



Committee Report

Planning Committee North – 12 July 2022

Application no DC/22/0891/FUL

Location

Land To The North Of Old Mill House
Linstead Road
Huntingfield
Suffolk

Expiry date 1 May 2022

Application type Full Application

Applicant Ms Susie Peel

Parish Huntingfield

Proposal Conversion of three redundant barns to a dwelling

Case Officer Iain Robertson
07827 956946
iain.robertson@eastsoffolk.gov.uk

1. Summary

- 1.1. Planning permission is sought for the conversion of three redundant barns to a dwelling.
- 1.2. The application is presented to members following referral by the referral panel in order that a detailed discussion and debate can take place.
- 1.3. The proposal is contrary to the Development Plan. It is recommended that the application is refused.

2. Site Description

- 2.1. The site is in a rural location approximately 1.5km from the settlement of Huntingfield and approximately 5km from the Market Town of Halesworth. Huntingfield is not noted within the Settlement Hierarchy as a sustainable settlement due to the lack of services and facilities and it does not benefit from a settlement boundary. The site is therefore within the Countryside, for planning policy purposes.

- 2.2. The buildings that are subject of this application are situated within the curtilage of Old Mill House and are said to have formerly been used as a farm machinery workshop. The buildings are modern timber framed structures, with dual pitched roofs, clad in timber, with fibre cement roofs.
- 2.3. The buildings are situated close to Linstead Road, well screened within the site. The surrounding landscape is not designated (i.e., it is not within the AONB or any other kind of special landscape area).
- 2.4. The existing access also serves as a public footpath (Huntingfield Public Footpath No. 4) as can be seen on the County definitive map.

3. Proposal

- 3.1. The proposal is to create a two-bedroom property through works, described as a conversion, of three redundant barns with a glazed link between barns 1 and 2 which would be clad in timber as existing and corrugated roof sheeting with glazed elements to create a contemporary finish.
- 3.2. A separate residential curtilage to Old Mill House would be created; the existing access onto Linstead Road would be utilised.

4. Third Party Representations

- 4.1. One representation has been received stating that they have no objection to the proposal.
- 4.2. The Ward Member, Cllr Burroughes, requested that this application be referred to Planning Committee for determination.

5. Consultations and Publicity

Consultee	Date consulted	Date reply received
Huntingfield Parish Council	14 March 2022	31 March 2022
Summary of comments: The Council unanimously supported this application on the grounds of it would improve the visual impact in the area by converting redundant buildings into a single storey property. No new access would be required as existing access can be retained. Plans include a Ground Source Heat Pump which is good for the environment.		

Consultee	Date consulted	Date reply received
SCC Highways Department	14 March 2022	1 April 2022

Summary of comments: No objection.

Consultee	Date consulted	Date reply received
SCC Rights of Way	14 March 2022	25 March 2022

Summary of comments: Standard advice provided.

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	14 March 2022	No response

Summary of comments: No comment provided.
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Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	14 March 2022	23 March 2022

Summary of comments: Insufficient information supplied to assess contaminated land implications - Standard conditions required.
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Consultee	Date consulted	Date reply received
East Suffolk Ecology	14 March 2022	5 April 2022

Summary of comments: Internal - comments included in report.

Consultee	Date consulted	Date reply received
East Suffolk Economic Development	14 March 2022	No response

Summary of comments: No comment provided.
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Site notices

General Site Notice

Reason for site notice:
New Dwelling
Date posted: 16 March 2022
Expiry date: 6 April 2022

6. Planning policy

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that *“where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise”*.
- 6.2. The National Planning Policy Framework (NPPF) (2021) and National Planning Policy Guidance (NPPG) are material considerations.
- 6.3. The East Suffolk Council (Waveney) Local Plan was adopted on 20 March 2019 and the following policies are considered relevant:
 - SCLP3.1 - Strategy for Growth
 - SCLP3.2 - Settlement Hierarchy
 - SCLP3.3 - Settlement Boundaries
 - SCLP5.3 - Housing Development in the Countryside
 - SCLP5.5- Conversions of Buildings in the Countryside for Housing
 - SCLP7.1 - Sustainable Transport
 - SCLP10.1 - Biodiversity and Geodiversity
 - SCLP10.4 - Landscape Character
 - SCLP11.1 - Design Quality
 - SCLP11.2 - Residential Amenity
 - SCLP12.34 - Strategy for the Rural Areas
- 6.4. The Historic Environment Supplementary Planning Document (East Suffolk Council, Adopted June 2021) is also material consideration.

