
Appeal Decision

Site visit made on 23 July 2025

by Dr Rachael A Bust BSc (Hons) MA MSc LLM PhD MLoL MCMI FGS MEnvSci MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2025

Appeal Ref: APP/D3505/W/24/3355402

Holgate, Hall Street, Long Melford, Sudbury, CO10 9JA

- 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 Mrs N Barne against the decision of Babergh District Council.
 - The application Ref is DC/24/02985.
 - The development was originally described as “Change of use from Class E insurance offices to Class C Airbnb. Internal alterations to suit.”
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The original description of development on the planning application form referred to ‘Airbnb’ which is a relatively recent online platform to facilitate a range of forms of residential rental accommodation amongst other things. The Council’s decision notice contains a revised description of development which states “change of use of Class E insurance offices to 1no dwellinghouse. Alterations as per Schedule of Works.” The Council’s appeal statement indicates that the agent for the planning application agreed to this revised description at the validation stage. Whilst there is a different agent for the appeal, the appellant’s statement raises no concerns regarding the revised description, and it has been used throughout their appeal submission. As this is a more accurate description for the appeal proposal, I have determined the appeal on this basis.
3. The Council’s decision notice refers to Policy EM24 of the Long Melford Neighbourhood Plan (NP). The submitted policy is Policy LM24. As such the policy reference in the decision notice is considered to be a typographical error.
4. This appeal concerns the refusal of full planning permission which is distinct and separate to Listed Building Consent (DC/24/02986) which is required for the specific works to the listed building to facilitate the change of use and has already been approved.

Main Issues

5. The main issues in this appeal are:
 - a) whether the proposed change of use would be appropriate having regard to local planning policies which seek to protect employment land; and

- b) whether the proposed development would provide acceptable living accommodation for future occupiers, with specific regard to noise and disturbance.

Reasons

Employment

6. The appeal building received planning permission in September 1994 for the conversion into two storey office accommodation. At the time of my site visit the appeal building was not occupied, however there is no dispute that it was last used as offices. The building internally and externally has been well maintained and is in a good overall condition. Internally, modern office lighting, electrics, heating and welfare facilities are present. As such very limited works would be required for an office type use to resume. It does not form part of any designated employment site.
7. The proposed development is seeking a change of use from employment to residential use. The appellant contends that the residential use would be a form of commercial business use as short-term letting which could support tourism or those requiring accommodation for work. However, there is no cogent evidence that this use would provide specific employment and how the proposal would support tourism or short-term accommodation for workers. Moreover, the residential use class in England does not have any subdivisions for short-term residential letting. As such the proposal must be assessed as a change of use to residential and therefore the employment use of the premises would be lost entirely.
8. Policy LP10 of the Babergh and Mid Suffolk Joint Local Plan Part 1 (JLP), adopted in 2023 seeks to retain and therefore protect employment sites and premises in principle, unless it can be demonstrated by marketing evidence that the premises are inherently unsuitable for employment or other community uses. It also seeks to avoid any conflicts between uses arising following a change of use. Whilst I have not been guided to any definition of employment use within the development plan, there is no dispute between the parties that the last use of the appeal building was for an office use for an insurance company and as such is a type of use which would provide some form of employment.
9. Policy LM24 of the NP made in 2022 is part of the adopted development plan and is relevant to this first main issue. Policy LM24 has a similar objective to Policy LP10 of the JLP which is to retain employment uses unless it can be demonstrated that the retention of the employment use has been fully explored through (i) marketing or (ii) prior agreement, and that any change of use would avoid the creation of conflicts between uses.
10. Where Policy LM24 of the NP differs from Policy LP10 of the JLP is that it includes a criterion (ii) which suggests that a change of use proposal could potentially be supported where a prior agreement has been reached that the land, site or premises is inherently unsuitable or not viable for all forms of employment use. The appellant suggests criterion (ii) provides support for the proposal since there are physical constraints, such as the access, which limit the ability of the appeal building to be suitable for other commercial purposes.

11. Due to the orientation of the appeal building, the principal elevation with the majority of windows and the location of the main door faces directly into the garden of Holgate. The vehicle access is through the main gates which also serves Holgate. However, the pedestrian access to the appeal building is either through the vehicle gates or through the Holgate property. Within the appeal building an internal access into the adjoining building has been blocked up; however, there is limited evidence to confirm whether this was a primary or secondary means of access into the appeal building. In any event, as with the 1994 planning permission, a suitable planning condition could secure the details for the access and parking arrangements if the proposal was acceptable in all other respects.
12. Both development plan policies require evidence to make the case for proposed changes of use. The planning statement refers to 4 office buildings for rent within a mile of the site, however this is not supported by any further detail. The application and appeal submission contains no evidence of a sustained marketing campaign as required by Policy LP10(2a) and LM24(i). Furthermore, there is no evidence presented which demonstrates that it has been agreed in advance that the land, site or premises are inherently unsuitable or not viable as required by Policy LM24 (ii) of NP.
13. Even if one were to consider that there was conflict between the LP and NP on this matter, having regard to section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published. In this case, Policy LP10 of the JLP is the latest document.
14. Consequently, the absence of cogent evidence to justify the loss of the employment space through the change of use, the proposed change of use would not be appropriate having regard to local planning policies which seek to protect employment land. The proposal therefore conflicts with Policy LM10 of the JLP and Policy LM24 of the NP.

