



Appeal Decision

Site visit made on 3 December 2025

by **L Francis BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 DECEMBER 2025

Appeal Ref: APP/X3540/W/25/3372445

Bramble Barn, Lodge Lane, Wissett, Suffolk IP19 0JQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr C Clark against the decision of East Suffolk Council.
 - The application Ref is DC/25/2257/ROC.
 - The application sought planning permission for the conversion of barn and outbuilding to 1no. house without complying with a condition attached to planning permission Ref DC/07/1956/FUL, dated 11 January 2008.
 - The condition in dispute is No 3 which states that: "Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 no building or structure permitted by Classes A (extensions or alterations), B (changes to the roof) or E (buildings or enclosures within the curtilage of the house) of Schedule 2 Part 1 of the Order shall be erected without the submission of a formal planning application and the granting of planning permission by the Local Planning Authority".
 - The reason given for the condition is: "To secure a properly planned development".
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of barn and outbuilding to 1no. house at Bramble Barn, Lodge Lane, Wissett, Suffolk IP19 0JQ in accordance with the application Ref DC/25/2257/ROC without compliance with condition number 3 previously imposed on planning permission Ref DC/07/1956/FUL dated 11 January 2008 and subject to the following conditions:
 1. The development hereby permitted shall be completed in accordance with drawing numbers 1256/100A, 01, 02A, 10A, 1256/20 received on 19 December 2007 and letter dated 8 January 2008, 1256/03B, Structural Appraisal and Ecology Survey and Report received 20 November 2007.
 2. Bird nesting boxes and bat roost boxes shall be installed and retained in accordance with the proposals in the Design and Access statement and recommendations in the Ecology Report.

Background and Main Issue

2. Planning permission was granted in 2008 for the conversion of a barn and outbuilding to a house. Condition 3 of this permission removed permitted development rights for the house in respect of extensions and alterations, alteration or addition to the roof, and the erection of buildings or enclosures within the curtilage of the house. The Council consider that the condition is necessary to maintain the agricultural and rural character of the former barn and surrounding area.

3. The main issue, therefore, is whether condition 3 is reasonable or necessary in the interests of the character and appearance of the appeal site and surrounding area.

Reasons

4. Bramble Barn is a two-storey dwelling and associated outbuilding/garage, set well back from Lodge Lane, accessed via a gravel driveway. The appeal site's location is rural, with sporadic, mostly residential, development found along Lodge Lane.
5. The appeal site is not listed, nor is it within a Conservation Area or any other nationally or locally protected landscape. Visually, the building clearly reads as a dwellinghouse with a domestic curtilage including a patio, garden and parking areas. A substantial perimeter hedge surrounds the site and separates it from the fields beyond. The house and outbuilding are each clad in timber with clay pantile roofs, consistent with the main building's status as a former agricultural barn. The site is well screened from public vantage points due to the perimeter hedge, surrounding woodland and intervening fields. Whilst it retains a rural and agricultural vernacular, the residential use lends the buildings and their curtilage a distinct domestic character.
6. Waveney Local Plan 2019 (Local Plan) Policy WLP8.11 supported by the Rural Development Supplementary Planning Document 2024 (SPD) sets out the Council's approach to barn conversions. Amongst other things, the policy and SPD allow for the conversion of buildings which are locally distinctive and of architectural merit, where the design maintains or enhances the structure, form and character of the rural building and where the creation of a residential curtilage would not harm the rural character of the area. I have also been referred to Local Plan Policy WLP8.29 which expects proposals to demonstrate high quality design which reflects local distinctiveness. I note that neither of these policies explicitly support the removal of permitted development rights for domestic properties where they are formed from converted buildings.
7. The permitted development right for enlargements to existing dwellings is established in Classes A and B of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). This sets out a range of conditions and limitations that are required to be adhered to for the permitted development right to apply. This includes limitations on the location of extensions and alterations, on height relative to the existing dwelling, and on the extent of ground covered by buildings. In light of these restrictions in relation to scale and appearance, along with the domestic character of the site which is well screened from public vantage points, any extension or alteration within the parameters set out by the GPDO would not in my view unacceptably harm the rural or agrarian character and appearance of the site or surrounding area.
8. Permitted development in relation to outbuildings is set out by Class E of part 1 of Schedule 2 to the GPDO. Similarly, this sets out a range of restrictions on building height and ground covered. It is not unusual to see ancillary buildings in the vicinity of houses or converted barns. As such, the presence of outbuildings within the defined curtilage of the appeal site would not unacceptably harm the character and appearance of the appeal site or wider rural area.
9. The National Planning Policy Framework (the Framework) states that planning conditions should not be used to restrict national permitted development rights

unless there is a clear justification to do so. The Planning Practice Guidance (PPG) (21a-017-20190723) states that conditions restricting the future use of permitted development rights may not pass the tests of reasonableness or necessity. Furthermore, it advises that area-wide or blanket removal of freedoms to carry out small scale domestic alterations, which would otherwise not require an application for planning permission, are unlikely to meet the tests of reasonableness and necessity.

10. I do not consider the appearance of the converted barn to be so exceptional that the exercise of the permitted development rights described above would be demonstrably harmful to the rural and agrarian character and appearance of the appeal site and surroundings. Consequently, the removal of condition 3 would not conflict with the aims of Local Plan Policies WLP8.11 or WLP8.29, insofar as they support the conversion of rural buildings to residential use which would not harm the rural character of the area. Furthermore, it would be inconsistent with the guidance contained within the Framework and PPG to maintain a restriction on permitted development which is not reasonable or necessary in the interests of the character and appearance of the site or surrounding area. For the reasons given above, condition 3 should be removed.

Conditions

11. In terms of the remaining conditions originally imposed, no. 1 which imposes a time limit on implementation, is no longer necessary. I shall re-attach the plans condition for clarity. I shall also redraft former condition 4 (now condition 2) to retain the requirement for bird and bat boxes as set out in the original Ecology Report, necessary in the interests of ecology and biodiversity.

Conclusion

12. For the above reasons I conclude that the disputed condition is not reasonable or necessary in the interests of the character and appearance of the appeal site and surrounding area. I therefore allow the appeal and vary the permission by deleting the disputed condition.

L Francis

INSPECTOR