7. Planning Considerations

Principle of Development

- 7.1. The site is closest to Huntingfield which is highlighted within the settlement hierarchy Policy SCLP3.2 as ‘Countryside’, of which the policy approach in terms of housing is discussed within Policy SCLP5.3: "Housing Development in the Countryside". There are several exceptions for the housing outside of settlement boundaries discussed in this policy, of most relevance is Policy SCLP5.5: "Conversions of Buildings in the Countryside for Housing".
- 7.2. Policy SCLP5.5: Conversions of Buildings in the Countryside for Housing

The conversion of buildings in the countryside for residential use will be permitted where:

- *The building is redundant;*
- *The building provides a positive contribution to the landscape;*
- *The conversion does not require significant alteration;*
- *The design maintains or enhances the structure, form and character of the rural building;*

- *The design of the conversion, including any necessary works to the curtilage, does not have a harmful effect on the character of the landscape;*
- *Any impacts on the natural environment are adequately mitigated for;*
- *The conversion enhances the immediate setting of the area; and*
- *The site is served by an appropriate existing access.*

7.3. The NPPF at paragraph 80 seeks to avoid the development of isolated homes unless there are special exceptions. There is no fixed legal definition of "isolated homes". However, certain principles can be extracted from various case law, which should be considered when seeking to understand if a dwelling can be treated as an "isolated home" and, therefore, whether paragraph 80 should be applied to a case:

- whether or not it is located within the settlement boundary;
- proximity to other dwellings;
- proximity to local services and facilities;
- access to public transport services; and
- physical and visual separation from the settlement.

7.4. In the view of Officers this site would be isolated as, although the buildings are close to the host dwelling and the neighbouring property, this site is physically and visually separated from the settlement, with minimal local services and facilities in the locality and poorly served by public transport.

7.5. Paragraph 80 of the NPPF is a material consideration, however Policy SCLP5.5 sets out the detailed approach to conversions of buildings in the countryside which goes into greater detail than Paragraph 80 and, therefore, although para.80 is relevant, it offers no additional guidance to Policy SCLP5.5.

7.6. Firstly, criterion (a) of Policy SCLP5.5 requires the building to be redundant; when visiting the site, the buildings were clearly empty and appeared to be redundant.

7.7. Criterion (a) (b) of this policy refer to 'the building' and it would be generally considered that the policy refers to the conversion of a single building. That said, if a building or group of closely related buildings were considered to provide a positive contribution to the landscape then the proposal may be considered to be acceptable.

7.8. A fairly recent appeal decision in Badingham (REF: APP/X3540/W/20/3246134) has been highlighted by the applicant where the Inspector concluded that the building in that case had a neutral appearance within the landscape, but its functional use provided a positive contribution and therefore complied with criterion B of SCLP5.5. Although this was the conclusion that this inspector reached, it is not considered that this proposal is comparable, and this scheme must be assessed on its own merit.

7.9. Furthermore, since this appeal decision the Council has adopted the Historic Environment Supplementary Planning Document (SPD) (June 2021), which seeks to establish further guidance on this matter; within this document Part 11 sets out guidance in respect of SCLP5.5. Paragraphs 11.19 - 11.22 are most relevant and outline characteristics which would result in a building having/making a positive contribution.

- 11.19 *"In determining landscape value an assessment should be made of the importance of the building in relation to the landscape generally and how much the building adds to its visual attraction. Consideration needs to be given to whether the quality of the landscape would suffer if the building were to be removed or altered".*
- 11.20 *"In the landscape, buildings are important because they provide scale and character to the rural scene. Buildings In the middle, or even far distance, when viewed from a vantage point may still provide a valuable contribution, if they are significant structures which positively contribute to an otherwise open landscape".*
- 11.21 *"A building which is judged to make a significant contribution to the character of the countryside in its existing form must be sympathetically converted if it is to continue to fulfil that function".*
- 11.22 *"In determining landscape value an assessment should be made of the importance of the building in relation to the landscape and how much the building adds to its visual attraction. Landscape Character Assessments are an important part of the Local Plan evidence base. They provide an assessment of the different types of landscapes throughout East Suffolk, together with their key features and constituent parts. These include elements of the appearance of a particular type of landscape, which make it unique. Landscape character assessments are a useful and important tool to be used when deciding if a building makes a positive contribution to the landscape".*
- 7.10. There is no reference in the applicant's Planning Statement to the Historic Environment SPD and no such assessment has been made against the Suffolk Coastal Landscape Character Assessment (LCA) (2018) or the Suffolk LCA.
- 7.11. The site is situated within the I5 Linstead and Framlingham Plateau Character Area of the Suffolk Coastal LCA and Plateau Claylands at County level. The LCA for the area notes, in relation to built form, the positive contribution that listed timber framed buildings, particularly farmhouses and cottages make to the area, with reference to a strong Suffolk vernacular; 20th century additions are noted as negative in terms of traditional form and appearance of villages and hamlets in the LCA.
- 7.12. Although there is no description of the age of these buildings in the planning documents, they certainly appear to be more modern additions to the site. Although Officers do not dispute that they may have been used for small scale agricultural machinery or as workshops, in terms of their contribution to the landscape and their heritage they do not speak of agricultural use and instead due to their scale and age they appear more as garden structures and, as stated in the structural assessment supporting the application, building 2 in particular is constructed in the style of a domestic shed.
- 7.13. In the view Officers it is not considered that this group of buildings provides a positive contribution to the landscape and the proposal would not comply with policy criterion (b).
- 7.14. Criterion (c) requires that the conversion does not require significant alteration. In order to seek to meet the requirements of this criteria a structural survey has been provided which highlights that a visual inspection of the buildings has been carried out which describes each building 1, 2 and 3.

