



Appeal Decision

Site visit made on 17 February 2026

by **T C King BA(Hons), MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9th July 2026

Appeal Ref: APP/F3545/W/25/3372100

Barn, Church Lane, Worlington, Suffolk IP28 8SG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission under the prior notification procedure.
 - The appeal is made by Mr and Mrs Richard and Cortney Hurlock against the decision of West Suffolk Council.
 - The application Ref is DC/25/0535/P3QPA.
 - The development proposed is Prior approval application under part 3 of the Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015 - change of use from agricultural building to create one dwelling.
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Decision

1. The appeal is allowed and prior approval is granted for the change of use from agricultural building to create one dwelling at the Barn, Church Lane, Worlington, Suffolk IP28 8SG in accordance with the terms of the prior approval application ref DC/25/0535/P3QPA, dated 26 March 2025, subject to the conditions on the attached schedule.

Applications for costs

2. An application for costs was made by Mr and Mrs Richard and Cortney Hurlock against West Suffolk Council. This application is the subject of a separate decision.

The site, the proposal and its surroundings

3. The appeal concerns the proposed change of use and conversion of a vacant, former agricultural barn building to create a single residential dwelling. The barn is set back from Church Lane, a rural lane off which there are a number of dwellinghouses, many on both sides of the stretch of the lane south of the barn. Just north of the barn Church Lane narrows somewhat but there are still some scattered dwellings in evidence.
4. Approximately 35m to the south east of the barn, on the opposite side of Church Lane, is All Saints Church, a Grade I listed building, which directly relates to the Council's reason for refusing the application.

Preliminary Matters

5. The Council, in its refusal reason, makes reference to the Worlington Neighbourhood Plan (WNP) which, as part of the local development plan, says that the view westwards from the Church has been identified as a key view. This might be the case but it is erroneous for the Council to cite the WNP. Development plan

policies are not relevant to the principle of development consequential on an application made under Class Q. Instead, the change of use is already granted by the provisions of the Town and Country Planning (General Permitted Development) Order 2015, as amended (GPDO).

6. Decisions on such applications are strictly confined to specific technical and impact criteria set out in the GPDO which, amongst other things, relate to matters such as siting/location and design/external appearance.

Main Issue

7. The Council's sole concern relates to the development's effect on the setting of All Saints Church, a statutorily designated heritage asset.
8. In the circumstances, the main issue is whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of the GPDO, having particular regard to the location and siting of the building and whether this makes it impractical or undesirable for the proposed change from an agricultural use to that for residential purposes as a result of any effects on the setting of the listed building.

Reasons

Significance and Setting

9. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCAA) requires the decision maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 66(1) goes on to say that the decision maker, when considering whether to grant planning permission for development which affects a listed building or its setting, is required to have special regard to the the desirability of preserving a listed building or its setting, or any features of special architectural or historic interest.
10. The setting of a listed building refers to the surroundings in which a heritage asset is experienced, including, amongst other things, visual backdrop and historical context. It is not confined to a property's formal boundaries, and any development altering this wider environment requires careful assessment. All Saints Church dates from the 13th/14th centuries and its significance arises from its age and the various historical and architectural features which remain intact.
11. In the circumstances it is necessary to assess the development's effect on the Church's setting as part of the Prior Approval process under Class Q, and whether the physical placement or location of the former barn makes it 'impractical or undesirable' to change its use to a residential dwelling.
12. Given the narrowness of the Council's refusal reason, an assessment must take into account the resulting residential character and appearance, along with the external domestic paraphernalia that can reasonably be expected to result and decide whether any unmitigated harm would occur to the setting of the heritage asset which could not be addressed by the imposition of standard conditions.

