
Appeal Decision

Site visit made on 19 August 2025

by **A Phillips MPlan BA CertHE MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 September 2025

Appeal Ref: APP/F3545/W/25/3365304

Stowe Lane, Ixworth IP31 2FQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mark & Michelle Hemms against the decision of West Suffolk Council.
 - The application Ref is DC/25/0206/PIP.
 - The development proposed is Conversion of water holding tanks into self-build dwelling, with associated gardens and parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. West Suffolk Council adopted a new Local Plan on the 15 July 2025 (Local Plan) and I have used the policies contained within this Local Plan to make my decision. In addition both parties have provided comments on the updated Local Plan that I have considered.

Main Issues

3. The main issues are:
 - Relevant policies for the location of housing in line with the Council's spatial strategy and its accessibility to services and/or facilities.
 - Whether there are reasonably available sites appropriate for the proposed development in areas at lower risk of flooding and whether the sequential test has been met.

Reasons

Spatial strategy and accessibility to services and/or facilities

4. The site is located a significant distance from the built up area of Ixworth and is located off a national speed limit road and adjacent to a converted two storey pumping station building. There is also an additional two storey converted pump station building in close proximity to the site.
5. The appellant demonstrated that the water holding tanks were in a residential curtilage, through the evidence of the previous plans to convert the adjacent converted pumping station building. The remainder of the site, from the submitted evidence, has an established use as agricultural land.

6. The definition of a settlement should not only be defined by what is within a settlement boundary as defined by a Local Plan policy, though this is the starting point for all decision making. It is noted that Policy SP21 in the Local Plan refers to allowing additional dwellings in the countryside when infilling where there is at least a group of seven dwellings. Therefore, the Local Plan refers and has consideration of other types of smaller settlements.

7. The court decision that the appellant refers to now covers paragraph 84 in the National Planning Policy Framework 2024 (Framework). Given the distance from the settlement boundary of Ixworth and with only two other dwellings in the locality, I am of the view that the dwelling would count as isolated. Paragraph 84 gives exceptions to when dwellings can be in the countryside covered by points a-e. The proposal is not for an occupier covered under paragraph (a), is not an identified heritage asset (b), while it reuses a redundant building there are no drawings to demonstrate it would be an enhancement (c), the proposal has already been subdivided from a residential plot and would not involve the subdivision of an existing residential building (d) and as stated there is no design submitted to demonstrate exceptional design (e). The proposal would not comply with paragraph 84 of the Framework.

8. Paragraph 125c of the Framework gives substantial weight to brownfield sites within the settlement. The determining authority should have some consideration to the closeness of a brownfield site to a settlement when making their decision. However, as stated above the site is a significant distance to the settlement boundary of Ixworth. Therefore, this paragraph is not considered to have any material weight in the determination of this appeal.

9. The appellant has put forward that Policy LP16 in the Local Plan is the most relevant, as the proposal is for the conversion of redundant building in the countryside. I accept that this policy is the most relevant to the principle of development for this appeal given that the proposal is for the conversion of the water tanks. However, I have not been presented with evidence that demonstrates any marketing of the building over the past 12 months or that the building is both structurally sound and without the need for significant alteration. In addition, given the nature of the application there are no detailed designs at this stage to demonstrate a high quality design that would lead to an enhancement of the locality, which also preserves or enhances the rural character. Finally, the proposal does not benefit from a flood risk assessment. Therefore, the proposal does not comply with this policy.

10. It is noted that there are informal footpaths in close proximity to the site that would allow access to the services and facilities within Ixworth. However, given that these are informal footpaths and also unlit only limited weight in favour of the appeal is granted. Therefore, the development does not grant priority to pedestrian and cycle movements, specifically for those people who are disabled or have mobility issues. On this basis, the proposal does not comply with paragraph 117 of the Framework.

11. On this issue, I therefore conclude that the proposal is not in accordance with the spatial strategy and does not have suitable access to services and/or facilities by sustainable methods of transport. On this basis the proposal does not comply with Policies LP1, LP16, SP21 or SP13 of the Local Plan that seeks to direct development into the most sustainable locations within the district and provide criteria that dwellings in the countryside must comply with. The proposal is also not in accordance with the requirements of the Framework.

Risk of Flooding

12. There is a small river located to the south of the site, with the site stated as being in flood zones 2 and 3.
13. The site has a water tank that is partially underground, with its deepest element being approximately 5.5 metres deep and its shallowest element being approximately 1 metre deep; with the tallest element approximately being 1.5 metres above ground level.
14. Paragraph 176 of the Framework states: 'Applications for some minor development and changes of use should also not be subject to the sequential test, nor the exception test set out below, but should still meet the requirements for site-specific flood risk assessments set out in footnote 63'. Footnote 63 stating 'A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3'.
15. The proposal is seeking the conversion of primarily underground water tanks. The proposal would be similar to a basement dwelling which are highly vulnerable to flood risk. The application has, in addition, not provided a flood risk assessment, as required by the Framework.
16. On this issue, I conclude that the proposal has failed to provide sufficient information regarding the risk of flooding to potential future occupiers. On this basis the proposal fails to comply with the Framework.

Conclusion

17. 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.

A Phillips

INSPECTOR