- 7.15. This report concludes that the principal structures appear to be in relatively good condition and can continue to provide the primary structural support within the proposed conversion without substantial repair or rebuild and that the proposed extension will not compromise the stability of the buildings. The introduction of doors and windows and formation of new openings to connect the buildings is proposed to only require minor structural intervention.
- 7.16. The proposed conversion works highlighted in paragraphs 18 to 20 are suggested to be limited to the introduction of new roof finishes, and highlights that existing walls will be retained (Para. 18). Paragraph 19 highlights that a new insulated floor slab will be constructed in building 1 and an insulated floor finish will be provided for buildings 1 and 3. Paragraph 20 relates to the construction of the extension and highlights that it will provide buttressing stability to the existing buildings.
- 7.17. Given the insubstantial nature of the buildings the suggested 'Proposed conversion works' seem much more limited than what would actually be required to create a residential property. Whilst building 3 is certainly the most substantial structure, it is only presumed that the brick plinth has foundations. Building 2 is described as constructed in the style of a typical domestic shed and has the characteristics of such a structure of which has no attachment to the concrete floor slab, which is unreinforced, evident from the cracking. Building 1 is described as having a 'portalised' timber frame of which the timber posts forming this frame embedded in the concrete pad foundations and the floor is made up of concrete slab paving. This in itself will require significant works to meet building control standards.
- 7.18. Therefore, it is considered by officers that significant works will be required to these structures for these buildings to be used as a residential property, to an extent that the proposal cannot reasonably be deemed a conversion. The proposal would, for all intents and purposes, amount to the construction of a new residential property.
- 7.19. It is the view of Officers that case law in the form of the Hibbitt Judgement is relevant to this case as it investigates the concept of what a 'conversion' is. Policy SCLP5.5 uses the word 'conversion', as does Class Q of the General Permitted Development Order (GPDO) of which this Hibbitt case relates. In the Hibbitt case, the building was of a more skeletal pole barn structure, and it was concluded in that case that *"the works went a very long way beyond what might sensibly or reasonably be described as a conversion"*. In the view of Officers, the works required to these application buildings, particularly barns 2 and 3, would go beyond what might sensibly or reasonably be described as a conversion. The development in the Hibbitt case was in all practical terms starting afresh, with only a modest amount of help from the original agricultural building, which is also the case in this instance.
- 7.20. Forming a property out of this group of buildings is not a conversion and therefore the proposal does not comply with the general principle of the policy, particularly criterion (C).
- 7.21. As the proposal does not comply with the principal requirements of this policy it is not necessary to consider each criterion of this policy thereafter.

Sustainability of Location

- 7.22. Although the exceptions within Policy SCLP5.3 allow development in unsustainable locations in certain limited circumstances, this proposal does not comply with any of those exceptions

and is considered to be an unsustainable location for housing. This is not an area of the district which is served by public transport, and neither would there be any access to everyday services and facilities other than by the private car.

- 7.23. Therefore, the proposal would not accord with the aims of Policy SCLP7.1 which seeks to ensure that development encourages people to travel using non-car modes to access home, school, employment, services, and facilities.
- 7.24. Therefore, this proposal does not accord with the criteria of Policy SCLP5.4 and would be contrary to the aims of Policy SCLP3.3, SCLP5.3 and SCLP12.34.

