

# Planning Statement



[www.parkerplanningservices.co.uk](http://www.parkerplanningservices.co.uk)

**Prepared for Mr Tristan Kent**

**Full planning application for the conversion of a barn to a dwelling**

**Christmas Tree Barn, Mill Lane, Weybread, Diss, Suffolk, IP21 5TP**

**Prepared by:** Kennedy Durrant (Senior Planner)

**Approved by:** Daniel White (Planner)

---

## Our Offices:

|                        |                 |                 |          |
|------------------------|-----------------|-----------------|----------|
| <b>NORFOLK</b>         | T: 01603 516319 | Norwich         | NR1 1LU  |
| <b>SUFFOLK</b>         | T: 01284 336348 | Bury St Edmunds | IP33 1HQ |
| <b>CAMBRIDGESHIRE:</b> | T: 01223 637283 | Cambridge       | CB24 6WZ |
| <b>LINCOLNSHIRE</b>    | T: 01780 437333 | Stamford        | PE9 2AE  |
| <b>ESSEX</b>           | T: 01245 934184 | Chelmsford      | CM2 7PX  |

---

---

## REPORT INFORMATION

© Copyright Parker Planning Services Ltd.

No part of this report is to be copied or reproduced, both physically and/or electronically in any way without prior written consent of Parker Planning Services Ltd.

While every reasonable effort has been made to provide accurate and detailed information to the relevant professional standards at the time of writing of this report. However, Parker Planning Services Ltd. cannot be held responsible for errors, inaccuracies or omissions held within this report where 3<sup>rd</sup> party information has been used.

|                                 |  |
|---------------------------------|--|
| <b>Date of Application</b>      | April 2022   |
| <b>Local Planning Authority</b> | Mid Suffolk District Council   |
| <b>Applicant</b>                | Mr Tristan Kent  |
| <b>Development Description</b>  | Full planning application for the conversion of a barn to a dwelling |
| <b>Site Address</b>             | Christmas Tree Barn, Mill Lane, Weybread, Diss, Suffolk, IP21 5TP    |
| <b>Our Reference</b>            | 2808   |
| <b>Report Revision</b>          | V1   |

## **Contents**

- 1.0 Introduction - 3
  
- 2.0 Site Location and Description – 5
  
- 3.0 Proposed Development - 9
  
- 4.0 Planning Policy Considerations – 12
  
- 5.0 Planning Policy Assessment – 14
  
- 6.0 Planning Balance – 20

Appendix A Noah's Barn Appeal Decision APP/W3520/W/21/3269886

Appendix B Pre-application Advice DC/19/01656

### 1.0 Introduction

- 1.1 Parker Planning Services Ltd. has been instructed by the applicant, Mr Tristan Kent, to submit this full planning application for the conversion of a barn to a dwelling.
- 1.2 This statement provides background information on the application site and an assessment of the proposals in relation to planning policy and other material considerations.
- 1.3 This application serves as a resubmission of refused application DC/20/00144, albeit with a revised design.
- 1.4 The proposed conversion is considered to satisfy the key policy criteria outlined in Policy H9 of the Mid Suffolk Local Plan, Conversion of Rural Buildings to Dwellings. The principle of development is therefore established.
- 1.5 Notwithstanding the above, the planning policies relevant to this application, including Policies CS1, CS2, H7, and H9, have been found to be out of date by recent case law. Furthermore, appeal APP/W3520/W/21/3269886 (herein referred to as 'Noah's Barn', a copy of which is found in Appendix A) also concludes that these policies are out of date. The tilted balance is therefore engaged.
- 1.6 The proposed development accords with Paragraph 80(c) of the NPPF, a key material consideration given the out of date policies outlined above.
- 1.7 This planning statement is arranged in the following sections:
  - Section 2 outlines the site, its planning history (including pre-application engagement with the LPA), and its context within the surrounding area;
  - Section 3 provides an outline of the proposal;
  - Section 4 provides an outline of the relevant local and national planning policies;
  - Section 5 assesses the main planning considerations; and
  - Section 6 draws our conclusions in respect of the proposal
- 1.8 The application is supported by a suite of surveys and reports prepared by various specialist consultants. These documents will be referenced throughout this statement where relevant and include:

## Planning Statement

Christmas Tree Barn, Mill Lane, Weybread, Diss, Suffolk, IP21 5TP

---



- Location Plan (drawing no. PA.001), prepared by AW Design Studio;
- Existing Site Plan (drawing no. PA.002), prepared by AW Design Studio;
- Proposed Site Plan (drawing no. PA.003), prepared by AW Design Studio;
- Existing Floor Plans and Elevations (drawing no. PA.004), prepared by AW Design Studio;
- Proposed Plans and Elevations (drawing no. PA.005), prepared by AW Design Studio;
- Ecological Impact Assessment, prepared by Glaven Ecology;
- Structural Engineer's Appraisal Report, prepared by JP Chick & Partners Ltd;
- Enviroscreen Report, prepared by Argyll Environmental; and
- Land Contamination Questionnaire, prepared by Parker Planning Services.

## 2.0 Site Location and Description

2.1 The application site comprises a barn which was previously used for the storage of agricultural machinery. The barn measures a total floorspace of 131 sqm. In terms of appearance, the barn comprises a plywood finish with a corrugated, mono-pitched roof.

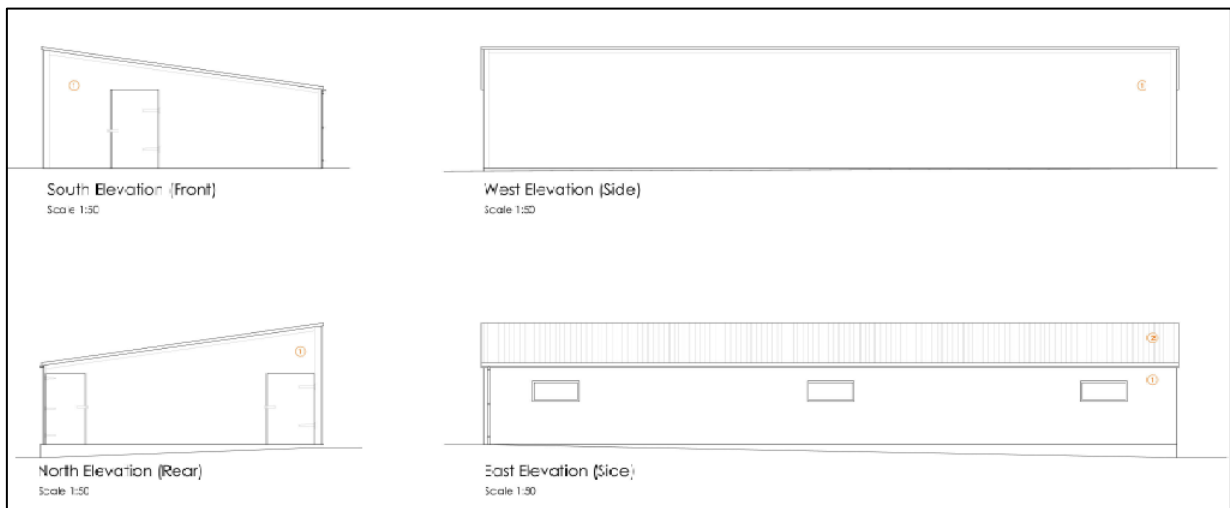


Figure 1: Existing Elevations

2.2 The application site is located in an isolated setting in the Countryside, over 300m to the east of Weybread.

2.3 The application site is accessed off Mill Lane.

2.4 Agricultural land abuts the site on its western and northern boundaries, where a former stable building and portacabin are also found. Further beyond the western boundary lies a dwelling. To the east lies woodland, with two Grade II listed buildings (Mill Lane Farmhouse and Barn 10 Metres South East of Mill Lane Farmhouse) found beyond (approximately 100m east of the application site). Mill Lane abuts the application site to the south, where further agricultural land is located beyond.

