



Appeal Decision

Site visit made on 27 January 2026

by H Whitfield BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 January 2026

Appeal Ref: APP/W3520/W/25/3374076

Gospel Centre, Castle Street, Eye, Suffolk IP23 7AW

- 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 Darren Carter against the decision of Mid Suffolk District Council.
 - The application Ref is DC/24/05426.
 - The development proposed is a change of use from F1 to C3 (2 bed dwellinghouse)
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form indicates that the development has commenced but has not been completed. There is no substantive evidence before me indicating what part of the development has commenced. However, the Council states that the western side boundary wall has been demolished. Nevertheless, for the avoidance of doubt, I have determined the appeal based on the submitted plans.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the provision of community facilities in the local area; and
 - highway and pedestrian safety on Castle Street.

Reasons

Community Facilities

4. The appeal building is understood to be a vacant non-denominational chapel which was previously used as a learning centre. The scheme proposes the change of use of this community facility to a dwelling.
5. Policy LP28 of the Babergh and Mid Suffolk Joint Local Plan – Part 1 (2023) (the Local Plan) seeks to support and safeguard community facilities, such as places of worship and community centres, which play an important role within the community. Part 2 of the policy relates to the loss of community facilities and states that this will only be permitted if either compensatory provision of an alternative or improved facility will be provided in an equally accessible or improved location, or the applicant can sufficiently demonstrate that the facility is not viable, is no longer performing a functional role in its current or future form and it is not needed for an economically viable alternative community use.

6. Part 3 of the policy states that evidence to demonstrate how a facility is not viable should be agreed with the Council in advance and should include: a sustained marketing period, normally of 6 months, undertaken at a realistic asking price on a range of terms and in an appropriate format by an independent qualified assessor; regard to any material considerations, designations or adopted plans for the area; and regard to relevant evidence on levels of community need and/or requirements.
7. The appellant contends that the building has been vacant since 2018 and was marketed and sold at a public auction in April 2024, which they state was well-advertised but received no expressions of interest from community groups. Comments from interested parties dispute the alleged vacancy period of the building. However, even so, the information presented with this appeal is very limited.
8. There is no substantive evidence before me that the building has been marketed prior to the April 2024 public auction and it is unclear whether it was marketed at this public auction on agreed terms. The auction extract details a guide price of £100,000. However, there is little information before me that the building was advertised as a community facility suitable for other community uses, what these could be, if and how they were promoted and whether there was any investigation into community need. It is also unclear whether a range of terms were openly promoted and whether the guide price reflected an agreed valuation for the building based on its community use.
9. Even though the building and site may be relatively small and constrained, there is very limited evidence before me that a sustained period of active marketing has taken place as required by Policy LP28. Moreover, neither party has provided any information relating to the availability of other community facilities in the area and levels of community need. Notwithstanding the fact that prior agreement was not sought for the extent of evidence and marketing, I am not satisfied that the evidence before me clearly demonstrates that the facility is not viable, that it could not perform a functional role in the community in some future form and it is not needed for an economically viable alternative community use.
10. I acknowledge that the proposal would re-use a building identified by the Council as a non-designated heritage asset (NDHA) and that since the building has been closed it has not been providing an active service to the local community. The appellant also advocates for a proportionate approach to be taken to the level of information required. However, based on the very limited evidence before me, I cannot be certain that an alternative community use could not be found for the premises and that there is no longer a community need for such facilities on the appeal site. Accordingly, I am not satisfied that the intentions of paragraph 98 of the National Planning Policy Framework (the Framework) to guard against the unnecessary loss of valued facilities have been met. The loss of the building as a community facility would erode the availability of such space and, thus, the range of facilities on offer to the community, reducing its ability to meet its day-to-day needs.
11. My attention has been drawn to a previous planning approval¹ on the site in 1979 for the conversion of the building to residential use. However, I cannot be certain as to the evidence which was presented for consideration as part of that application and note the decision pre-dates the adoption of the current development plan and Framework, against which this appeal must be determined. As such, this historic

¹ Council Ref. 384/79

approval is not determinative in my consideration of this appeal. Reference has also been made to Bermuda Lodge² where prior approval has been granted for the change of use of a commercial business service to a dwellinghouse. However, as this relates to consent granted under permitted development³, it is not directly comparable to the appeal scheme, which must be considered against the development plan and on its own merits.

