

PLANNING OBJECTION

**FULL PLANNING APPLICATION - CONVERSION OF EXISTING STABLE
BLOCK TO 1NO RESIDENTIAL DWELLING.
LAND AT NETTLESTEAD ROAD BAYLHAM SUFFOLK**

PLANNING REF: DC/20/03328

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1. SUMMARY

1.1. Summary

This document responds to LPA's recommendation to grant permission for the conversion of a stable block in Pendles Field to residential curtilage.

- This community, through the Parish Meeting, has adopted a Neighbourhood Planning approach to development, and asserts that the application does not support the principles of sustainable development.
- The application is not compliant with either existing local policy, the proposed Joint Local Plan or the NPPF.
- A stable block usually has no architectural merit that makes it worthy of retention as stated in Policy H9.
- The location is in a tranquil area of Baylham's Rolling Valley Farmland Special Landscape Area (SLA) and is functionally isolated in the countryside, thus precluding any approval of market housing.
- The LPA's recommendation to grant permission, is inconsistent with its previous determinations in Baylham and inconsistent with the recent (2020) dismissed inspectorate appeals to two of those planning refusals in Baylham's SLA.
- The Parish asserts that the harms associated with its impact on the SLA more than outweigh any negligible benefit the application offers.
- The stables are not redundant, are a valuable asset, are a going concern and the application gives ample opportunity to create an equestrian property which the council does not permit.
- The lane accessing the site is unsuitable for any increase in traffic movement and has already been designated unsafe/dangerous for ACCOMPANIED child pedestrians by Suffolk Education Authority.
- The likely cumulative impact of a grant of permission on at least 6 other agricultural/equestrian buildings on small land parcels in Baylham, let alone Mid Suffolk, is highly significant.

1.2. Conclusion

The parish meeting asserts that the harms associated with the granting of this change of use within the District's SLA Heritage Asset as well as the unsustainable location, outweigh the negligible benefit. The Parish therefore asserts that the Planning Committee should overrule the LPA's recommendation and refuse.

2. MANDATE

The Parish Meeting has received strong and consistent community support, since the publication of the Village Plan in 2012, for its opposition to any development which is unsympathetic to the amenity

of the Parish's, Rolling Valley Farmland, Special Landscape Area (SLA). Change of use to residential curtilage is unsympathetic, however mitigated, and causes harm to the amenity of a particularly tranquil and attractive part of the Parish's SLA.

Parish Meeting support is manifested (pre pandemic) through quarterly meetings, petitioning against development and the support of more than 50% of the electorate to transition to a Parish Council principally to create a Neighbourhood Plan.

3. BACKGROUND

The site is an equestrian facility consisting ≈3.5 acres of agricultural land that has been used for the keeping of horses for more than 10 years. It comprises the stable block, a schooling arena, a field shelter, hay bale feeders and currently supports two horses. As will be argued, it would be wrong to consider the 0.25 acre site plan in isolation since the facility as a whole is material to the interpretation of NPPF Paragraph 79.

The application is adding only 1 bedroom to the District's housing supply and affords no benefit to Baylham let alone Mid Suffolk. A minimum return journey by car of 4.8 miles is needed to get a pint of milk. The site is isolated, a long way from the settlement boundary, and the lane to the site is classified as unsafe/dangerous for ACCOMPANIED children by Suffolk Education Authority for much of its length from the B1113. Equally the lane from the site to Nettlestead is, if anything, more hazardous.

It will have to be assumed that the site will be occupied by two cars and will be regularly visited by various service and delivery vehicles thus causing harm as outlined in Para 15 of the Inspector's report 4.1.6 below. NB the round trip to the appeal site was much less at 2.7miles.

Both the Parish and, it will be argued, the LPA, regard this application as unsustainable development.

4. PLANNING

4.1. Baylham Residential Planning History since 2018

The Parish Meeting has no authority to prepare a Neighbourhood Plan but nevertheless tries to adopt the principles. The SLA to the west of Hill Farm within the surrounding lane is particularly worthy of protection in keeping within all the principles laid out in the Council's Landscape Guidance 2015.

However the land neighbouring the B1113 is already developed and will support sustainable development. In all, the Parish has approved the building of 11 dwellings under the principles of sustainable development and in so doing has increased its housing stock by more than 10%.

In the following sections the planning decisions made since 2018 are summarised. The LPA has consistently refused all applications away from the B1113 including 2 exception sites on the grounds of SLA impacts and sustainability amongst others. On the two occasions of an inspectorate appeal, the inspector has very clearly supported the LPA refusal and dismissed the appeal. There is no apparent justification or explanation why this application would succeed where the others have failed. The committee is asked to ensure consistency in its decision.

The following sections include the LPA reasons for refusal in blue equally all blue text in this document is either from planning decisions or policy documents.

