



Appeal Decision

Site visit made on 12 March 2025

by Jonathan Price BA(Hons) DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 March 2025

Appeal Ref: APP/D3505/D/25/3360034

All Saints Barn, Low Lane, Creeting St. Mary, Suffolk IP6 8QA

- 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 Miss Kiran Purewal against the decision of Mid Suffolk District Council.
 - The application Ref is DC/24/04750.
 - The development proposed is erection of oak framed outbuilding for ancillary use.
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Decision

1. The appeal is dismissed.

Main issue

2. Whether the ancillary accommodation would accord with development plan policy.

Reasons

3. All Saints Barn is a detached dwelling located in spacious grounds within the countryside outside the village of Creeting St. Mary. The construction of a small swimming pool enclosure is underway alongside it, with the timber frame in place. This evidently replaces one of the two ancillary barn structures found to the west of the house. The other barn remains in place just beyond this. This is of a framed construction with corrugated sheet clad walls and is currently in use for the storage of materials and machinery. A third barn lies slightly further away, which looks to be that permitted in 2022 for the storage of machinery and maintenance equipment.
4. The appeal proposal relates to the sheet clad barn which is to be replaced by the proposed oak framed outbuilding, containing two-storey residential accommodation. This comprises a ground floor kitchen/dining area, lounge, utility, bathroom, study and storage room and first floor bedroom, ensuite and small storage area. The appeal statement clarifies that this is to provide modest, family-orientated accommodation for the daughter of the homeowners and her partner, allowing them to remain close to family while they plan to start their own.
5. The Council notes that the size, configuration and internal relationship of the ground floor storeroom is such that it would most likely be used as a bedroom. Indeed, the appeal statement confirms the design and features to include two bedrooms and supporting amenities. Due to its scale and location away from the main house, with separate vehicular access and space available for its own parking and garden, the building could readily function as a separate two-bedroom dwelling, independent from the host property.

6. The development plan is the Babergh and Mid Suffolk Joint Local Plan (JLP), adopted in November 2023. Policy SP03 establishes the sustainable location of new development by focusing this within defined settlement boundaries or plan allocations. Outside of the settlement boundaries, development will normally only be permitted in specified circumstances. In this case, this would be where the proposal accords with one of the JLP policies listed in Table 5. As made clear in the appeal statement, the proposal is for annex accommodation, which is addressed by Policy LP02 in this list.
7. JLP Policy LP02 recognises that annexes can create additional and more flexible accommodation for a dwelling, to respond to changing family circumstances over time. The supporting text says that residential annexes should be designed to be ancillary in use and scale to the main dwelling unit, and provide genuinely flexible accommodation that can be adapted and re-adapted to meet the changing needs of an extended family over time. It continues that this should include the option of absorbing the annex back into the main dwelling, if necessary, by the same or future occupiers. To meet these requirements, it states that it is essential that the main and annex accommodation are either directly connected by an internal link or have a close spatial relationship with shared facilities and space.
8. Policy LP02 is supportive of residential annexes subject to criteria a, b and c. The outbuilding is subordinate in scale to the host dwelling and intended to be occupied as ancillary accommodation, in accordance with criterion a. The proposal does not show the physical subdivision of the residential curtilage, in accordance with criterion b. However, set apart from the host property, with an independent access and space for car parking and a private garden, this could readily be achieved. Therefore, the annex is not designed to easily allow it to be reintegrated into the main building as a single dwellinghouse when the need no longer exists, in conflict with criterion c and Policy LP02 considered as a whole. Without the support from Policy LP02, the proposal conflicts with JLP Policy SP03 over the focusing of new housing development to within defined settlement boundaries in order to promote the sustainable location of new development.

Other Matters

9. The permission granted by the Council in 2018¹ to convert the two barns into two separate dwellings is no longer extant. This was based on development plan policy that has since been replaced and provides no fallback to rely upon over the remaining barn providing for a dwelling. The appellant cites the approval for a residential annex in 2006 as setting a direct precedent for ancillary uses that complement the main dwelling. I do not have the details of this earlier permission. However, the determinative issue in this case is not the principle of an ancillary annex but the extent and nature of the accommodation proposed.
10. The appellant cites a recent appeal decision in Norfolk² as another precedent for allowing this appeal. Unlike this householder application, that case related to a proposal for a self-build dwelling and was the subject of a hearing. The dwelling was assured as being self-build through a planning obligation and the Inspector gave weight to the under-supply of such opportunities, as well as other matters that included the Council's crucial lack of a five-year housing land supply. The factors in

¹ Council ref. DC/18/01957

² APP/L2630/W/24/3346313

that case and this appeal are not the same and the balance weighs differently in each.

Planning balance and conclusion

11. Dealing with the case made in favour of this proposal, it could be approved subject to a planning condition limiting occupation to use as an annex. However, JLP Policy LP02 clearly aims to avoid the establishment of annexes amenable to being occupied as independent dwellings at some future point. This is to discourage such proposals becoming an avenue towards establishing a new home in the countryside that would otherwise be precluded under development plan policy.
12. The intended occupants currently reside at All Saints Barn, meaning there would be no increase in traffic or transport dependency. Furthermore, the proposal would replace an existing building and result in no net increase in development. It would not result in additional private car journeys or be of material harm to the character and appearance of the countryside, including the heritage and landscape value it contains. Nevertheless, were the proposal to be allowed it would be tantamount to a new dwelling, undermining the aim of Policy SP03 to focus development within locations where the need to travel can be reduced, through good access to facilities and services, and where the intrinsic character of the countryside might better be recognised. This fulfils a fundamental role in the achievement of sustainable development, in accordance with the central aim of the National Planning Policy Framework. Therefore, the harm caused through conflict with Policy SP03 is a matter that attracts significant weight.
13. The appellant refers to matters including the lack of flood risk, biodiversity, landscape and built heritage objections, and the building's sustainable construction credentials. The ancillary accommodation proposed would therefore satisfy some JLP policies. These include LP15 (environmental protection and conservation), LP16 (biodiversity), LP17 (landscape), LP19 (the historic environment), LP23 (sustainable construction and design) and LP24 (design and residential amenity). However, these amount to an absence of harm from the scheme rather than indicating positively in favour of it. Such compliances do not provide an adequate trade-off against the harm arising from the conflict found with policies SP03 and LP02.
14. The proposal would provide modest social benefits through providing separate accommodation for family members and contributing to a general need to boost the supply of housing. The proposal would provide some slight benefits to the local economy through the construction work involved. The absence of local opposition is not a factor that allows me to set aside the conflict found with the development plan considered as a whole. This is a matter of significant weight, and the material considerations covered would not indicate a decision be made otherwise than in accordance with this. Therefore, I conclude the appeal be dismissed.

Jonathan Price

INSPECTOR