the area.

Reasons

Whether a suitable location

5. The appeal relates to a single-storey building within the residential grounds of Doctors Meadow Cottage. Whilst the building has the external appearance of an agricultural barn, the appellants confirm it is in residential use ancillary to the main dwelling. The appeal site is located north of Walpole Road and west of Bramfield. As it lies outside the settlement boundary, it is classified as countryside.

6. Policy SCLP5.3 of the Suffolk Coastal Local Plan, adopted 23 September 2020 (the LP) relates to development in the countryside. Its supporting text advises that, due to limited services and facilities, sites in the countryside are not suitable locations to focus new development. Whilst the policy recognises that there is a need for housing in the countryside in certain circumstances, it restricts new residential development outside of settlement boundaries unless specific criteria are met.
7. The appellants argue that the proposal aligns with criterion d) of Policy SCLP5.3, which permits the subdivision of an existing larger dwelling. They contend that the scheme would subdivide Doctors Meadow Cottage and its residential curtilage. However, Policy SCLP5.3 does not define the extent of subdivision. The policy is broadly consistent with paragraph 84 of the Framework, which addresses proposals for isolated homes in the countryside. Paragraph 84 d) specifically refers to *the subdivision of an existing residential building*. This proposal does not involve the subdivision of any building, only the conversion of a building into residential use. Therefore, in the absence of any alternative definition, I do not find the proposal to comply with criterion d) of Policy SCLP5.3.
8. Criterion e) of Policy SCLP5.3 relates to the conversion of an existing building and is applicable to the proposed development. To comply, proposals must meet all of criteria a) to h) within Policy SCLP5.5 of the LP.
9. Criterion a) of Policy SCLP5.5 requires the building to be redundant. During my site visit, I observed that the building was used for storing various household and garden-related items. Whilst the appellants state the building is no longer required, my observations indicate that it remains in use. Consequently, the building is not redundant, and the proposal fails to meet criterion a) of Policy SCLP5.5.
10. Although both main parties have debated the scheme's compliance with other criteria in Policy SCLP5.5, the policy requires all criteria to be met. As such, my findings on these criteria would not be determinative, as failing to satisfy criterion a) results in conflict with Policy SCLP5.5 as a whole.
11. The appellants also reference various excerpts from the Framework they consider support the proposal. Criterion g) of Policy SCLP5.3 allows for other development consistent with the Framework's policy on residential development in the countryside. However, no compelling evidence has been presented to demonstrate that the proposal aligns with any specific Framework policies supporting residential development in the countryside. Additionally, I am not convinced that the proposal would meet any other criteria within Policy SCLP5.3 that would justify housing in this location.
12. The development plan categorises Bramfield as a 'large village' with some capacity for growth. It offers amenities including a primary school and pre-school, church, village hall, public house, garage, butchers, and bus services to Halesworth and other settlements. However, the appeal site is several hundred metres from the village and accessible only via an unlit road without footpaths. Future residents would likely rely on private vehicles for daily needs, meaning the site is not well positioned in terms of access to services and sustainable transport.
13. For the reasons given above, I conclude that the proposed development would not be in a suitable location for new housing, having regard to the spatial strategy of the development plan, and access to services and sustainable transport. It would

therefore conflict with LP Policies SCLP5.3 and SCLP 5.5, the aims of which have previously been set out.

14. The Council also cites LP Policies SCLP3.2 and SCLP3.3, which relate to the settlement hierarchy and settlement boundaries. However, the proposal is outside of a settlement, and these policies explicitly state that proposals for such development will be managed under other policies. I therefore do not find these policies applicable to the proposal.
15. Similarly, LP Policies SCLP10.4 and SCLP11.1, which concern landscape character and design quality, have been referenced. However, in relation to this issue, I have identified no specific harm relating to these matters.

Character and appearance

16. The appeal site is accessed from Walpole Road via an existing entrance that the appellants state has been in place for several decades. This provides an independent access to the barn building and its adjoining land. Doctors Meadow Cottage is served by a separate vehicular access further to the west.
17. The planning application was supported by a Transport Statement (the TS), which includes a drawing demonstrating how adequate visibility splays would be provided in both easterly and westerly directions along Walpole Road. There appears no dispute between the parties that these visibility splays are necessary for highway safety.
18. The access point is secured by a farm gate, set back from the roadside. Between the gate and the road, a timber post-and-rail fence angles outward to widen the entrance. Mature hedgerows flank both sides of the access at the highway edge. During my visit, cars were parked near the barn, and the well-worn surface and visible tyre tracks indicated frequent use by vehicles.
19. The existing hedgerow flanking the access sits tight to the highway edge. This is broadly consistent with the wider character of Walpole Road, where hedgerows typically line both sides. However, the specific types, heights, species, and distances of these hedgerows from the road vary considerably.
20. An illustrative landscape masterplan has been submitted, showing that the existing vegetation along the highway would be cut back to improve visibility. The appellants state no hedgerow would be lost and that it would be managed or, if necessary, mitigated. However, I am not provided with a comprehensive drawing overlaying the visibility splays on to the landscape proposals.
21. That said, the landscaping proposals remain illustrative, and given the variety of hedgerows in the area, I am not persuaded that a reduced or repositioned hedgerow at the site frontage would harm the character or appearance of the area. Even if some hedgerow removal were required, and acknowledging that replanting would take time to establish, appropriate landscaping details could be secured via condition to safeguard the character and appearance of the area.
22. For these reasons, I conclude that the necessary works to provide adequate visibility splays for highway safety would not harm the character or appearance of the area and would accord with Policy SCLP10.4 of the LP, which summarily seeks to ensure that development proposals protect and enhance the landscape character of the area.