4.1.1. DC/18/01565 | Planning Application - Erection of 1no. dwelling | Lynton Upper Street Baylham Ipswich Suffolk IP6 8JR. | Status: **Refused**

“The assessment of the application has identified that the proposal does not comply with the development plan and, notwithstanding that the Council does not have a five-year housing land supply, it is considered that the unsustainable location and the impact to the setting of the designated heritage assets significantly and demonstrably outweigh the benefits of the development when considered against the Framework as a whole.”

The Parish asserts that the current application: does not comply with the development plan, especially with the 5 year land supply in place, must be unsustainable since site is about 0.5 miles further along a narrow single track lane from the village which itself is unsustainable, and there is significant harm caused to the SLA, a designated heritage asset.

4.1.2. DC/18/04977 | Full Planning Application - Erection of 4no. affordable dwellings, access, landscaping and private drainage system. | Land South West Of Greenbanks Upper Street Baylham Suffolk | Status: **Refused**

1. while some positive benefits are found with regards to the social and economic impacts of the development, they are not considered sufficient to outweigh the negative weight attached to the above policy considerations or the harm that would be created by allowing the creation of a new dwelling in an unsustainable location. Consequently, this application is refused.”

3. Further, this development would encroach upon Baylham Common, an atypical part of the Rolling Valley Farmland Special Landscape Area, which in and of itself is identified within The Joint Babergh and Mid Suffolk District Council Landscape Guidance (August 2015) as a heritage asset in its own right. Again, this application would bring an element of development, alien to the wider character of the common.”

The Parish comments are as per 4.1.1 above.

Appeal Reference APP/W3520/W/19/3239991

24. The landscape around Baylham is scenic, tranquil and reasonably intact when having regard to historic maps. As such, it is a valued landscape. Its local designation as part of a Special Landscape Area (SLA) is recognition of its quality and sensitivity.....

26. The provision of housing, gardens, parking areas and domestic paraphernalia, such as fences and sheds, at the appeal site would significantly alter its rural pastoral character and erode the sense of rural tranquillity. It would result in a more built up and domestic appearance that would be clearly apparent and intrusive in the landscape

28.I have already set out my reservations in relying too much on landscape screening as a means of mitigating the harmful impacts of the proposal.

30. In conclusion, the appeal scheme would result in a net adverse impact on the landscape, but this impact would not be of a high order. Nevertheless, the adverse impact would be moderately harmful and therefore the proposal would be contrary to Policies CL2 of the LP and CS5 of the CS, which seek to protect and conserve landscape qualities and safeguard the

landscape quality of the SLA. These aims are broadly consistent with Paragraph 170 of the Framework.

Conclusion

43. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

These above points within the inspectors report share strong similarities with the current application site, and support refusal.

4.1.3. DC/19/01639 | Planning Application - Erection of 1no. dwelling | Moat Farm Lower Street Baylham Suffolk | Status: **Granted**

The site for this application is adjacent to the B1113, is sustainable development and has no landscape impact. It was not contested by the Parish Meeting.

4.1.4. DC/19/02401 | Planning Application - Conversion of barn, workshop and store to form 3no. dwellings and Erection of 6no. dwellings with associated accesses, Landscaping and Parking | Lower Barn Farm Lower Street Baylham Ipswich Suffolk IP6 8JP | Status: **Granted**

The site for this application for 9 dwellings is adjacent to the B1113, is sustainable development and has no significant landscape impact. It was not contested by the Parish Meeting.

4.1.5. DC/19/04029 | Planning Application - Conversion and extension of existing stable building to form 1no. dwelling, alterations to vehicular access and associated hard and soft landscaping | Land At Church Lane Baylham Suffolk | Status: **Refused**

1. The proposed development, by virtue of its siting, scale and domestic appearance would detract from the open, rural character of the area and would have an unacceptable impact on the appearance of the Visually Important Open Space and Special Landscape Area. The location of the proposal, on the periphery of a countryside village would result in an unsustainable form of development with the occupants of the site being highly dependent on private cars to access services and facilities for day to day living. While slight social and economic benefits are identified with regards to the application, the identified environmental harm is sufficient to clearly and demonstrably outweigh the benefits of this application. The proposal is contrary to the National Planning Policy Framework, Policies SB3 and CL2 of the Mid Suffolk Local Plan (1998), Policy CS5 of the Mid Suffolk Core Strategy (2008) and Policy FC1 and FC1.1 of the Mid Suffolk Core Strategy Focused Review (2012).

Part of this statement was also supported by the inspector in a previous appeal decision on this site.

'Baylham has very limited services of its own, and the nearest bus service is on the main B1113 at Lower Street, accessible only by a narrow, unlit road. Whilst that bus service appears reasonably frequent and to run in the evening and at weekends, the access to it, particularly at the distance that the appeal site is from the bus stop, would tend to militate against its use, and occupiers of the site would be likely to rely on private transport for the whole of most journeys. As a result, the proposal should not be considered as sustainable development in the terms of its access and use of transport, and therefore does not accord with Policy FC1.1 or the aims of the Framework in that regard.'