Effects of the development

13. Although a prior approval application is not an application for full planning permission this would be granted by the GPDO if the proposal is permitted development. Given that the relevant matters here are siting and location, there is a need, in accordance with the National Planning Policy Framework (the Framework) for me to consider the effect of the proposed development on the setting of the Grade I listed Church.
14. Whilst 'undesirable' usually addresses issues such as noise and disturbance and maybe odour problems from adjacent farms, harm to the setting of a nearby listed building can legally be considered and cited as a reason for refusal when determining a Class Q prior approval application.
15. Accordingly, it is quite reasonable for the Council to have taken the approach that the considered resultant harm to a designated heritage asset falls under the definition of an 'undesirable' location.
16. Further, the Framework is also relevant to Class Q applications, but only in a limited capacity. Under the legislation (specifically paragraph W of Part 3 of the GPDO), local planning authorities (LPAs) are required to have regard to the Framework, so far as relevant to the subject matter of the prior approval, as if the application was actually a full planning application.
17. Although this LBCAA's provisions primarily apply to full planning applications, the courts have confirmed that Council's must still appropriately weigh the impact on the setting of listed buildings when assessing 'siting and location' under the GPDO prior approval process. However, for this to hold weight the Council would have to convincingly demonstrate that the visual impact of human habitation would drastically alter the historic setting of the listed building.
18. A further consideration is assessing how the intended new cladding, windows and doors would interact with the listed building. To my mind it is difficult to fully ascertain the altered building's appearance as there is some absence of detail on the small scale plans submitted. That said, the Council has determined that the proposed physical changes would be acceptable. Yet this appears inconsistent with the second paragraph of the reason for refusal which says that the domestic appearance would erode the existing agricultural setting. I consider that the corrugated metal barn's conversion, with the introduction of some elevational features, whilst still retaining the barn's rural utilitarian form, would represent an improvement in its appearance and provide for some visual interest.
19. From my site visit I noted that there are a fair number of dwellings along Church Lane. In fact, as it stands the barn, in its own contextual setting, appears as something of an anomaly in this part of Church Lane. Instead, a residential use in the form of an acceptable barn conversion would be consistent with the local residential character, albeit set within the wider rural surroundings.
20. Paragraph 212 of the Framework says that, when considering the impact of a proposed development on the significance of designated heritage assets, great weight should be given to their conservation. The more important the asset, the greater the weight should be, irrespective of the considered level of harm that would arise.

21. Generally, setting is legally and intrinsically linked to the building's significance and any new development within a listed building's setting can potentially enhance or harm its significance. Here, I consider that the Council, in reaching its decision, has confused the 'agricultural setting', which it specifically refers to, with the actual setting of the listed Church itself.
22. It is likely that, many years ago, the Church would have had a closer and more intimate relationship with its immediate surroundings, when there would have been a defined agricultural character, but this was before the more recent developments along Church Lane. Due to a gap in any built form there are still some long views gained across wide open fields directly opposite but any meaningful historical relationship between the Church and other nearby features or buildings has largely since been lost. This, of course, does not diminish the Church's importance as a Grade I listed heritage asset.
23. Mindful of the above, the Council was quite entitled to come to the decision it did, and it was decided that the considerable importance of the heritage asset was such that the proposal would have an adverse impact. For the purposes of the Framework the Council considers the degree of harm caused would be 'less than substantial'.
24. Nonetheless, given the circumstances, I am not convinced by the Council's argument which, to my mind, has not been clearly articulated. In this regard I note the very brief comments from the Council's conservation officer and, when taking into account the authority's limited representations, along with my own observations, I am satisfied that views from the Church would not be affected by the proposed conversion nor, reasonably, from any domestic paraphernalia that might arise.
25. I find, therefore, that the Council has not properly demonstrated that the visual impact of the former barn's residential use would significantly alter, let alone be harmful to, the Church's historic setting and significance. Accordingly, the spatial relationship would be maintained and any impact, at worst, would be neutral.
26. Accordingly, I must conclude that the location and the siting of the barn building would mean that the proposed conversion and change of use would be neither impractical nor undesirable. As I have found that there would be an absence of any significant harm, it is not necessary for me to explore whether any public benefits would result.

Other matters

27. Insofar as they are relevant to the main issue and the specified matters of the prior approval involved, I have taken into account the various representations made by interested parties. However, neither these, nor any other matters raised, have altered my conclusions.