Other Matters

23. The appeal site falls within the 'Zone of Influence' (Zol) for several European Sites, comprising the Deben Estuary Special Protection Area (SPA)/Ramsar, Stour and Orwell Estuaries SPA/Ramsar and Sandlings SPA.
24. The Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) identifies that residential development in the Zol is likely to have a significant effect on the interest features of European Sites through increased recreational pressure, when considered either alone or in combination with other plans and projects. To mitigate these effects, the appellants have made a payment to the Council, to be used to fund mitigation measures in accordance with the RAMS. If minded to grant consent, it would be necessary to undertake an appropriate assessment to determine the effects of the development on the European Sites.

Planning Balance

25. Paragraph 11.d) of the Framework directs that where a local planning authority cannot demonstrate a five-year supply of deliverable housing sites, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
26. In light of the recent changes to the Framework regarding the calculation of housing requirements, the appellants question whether the Council can demonstrate a five-year housing land supply. Whilst I have limited substantive evidence on this matter and cannot be certain whether paragraph 11.d) is engaged, I have nonetheless considered the proposal against its provisions.
27. I have already concluded that the proposal would not be in a suitable location for new housing in terms of the development plan's spatial strategy and access to services and sustainable transport. It therefore conflicts with LP Policies SCLP5.3 and SCLP5.5, which are consistent with the Framework. The harm arising through this conflict carries significant weight.
28. However, the benefits of the proposed development would include the provision of a new, energy efficient, accessible and adaptable dwelling, contributing to the supply of housing in accordance with the objectives of the Framework. It would make efficient use of the land, incorporate biodiversity and landscape enhancements, and would generate economic benefits through construction-related employment and increased local spending.
29. Additionally, one of the appellants, Mr Cunningham, suffers from dementia. Mrs Cunningham is his primary carer on a part-time basis. They have lived in Doctors Meadow Cottage for approximately 40 years, but due to Mr Cunningham's changing needs, accessible accommodation is required. The appellants argue that the existing cottage cannot be suitably adapted and that moving elsewhere would be extremely difficult for Mr Cunningham, given his illness and strong connection to the property. The proposed development would enable them to relocate from their existing home to a purpose-built single-storey accessible and adaptable property nearby. This would allow them to remain in their local area and live independently as they grow older and manage illness into their later years. It is also submitted that this arrangement would ease pressure on health services.

30. I am sympathetic to the appellants' circumstances and attach significant weight to their personal situation. However, the proposal before me is for a Class C3 dwelling, albeit one designed to be accessible and adaptable. While it would provide substantial benefits for the appellants, and indeed for any future occupants in a similar situation, there is no mechanism before me to secure its use as specialist accommodation in perpetuity. Therefore, the weight I can attach to its provision as a home for those with specific needs is limited.
31. The appellants reference a 2024 appeal decision¹ where the Inspector found benefits in the provision of a larger scheme of dedicated 'extra care' housing under Class C2. However, that case differs from the current appeal, in terms of the scale of development and the type of accommodation proposed. Another appeal decision² cited by the appellants, relating to a 2020 scheme for the erection of a single unit of specialist housing, highlighted the benefits of development. However, that decision also identified no conflict with the development plan. This differs from the current case, where I have identified conflict in respect of one of the main issues. Given these differences, I attach limited weight to those previous decisions.
32. The appellants also present alternative scenarios, such as if the site were in the Green Belt or the building were in agricultural use, where the proposal might be viewed more favourably. However, these are theoretical scenarios that do not apply to the proposal before me. Consequently, these considerations do not alter my previous findings.
33. There appears no dispute between the parties that the proposal would accord with relevant policies relating to matters including ecology, biodiversity and residential amenity, and I note the lack of objections from consultees. However, compliance with such policies would be expected of any good quality development. Accordingly, these are neutral factors that do not weigh in favour of the proposal.
34. Having regard to all of the above, while the personal benefits to the appellants would be significant, the proposal would deliver only a single dwelling. Accordingly, the broader benefits associated with the provision of housing would be modest. Consequently, even if paragraph 11.d) of the Framework were engaged, the harm resulting from the proposal's conflict with the development plan would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
35. Dismissing the appeal would interfere with the appellants' and their family's rights to peaceful enjoyment of their possessions, and to a private and family life and home, under Article 1 of the First Protocol and Article 8 as set out under the Human Rights Act 1998. However, those are qualified rights, and interference with them in this instance would accord with the law and be in pursuance of a well-established and legitimate aim: in this case implementing the spatial strategy of the development plan and ensuring new housing is located where it is well connected to services and sustainable transport.
36. I have also had due regard to the Public Sector Equality Duty (PSED) set out under s149 of the Equality Act 2010, but the harms caused by the conflict with the development plan outlined above outweigh the proposal's benefits in terms of

¹ APP/V0510/W/23/3324141

² APP/F2360/W/19/3238776

eliminating discrimination against persons with the protected characteristics of age and/or disability, advancing equality of opportunity for those persons and fostering good relations between them and others. I conclude that it is proportionate and necessary to dismiss the appeal.

37. Because I have found the proposal to be unacceptable for reasons other than the effect on European Sites, an appropriate assessment has not been undertaken.

Conclusion

38. Although I have identified no harm in respect of the character and appearance of the area, the proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, to lead me to a decision other than in accordance with the plan. I therefore conclude that the appeal should be dismissed.

P Storey

INSPECTOR