The Parish comments are as per 4.1.1 above. It is of note that this was an exception site application and was still refused.

4.1.6. DC/19/04496 | Full Planning Application - Erection of 1 No dwelling and change of use of agricultural land to residential curtilage and land for the grazing of horses. | Land South West Of Fairview Circular Road Baylham Ipswich Suffolk IP6 8LE | Status: **Refused**

1. This application seeks full planning permission for the erection of one new dwelling within Baylham, a small rural settlement with few facilities. The site itself is currently laid to field and is poorly related to the rest of the settlement and falls outside of the established settlement boundary. Saved Core Strategy policy CS01 identifies the application as failing within the countryside and Saved Local Plan policy H7 requires strict control over the development of new housing within the countryside. This is supported by Core Strategy policy CS02. All three of these policies attach negative weight to the application. Paragraph 10 of the NPPF requires that sustainable development is undertaken in a positive manner in line with the presumption in favour of sustainable development. In assessing the site, while some positive benefits are found with regards to the social and economic impacts of the development, they are not considered sufficient to outweigh the negative weight attached to the above policy considerations or the harm that would be created by allowing the creation of a new dwelling in an unsustainable location. Consequently, this application is refused.

2. Further, this development would encroach upon Baylham Common, an atypical part of the Rolling Valley Farmland Special Landscape Area, which in and of itself is identified within The Joint Babergh and Mid Suffolk District Council Landscape Guidance (August 2015) as a heritage asset in its own right. Again, this application would bring an element of development, alien to the wider character of the common.

The Parish comments are as per 4.1.1 above although it should be noted that this was an eco house and the LPA took the view that this might change in the future and could not be relied upon. The same consideration should be given to both the redundancy claim for this application and the opportunity a grant of permission gives to allow an equestrian property in the future, in direct contravention to the council's policy CL21.(See 4.6 following).

Appeal Reference. APP/W3520/W/19/3243146

8. Policy H7 of the Mid Suffolk Local Plan 1998 (LP) exercises strict control over development in the countryside and states that new housing will normally form part of an existing defined settlement. The proposed dwelling would not be located within an existing settlement boundary and would therefore not form part of an existing settlement. The proposal would therefore be at odds with Policy H7 of the LP.

9. In conclusion, the proposal would be at odds with, and harmfully undermine, the adopted spatial strategy for housing in the development plan and the public interest in having a planning system that is genuinely plan led.

15. ...However, siting a dwelling in such a location would frustrate attempts to capture the health benefits gleaned from traveling regularly and conveniently by more sustainable means such as walking. Overall, the harm would not be of a high order. This would nevertheless result in conflict with an underlying aim of the CS to encourage sustainable transport.

18. Unlike the existing buildings it would have a domestic appearance due to the fenestration,

the establishment of a garden and domestic paraphernalia such as parked vehicles and lighting. A dwelling would appear out of place on this side of the valley as it would not be seen in the context of other homes, the nearest being screened by very thick and mature hedges and trees. This suggests that landscaping could soften the impact of the development, but any new landscaping would take a long time to mature to the point it screened the appeal site.....

24. As an adverse impact, the location of the appeal scheme relative to services and facilities would do very little to promote regular walking, cycling and public transport use. It would therefore fail to promote sustainable transport and the health benefits associated with such modes of travel. These are important aims of the Framework. Moreover, Policies CS1, CS2 and H7, although out of date overall, outline a spatial strategy that chimes with these objectives.

25. The foregoing is a point of note because the appeal scheme would not glean direct support from Paragraph 78 of the Framework, which seeks to deliver rural housing where it would enhance or maintain rural communities and settlements or provide an opportunity for a village to grow and thrive. This is because in this instance, the appeal site, although in the broad vicinity of some dwellings, is not physically part of a discernible settlement, rural community or village, the nearest being Baylham. Thus, in the context of this appeal, the development plan is not preventing housing that would otherwise be clearly supported by the rural housing policies of the Framework. The conflict with the development plan therefore still carries moderate weight.

26. The appeal site does not adjoin residential development, is clearly outside a village, hamlet or discernible group of dwellings and is seen in a rural context and therefore it is debateable whether the site is isolated or not. However, even if I shared the view of the Council and appellant that the site is not isolated due to its proximity to a stable and open sided barn, it would make little difference as the Framework does not state that a residential development in the countryside must be isolated to be resisted.

27. The proposal would also harm the character and appearance of the area. This would include harm to an SLA, which is a valued landscape. The Framework advises that valued landscapes should be protected, and that development should be sympathetic to local character and landscape setting. The moderate harm that would occur is a matter of moderate weight in this regard.