2.5 The application site is located in Flood Zone 1 and is therefore at a low risk of flooding.

### Relevant Planning History

2.6 The following applications are considered relevant to the application site:

- DC/20/00144 – Change of use from agricultural barn/business store to 1

dwelling, refused 3<sup>rd</sup> April 2020;

- DC/17/02531 – Notification for Prior Approval for a Proposed Change of Use of Agricultural Building to a Dwellinghouse (Class C3), and for Associated Operational Development, refused 10<sup>th</sup> August 2017.

- 2.7 DC/17/02351 was refused as the LPA were not satisfied that the last use of the building on 20<sup>th</sup> March 2013 was part of an established agricultural unit; a specific criterion for Class Q. Following this refusal, the applicant purchased the application site and engaged in pre-application discussions with the LPA in May 2019 (REF: DC/19/01656 - a copy of the pre-application advice is found in Appendix B).
- 2.8 The pre-application advice recommended that a full application be submitted due to the uncertainty regarding the previous use of the building on 20<sup>th</sup> March 2013 (although the building was used for the storage of items associated with a chicken farming operation, the operation itself entailed the sale of poultry and related equipment to the domestic market, therefore raising questions as to the agricultural nature of the site). Importantly, the pre-application advice concluded that the principle of the barn being converted to a residential use was likely to be acceptable, and also recommended the replacement of the existing plywood elevations with horizontal boarding, complete with a contemporary roof replacement.
- 2.9 Following the receipt of the positive pre-application advice, the applicant proceeded with an application (DC/20/00144) which took into account the recommendations.

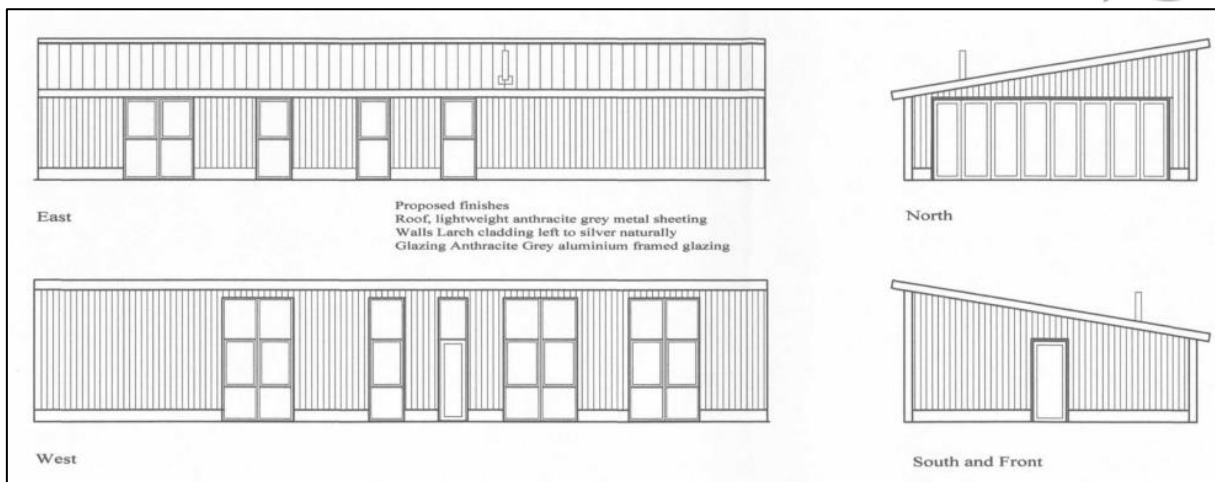


Figure 2: DC/20/00144 Proposed Elevations

2.10 However, the application was refused due to the two following reasons:

'1. This application seeks planning permission for the conversion of a shed under policy H9. Policy H9 is favourable for the conversion of 'rural' buildings whose existing character is in keeping with their surroundings, retaining any important architectural features. Throughout policy H9 there is a clear direction of conversion for rural buildings that offer a character that is worth keeping. The subject building is a basic mass and shape with a mono-pitched roof and timber frame on a thin concrete pad, with cement sheeting on the roof and clad in plywood sheets with no openings other than a double door of plywood on hinges. The proposal relates to a building that has no character that would be desirable to be retained. Its form, bulk and design are modest in scale but offer no personality or charm. Furthermore, policy H9 requires that 'new openings should be kept to a minimum to retain the existing form', as the existing building only has a door the proposal requires 8 new openings and bi-folding doors would extend across one whole elevation. The building offers no desirable character to justify its conversion and therefore does not meet the standards and criteria of policy H9 and offers a large number of new openings. The shed's form, bulk and general design is considered to be out of keeping with its surroundings, lacking character and architectural merit that would justify its conversion under policy H9.

2. The proposal is considered to represent unsustainable development in a countryside location, contrary to the provisions of policies CS01, CS02 and H07 of the adopted Development Plan. The development does not represent one of the listed exceptions of allowable development within countryside locations as set out within these policies. Whilst paragraph 11 of the NPPF provides a presumption in favour of sustainable



*development, the proposal has been assessed to be unsustainable under paragraph 8 of the NPPF. The limited benefits to the scheme during the construction, economically, and socially, the provision of one new dwelling in the presence of a five year land supply that the council can evidence, is outweighed by the proposal's heavy reliance on a motor vehicle to access to services and facilities. As such the proposal is unsustainable and is contrary to the NPPF and the Local plan.'*

- 2.11 It is considered that the above reasons for refusal are no longer applicable to the application site. As outlined in the following section, the proposed development has been revised to only make minimal alterations to the existing built form. Meanwhile, the Noah's Barn appeal (discussed in Section 5) demonstrates that Policy H9, as well as Policies CS1, CS2, and H7, are out of date. Consequently, Paragraph 11d of the NPPF is engaged. Section 5 discusses how the NPPF does not provide a clear reason for refusing the development, nor are any adverse impacts of permission being granted identified. Consequently, there is no reason as to why the application should be refused.
- 2.12 It should also be noted that the Officer Report for DC/20/00144 concluded that the application site was not in an isolated location due to its proximity to residential development to the west and east. Since the refusal of DC/20/00144, however, the term 'isolated' has been clarified in the recent Court of Appeal judgement of *Bramshill v SSHCLG* [2021] EWCA Civ 320. This stated that Paragraph 79 (now 80) of the NPPF requires the decision maker to consider whether the development would be physically isolated, in the sense of being isolated from a settlement rather than being isolated from other dwellings. Taking this into account, it is reasonable to conclude that the application site is in an isolated location, given it is sited more than 300m away from Weybread (designated as a Countryside Village in the Core Strategy and therefore lacking services) and over 2.3km away from Harleston (the closest settlement which provides a range of services which would likely meet the day to day needs of future occupiers). Future occupiers would therefore be reliant on private vehicles to access key services, further pointing towards the application site's isolated location. Consequently, Paragraph 80 of the NPPF is now relevant to the assessment of the proposed development.

