



Appeal Decision

Site visit made on 28 July 2025

by T Bennett BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 August 2025

Appeal Ref: APP/X3540/W/25/3359658

Northgreen Farm, Sotterley Road, Stoven, Suffolk NR34 8DG

- 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 Hall against the decision of East Suffolk Council.
 - The application Ref is DC/24/2124/FUL.
 - The development proposed is for a new dwelling to replace building with permission to convert to a single dwelling under Class Q, reference DC/23/1682/P3Q.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site lies within the zone of influence of the Benacre to Easton Bavents Special Protection Area (SPA), Benacre to Easton Bavents Lagoons Special Area of Conservation (SAC), Minsmere-Walberswick SPA and Ramsar site and Minsmere-Walberswick Heaths and Marshes SAC. The Council's second reason for refusal related to the absence of a legal agreement to secure mitigation against harm to the integrity of these designated habitats sites. However, during the course of the appeal, the appellant made a contribution towards mitigation measure identified in the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). The Council has confirmed that the contribution has satisfied this reason for refusal. I will return to this matter later in my decision.
3. An existing agricultural building on the appeal site benefits from prior approval¹ under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). If implemented, the approval would convert the existing agricultural building into a dwelling (the Class Q scheme). The Class Q scheme has not been implemented but it is a significant material consideration in the determination of this appeal and I have had regard to the submitted information in respect of this issue, including the case of *Mansell v Tonbridge and Malling Borough Council* [2017] EWCA Civ 1314.

Main Issues

4. The main issues are whether the appeal site is an appropriate location for the development having regard to local and national policies with particular regard to accessibility and the effect of the proposal on the character and appearance of the area.

¹ Ref: DC/23/1682/P3Q

Reasons

Location

5. The appeal site lies outside of a settlement boundary, falling within the countryside in an isolated location. Policy WLP1.1 of the East Suffolk Council Waveney Local Plan (2019) (LP) sets out a spatial strategy for the scale and location of growth with Policy WLP1.2 of the LP restricting new residential development in the countryside except where other policies might indicate otherwise.
6. Within rural areas Policy WLP7.1 outlines a rural settlement hierarchy with the aim to focus housing growth in the larger villages which are more accessible by a range of transport means and where there is a better provision of day-to-day services. Stoven falls under 'other rural settlements' where development is envisaged to come forward through windfall sites in accordance with Policies WLP8.6, WLP8.7, WLP8.8 and WLP8.11 of the LP. The evidence before me indicates that the proposal would not accord with any of these policies.
7. Further to the above, Policy WLP8.21 supports development where it is located close to and provides safe pedestrian and cycle access to services, facilities and public transport and encourages people to travel by means other than the private car. The site is in a remote location, some distance from the larger settlements of Beccles and Halesworth and is accessible via a narrow rural lane with no lighting or footway. Consequently, journeys for pedestrians or cyclists would be particularly unattractive and as such occupants of the dwelling would be heavily reliant on private vehicle to access both the site and services and facilities to meet day-to-day needs.
8. The appellant considers the proposal can be deemed a replacement dwelling and as such would accord with Policy WLP8.9. However, whilst prior approval has been granted to convert an existing building into a dwelling, this has not been implemented. Consequently, the proposal would not be replacing an existing dwelling and so I find that the policy is not applicable. Furthermore, even if I were to find it applicable, the policy amongst other matters, requires the dwelling to be of a height similar to that of the original dwelling. Given the taller height of the proposal, which I discuss further in the decision, it would not accord with this criteria.
9. Considering the above, the appeal site would be in clear conflict with policies WLP1.1, WLP1.2, WLP7.1 and WLP8.21 of the LP with regards to the location of the development.
10. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The appeal site benefits from an extant Class Q prior approval. The principle established by the grant of prior approval represents a genuine 'fallback' position and I consider there to be a greater than theoretical possibility that the agricultural building would be converted to a dwelling should this appeal fail.
11. Any harm generated by the proposal due to its remote location requiring the use of a private vehicle, would be offset by the fact that the existing agricultural building could be used as a dwelling under permitted development rights. The number of trips generated to and from the site would be comparable to the Class Q fallback

scheme. I therefore give the fallback significant weight and find that the appeal proposals conflict with the spatial strategy would be outweighed by the Class Q scheme, having the same level of harm in this regard. Thus, on this main issue, having regard to the fallback, the proposal would be an appropriate location.