29. The provision of a self-build windfall dwelling would benefit housing land supply and choice. However, the Council can currently demonstrate a five-year housing land supply and is therefore presently in the process of significantly boosting the supply of housing. The delivery of a single home would therefore be a limited benefit in this context.

Conclusion

34. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

These above points within the inspectors report share strong similarity with the current application site and support refusal.

- 4.1.7. DC/19/04925 | Planning Application. Erection of a 2 bedroom accessible single storey dwelling and change of use of land to residential curtilage | Chalky Bottom Orchard Circular Road Baylham Ipswich IP6 8LE | Status: **Refused**

1. This application seeks full planning permission for the erection of one new dwelling within Baylham, a small rural settlement with few facilities. The site itself is currently laid to field and is poorly related to the rest of the settlement and falls outside of the established settlement boundary. Saved Core Strategy policy CS01 identifies the application as failing within the countryside and Saved Local Plan policy H7 requires strict control over the development of new housing within the countryside. This is supported by Core Strategy policy CS02. All three of these policies attach negative weight to the application. Paragraph 10 of the NPPF requires that sustainable development is undertaken in a positive manner in line with the presumption in favour of sustainable development. In assessing the site, while some positive benefits are found with regards to the social and economic impacts of the development, they are not considered sufficient to outweigh the negative weight attached to the above policy considerations or the harm that would be created by allowing the creation of a new dwelling in an unsustainable location. Consequently, this application is refused.

2. Further, this development would encroach upon Baylham Common, an atypical part of the Rolling Valley Farmland Special Landscape Area, which in and of itself is identified within The Joint Babergh and Mid Suffolk District Council Landscape Guidance (August 2015) as a heritage asset in its own right. Again, this application would bring an element of development, alien to the wider character of the common.

The Parish comments as per 4.1.1 above.

4.1.8. DC/19/05053 | Planning Application - Erection of 1no. dwelling and creation of vehicular access | Land Adjacent Astraea Lower Street Baylham IP6 8JP | Status: **Granted**

The site for this application is adjacent to the B1113, is sustainable development and has no landscape impact. It was not contested by the Parish Meeting.

4.1.9. DC/20/00638 | Full Planning Application - Erection of a single storey agricultural worker's dwelling in association with Chalky Bottom Orchard (re-submission of DC/19/04925) | Land South West Of Fairview Circular Road Baylham Ipswich Suffolk IP6 8LE | Status: **Refused**

2. REASON(S) FOR REFUSAL - INSUFFICIENT INFORMATION

Insufficient information in relation to the impact of the proposed application on the Special Landscape Area has been provided and therefore the application fails to demonstrate that the site would not give rise to an unacceptable impact in this regard. This was brought to the attention of the applicants during the application process; however, no additional information has been provided.

The Parish comments as per 4.1.1 above as the original grounds for refusal of the original application DC/19/04925 apply and the grounds for exception site status were not established.

4.2. Development within Special Landscape Areas

4.2.1. Landscape overview

This overview is taken from the LPA's assessment of the stable conversion exception site that was refused. DC/19/04029, 4.1.5 above. The committee should be aware that this site, although in a VIOS, abuts the settlement boundary and is surrounded by housing. It is not in any way open countryside like the current application. The LPA's assessment could easily be the same for the current application with very minor and insignificant changes. The Parish

asserts that the LPA conclusion should however be the same.

'Whilst the dwelling will be set essentially as far back as it can toward the northern boundary, it will nevertheless be an alien domestic feature in an open rural landscape. There is no escaping the fact the proposal will result in a domestication of an open field. The appearance of the block will change from rural to domestic with the incorporation of domestic openings. Parking three vehicles adjacent the public footpath is an unfortunate landscape outcome. The domestic garden and patio area, with the inevitable domestic paraphernalia that comes with it, together with the car park hardstand and driveway will suburbanise the appearance of the site. These elements may be less intrusive than the way in which they were presented in the refused 2015 proposal. However, these elements will appear discordant in the rural open setting, a landscape outcome that is harmful given the designated landscape status of the land.

For the reasons above the proposal would erode the openness of the land, designated for that quality as a Visually Important Open Space, and harm the countryside character and appearance, designated for that quality as a Special Landscape Area. The proposal would be contrary to Policy SB3 and CS5. It is acknowledged that the conflict with the latter policy is attached limited weight given this policy promotes the blanket protection of the natural and historic environment, inconsistent with the NPPF. Nevertheless, the harm weighs negatively in the overall planning judgment.'

4.2.2. BMSDC Policy CL2

Within special landscape areas, particular care will be taken to safeguard landscape quality, and where development does occur it should be sensitively designed, with high standards of layout, materials and landscaping.