## 3.0 Proposed Development

3.1 The proposed development is a full application for the conversion of a barn to a dwelling.

### Scale

3.2 No additions to the external dimensions of the barn are proposed. The scale is to therefore remain the same as the existing structure.

### Appearance

3.3 The building is to retain the existing plywood elevations and corrugated roof sheeting. The only alterations proposed are the modest insertion of new openings (including conservation roof lights) and grey aluminium composite framed glazing in order to ensure that the proposed dwelling receives adequate levels of daylight.

3.4 One bat box is to be located on the southern gable end of the converted barn.



Figure 3: Proposed Elevations

### Access

3.5 Access is to be taken via the existing point off Mill Lane.

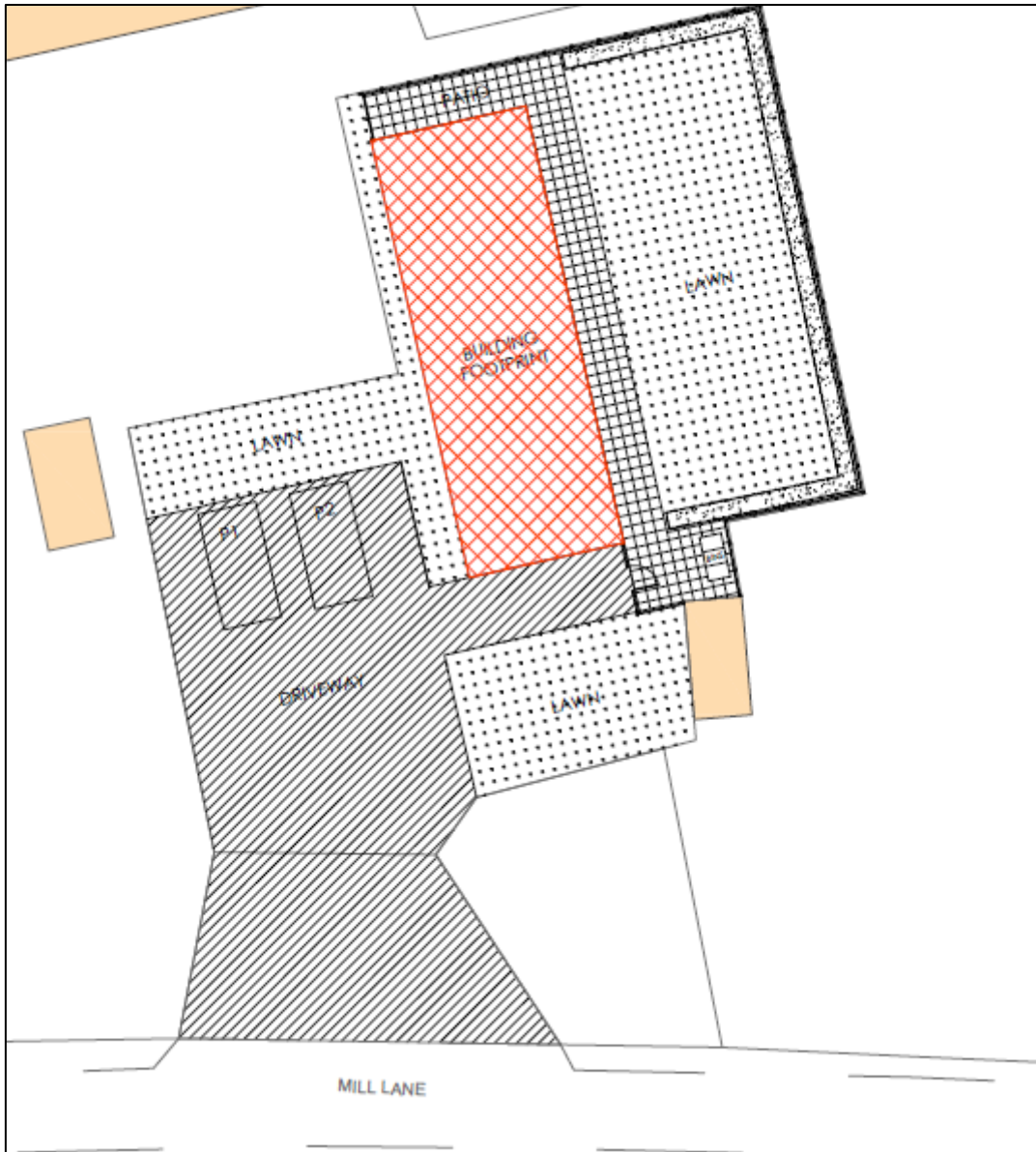
### Layout

3.6 Two parking spaces are proposed to the west of the barn. A garden is to be provided to the east of the property.

3.7 Internally, three bedrooms are proposed, complete with three WCs, kitchen,

dining/living area and boot/coat room.

3.8 Bins are to be stored on a patio which forms part of the garden.



**Figure 4: Proposed Site Plan**

**Landscaping**

3.9 In terms of hard landscaping, the existing tarmac driveway is to be retained. A patio is to form part of the garden.

3.10 Timber post and rail fencing with 90cm stock wire is to be located along the perimeter of the garden.

3.11 In respect of soft landscaping, a lawn is to be seeded in the garden, as well as

## Planning Statement

Christmas Tree Barn, Mill Lane, Weybread, Diss, Suffolk, IP21 5TP

---



to the west and south of the property. Wildflower planting is to be located on the west and south lawns.

3.12 A hedgerow is proposed around the perimeter of the garden.

### 4.0 Planning Policy Considerations

4.1 This section outlines the relevant national and local planning policies against which the proposals are to be considered by the LPA at this stage.

#### **Mid Suffolk Development Plan**

4.2 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 planning applications should be determined in the context of the Development Plan and its policies unless material considerations indicate otherwise.

4.3 The adopted development plan comprises the Mid Suffolk Local Plan (1998), Core Strategy (2008), Core Strategy Focused Review (2012) and the Stowmarket Area Action Plan (2013).