12. For the above reasons, I therefore conclude that the appeal scheme would have a harmful effect on the provision of community facilities in the local area. This conflicts with Policy LP28 of the Local Plan which seeks to support and safeguard services and facilities which play an important role within the community.

Highway Safety

13. The appeal site is located on Castle Street (the B1117), a Class B, two-way and relatively narrow carriageway which is subject to a 20mph speed limit. The appeal building is set back from the highway, enclosed by a low brick wall with no on-site parking provision. During my site visit I observed that properties in the immediate vicinity were positioned adjacent to the footway with no frontage parking.
14. While certain areas of Castle Street are subject to parking restrictions, the area immediately outside of the appeal site is not. Whilst my site visit only represents a brief snapshot in time, I observed cars parked on the highway outside of the appeal site which, due to the width of the carriageway, resulted in vehicles waiting on the highway as oncoming traffic crossed the centre line to manoeuvre around parked vehicles. The evidence provided by the appellant and comments received from interested parties indicate that what I observed was not uncommon.
15. The plans propose the installation of a new dropped kerb which would provide access to one on-plot parking space to the front of the dwelling. Table 1 of Appendix F of the Suffolk Design Streets Guide (2022) (the SDSG Table) states that private accesses with a nominal speed limit of 20mph should be served by 2.4m (X-distance) x 25m (Y-distance) visibility splays. The findings of the appellant's 7-day speed and volume survey confirms the 85th percentile speed of vehicles travelling westbound along Castle Street is 20mph and the Highway Authority confirm that the traffic count data indicates sustained and regular vehicle movements along the street. However, irrespective of these findings, Note 1 of the SDSG Table sets the 20mph stopping site distance of 25m as a minimum even when traffic speed survey data has been collected. The evidence before me does not indicate that a lesser distance should be accepted in this case.
16. The plans show the right-hand (westward) visibility splay drawn to the centre of the carriageway and crossing third party land. The façade of 19 Castle Street is slightly cantilevered where this intersects the right-hand visibility splay. However, Manual for Streets (MfS)⁴ sets out that the Y-distance should be drawn to the nearside kerb line of the main arm, with the measurement taken from the point where this line intersects the centreline of the minor arm. Therefore, if this splay was drawn to the nearside kerb line as required by MfS, there would be a greater proportion of the splay obstructed by neighbouring buildings, beyond this cantilever. Consequently, a 25m right-hand visibility splay is not achievable and vehicles exiting the appeal site would

² Council Ref. DC/25/01274

³ Under Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015

⁴ Department for Transport (2007)

be over the carriageway before a driver would have sufficient visibility of oncoming traffic. This could bring vehicles into conflict with users of Castle Street and pedestrians using the pavement, resulting in an increased risk to highway and pedestrian safety.

17. I note that the site is in a historic area with existing accesses onto Castle Street which the appellant contends have poor visibility. I also acknowledge that the existing use of the site would generate some on-street parking in an area that is already constrained and that the proposed use could result in a reduction in trips to and from the site. The installation of the dropped kerb would also remove an area of on-street parking which could improve traffic flow. However, any potential benefit this might deliver would be offset by the fact that the creation of an access with substandard visibility would introduce a new highway and pedestrian safety risk and the scheme would reduce on-street parking in an area where the evidence indicates this is in high demand. Given the nature of the surrounding highway and appellant's recorded traffic data, the failure to provide safe and suitable access to the site would result in an unacceptable impact on highway safety, contrary to paragraphs 115 and 116 of the Framework.
18. The appellant suggests that the addition of yellow lines outside of the appeal site would prevent future on-street parking and improve safety for all users. However, as I have not been presented with any mechanism by which this could be secured it has not been determinative in my consideration of this appeal.
19. For the above reasons, I therefore conclude that in the absence of satisfactory visibility splays, the development would be harmful to highway and pedestrian safety on Castle Street. This conflicts with Policy LP29 and LP04 of the Local Plan insofar as they require that impacts on highway safety must not be unacceptable and that developments such as conversions must demonstrate safe and suitable access for all.