The application is non complaint with CL2 and the Parish asserts that it is not possible to replace a small, infrequently visited, tranquil stable block with residential curtilage and comply with "particular care will be taken to safeguard landscape quality etc"

4.2.3. BMSDC Policy CR04 MCSC 2008

This policy states that 'development proposals in SLAs will only be permitted where they maintain or enhance the special landscape qualities of the area and ensure that the proposal is designed and sited so as to harmonise with the landscape setting'

The introduction of residential curtilage degrades the SLA qualities of this tranquil area occupied for the overwhelming part of the 24hr period by horses and wildlife.

4.3. BMSDC Planning Policy

4.3.1. BMSDC Core Strategy CS1

The Rest of Mid Suffolk -The Countryside and Countryside Villages

2.37 The Countryside that surrounds Mid Suffolk settlements is attractive and will be protected for its own sake. Villages other than those listed as key service centres, primary and secondary villages will loose their settlement boundaries preventing infill so that development will only be permitted in exceptional circumstances. Such exceptions might be for affordable housing where a local need is identified or small scale employment that can be operationally justified and where these developments cannot be met in a more sustainable location.....

Baylham is not part of the settlement hierarchy and in current policy is classed as a Countryside Village. Significant development has taken place in more sustainable locations within the Parish

and within a few miles of the site including more than 200 affordable houses.

Development is only allowed in 'exceptional circumstances' even without the presence of the SLA. This application is not exceptional in any way and so permission should be refused.

4.3.2. BMSDC Core Strategy CS2

Development in the Countryside and Countryside Villages

In the countryside development will be restricted to defined categories in accordance with other Core Strategy policies. These will include:

1. agriculture and forestry;
2. the preservation of Listed Buildings;
3. rural exception housing to include:
 - 3.1. agricultural workers dwellings
 - 3.2. possible conversion of rural buildings
 - 3.3. replacement dwellings
 - 3.4. affordable housing on exception sites
 - 3.5. sites for Gypsies and Travellers and travelling showpeople
4. the extension of dwellings
5. the reuse and adaptation of buildings for appropriate purposes, as defined elsewhere in this document
6. new-build employment generating proposals where there is a strategic, environmental or operational justification
7. recreation and tourism
8. community services and facilities meeting a proven local need
9. development by statutory undertakers or public utility providers
10. flood protection
11. renewable energy projects
12. mineral extraction
13. waste management facilities.

This application is non compliant with CS2 other than any elements that may be consistent with policy H9 which may cover point 5 above.

4.3.3. BMSDC Policy H9

POLICY H9 CONVERSION OF RURAL BUILDINGS TO DWELLINGS

- 1) IN THE COUNTRYSIDE, THE CONVERSION AND CHANGE OF USE OF AGRICULTURAL AND OTHER RURAL BUILDINGS WHOSE FORM, BULK AND GENERAL DESIGN ARE IN KEEPING WITH THEIR SURROUNDINGS, WILL BE FAVOURABLY CONSIDERED, SUBJECT TO THE FOLLOWING CRITERIA:
- 2) THE PROPOSED CONVERSION MUST RESPECT THE STRUCTURE, FORM AND CHARACTER OF THE ORIGINAL BUILDING AND RETAIN ANY IMPORTANT ARCHITECTURAL FEATURES. EXISTING OPENINGS SHOULD BE UTILISED WHEREVER PRACTICABLE AND NEW OPENINGS KEPT TO A MINIMUM;
- 3) WHERE PROPOSED EXTENSIONS ARE ESSENTIAL THEY SHOULD NOT DOMINATE THE ORIGINAL BUILDING IN EITHER SCALE, USE OF MATERIALS OR SITUATION. PROPOSED EXTENSIONS SHOULD NOT DETRACT FROM THE **APPEARANCE**

OR CHARACTER WHICH WARRANTS THE ORIGINAL BUILDING BEING RETAINED AS A FEATURE IN THE COUNTRYSIDE. DOMESTIC FEATURES, SUCH AS PORCHES AND CHIMNEY STACKS, UNRELATED TO THE TRADITIONAL APPEARANCE OF THE BUILDING WILL BE CONSIDERED INAPPROPRIATE. THE CREATION OF A RESIDENTIAL CURTILAGE AROUND A NEWLY CONVERTED BUILDING SHOULD NOT IMPOSE ADVERSELY ON THE CHARACTER OF THE SURROUNDING COUNTRYSIDE

4) THE EXTENT TO WHICH ANY RESIDENTIAL CONVERSION DETRACTS FROM THE ORIGINAL CHARACTER OF THE BUILDING OR ITS RURAL SURROUNDINGS WILL BE TREATED AS A MATERIAL CONSIDERATION. IN ORDER TO PROTECT THE CHARACTER AND APPEARANCE OF THE CONVERTED BUILDING OR THE AMENITY AND APPEARANCE OF THE SURROUNDING COUNTRYSIDE THE DISTRICT PLANNING AUTHORITY MAY IMPOSE CONDITIONS REMOVING PERMITTED DEVELOPMENT RIGHTS UNDER THE GENERAL PERMITTED DEVELOPMENT ORDER 1995.