4.4 The Mid Suffolk Development Plan policies which are relevant to the proposed development include:

- CS1 – Settlement Hierarchy;
- CS2 – Development in the Countryside and Countryside Villages;
- H7 – Restricting housing development unrelated to the needs of countryside;
- H9 – Conversion of rural buildings to dwellings;
- H15 – Development to reflect local characteristics;
- H16 – Protecting existing residential amenity;
- HB1 – Protection of Historic Buildings.

4.5 It is important to note that recent High Court decisions have determined that Mid Suffolk policies which relate to housing are out of date and therefore inconsistent with the NPPF. Such decisions include *Ewans v Mid Suffolk District Council* (CO/3569/2020) and *Thurston Parish Council v Mid Suffolk District Council* [2022]. The Noah's Barn appeal (a proposed development for the change of use of an agricultural barn to a dwelling near Hoxne) also demonstrates that the key policies relating to the proposed development are also out of date.

4.6 Following the postponement of the emerging Joint Local Plan there is a local

---

planning policy void relating to applications for new housing in the district. Consequently, in the absence of in-date, relevant development plan policies, the tilted balance is engaged as per Paragraph 11(d) of the NPPF.

### **National Planning Policy Framework**

- 4.7 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and is a material consideration in determining planning applications. The revised NPPF maintains the presumption in favour of sustainable development (Paragraph 11), which is defined in Paragraph 8 as incorporating the same economic, social and environmental elements.
- 4.8 The following NPPF chapters are considered of most relevance to this application:
- 2 – Achieving sustainable development;
  - 5 – Delivering a sufficient supply of homes;
  - 15 – Conserving and enhancing the natural environment; and
  - 16 – Conserving and enhancing the historic environment.

### 5.0 Planning Policy Assessment

5.1 The following section sets out the considerations of the proposed development in relation to planning policy and guidance under the following headings:

- Principle of development;
- Design;
- Residential Amenity;
- Ecology;
- Heritage; and
- Contamination

#### Principle of Development

5.2 The application site is located in the Countryside. Policy CS1 states in part that only certain types of development will be permitted in the Countryside.

5.3 Policy CS2 lists the types of development which are restricted to the Countryside. One such type of development includes the '*reuse and adaption of buildings for appropriate purposes, as defined elsewhere*' in the Core Strategy. However, the term 'appropriate purposes' is not defined, nor is any further guidance provided elsewhere in the Core Strategy as to how buildings in the countryside may be reused and/or adapted. In the absence of any guidance within the Core Strategy stating otherwise, it is reasonable to deduce that the conversion of rural buildings to market dwellings is an appropriate countryside use. Irrespective of this, both Policies CS1 and CS2 are inconsistent with the NPPF, as they take a more restrictive approach to development in the Countryside.

5.4 Policy H7 is also outdated, as it suggests an even more stringent approach to residential development in the countryside, stating that development will be strictly controlled. Again this is a more restrictive approach when compared to the NPPF. Policy H9, however, does provide an exception for new market housing in the countryside.

5.5 Policy H9 supports the conversion and change of use of rural buildings whose form, bulk and general design is in keeping with their surroundings. As

confirmed by the Noah's Barn appeal, this is a requirement which is not consistent with the Paragraph 80(c) of the NPPF, which takes a less restrictive approach to the conversion of redundant or disused buildings in isolated locations. Notwithstanding this, the existing building has the appearance and function of an agricultural barn. Its appearance is therefore in keeping with its rural surroundings.

5.6 It is also noted that, in the refusal of the previous application, DC/20/00144, the LPA stated that the building lacks '*character and architectural merit that would justify its conversion under Policy H9.*' Such an assertion is at odds with Policy H9, as the policy does not require that the existing building should hold any special architectural merit or traditional character. Even if this were a requirement, it would be inconsistent with the NPPF due to being more restrictive than Paragraph 80(c) of the NPPF.

5.7 Regardless of the policy's inconsistencies with the NPPF, it is considered that the proposed development complies with Policy H9's criteria due to the following reasons:

- The proposed conversion retains all existing openings and makes minimal alterations. The original character of the building is therefore retained.
- The only alterations proposed are the addition of conservation roof lights and further, modest openings on the elevations in order to ensure that the dwelling benefits from adequate levels of natural daylight. The existing plywood elevations and corrugated roof sheeting are to be retained, following confirmation by the accompanying Structural Appraisal that these features could be accommodated into a residential conversion.
- No extensions to the building are proposed.
- The proposed residential curtilage is modest and would be well contained via the timber and post rail fencing and hedgerow. Furthermore, the application site is bounded by extensive mature tree planting and would only be visible from Mill Lane. The character of the surrounding countryside would therefore not be adversely affected.

5.8 For the above reasons, the proposed development would comply with Policy H9. Furthermore, given that the development plan should be taken as a whole,



the proposed development would not conflict with the LPA's strategy for the location of residential development as set out under Policies CS1, CS2, and H7. The principle of development is therefore supported by this policy compliance.

- 5.9 Paragraph 80(c) of the NPPF states that planning decisions should avoid isolated homes in the countryside except in certain circumstances, including where the development would re-use redundant or disused buildings and enhance its immediate setting.
- 5.10 The application site is located in an isolated setting. As confirmed by the recent Court of Appeal judgement of *Bramshill v SSHCLG* [2021] EWCA Civ 320, Paragraph 80 of the NPPF requires the decision maker to consider whether the development would be physically isolated, in the sense of being isolated from a settlement rather than being isolated from other dwellings. Taking this into account, it is reasonable to conclude that the application site is in an isolated location, given it is sited more than 300m away from Weybread (designated as a Countryside Village in the Core Strategy and therefore lacking services) and over 2.3km away from Harleston (the closest settlement which provides a range of services which would likely meet the day to day needs of future occupiers). There is no footpath nor street lighting along Mill Lane, and so it is very likely that future occupiers would be reliant on private vehicles to access key services, further pointing towards the application site's isolated location.
- 5.11 The building was last used for the storage of agricultural machinery and is therefore redundant. The immediate setting would be enhanced through modest additional openings and the establishment of a curtilage which respects the rural setting through hedgerow planting and timber post and rail fencing. It can therefore be concluded that the proposed development would reuse a redundant building and enhance its immediate setting. Such compliance with Paragraph 80(c) provides further support for the principle of development at the application site.

### Design

- 5.12 Policy H15 requires new housing to be consistent with the pattern and form of development in the neighbouring area, the character of its setting, particular site constraints such as access and drainage, and the configuration of the site including its natural features.