Living conditions of future occupiers

15. The proposal is for a 3-bedroom dwelling with 2 of the 3 bedrooms being located on the ground floor. At the ground floor level there would be no significant change to the position, size and proportion of glazing of the existing window openings. There is no existing or proposed demarcation of private space for the appeal building and as such the gravelled area immediately adjacent forms part of the wider garden area of Holgate.
16. The Council's specific concern relates to the potential for noise and disturbance for future occupiers of the appeal building. The garden of Holgate is open, spacious with no specific natural or artificial demarcation and so consequently the occupiers of Holgate could use any part of their garden. As such the occupiers of Holgate would not necessarily need to use their garden area which is closest to the appeal building.
17. Consequently, I do not share the specific concern raised by the Council since general noise and disturbance can occur within settlements where the siting and orientation of buildings is similar to this case; but given the size of the garden, I find it would be less likely to occur in this case. Whilst I might have other reservations regarding living conditions for both existing occupiers of Holgate and

future occupiers of the appeal building, as the appeal is being dismissed for other reasons I have no need to explore these other reservations with the main parties. As such, with specific regard to noise and disturbance, the proposed development would provide acceptable living accommodation for future occupiers. It would not conflict with Policy LP24(2.i) of the JLP which seeks to protect the living conditions of occupiers and users.

Other Matters

18. The appeal proposal relates to a Grade II listed building, the setting of another Grade II listed building (Holgate) and is located within the Long Melford Conservation Area (CA). Although the Council's decision notice does not indicate any reasons for refusal related to these designated heritage assets, I have a statutory duty and as required by sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have had special regard to the desirability of preserving the buildings or their settings or any features of special architectural or historic interest which they possess; and paid special attention to the desirability of preserving or enhancing the character or appearance of the CA in the determination of this appeal.
19. Part of the appellant's case is that the appeal proposal is seeking the optimum viable use for the appeal building. As this is a consideration in relation to the listed building I have had due regard to this matter as part of the heritage considerations set out in the following paragraphs.

Listed buildings

20. National Heritage List for England listing entry name¹ is 'Building occupied by C J N Row and Sons; Outbuilding and Wall of Holgate to the south'. The appeal building is described within the listing as being 'Adjoining, on the south there is a large building unfenestrated on the street frontage with a tiled roof.'
21. The appeal building is a late 19th century two-storey pale brick-built building with clay peg tiled roof which is located within the current grounds, ownership and the setting of the adjacent dwelling to the south known as 'Holgate' which is Grade II listed² in its own right. Holgate is an example of an early to mid-19th century, 2-storey grey gault brick house with a slate roof. The single storey detached outbuilding within the appeal building listing is timber framed with a tiled roof and the wall of Holgate contains the vehicle access gateway with brick piers, stone moulded caps and ball finials either side of the large wooden gates all of which give the collective parts of the listed building together with Holgate a confident and imposing presence.
22. Part of the significance of the appeal building lies in its physical relationship with surrounding buildings. The appeal building is predominantly appreciated from within the grounds of Holgate. The public view of the appeal building is of an unfenestrated elevation of pale bricks with lime mortar, 4 decorative metal ventilation grates and guttering painted pale blue and a clay peg tiled roof.
23. The proposed plans indicate the physical changes to the appeal building are limited in scope and reflect in part the historic construction at the first floor in the roof. Externally, no changes to the unfenestrated elevation are proposed and

¹ List Entry Number: 1351826

² List Entry Number: 1284475

therefore from the public realm the ability to understand and appreciate the building would be preserved. In private views, from within the grounds of Holgate, the proposed replacement of the modern windows at ground floor would have a neutral impact on its significance, subject to the details of the joinery.

24. Internally, the historic structure and any features which may (or may not) still exist are largely concealed by plasterboard which would have been introduced as part of the previously approved conversion to the office use. The proposed internal arrangement would make use of the existing layout as changed by the office use. Whilst I have no technical specifications or details for the proposed windows, including the joinery, or other servicing requirements (e.g. mechanical ventilation, pipework, soil vent pipes etc), these details could be secured through suitable planning conditions.
25. The appellant contends that the proposed residential use would be the optimum viable use for the appeal building. Whilst it is acknowledged that this is an important consideration to encourage investment in maintenance necessary for the long-term conservation of heritage assets, in this case, no substantive evidence has been presented to support the contention. Consequently, it does not outweigh the loss of the employment use and the conflict with development plan policy.
26. In relation to the listed buildings and their settings, I find that the proposed change of use would have a neutral effect. It would therefore preserve the identified listed buildings, their settings or any features of special architectural or historic interest which they possess and consequently satisfy the requirements of the Act.

Long Melford Conservation Area

27. The appeal site lies within the CA which encompasses part of the linear settlement of Long Melford containing a high proportion of listed buildings, including the appeal building. It extends out to encompass the parkland to the north. The significance of the CA is derived in part from the historic character of its medieval linear plan form with a long street running through it broadly following the valley landscape.
28. The predominant character of this part of the CA is mixed with commercial and residential uses coexisting within the traditional vernacular buildings giving an attractive and lively visual appearance to Long Melford. The appeal building from the public realm plays a modest and complementary role.
29. From my assessment of the proposed change of use together with the summary of the limited physical works to the building, I find that the appeal proposal would have a neutral effect on the CA. It would therefore preserve the character or appearance of the CA and consequently satisfy the requirements of the Act.

Conclusion

30. Whilst I have found that the appeal proposal would not harm the living conditions of future occupiers in respect of noise and disturbance, this does not outweigh the harm I have found in relation to the loss of an employment use.
31. The proposal conflicts with the development plan when taken as a whole and relevant material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given in this decision, the appeal should be dismissed.

Dr Rachael A Bust

INSPECTOR