The LPA appears to be giving undue weight to this out of date policy. The committee is requested to consider if this policy is really to allow the conversion, and thereby retention, of banal, cheap, relatively temporary shed like structures with no architectural merit, which the majority of stables are, or repurpose more substantive buildings with an element of heritage in their features? The LPA officer's report 3.9 states (with relevant points emboldened):

Local Plan policy H09 sets out the requirements for conversion of rural buildings to dwellings. It requires that proposed conversion respect the structure, form and character of the original building, **keeping important architectural features**. Where proposed extensions are essential, they should not dominate the original building in either scale, use of materials or situation and should not detract from its appearance that **makes it worthy of retention**. The extent to which a residential conversion detracts from the original character of the building or its rural surroundings will be a material consideration.

The report however does not consider 'the appearance or character which warrants the original building being retained as a feature in the countryside'. A stable block rarely has either an appearance or character that is worthy of retention.

Policy H9 dates from 1998 when it was more appropriate for agricultural businesses which had, and indeed have, a recurring need to change the use of buildings as business needs change. It is considered out of date according to current planning definitions and can only be used in the approval of planning applications where it is consistent with the NPPF. This application is not compliant with clause 79 of the NPPF (4.4.1 following) and anyway H9 disappears entirely in the new JLP and the only relevant policy referred to in the replacement clause within LP03 is clause 79 of the NPPF.

However even if the policy was in date and compliant with the NPPF:

para 3 requires that the necessary **RESIDENTIAL CURTILAGE AROUND A NEWLY CONVERTED BUILDING SHOULD NOT IMPOSE ADVERSELY ON THE CHARACTER OF THE SURROUNDING COUNTRYSIDE**

para 4 requires that **THE EXTENT TO WHICH ANY RESIDENTIAL CONVERSION DETRACTS FROM THE ORIGINAL CHARACTER OF THE BUILDING OR ITS RURAL SURROUNDINGS WILL BE TREATED AS A MATERIAL CONSIDERATION**

The current stables are in an isolated, tranquil area of the SLA with no public access. They are

neatly arranged in the corner of the paddock against a hedge /tree backdrop with two horses grazing on agricultural land. The replacement of a tranquil equestrian environment with:

1. a significant increase in vehicle movements. Currently approx 2 movements per day. It is assumed that 2 cars for 2 employed people gives a very minimum of 4 movements per day plus service and delivery vehicles.
2. permitted development,
3. disturbance to the non human environment and
4. paraphernalia, noise, heating (CO2) and lighting that goes along with residential curtilage, seriously and necessarily detracts from the original surroundings and therefore does not justify approval.

NB. The provision of solar panels is not conditioned and there is no guarantee that they will be used in the future. The LPA has previously regarded claims such as these unreliable ref. the Eco House DC/19/04496 4.1.6 above.

4.3.4. The committee may consider the role of H9 as originally intended as part of the 1998 local plan.

This was examined in 2003 in appeal decision APP/W3520/A/06/2019423.

9.While the barn stands as a reminder of Suffolk agricultural traditions, there are few features of interest in the building as a whole. The resulting building would bear a passing reference to the shape of what exists now, but there is very little of note to respect in terms of structure or character. In my opinion, the conversion cannot even be justified in the interest of preserving a building of quality or of significant importance.

10. My conclusion on the first issue is that the proposal would indeed amount to a new dwelling .in the countryside, which cannot be justified on the basis of policies that allow conversion or re-use of rural buildings. There is no reason to depart from the basic premise of controlling new dwellings in the countryside, in accordance with the Government, regional and local policies referred to earlier.

The appeal confirms that H9 is to be used to repurpose and thereby protect buildings in the countryside with architectural or historical merit. This at a time when some policies gave blanket protection to the countryside which would prevent this from happening. It was not intended that H9 be used to justify the retention of ordinary stable blocks. Given that this is the LPA's intent, it is asserted that H9 has been misinterpreted and therefore misused.

4.4. Joint Local Plan and NPPF

Giving weight to the new JLP and following its direction of travel as the LPA continually advises, the conclusion that the application should be refused, is the same. Policy H9 is superseded by LP03 and Clause79 from the NPPF.

Policy LP03 clause 1) is concerned with development within the curtilage of existing dwellings and therefore has no relevance here other than design and construction, which is not the issue at hand. However point 1g) may be relevant as an SLA is a heritage asset, and so the **LPA should be 'resisting the proposal'**.