- 5.13 The proposed development is for the conversion of a barn to a dwelling, with the bulk of its existing features retained in order to satisfy the requirements of Policy H9. The proposal accords with Policy H9, which supports the conversion of rural buildings to dwellings and is therefore establishes a type of pattern and form of development found within the countryside. Consequently, Policy H15 is complied with by virtue of compliance with Policy H9.
- 5.14 Furthermore, the existing rural character of the building is to be retained given the minimal alterations proposed, and therefore there would no impact on the wider character of the countryside.
- 5.15 It should also be noted that barn conversions under Policy H9 can only go so far in terms of their aesthetic. The case of *Hibbitt & Anor v Secretary of State for Communities and Local Government and ORD* [2016] EWHC 2853 (Admin) establishes that only so many replacement and/or additional materials are acceptable in the context of barn conversions. Should the replacement or additional materials result in the converted building being significantly visually altered, then such development would go beyond that of a conversion and be tantamount to a fresh rebuild. Consequently, the design of proposed barn conversions in the district is limited by the inability to make significant changes to the building. The replacement of elevations with something more aesthetically appealing, for example, generally goes well beyond the scope of what is allowed under a conversion. Consequently, the LPA must recognise that Policy H15, when combined with Policy H9, has a limited scope in terms of proposed developments being consistent with the pattern and form of development in neighbouring areas.
- 5.16 The proposed development would therefore be in accordance with Policy H15.

### **Residential Amenity**

- 5.17 Policy H16 looks to protect existing residential amenity. There is a significant distance between the application site and neighbouring dwellings, with the dwelling only being single storey in scale which would not result in any overlooking. The proposed development would therefore be in accordance with Policy H16.

---

### Ecology

5.18 Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural environment.

5.19 This application is supported by an Ecological Impact Assessment. This document concludes the following:

- The barn has negligible potential to support roosting bats. No further surveys are required, although it is recommended that any external lighting associated with the new property should use warm white lights at <2700k.
- The vegetation growth around the barn offers suitable habitat for nesting. It is therefore recommended that vegetation clearance takes place outside of the bird nesting period (outside of March to August), or failing that, following the confirmation by a qualified ecologist that nesting birds are absent from the habitats to be cleared.
- The nearby pond has below average suitability for great crested newts, and so no further surveys are required. Non-licensed avoidance techniques to avoid potential impacts on great crested newts are therefore recommended during the construction phase.
- The application site could be enhanced through the installation of bird and bat boxes, as well as a pollinator friendly planting scheme. These have been incorporated into the proposed development.

5.20 It is therefore reasonable to conclude that no harm would come to protected species as a result of the proposed development. The proposed development would result in improvements to biodiversity and thus be in accordance with Paragraph 174 of the NPPF.

### Heritage

5.21 Policy HB1 states that '*particular attention will be given to protecting the settings of listed buildings.*'

5.22 Two Grade II listed buildings are located over 100m to the east from the application site (Mill Lane Farmhouse and Barn 10 Metres South East of Mill Lane Farmhouse).

- 5.23 Given the distance of the listed buildings from the application site, the modest nature of the proposed conversion, and the fact that substantial woodland lies between the application site and the listed buildings, the proposed development would not result in any heritage impacts.
- 5.24 The proposed development would therefore be in accordance with Policy HB1.

### **Contamination**

- 5.25 Paragraph 183 of the NPPF states planning '*decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.*'
- 5.26 While the proposed development is for a conversion comprising minimal building operations and is therefore at a very low risk of discovering contaminated land, it is acknowledged that a residential use would be sensitive to contamination. However, the accompanying Enviroscreen Report confirms that no significant contaminant linkage has been identified and any liabilities from contaminated land are unlikely.
- 5.27 It is therefore considered that the application site is unlikely to comprise contaminated land.

### 6.0 Planning Balance

- 6.1 This planning application seeks planning permission for the conversion of a barn to a dwelling.
- 6.2 It has been demonstrated that the proposed development would fully accord with Policies CS1, CS2, H7 and H9. Consequently, the principle of development is supported.
- 6.3 Notwithstanding the above, however, these policies are out of date, given their inconsistency with the NPPF; a conclusion which was also stated in the Noah's Barn appeal, a decision that carries great weight as a material consideration relevant to the determination of this application. Consequently, the tilted balance must be engaged as per Paragraph 11d of the NPPF.
- 6.4 The planning assessment has identified that there are no relevant policies in the NPPF which provide a clear reason for refusal. Consequently, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 6.5 It has been demonstrated that the application site is isolated and the proposed development would result in the reuse of a redundant building and the enhancement of its immediate setting, as per Paragraph 80(c) of the NPPF.
- 6.6 While it is acknowledged that the application site has limited access to services and facilities given its isolated location, the proposed development would accord with Paragraph 80(c) and, when assessed against the NPPF taken as a whole, there would not be any adverse impact.
- 6.7 The proposed development would also result in moderate social, economic, and environmental benefits, including:
- The provision of a market dwelling via the reuse of a redundant building, which will assist the Government in tackling climate change through the reuse of existing resources;
  - Funding for Mid Suffolk District Council services via additional council tax payments;

## Planning Statement

Christmas Tree Barn, Mill Lane, Weybread, Diss, Suffolk, IP21 5TP

---



- A modest economic benefit to the local area during the construction phase;
- Further customers for businesses in Harleston; and
- Provision of biodiversity enhancements.

6.8 Paragraph 11d of the NPPF states that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. No adverse impacts have been identified, while the benefits associated with the proposed development are numerous. Consequently, as this test is met, planning permission should be granted without delay.

## Planning Statement

Christmas Tree Barn, Mill Lane, Weybread, Diss, Suffolk, IP21 5TP



---

## Appendix A – Noah's Barn Appeal Decision

**APP/W3520/W/21/3269886**



# Appeal Decision

Site Visit made on 2 November 2021

**by Luke Simpson BSc MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 3 December 2021**

---

**Appeal Ref: APP/W3520/W/21/3269886**

**Noahs Barn, Green Street, Hoxne IP21 5AZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Harry Irwin against the decision of Mid Suffolk District Council.
  - The application Ref DC/20/02493, dated 22 June 2020, was refused by notice dated 28 August 2020.
  - The development proposed is change of use and conversion of an agricultural barn to dwellinghouse utilising existing access
- 

## Decision

1. The appeal is allowed and planning permission is granted for change of use and conversion of an agricultural barn to dwellinghouse utilising existing access, at Noahs Barn, Green Street, Hoxne, IP21 5AZ in accordance with the terms of the application, Ref DC/20/02493, dated 22 June 2020, subject to the conditions set out in the attached schedule.

## Preliminary Matters

2. I have taken the description of development from the decision notice as this more accurately describes the proposed development than that included on the application form. The appellant has agreed to this approach.
3. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (the Framework). Accordingly, both parties were invited to provide representations in relation to this matter. I have therefore considered this appeal with regard to the revised Framework.

## Main Issue

4. The main issue is whether the appeal site is a suitable location for the proposed development, with particular regard to the Council's strategy for the location of new residential development.

## Reasons

5. The appeal site comprises an existing agricultural barn and access track. The building has recently been partially re-constructed following a fire. The existing barn is surrounded by trees to the south, east and west, with agricultural fields separating it from Green Street, to the north. The site is located within the countryside, approximately 500 metres from the village of Hoxne.
6. The Council suggests that the proposed development is not a 'conversion'. However, the Structural Survey submitted by the appellant indicates that the



building is largely intact and capable of conversion without extensive re-building. The proposed development would not significantly alter the scale, bulk, orientation or general design of the building. One of the lean-to roofs would be replaced with a pitched roof but this would be a minor alteration which is not tantamount to a complete re-build. As such, the proposed development comprises a 'conversion' as opposed to a new-build dwelling.

