
Appeal Decision

Site visit made on 18 February 2026

by **D Ellis MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16th April 2026

Appeal Ref: APP/X3540/W/25/3376239

Moles Meadow, Yoxford Road, Middleton, Suffolk IP17 3LU

- 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 and Mrs E Garratt against the decision of East Suffolk Council.
 - The application Ref is DC/25/1339/ROC.
 - The application sought planning permission for the conversion of redundant barn & associated buildings to one holiday unit including alterations to & use of existing vehicular access without complying with a condition attached to planning permission Ref C04/0543, dated 19 March 2004.
 - The condition in dispute is No 4 which states that: *The premises herein referred to shall be used for holiday letting accommodation and for no other purpose (including any other purpose in Class C3 of the schedule to the Town and Country Planning (Use Classes) Order 1987). The duration of occupation by any one person, or persons of the unit shall not exceed a period of 90 days in any calendar year, unless otherwise agreed in writing by the local planning authority.*
 - The reason given for the condition is: *Having regard to planning policies; the size of the unit, communal land etc: the unit is not suitable for permanent residential accommodation.*
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Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issue

2. Planning permission was granted in 2004 to convert a barn to a residential property to be used as a holiday let¹. Condition 4 of the permission restricted the use of the building to holiday lets only. The appeal proposal seeks to remove this condition to enable the property to be used as a permanent residential dwelling.
3. The National Planning Policy Framework 2024 (the Framework) sets out that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
4. The main issue therefore is whether the condition is necessary and reasonable having regard to the provision of tourist accommodation.

Reasons

5. Policy SCLP6.6 of the East Suffolk Council Suffolk Coastal Local Plan (2020) (LP) seeks to protect existing tourist accommodation. The policy further states that 'a change of use will only be considered in exceptional circumstances where it can be fully and substantially demonstrated that there is no current or future demand

¹ Planning application ref. C04/0543

for the tourist accommodation’, and that ‘marketing evidence must be provided which demonstrates the premises has been marketed for a sustained period of a minimum of 12 months’.

6. Although there is no proposed change to the existing Class C3 use, there would be a material change in how the property is occupied and the proposal would also result in the loss of tourist accommodation. It would therefore be reasonable to assess the proposal against LP Policy SCLP6.6.
7. Evidence has been provided which includes a list of bookings for stays at the holiday let up to October 2024. No booking details have been provided for any bookings beyond this date. While there were periods when the property was not booked and despite the construction traffic for Sizewell C, the list of bookings demonstrates that there is demand for the holiday let.
8. The appellants state that the holiday let has been marketed since the end of November 2025 and that there have been two viewings by 14 January 2026. However, no offers for the holiday let have been made with the restrictions of condition 4 being cited. Full details of the marketing for the holiday let have not been provided. However, the marketing period has been for significantly less than twelve months. In the absence of a completed marketing period, it has not been adequately demonstrated that there is no interest in the purchase of the holiday let as a going concern.
9. I acknowledge that the appellants have made losses on the holiday let in recent years. However, this does not alter the fact that there is a current demand for the holiday let, nor has it been demonstrated that the holiday let would not be viable with a new owner.
10. The 2004 permission was to convert a barn to a residential property to be used as a holiday let, and a condition restricting the use to a holiday let was therefore reasonable and necessary. Although the proposal would result in a small loss of tourist accommodation, it has not been demonstrated that there is no current or future demand for the holiday let and the property has not yet been marketed for a minimum sustained period of twelve months.
11. The proposed loss of tourist accommodation would therefore conflict with LP Policy SCLP6.6. As such, it has not been demonstrated that condition 4 does not meet the tests as set out in the Framework.
12. LP Policy SCLP5.5 relates to the conversions of buildings in the countryside for housing. The appeal property has already been converted to a residential use and as such Policy SCLP5.5 is not determinative in this case.

Other Matters

13. I note that Middleton-cum-Fordley Parish Council support the proposal, however this does not mitigate the loss of tourist accommodation.

Planning Balance and Conclusion

14. The Council's current published five-year housing land supply is a 3.09-year supply of housing sites. The Council has not disputed this position. This is well below the minimum level required and with reference to paragraph 11d) of the

Framework, consideration of the presumption in favour of sustainable development is needed.

15. The proposal would cause harm through a loss of tourist accommodation. It would, therefore, conflict with LP policy SCLP6.6 in this regard.
16. The appeal property already falls within Class C3, and accordingly there would be no increase in the number of C3 dwellings as a result of this proposal. However, even if the conversion of the holiday let to a permanent dwelling is taken into consideration, the provision of one additional unit would make a small contribution to the existing supply. Economic advantages would also arise from the permanent occupation of the house, although these would be limited by the scale of the scheme. For these reasons, these benefits would be limited.
17. I have considered the policies in the development plan referenced by the parties. The proposal would conflict with LP policy SCLP6.6. I am satisfied that this conflict means that the proposal would conflict with the development plan as a whole. This policy is generally consistent with the Framework and so this conflict carries substantial weight.
18. The proposal would not conflict with the Framework's policies that protect areas or assets of particular importance and therefore paragraph 11d)i) of the Framework does not apply in this case.
19. However, 11d)ii) should be applied. This requires planning permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
20. The proposed development would be supported by parts of the Framework, including policies to increase housing supply and would also support economic growth.
21. However, the appeal site is a significant distance from the nearest settlement and this stretch of Yoxford Road has no street lighting or pavements. As a result occupants of the dwelling would be reliant on the private car to travel to the nearest services. I have been referred to an appeal for a change of use from holiday let to residential at a Poplar Cottage, Boulge², where the Inspector stated that there would not be any significant overall difference between permanent and temporary occupants of the property in terms of accessibility to services and facilities. Even if the same were to apply in this case, the appeal site is not in a sustainable location given its distance from the nearest settlement and the reliance on the private car.
22. As such, there would also be conflict with parts of the Framework, including policies to make effective use of land. Furthermore, no affordable housing is proposed.
23. In my view, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Therefore, the proposal would not constitute sustainable development with regard to paragraph 11d)ii) of the Framework.

² Appeal ref. APP/X3540/W/24/3346950

24. The proposal would conflict with the development plan as a whole and there are no material considerations that would cause me to determine this appeal otherwise than in accordance with the development plan. For the reasons given above, I conclude that the appeal should be dismissed.

D Ellis

INSPECTOR