Character and appearance

12. The appeal site is an agricultural field located adjacent to the agricultural building that has prior approval for a dwelling. The agricultural building is sited close to several other agricultural storage buildings on the farm. These existing buildings are modest in scale, with a mixture of building materials including masonry, timber and corrugated metal. Due to their scale and appearance, they appear unassuming and typical of the rural, agrarian landscape.
13. The character of the appeal site and surrounding area is distinctly rural, with few residential properties and extensive open fields enveloping the site to the north, west and south. Mature landscaping to the north and west of the site along with intermittent woodland affords some screening of the appeal site from more distant views. Nevertheless, views would still be possible from nearby public footpaths and North Green. The undeveloped nature of the appeal site and the existing farm buildings make a positive contribution to the rural, agricultural landscape.
14. The appeal scheme would introduce a dwelling into the agricultural field that would be set further away from the cluster of existing farm buildings, including the building which has prior approval. It would therefore appear more visually prominent and exposed than the current buildings on the site that are more closely contained, noticeably encroaching into the open countryside.
15. The appeal proposal would incorporate traditional materials such as pantile roof and suffolk render and would have a smaller footprint than the agricultural barn which has prior approval. However, notwithstanding the limited windows on the north elevation, the overall form and tall height of the proposal, along with the large amounts of glazing on the southern elevation, would result in a more domestic appearance, in marked contrast to the nearby unassuming agricultural buildings against which it would be viewed, exacerbating its visual prominence.
16. Moreover, the dwelling's prominence, alongside the extensive outdoor amenity area, which includes grassed areas and paving, along with any associated domestic paraphernalia, would result in an intrusive urbanising effect within this rural setting. This would harm the spatial and visual openness of the site and consequently the existing rural character and appearance. These factors also lead me to find that the proposal would not enhance the setting of the historic barn in the middle of the site.
17. Landscaping, secured by condition, could soften the impact of the development. However, given the proposals siting, design and scale, I am not persuaded it would be sufficient to mitigate the harm to the character and appearance of the area. Moreover, any new planting would also take a considerable time to mature and cannot be relied upon to remain in perpetuity.
18. The appellant has submitted an historic map which indicates that the proposed location of the dwelling is largely where a previous dwelling was once sited. However, the former dwelling has long since been removed and the site returned to grassland. Notwithstanding the appellants assertion that the materials used in the

proposed dwelling would reflect those of the former building, I have limited information before me on the appearance, form and scale of the former building. I thus cannot be sure how that building compares to the scheme before me.

19. Whilst I note the appellants assertion that the location of the dwelling would attempt to replicate the historic courtyard, from the historic map, it appears that the siting of other buildings on the farm has since changed and thus I am not persuaded that it would reflect the historic courtyard arrangement. I afford this limited weight.
20. The appellant contends that the erection of a dwelling and demolition of the agricultural building which has prior approval would visually enhance the area and the setting of the historic barn in the middle of the site. However, the existing building is a modest structure of limited height and does not therefore have an imposing presence. I do not find its appearance unusual in the context of the rural location nor harmful to the open countryside. The appeal proposal would be located further out to the west, such that it would erode the current open countryside character of the site.
21. As I have set out in the previous issue, the extant prior approval is a realistic prospect and there is a greater than theoretical possibility that the Class Q scheme would take place as a fallback should this appeal fail. However, the existing building is characteristic of other buildings within the rural setting. The Class Q scheme would be a subtle conversion of the building because the restrictions on prior approval limit material changes to the external appearance of the building, thus it would remain as a simple, unassuming building, reinforcing the prevailing rural agricultural character of the area.
22. Given the constraints of Class Q, the external spaces around the Class Q building would also not be substantially changed with minimal residential curtilage. In comparison, the scale of the proposed dwelling, including its height, would be dominant in its setting when compared to the Class Q scheme, with a noticeably larger residential curtilage, extending into the open countryside. Consequently, the appeal scheme would be significantly more visually intrusive than the fallback and thus materially more harmful to the character and appearance of the area. Therefore, on this issue, I give limited weight to the fallback.
23. The presented benefits of the appeal scheme against the fallback proposal, including a more user-friendly layout and modern standards of access do not outweigh my findings that the fallback would have less impact on the character and appearance of the area, such that it does not weigh in favour of allowing the appeal. Furthermore, I am not persuaded that the current proposal is the only way in which the purported benefits could be achieved.
24. For the above reasons, I conclude that the proposal would harm the character and appearance of the area. It would therefore conflict with Policy WLP8.29 of the LP, which amongst other matters, requires proposals to respond to the local context and the form of surrounding buildings in relation to layout, scale and character and reflect local distinctiveness. It would also conflict with Policy WLP8.35 of the LP which seeks to ensure development protects and where possible enhances the special qualities and local distinctiveness of the area.

Other Matters

25. The Conservation of Habitat and Species Regulations 2017 (as amended) requires that, where a project is likely to have a significant effect on European sites (either alone or in combination with other plans or projects), the competent authority must, before any grant of planning permission, make an appropriate assessment of the project on the integrity of the sites. However, as I have found the development to be unacceptable for other reasons, it is not necessary for me to undertake an appropriate assessment or consider this matter in any further detail.
26. The appellant has drawn my attention to Green Belt policy. However, the evidence indicates that the proposal is not in the Green Belt, thus Green Belt policy has had no bearing on my decision.
27. In support of the appeal, the appellant has directed me to several appeal decisions² where the Inspector gave great or significant weight to the fallback. In each of the main issues above I have considered the Class Q fallback and have determined the weight to be ascribed. I have come to similar findings to the Inspectors in the appeals at Traylesfield Farm and Manor Farm with regards to the location of the development. However, with regards to character and appearance, in the appeal at Traylesfield Farm, character and appearance was not a main issue, with the proposal deemed to be substantively the same as the Class Q scheme. It is thus not directly comparable. In the appeal case at Manor Farm, on character and appearance, the Inspector noted how the proposal would be viewed against a backdrop of existing houses, finding the scheme would successfully integrate into the area. It is therefore not comparable. At Holywell Farm the proposal was deemed by the Inspector to be largely indistinguishable from the Class Q scheme. This is not the case in this appeal. The examples provided do not lead me to reach a different conclusion on the issue of character and appearance. It is rarely the case that other appeals are directly comparable and in any event each application and appeal must be considered on its own merits, which is what I have done.

Conclusion

28. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

T Bennett

INSPECTOR

² Ref: APP/P0240/W/3249635, APP/K0235/W/17/3189914, APP/E2530/W/17/3175132