Conditions

28. Paragraph Q.2(3) stipulates that development under Class Q is permitted subject to the condition that development must be completed within a period of three years starting with the prior approval date. Further standard conditions are set out in paragraph W(12) that requires development be undertaken in accordance with the

approved plans and drawings. Paragraph W(13) also allows conditions to be imposed that are reasonably related to the subject matter of the prior approval.

29. The Council has suggested a number of conditions which it believes should be imposed. I consider it appropriate to do so for this case where they reasonably relate to the recognised prior approval matters. I am also mindful that the appellants are agreeable to the Council's suggested conditions in their entirety.
30. Nonetheless, I have not imposed conditions relating to cycle storage or external lighting as these are not matters relevant to the type of application made. However, conditions nos 3, 4, 6 and 7 relate specifically to highway safety, and conditions nos 5, 8 & 9, and 10 relate to flooding measures, noise attenuation and contaminated land matters, respectively.
31. Section 40 of the Natural Environment and Rural Communities Act 2006 requires that every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. This duty is similar in scope to that under the Conservation of Habitats and Species Regulations, 2017. This can justify taking into account the effect on any protected species when determining an application under the prior approval regime, and condition no 11 addresses this.

Conclusion

32. For the reasons given above, the appeal is allowed, and prior approval is granted.

T C King

INSPECTOR

Schedule of Conditions

1. The development hereby permitted must be completed within a period of three years from the date of this decision in accordance with Schedule 2, Part 3, paragraph Q2(3) of the GPDO.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents: Location plan (01), Site plan (02A), Existing plans (03A), Existing Block plan (04A), Proposed elevations (08C), Proposed floorplans (09F), Proposed block plan (10C), Proposed roof plan (11C), Structural survey and Preliminary ecological appraisal.
3. Prior to the development hereby permitted being first occupied, the existing access onto the highway shall be properly surfaced with a bound material for a minimum distance of 5 metres measured from the nearside edge of the metalled carriageway, in accordance with details that shall have previously been submitted to and approved in writing by the local planning authority.
4. Gates, bollards and other means of obstruction to the access shall be set back a minimum distance of 5 metres from the public highway and shall not open towards the highway.
5. Before the development is commenced, details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway including any system to dispose of the water. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.
6. Before the development is commenced, details of the areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.
7. The use shall not commence until the area(s) within the site shown on drawing no.10C for the purposes of loading, unloading, manoeuvring and parking of vehicles has / have been provided and thereafter the area(s) shall be retained, maintained and used for no other purposes.
8. The building envelope, glazing and ventilation of the residential dwelling hereby approved shall provide appropriate sound attenuation against external noise. The acoustic insulation of the dwelling shall be such to ensure noise does not exceed an LAeq (16hrs) of 35dB(A) within bedrooms and living rooms between 07:00 and 23:00hrs and an LAeq (8hrs) of 30dB(A) within bedrooms and living rooms between 23:00 and 07:00hrs. The noise levels specified in this condition should normally be achieved with the windows open or, if closed, then other means of ventilation provided as appropriate ranging from background to rapid / purge ventilation to prevent overheating in accordance with the Acoustics &

Noise Consultants (ANC) and Institute of Acoustics (IOA) 'Acoustics Ventilation and Overheating Residential Design Guide', (AVO Guide), January 2020.

9. The proposed Mechanical Ventilation with Heat Recovery (MVHR) system shall be designed, installed and maintained to ensure that overheating is prevented and adequate ventilation can be achieved with windows closed, specifically the MVHR system should be selected to ensure that noise from air supply and extract ductwork does not exceed acceptable levels within habitable rooms in accordance with the internal room criteria as per BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings'.
10. If, during development, contamination not previously identified, is found to be present at the site then no further development shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
11. All mitigation measures, recommendations and/or works shall be carried out in accordance with the details contained within the Preliminary Ecological Appraisal (August 2024) prepared by DCS Ecology. This has been conditioned to ensure the development complies with the legislation in relation to wildlife and protected species.