*Strategy for the location of residential development*

7. Policy CS1 of the Core Strategy<sup>1</sup> (2008) states in part that only certain types of development will be permitted in the countryside. Core Strategy (2008) Policy CS2 lists types of development which might be supported within the countryside. It does include 'the reuse and adaption of buildings' as defined by other Core Strategy policies. However, neither party has identified any other Core Strategy Policies of the type referred to under Policy CS2. Both of these policies are inconsistent with the Framework, as they take a more restrictive approach to development in the countryside.
8. The objectives of Saved Local Plan<sup>2</sup> (1998) Policy H7 are also outdated, as they suggest an even more stringent approach to residential development in the countryside, stating that such development will be strictly controlled. Whilst Policy H7 does not define the meaning of the term 'strictly controlled', Saved Local Plan (1998) Policy H9 allows for the conversion of agricultural buildings to dwellings, in the countryside, subject to certain criteria.
9. The Council allege that Policy H9 is not applicable because the existing building comprises few traditional or architectural features which warrant retention. However, Policy H9 does not require that the existing building should hold any special architectural merit or historic interest.
10. Policy H9 states that it applies to buildings with a form, bulk and design which are in keeping with their surroundings. This is a requirement which is not consistent with Framework Paragraph 80(c), which takes a less restrictive approach to the conversion of redundant or disused buildings in isolated locations.
11. Notwithstanding this, despite the fact that the barn has been substantially re-constructed following a fire, the existing building has the appearance and function of an agricultural barn. Therefore, its appearance is in keeping with its rural surroundings. Policy H9 is therefore applicable to the proposed development.
12. The criteria outlined within Policy H9, require that the development respects the character of the 'original building'; retains any important architectural features; and does not incorporate additional extensions, curtilage or features which would harm the character of the original building and surrounding area.
13. I consider that the 'original building' for the purposes of applying Policy H9 is the existing agricultural building in situ in comparison to the proposed conversion. The proposed development would almost entirely retain the scale, orientation and layout of the existing building. There would be modifications to the elevations, including the installation of fenestration and doorways. There would also be minor alterations to the roof. However, taken together, these

---

<sup>1</sup> Mid Suffolk District Core Strategy Development Plan Document (September 2008)

<sup>2</sup> Mid Suffolk Local Plan (September 1998)

alterations would not significantly alter the existing character of the building and as such, there would be no harm in this regard.

14. The curtilage of the proposed dwelling would comprise an area of land between the open agricultural fields and the trees which surround much of the site. Therefore, whilst I accept that there would be parking of vehicles and other residential paraphernalia within the curtilage of the building, the visual impact of this would be very limited, even taking into account the adjacent Public Right of Way.
15. For these reasons, the proposed development would comply with saved Local Plan (1998) Policy H9. As a result, given that the development plan should be taken as a whole, the proposed development would not conflict with the Council's strategy for the location of residential development as set out under Core Strategy (2008) Policies CS1 and CS2 and saved Local Plan (1998) Policy H7.
16. Core Strategy Focussed Review<sup>3</sup> (2012) Policy FC2 is not relevant as it relates to allocations and previously developed land.

### **Other matters**

17. The existing barn is located approximately 230 metres from Mulberry Cottage, which is a Grade II listed building. In accordance with section 66 (1) and section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have had special regard to the desirability of preserving this building, its setting and any features of special architectural or historic interest. Given the small scale of the proposed development, that the development would retain the existing rural character of the building and the significant distance between the barn and this listed building, I am satisfied that the proposed development preserves these interests and there would be no harm in this regard.
18. The Council states that the site is within a Special Landscape Area (SLA). Saved Local Plan (1998) Policy CL2 states that particular care will be taken to safeguard landscape quality in SLAs and that where development does occur, it should be sensitively designed. The Council does not assert that there is a conflict with Local Plan CL2 within the reasons for refusal. However, in undertaking the planning balance the Council does allude to a 'low level' of harm within the Officer Report.
19. The development would largely retain the agricultural character of the existing building and would not be prominent in the wider landscape setting, given that it is surrounded by woodland on three sides. I therefore consider that the proposed development would safeguard the landscape quality of the SLA and as such, there would be no harm in this regard. As such, the proposed development would not conflict with saved Local Plan (1998) Policy CL2.

### **Planning Balance**

20. Notwithstanding my conclusion that the proposed development complies with the development plan taken as a whole, the most important policies for the determination of this appeal are out-of-date, given their inconsistency with the Framework. Therefore, Framework Paragraph 11d applies. Given that there are

---

<sup>3</sup> Mid Suffolk Core Strategy Focused Review (December 2012)

no relevant Framework policies which direct refusal within the terms of Framework Paragraph 11d(i), Paragraph 11d(ii) is engaged. As such, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole

21. Framework Paragraph 80 states that planning policies and decisions should avoid isolated homes in the countryside, except in certain circumstances, including exception 'c' - where the development would re-use redundant or disused buildings and enhance its immediate setting.
22. The existing building is located approximately 250 metres from the nearest adopted highway and 230 metres from the nearest residential building. Furthermore, it is physically and functionally separated from the village of Hoxne, which is some 500 metres to the east. The village is only accessible on foot via an unlit and undulating Public Right of Way or via Green Street, which does not include a footpath for much of the route. For these reasons, the appeal site is 'isolated' within the terms of Framework Paragraph 80.
23. The existing building is not in use. The proposed development would enhance the appearance of the building, which despite recent renovations, currently has a relatively dishevelled appearance. For these reasons, the proposed development would comply with Framework Paragraph 80.
24. I accept that the site has poor access to services and facilities, due to its isolated location. However, given that the proposed development would accord with Framework Paragraph 80, when the proposal is assessed against the Framework taken as a whole, there would not be any adverse impact in this regard.
25. There would be social and economic benefits associated with the development, which would be achieved through a small increase in the housing stock. These benefits can only be afforded moderate weight, given that the development is small in scale. There would also be some environmental benefits through the enhancement to the setting of the building and biodiversity enhancements. However, these enhancements would be minor and as such these benefits can also only be afforded moderate weight.
26. Framework Paragraph 11d states that permission should be granted where the benefits of the development significantly and demonstrably outweigh any adverse impacts. I have found no adverse impacts, against which the moderate benefits must be weighed. As such, this test is met, and planning permission should therefore be granted.

### **Conditions**

27. I have considered the Council's suggested conditions in light of advice contained in the Planning Practice Guidance and the tests within the Framework. As a result, I have amended some of the conditions so that they are enforceable, precise, relevant, necessary and reasonable in all other respects.
28. Conditions relating to timeliness [1] and the identification of plans [2] are necessary to provide certainty.