4.4.1. BMSDC JLP LP03 - Residential Extensions and Conversions

- 1) Proposals for development within the curtilage of existing dwellings, extensions to existing dwellings or conversions within residential dwelling curtilage may be permitted providing they;
 - a) Are in keeping with the size, scale, mass, design and materials of the existing dwelling and wider setting.
 - b) Will not result in over-development of the plot or within the curtilage or create an incongruous impact. The cumulative effects of a number of extensions or conversions to the existing dwelling or dwelling curtilage will be regarded as a material consideration.
 - c) Incorporate good quality design which maintains or enhances the character and appearance of the building, street scene and surroundings and reflects and respects the relationship of the site and its context setting and those of any adjoining properties.
 - d) Will not materially, unacceptably or detrimentally affect the amenities of neighbouring properties or adversely affect neighbouring commercial uses.
 - e) Would not cause the felling of or any damage to any significant trees and hedgerows that contribute to the environmental quality and visual amenity benefits of the locality. Ecology/ biodiversity may be a material consideration as part of the assessment.
 - f) Have safe vehicular access, and sufficient space remains available to park vehicles in the curtilage of the dwelling. Consideration will be given to any relevant parking standards that may need to be taken into consideration.
 - g) Where a proposal affects and harms a heritage asset the local planning authority will resist the proposal.

2) NPPF Clause 79

Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- d) the development would involve the subdivision of an existing residential dwelling; or
- e) the design is of exceptional quality, in that it:
 - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

Point 2c) is the only relevant point from clause 79. It hinges in this case, on the interpretation of the word redundant and the requirement to enhance the setting.

The stables are in current use and therefore not redundant.

Changing the name and doing the same ie claiming redundant use and then just moving the equestrian facility deeper into the paddock is not redundancy.

In a domestic sense, redundancy is not, in any event, a word that realistically applies. Even if the stables are no longer needed and the horses are to go, the site is still a going concern

with significant value in the many tens of thousands of pounds. It may therefore easily be sold as a significant asset and its sale is a legitimate and alternative use.

Point c) also states that 'the development would re-use redundant or disused buildings AND enhance its immediate setting'. It is pretty clear that the current tranquil equestrian setting cannot be enhanced by the introduction of residential curtilage or by the proposed stable conversion.

On these NPPF grounds alone the application should be refused. Inclusion of Clause 79 in the JLP just strengthens the point.

