



Appeal Decisions

Site visit made on 25 February 2026

by Elizabeth Pleasant BSc (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date 12 March 2026

Appeal A Ref: APP/W3520/C/24/3357418

Land at Vale Farm, The Common, Metfield, HARLESTON IP20 0LP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr James Foster-Clarke against an enforcement notice issued by Mid Suffolk District Council.
- The notice was issued on 19 November 2024.
- The breach of planning control as alleged in the notice is: Without planning permission, the unauthorised material change of use of 2no existing agricultural farm buildings to a commercial use under Class B8 of the Class Use Order 1987 (as amended).
- The requirements of the notice are to:
 - a) Cease the use of the 2no. existing agricultural buildings for commercial use under Class B8 of the Use Classes Order 1987 (as amended).
 - b) Remove all associated storage of waste materials and pallets situated outside the buildings.
- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the ground set out in section 174(2)(g) of the Town and Country Planning Act 1990 (as amended).

Summary Decision: The appeal is dismissed and the enforcement notice is upheld with a variation in the terms set out in the Formal Decision.

Appeal B Ref: APP/W3520/W/24/3352824

Vale Farm, The Common, Metfield, HARLESTON, IP20 0LP

- 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 James Foster-Clarke against the decision of Mid Suffolk District Council.
- The application Ref is DC/24/00579.
- The development proposed is described as Retrospective Application: Change of use of existing farm buildings to a commercial use under Class B8 of the Use Classes Order 1987 (as amended).

Summary Decision: The appeal is allowed.

Appeal B

Preliminary Matters

1. The National Planning Policy Framework, December 2024 (NPPF) has been issued since the appeal was made and initial statements of case submitted. The main parties have had an opportunity to comment on that document and so have not been prejudiced.

Main Issue

2. The main issue is whether the development is located in a suitable location having regard to local and national planning policies.

Reasons

3. Permission is sought for the material change of use of two former agricultural buildings for a commercial storage/distribution use. The appeal site forms part of Vale Farm which is situated in the countryside outside of the settlement of Metfield.
4. Vale Farm forms part of a larger farming enterprise operated by the appellant who advises that he no longer requires all of his former poultry buildings (seven in total) for the day-to-day running of the farm. Since 2023, two of those buildings have been let to a local business to store light goods as part of their commercial enterprise. The other buildings remain in agricultural use. The application the subject of this appeal seeks planning permission to regularise the use of the two buildings for a storage/distribution use.
5. Policy LP09 of the Babergh District Council & Mid Suffolk District Council Joint Local Plan – Part 1, adopted November 2023 (JLP), is consistent with paragraph 88 of the NPPF, 2024 in its support for the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings and supports the development and diversification of agricultural and other land-based businesses. The NPPF recognises (paragraph 89) that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.
6. Policy LP09 advises that the JLP provides flexibility to support small scale employment use and flexible working practices. It recognises that the predominantly rural nature of the Districts' means that there are many small-scale businesses, often within agricultural complexes and also within residential curtilages in both towns and the wider countryside. The purpose of Policy LP09 is to provide a consistent framework to enable such uses to be regularised where it is considered necessary and appropriate to do so¹. Policy LP09 states:

"1. Proposals for employment use must:
 - a. Be sensitive to the surroundings, including any residential and other amenity, landscape and heritage assets;*
 - b. Demonstrate a high standard of design;*
 - c. Where necessary, provide contributions to the enhancement of the digital infrastructure networks; and*
 - d. demonstrate a safe and suitable access for all users, sufficient on-site parking and that it will not have a severe impact on the road network."*
7. The Council does not cite any direct conflict with Policy LP09 and from the evidence before me, including observations on my site visit, I see no reason to disagree. The proposed development would utilise an existing robust former agricultural building. Its form and design, including use of materials, are appropriate to its former and proposed use in this rural location and no alterations are proposed to the building. The site is served by an existing access, hardstanding/turning and parking area and the use would not cause any

¹ Paragraph 14.03 Joint Local Plan, 2023.

demonstrable harm to residential amenity, the landscape or heritage assets. The Highway Authority has not raised any highway safety issue, and the site adjoins the B1123 which forms part of the wider highway network. The use of the building would support the rural economy and diversification of agriculture. The development thus complies with Policy LP09 of the JLP.