29. A condition requiring details of the proposed bin store design [3] to be submitted and approved by the Council is required in the interest of the character and appearance of the surrounding area.
30. In the interests of securing sufficient and suitable on-site parking provision it is necessary to impose a condition requiring that parking and turning areas are laid out prior to occupation [4].
31. A condition requiring submission and approval by the Council of a lighting design scheme is also required [5], in the interest of avoiding adverse impacts on bats, a protected species.
32. In the interests of securing biodiversity enhancement, it is necessary to impose a condition requiring that the development is carried out in accordance with the biodiversity enhancement measures contained within the Ecological Survey (JP Ecology, June 2020) [6].
33. In the interest of avoiding adverse impacts on protected species, a condition requiring that the development is carried out in accordance with the mitigation measures contained within the Ecological Survey is necessary [7].
34. The Council recommended a condition requiring that the access is constructed in accordance with plan reference DM01. However, plan reference DM01 was not submitted by the appellant and is a Suffolk County Council document. This plan is not site-specific and includes a wide range of requirements which apply in different circumstances. Some of the requirements wouldn't apply to the development and others require submission of further details for approval. As such, a condition requiring that the access is laid out in accordance with this plan would not be precise or enforceable.
35. In any case, during my site visit, I noted that the existing access has good visibility, noting that the speed limit is restricted to 30mph on the highway. It is also a sufficient width and is constructed of suitable materials when taking into account the small scale of development proposed. As such, it is not necessary to impose a condition requiring that the access is altered or improved. Neither is it necessary to include a condition to control drainage from the access, given that the access would not be altered.

### **Conclusion**

36. For the reasons given above, the proposed development would comply with the development plan taken as a whole. Having taken into account all other matters raised, including the provisions of the Framework, I conclude that the appeal should be allowed, subject to conditions.

*Luke Simpson*

INSPECTOR

## **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 20-001, 20-002, 20-003 and 20-004.
- 3) Prior to the first occupation of the dwelling hereby permitted, details showing the design of the areas to be provided for storage of Refuse/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 prior to first occupation of the dwelling hereby approved. The development shall thereafter be retained in accordance with the approved details.
- 4) Prior to the first occupation of the dwelling hereby permitted, the on-site parking and turning areas, shall be provided in accordance with the details shown on the approved plan referenced No. 20-003. These areas shall be retained thereafter, available for that specific use.
- 5) No development shall take place above slab level until a lighting design scheme has been submitted to and approved in writing by the local planning authority. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the approved details.
- 6) Prior to the first occupation of the dwelling hereby permitted, the biodiversity enhancement measures detailed within Section 6 of the Ecological Survey (JP Ecology, June 2020) shall be implemented and shall be retained thereafter.
- 7) The development hereby permitted shall be carried out in accordance with the mitigation measures contained within Section 5 and 6 of the Ecological Survey (JP Ecology, June 2020).

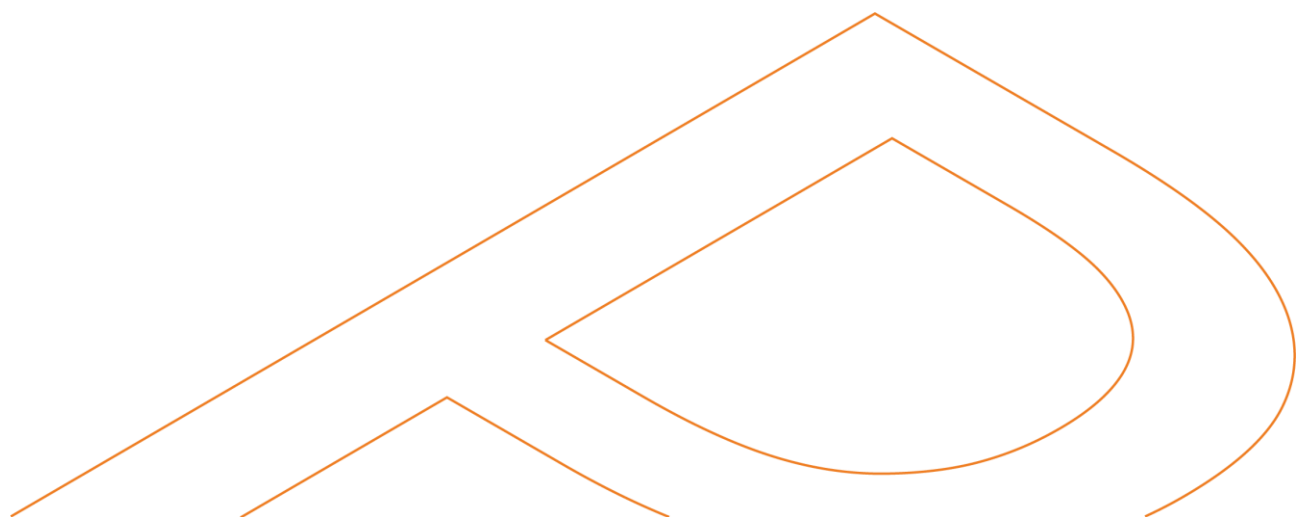
# Planning Statement

Christmas Tree Barn, Mill Lane, Weybread, Diss, Suffolk, IP21 5TP



---

## Appendix B – Pre-application Advice DC/19/01656



**Philip Isbell - Acting Chief Planning Officer**  
**Growth & Sustainable Planning**

**Mid Suffolk District Council**  
Endeavour House, 8 Russell Road, Ipswich IP1 2BX

Website: [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk)



Mr Tristan Kent  
8 Tudor Rose Way  
Harleston  
Norfolk  
IP20 9PH

**Please ask for:** Sian Bunbury  
**Your reference:**  
**Our reference:** DC/19/01656  
**E-mail:** [planningyellow@babberghmidsuffolk.gov.uk](mailto:planningyellow@babberghmidsuffolk.gov.uk)  
**Date:** 23rd May 2019

Dear Mr Tristan Kent

**Proposal:** Meeting with written response - Discuss a change of use from B8 Storage and distribution, to C3 residential

**Location:** 1 Mill Lane, Weybread, Diss, Suffolk IP21 5TP

**Site Meeting Date:** 13/05/2019

Thank you for your request for pre-application advice. I have reviewed the information provided and provide the following information and advice:

**Site Constraints:**

The site lies in a countryside location outside the village of Weybread. The dwelling which was previously associated with the site lies to the west . There are no heritage assets - listed buildings or Conservation Areas in the immediate locality .