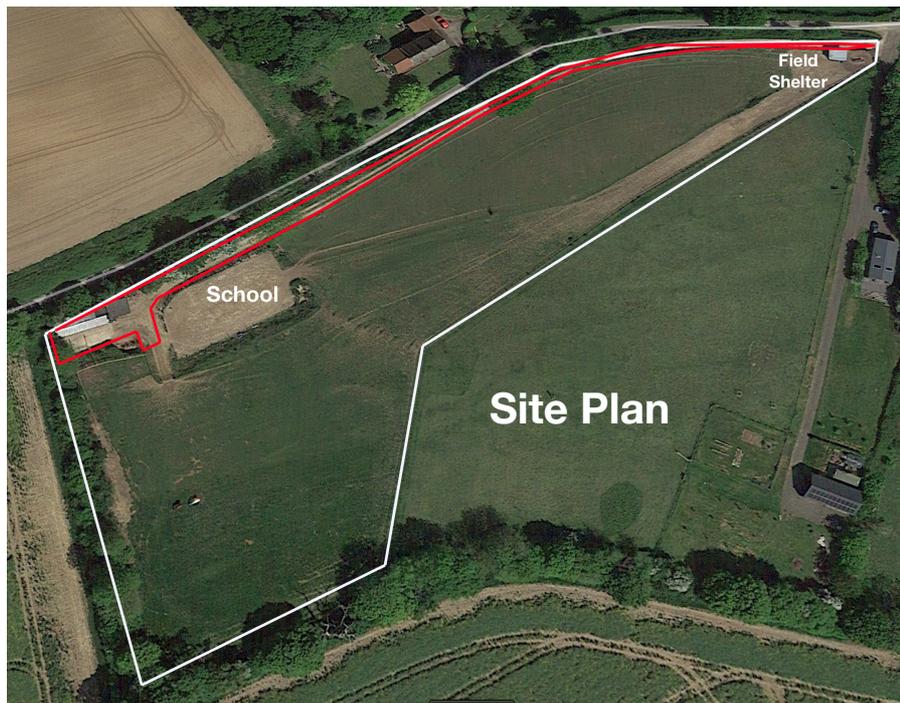
4.5. NPPF Critical Clauses

- 4.5.1. The NPPF also requires development in the countryside to contribute to building a strong and prosperous rural economy through conversion of existing buildings Clause 83 and Clause 148 talks about saving carbon emissions through conversion of existing building. This development does not comply with either.
- 4.5.2. The NPPF also requires development to be sustainable. The LPA itself has described development even within Baylham's settlement boundary as unsustainable.
- 4.5.3. The County Council Education department has classed the lanes as unsafe/dangerous for accompanied children. The lanes being unsafe/dangerous also contravenes Policy T10 which requires the provision of pedestrian safety which cannot be achieved because of the nature of the lanes. The NPPF Para 109 also allows for refusal on highways grounds 'if there would be an unacceptable impact on highway safety'.
- 4.5.4. The site does not meet the 3 overarching objectives of Paragraph 8, being economic, social and environmental. The words used by the LPA in their refusal of the exception site DC/19/04029, the stable conversion above, were as follows. The committee will agree that if anything this exception site was more sustainable than the current application.
 - a) The economic role of sustainable development would not be well served by the proposal. The addition of a single, small dwelling offers negligible local economy benefits in the longer term. There are very limited local facilities that the proposal can help to support.
 - b) The social role of sustainable development would also not be well served by the proposal. A single dwelling offers a very slight benefit in housing supply terms. The district has a five-year housing supply and therefore the weight attached to the proposed housing supply contribution is moderated substantially.
 - c) Environmentally, the site is located in the countryside in policy terms, as it is outside any settlement boundary however, the site has a strong functional relationship to the rest of the village. Baylham has a very limited set of services and access to the nearest bus service is made down a narrow, unlit road and it is considered unlikely that future occupants of the site would make use of it given the difficulties in accessing it. It is considered to be more likely that the day to day needs of the applicants would be made via private motor vehicles.The Parish asserts that this development is unsustainable which is strongly supported by the LPA and does not meet the overarching objectives as laid out in Paragraph 8 of the NPPF.

4.6. Equestrian Property

4.6.1. BMSDC Policy CL21

Point 6. NEW DWELLINGS CONNECTED WITH EQUESTRIAN ACTIVITIES WILL NOT BE PERMITTED IN THE COUNTRYSIDE



4.6.2. This application, if approved, effectively allows for a dwelling connected with equestrian activities which is specifically not permitted.

Any approval of this application could result in the creation of a dwelling with equestrian activities for the following reasons:

- a) The land parcel containing the stables is agricultural land which is big enough to support at least 3 horses (ref. British Horse Society 1 per acre) as per satellite image.
- b) Horses are currently grazed on the land. There is nothing in the application which indicates that this will cease. The plans indicate that the sand school will not be replaced with an alternative landscaped area.
- c) After the dwelling is completed or indeed before, field shelters may be placed in the field to shelter the horses rather than the existing stables. Field shelters on agricultural land do not require planning permission. Thus the stables can easily be replaced to create an all purpose equestrian dwelling. Indeed with the dwelling on the site there is nothing to stop an application for stables which would likely be approved.

Therefore the application should be refused to guarantee compliance with CL21.

The case officer's report gives the benefit of the doubt to the applicant's intent to 'run the stables down'. Whether or not that happens is irrelevant as it is clear that the proposed layout of the site with accompanying paddock allows for a future equestrian property which expressly 'WILL NOT BE PERMITTED' Policy CL21.

5. CONCLUSION

The harms associated with this application on the amenity of Baylham's County and District's Rolling Valley Farmland SLA heritage asset, require the application to be refused.

The proposal does not conform to sustainable development requirements in the NPPF and the opportunity to develop an equestrian property with a grant of permission on this application is too strong. The stables are NOT currently redundant.

The Parish asserts that the cumulative impact on the Parish and wider district were this application to be granted has potentially great significance which is provided against by the council's removal of H9 from the new Joint Local Plan.

The LPA has clearly demonstrated a glaring inconsistency in its recommendation to grant this application when previous residential applications in Baylham are considered. Most glaring of all is the LPA's refusal of an exception site application to convert a stable block bordering the settlement boundary. The Parish VERY STRONGLY ASSERTS that since 2018 to date, all residential determinations have been correctly judged, consistent with local and national policy. This application is the exception and therefore the Planning Committee has no choice but to refuse.

If the planning committee are not persuaded by the above then what follows is the LPA's case officer's conclusion, in full, from the refusal to grant permission for the exception site stable conversion. DC/19/04029.

CONCLUSION

The proposal does not serve the social and economic dimensions of sustainable development well. Benefits in social and economic terms are very modest, not more than slight. It represents an unsustainable location for housing, remote from local services and not well served by realistic sustainable transport modes. Car dependency will be high resulting in environmental harm, albeit less than significant given the modest scale of development proposed.

The site plays an important landscape role, reflected in its dual landscape designation status. The proposal will result in the domestication of an open, rural setting, resulting in landscape harm. The harm caused to the character and appearance of the area, combined with a high level of car dependency, mean that the proposal does not satisfy the environmental role of sustainable development.

The limited social and economic benefits do not outweigh the collective environmental harm that has been identified, indicating sustainable development would not be delivered. Permission should not be granted.