Highways

- 7.25. SCC Highways Authority do not object to this proposal; it is therefore considered that the site is served by a suitable safe access and therefore the proposal would accord with Policy SCLP7.2, subject to appropriate conditions for EV charging. The proposal would not have an unacceptable risk to highway safety and would accord with Paragraph 111 of the NPPF.

Ecology

- 7.26. A Preliminary Ecological Appraisal (PEA) (Parker Planning, November 2021) has been received of which the Council's ecologist is satisfied with the conclusions of the consultant.
- 7.27. The site is also within the Suffolk Coast RAMS Zone of Influence (Zone B - within 13km of the Minsmere to Walberswick SPA; the Minsmere to Walberswick Ramsar Site and the Minsmere to Walberswick Heaths and Marshes SAC) and therefore a financial contribution to the scheme (or equivalent mitigation identified via a Habitats Regulations Assessment (HRA)) is required in order to mitigate in-combination recreational disturbance impacts on habitats sites (European designated sites) arising from new residential development.
- 7.28. This has been received. The proposal therefore accords with Policy SCLP10.1 of the Local Plan.

Contaminated Land

- 7.29. As stated in the local validation requirements if there is reason to believe contamination could be an issue on the proposed development site, or the application is for a development that has a sensitive use (such as residential), developers should provide proportionate but sufficient site investigation information to determine the risks it may pose to whom/what so that the risks can be satisfactorily reduced to an acceptable level. As a minimum, a Phase 1 study will be required. A Phase 1 study consists of a desktop study, site walkover and initial risk assessment. The study must be carried out by a competent and suitably qualified person.
- 7.30. Therefore, as this development is sensitive to the presence of contamination and the site considered to have potentially contaminative previous uses a Phase 1 CL assessment is required. If the proposal was otherwise considered to be acceptable the standard suite of conditions could be used in order to comply with the requirements of Paragraph 183 of the NPPF.

8. Conclusion

- 8.1. The site is situated in the countryside outside of the boundary of any sustainable settlements as highlighted on the policies maps to the Local Plan.
- 8.2. The proposal does not meet any of the provisions within the Local Plan that seek to permit housing in the countryside contained in Policy SCLP5.3 of the Local Plan. In the absence of such conformity, the principle of residential development on this site runs contrary to the Local Development Plan, including policies SCLP3.1, SCLP3.3, SCLP5.3 and Policy SCLP5.5 that deal with the conversion of buildings in the countryside and which seek to allow limited development opportunities within areas that do not benefit from settlement boundaries.
- 8.3. The proposal is not considered to comply with the requirements of policy SCLP5.5 in that the principal criteria are not satisfied: SCLP5.5 (b) requires that the building provides a positive contribution to the landscape, and (c) that the conversion does not require significant alteration to the building.
- 8.4. Furthermore, the site is in an unsustainable location where access to everyday services and facilities would only be possible by car contrary to Policy SCLP7.1
- 8.5. The small-scale economic benefits of the proposal would be given limited weight which would not outweigh the harm arising, and therefore officers recommend that planning permission be refused.

9. Recommendation

- 9.1. Refuse.

10. Reasons for refusal:

1. The application site is located outside of any sustainable settlements, in an area defined as Countryside as shown in the Policies maps to the Local Plan.

The proposal does not meet any of the provisions within the Local Plan that seek to permit housing in the countryside contained in Policy SCLP5.3 of the Local Plan. In the absence of such conformity, the principle of residential development on this site runs contrary to the Local Development Plan, including policies SCLP3.1, SCLP3.3, SCLP5.3 and Policy SCLP5.5 that deals with the conversion of existing buildings for residential use in the countryside and seeks to allow limited development opportunities in areas that do not benefit from settlement boundaries. The Council is able to demonstrate an up-to-date five-year supply of housing and therefore planning appeals and decisions should be determined in accordance with the Development Plan, for which the Council have an up-to-date suite of documents.

The buildings subject of this application are not considered to provide a 'positive contribution to the landscape' when considered against the guidance within The Historic Environment Supplementary Planning Document (June 2021) as required by Criterion (b) of Policy SCLP5.5 and are therefore not considered worthy of retention.

Furthermore, due to the insubstantial nature of the structures their re-use for residential purposes would require works which would go beyond what would reasonably be described as a conversion. The proposal is therefore contrary to the principal requirements of Policy SCLP5.5, in particular criterion (b) and (c).

There is also no opportunity to access everyday services and facilities other than by private car. The proposal is not considered to accord with Policy SCLP7.1 which inter-alia seeks for new development to incorporate measures that will encourage people to travel by other means than private car.