**Description of Proposal:**

Meeting with written response - Discuss a change of use from B8 Storage and distribution, to C3 residential

**Plans & Documents Considered:**

The plans and documents recorded below are those which have been considered:

Application Form - Received 04/04/2019  
Defined Red Line Plan - Received 04/04/2019

**Relevant Planning History:**

|             |  |                               |
|-------------|--|-------------------------------|
| 2798/08     | Removal of Agricultural Occupancy Condition.   | Granted<br>19/09/2008         |
| DC/17/02531 | Notification for Prior Approval for a Proposed | Formal Approval IS required - |

**Relevant Planning Policies:**

NPPF - National Planning Policy Framework  
GP01 - Design and layout of development  
H07 - Restricting housing development unrelated to needs of countryside  
H09 - Conversion of rural buildings to dwellings  
H10 - Dwellings for key agricultural worker  
H15 - Development to reflect local characteristics  
T09 - Parking Standards  
T10 - Highway Considerations in Development  
CS01 - Settlement Hierarchy  
CS02 - Development in the Countryside & Countryside Villages  
CS05 - Mid Suffolk's Environment  
FC01 - Presumption In Favour Of Sustainable Development  
FC01\_1 - Mid Suffolk Approach To Delivering Sustainable Development

**Officer Assessment:**

Principle of development -

The applicants have advised that they intend to establish an agricultural use on the site, including the production of animals for meat. The planning history of the subject building suggests that the last use of the building was for an element of retail/storage in association with a chicken farming operation selling poultry and poultry equipment for the domestic market.

This enquiry refers to a change of use from B8 to C3 residential use on an existing building. At the arranged meeting the use of the building was discussed and advice was given that the last/current use is unlikely to fall within the B8 Class.

The National Planning Policy Framework (NPPF) paragraph 79 states that planning policies and decisions should avoid the development of isolated homes in the countryside. One of the exceptional circumstances identified is where the development would re-use redundant or disused buildings and enhance its immediate setting. Local Plan policy H9 permits the conversion and change of use of agricultural and other rural buildings to residential use, subject to identified criteria. Core Strategy policy CS5 seeks high quality design to enhance the character and appearance of the district.

The subject building is of plywood construction under a corrugated, mono-pitched roof. A previous application (DC/17/02531) has given the floor dimensions as 18.57m x 7.48m and showed its conversion to a three bedroom dwelling. The red line site boundary includes a site area of 7.1 acres with 4 acres of woodland and chicken pens towards the rear of the site. An area used for growing Christmas trees lies to the frontage of the site, with a further 5.5 acres opposite which may become available for the applicants and which may be used for keeping sheep.

Vehicular access from the highway is to the south of the building and there is an associated parking area. A former stable building is located to the north and west of the subject building.

Design, Layout and Heritage Considerations -



The enquiry relates to the possibility of obtaining planning permission for the conversion of the building on the site, to residential use. A previous application (DC/17/02531) under Class Q for the conversion from agricultural use to residential was refused. This refusal was based on the principle of the existing use. A design for the conversion was submitted with that application, together with a Structural Engineer's Report.

Due to the limitations of the procedure associated with Class Q alterations the design for the conversion of the building was restricted to the existing volume of the building. The resultant design was of a very utilitarian appearance.

Due to the uncertainty of the existing Use Class of the building it is recommended that a Planning Application rather than a Prior Approval Notification would be the most appropriate form of submission. Should a planning application be submitted for the conversion of this building it is suggested that the opportunity could be taken to improve the previously submitted design, to provide more detail and interest and which could result in a design of a contemporary nature. Horizontal boarding was suggested previously and this is an acceptable external material, although other options could be explored. The mono-pitched roof is of a corrugated sheet material and a contemporary equivalent would be acceptable and it is suggested that associated eaves detailing should be considered carefully. A planning application would also provide the opportunity to create a pitched roof as an alternative to the mono-pitch should you wish to explore this. Fenestration and door details should also be carefully considered.

There are no Heritage/listed building/Conservation Area implications for the proposal.

#### Residential Amenity -

The proposal would not impact on residential amenity as there are no residential properties in close proximity.

#### Highway Considerations -

SCC Highways have not been consulted as part of this enquiry. They would be consulted on any future planning application and it is anticipated that they would require the vehicular access to be properly surfaced with a bound material for a minimum distance of five metres from the edge of the road, and parking and manoeuvring spaces would need to be identified and provided. Space for the storage and presentation of refuse bins should be shown on plans.

#### Flooding and Surface Water Drainage -

The site is not within an area identified as being subject to flooding.

#### Contaminated Land -

Any forthcoming planning application should be supported by a Land Contamination Questionnaire and an 'Enviroscreen' type report. The Environmental Health team would be consulted.

### **Conclusion:**

The principle of the proposal to convert the building to residential use is likely to be acceptable. It is suggested that a Planning Application would be the appropriate form of submission rather than a Notification for Prior Approval from B8 to residential C3 use. The previous use did not seem to be solely as a storage or distribution centre as there was an element of retail associated with the premises.

In accordance with the guidance in the NPPF the proposal would re-use a redundant building and the scheme would have the potential to enhance the appearance of the building and its immediate setting. The proposal would be unlikely to have a material impact on neighbouring residential amenity or highway safety.

This advice is informal officer opinion only and made without prejudice to the formal determination of any application. If you want a formal opinion then you will need to make an application with its associated supporting documentation, plans and fee.

All applications will be subject to consultation and publicity and any proposal may be subject to a call-in by a Councillor for determination at Development Control Committee.

### **Application Submission:**

Our Joint Local Validation Checklist sets out the details required for each application and this is available at <http://www.midsuffolk.gov.uk/assets/DM-Planning-Uploads/Joint-BDC-MSDC-Local-Validation-List-adopted-published-February-2015.pdf>. However on the basis of the information provided I would particularly draw your attention to the need to provide full plans and elevations for the conversion of the building, a Structural Survey Report, a Land Contamination Questionnaire and Report. See : <https://www.midsuffolk.gov.uk/environment/contaminated-land/land-contamination-and-the-planning-system/>

A Design and Access Statement will be required.

This is not an exhaustive list of all documents and information which need to support your application, as mentioned above please consult the Joint Local Validation Checklist.

We recommend that applications are submitted on the Planning Portal, which also provides further advice on making planning applications: <https://www.planningportal.co.uk/>

As part of any application you will need to submit the appropriate CIL form, which is available on our website.

I hope that this provides useful information with regards to your enquiry. If you have any queries in respect of this letter, or require clarification of issues please do not hesitate to contact me. If you would like further discussion with regards to the detail of the proposal this would be subject to a charge for further advice, see [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk) for further details.

Yours sincerely

**Sian Bunbury** - Senior Planning Officer

*on behalf of Philip Isbell – Acting Chief Planning Officer – Growth & Sustainable Planning*

Please note that any advice provided by the Council's Officers is informal opinion only and is made without prejudice to any formal determination which may be given in the event of an application being submitted. In particular, it will not constitute a formal response or decision of the Council with regard to any future planning applications, which will be subject to wider consultation and publicity. Although the Case Officer may indicate the likely outcome of a subsequent planning application, no guarantees can or will be give about the decision.

Please also note, responses to pre-application enquiries are only valid for six months from the date of receipt. You should seek confirmation that circumstances have not changed if you are submitting an application outside of this period.

parker planning services

Thanks for your valued business.