8. However, it is the Council's case that the development would conflict with Policies SP05 and SP03 of the JLP. Policy SP05 relates to Employment Land and designates and protects land for employment purposes. To deliver a supply of employment sites it advises that the development of other land for employment uses along the strategic transport corridors will be supported in principle, subject to meeting a number of listed criteria. However, this development does not propose the development of land along a strategic transport corridor and thus Policy SP05 is not a relevant consideration in this appeal.
9. Policy SP03 which relates to the sustainable location of new development advises, amongst other things, that: *"Outside of settlement boundaries, development will normally only be permitted where:*
 - a) the site is allocated for development, or*
 - b) it is in accordance with a made Neighbourhood Plan, or*
 - c) it is in accordance with one of the policies of this Plan listed in Table 5; or*
 - d) it is in accordance with paragraph 80 of the NPPF (2021)."*

Table 5 lists the policy/paragraph numbers which permit development outside settlement boundaries, subject to the development's accordance with the other relevant policies in the Plan. Policy LP09 (2) is listed in Table 5 as a Policy that permits the change of use to small scale employment development outside of settlement boundaries. However, LP09 (2) relates solely to changes of use to small scale employment within a residential curtilage. Policy LP09 (1) as set out in paragraph 6 above, is not listed as a permitted policy in Policy SP03 despite Policy LP09 consistency with the NPPF in its support for a prosperous rural economy. Furthermore, Policy SP03 is silent with regard to proposals to convert former agricultural buildings in the countryside for sustainable business use, whilst Appendix 03 of the JLP states that Saved Policy E11 of Mid-Suffolk Local Plan, which related to the re-use and adaptation of agricultural and other rural buildings, has been superseded by Policy LP09 of the JLP. Consequently, it seems to me that for proposals to re-use and convert agricultural buildings to a business use, LP09 is now the relevant Policy in the JLP and I have found the development the subject of this appeal would comply with Policy LP09.

10. For the reasons given above, I conclude that the development is in a suitable location having regard to local and national planning policies. I find no conflict with the development plan, considered as a whole, and in particular with Policy LP09 of the JLP. I also find no conflict with the NPPF which seeks to support the growth and expansion of all types of business in rural areas, including through the conversion of existing buildings.

Conditions

11. The Council has suggested a number of conditions which I have considered in the light of advice in the NPPF and Planning Practice Guidance. I have amended some and omitted others in the interests of precision.
12. A condition is necessary to secure the approved plans in the interests of certainty.
13. I have imposed a condition to secure the submission of details relating to hours of operation and restricting the use of any plant and/or machinery to protect the living conditions of nearby residents.
14. A condition is necessary to secure on-site parking and manoeuvring space within the site in the interests of highway safety and on-site management of parking/servicing. It is also reasonable to impose a condition to secure details of any proposed external lighting to protect the character of the area.
15. It is not necessary to secure details of foul drainage as there is no evidence that any new foul drainage is proposed. In any event any foul drainage connection would be controlled by other legislation. It is also not necessary to impose the suggested condition to control any future change of use of the property. A material change of use from a storage and distribution use would require the benefit of planning permission and would not benefit from any Article 3 rights permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

Conclusion on Appeal B

16. For the reasons given above and taking into account all other matters raised, the appeal is allowed.

Appeal A

Appeal on ground (g)

17. The issue is whether the compliance period of three months is reasonable. The appellant considers that a period of three months is too short as it would seriously affect the continuity of the business. He requests a period of 12 months as the current occupiers would need to find alternative suitable, affordable local premises and relocate to ensure that client contacts are retained and fostered to allow the long-term sustainability of the business. The Council contend that the appellant has already been operating the use on site for twelve months without planning permission and a further period of twelve months to comply with the notice would be excessive.
18. I agree that three months is a relatively short period of time within which the occupiers could be expected to find new affordable local premises and to relocate their business. The decision that I have come to is that a period of nine months strikes the right balance and would be sufficient time to cease the use and remove all associated material from the site. The appeal on ground (g) succeeds to that extent.

Conclusion on Appeal A

19. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice subject to a variation.

Formal Decisions

Decision on Appeal A

20. It is directed that the enforcement notice is varied by the deletion of 3 months and its substitution with 9 months as the period for compliance.
21. Subject to the variation, the enforcement notice is upheld.

Decision on Appeal B

22. The appeal is allowed and planning permission is granted for the change of use of existing farm buildings to a commercial use under Class B8 of the Use Classes Order 1987 (as amended) at Vale Farm, The Common, Harleston IP20 0LP in accordance with the terms of the application, Ref DC/24/00579, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with drawing nos: Site Plan: 23163/1; Block Plan/Existing Plans/Elevations, 23163/2B.
 - 2) Within 6 months of the date of this decision, details of hours of operation for the storage use shall be submitted to and approved in writing by the local planning authority. Thereafter the storage use shall only operate within those approved hours.
 - 3) Within 6 months of the date of this decision, details showing the area within the site for the purposes of loading, unloading, manoeuvring and parking of vehicles shall be submitted to and approved in writing by the local planning authority. The approved parking and manoeuvring areas shall thereafter be retained free from any obstruction for the sole purposes of manoeuvring and parking of vehicles.
 - 4) No plant and/or machinery shall not be operated on the site unless in accordance with a scheme that shall first have been submitted to and approved in writing by the local planning authority. The scheme shall include full details of the proposed plant or machinery, together with a noise assessment to include any restriction/mitigation measures.
 - 5) No external lighting shall be erected on the site unless in accordance with a scheme that shall first have been submitted to and approved in writing by the local planning authority.

Elizabeth Pleasant

INSPECTOR