Other Matters

20. The appeal site is located within the Eye Conservation Area (CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special attention be paid to the desirability of preserving or enhancing the character or appearance of the CA. The CA covers a large portion of the town and contains several high grade listed buildings. While buildings within the CA vary in terms of architectural style and scale, the historic integrity, architectural unity and well-preserved quality of the CA contribute positively to the character and appearance of the CA as a whole, and thereby to its significance as a designated heritage asset.
21. The Council identifies the appeal building as a NDHA which makes a positive contribution to the significance of the CA. Bearing in mind the nature and extent of the proposed development, the Council concludes that the character and appearance of the CA as a whole would be preserved. Based on the evidence before me I see no reason to come to a different conclusion. Nevertheless, this lack of harm weighs neutrally and does not alter my overall conclusions on the main issues.
22. The site is also proximate to several Grade II listed buildings located along Castle Street. Closest to the appeal site are 19 Castle Street⁵, Queensborough 21 Castle

⁵ List Entry Number: 1316578

Street⁶, 34, 36 and 38 Castle Street⁷ and Regency House 40 Castle Street⁸. Mindful of the statutory duty set out in Section 66(1) of the Act, I have also had special regard to the desirability of preserving their settings. The buildings have a commonality in that they are all two-storey houses dating from the 16th to early 19th Centuries. Insofar as is relevant to this appeal, their special interest and significance is derived from their architectural interest and historic fabric. Notwithstanding the appeal site is proximate to and intervisible with these buildings, due to the nature and extent of the physical alterations proposed, the appeal proposal would not affect the significance of the listed buildings through development in their settings. Accordingly, the scheme would preserve the settings of the listed buildings, and I note the Council has raised no objection in this regard. However, a lack of harm in this respect does not alter my overall conclusions.

23. The Council has also raised no objection to the development in respect of design, heritage matters, living conditions, ecology or flood risk. However, compliance with the development plan in these respects is a neutral factor. I also appreciate that the proposal has some local support. However, this does not alter my conclusions on the main issues.

Planning Balance and Conclusion

24. The appeal scheme would provide one dwelling in a location close to services and facilities which would make an effective use of land and contribute towards local housing supply. The development would also secure the re-use of a vacant building, which could prevent further deterioration of a NDHA. However, this would be a minor benefit and one that is tempered by the harm I have identified as arising from the loss of the building as a community facility, which would arguably provide the same benefit if such a use was reinstated.
25. Nevertheless, the development would make a small but beneficial contribution to the choice of homes in the area and the supply of housing land; as well as providing social and economic benefits during construction and after occupation. Housing delivery is supported by the Framework and, therefore, these benefits weigh in favour of the proposal. However, given the scale of the development, any social, economic or environmental benefits associated with the delivery of one dwelling would be relatively limited, even taking account of the objective of significantly boosting the supply of housing in the Framework, and would not outweigh the harm I have identified.
26. Consequently, for the reasons given above, I conclude that the proposal conflicts with the development plan as a whole and material considerations do not indicate that a decision should be made other than in accordance with it. Accordingly, the appeal should be dismissed.

H Whitfield

INSPECTOR

⁶ List Entry Number: 1316580

⁷ List Entry Number: 1316585

⁸ List Entry Number: 1316587