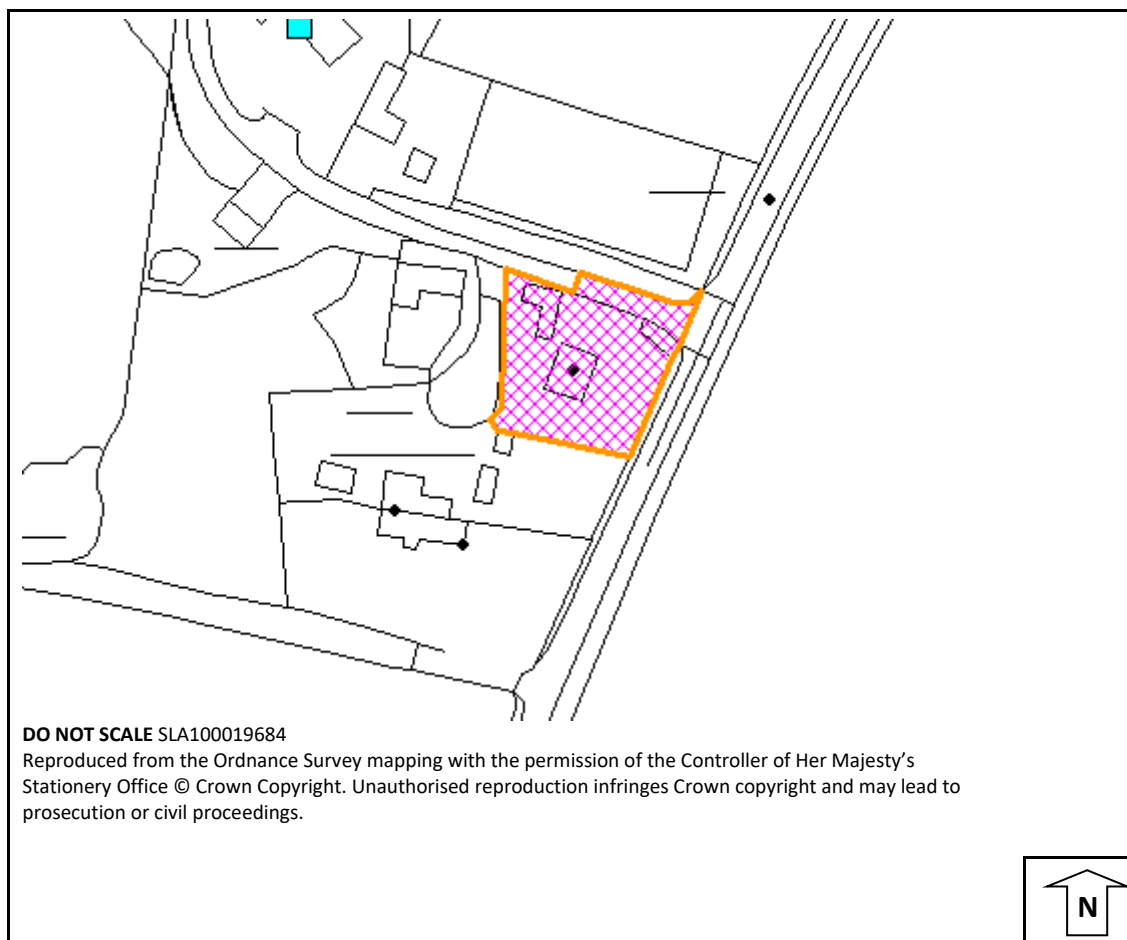
The development proposed would have only limited social and economic benefits. It is not considered that the benefit arising from the delivery of this development would outweigh the harm identified and is not sufficient justification to set aside adopted policies in this instance.

The development proposal is therefore contrary to policies SCLP3.1 "Strategy for Growth", SCLP3.3 "Settlement Boundaries", SCLP5.3 "Housing Development in the Countryside", SCLP5.5 "Conversions of Buildings in the Countryside for Housing", SCLP7.1 "Sustainable Transport" and SCLP12.34 "Strategy for the Rural Areas" and SCLP10.4 "Landscape Character" of the East Suffolk Council - Suffolk Coastal Local Plan (September 2020), the Historic Environment Supplementary Planning Document (June 2021) and also the Environmental and Social dimensions of sustainable development outlined in the NPPF.

Background Papers

See application reference DC/22/0891/FUL on [Public Access](#)

Map



Key



Notified, no comments received



Objection



Representation



Support