

Application for Planning Permission

OFFICER'S REPORT AND RECOMMENDATION

CASE OFFICER: Averil Goudy

CASE REFERENCE: DC/24/01146

The Openness of Local Government Bodies Regulations 2014

The national regulations on openness and transparency in local government require certain decisions to be recorded where they are taken by officers acting under powers delegated to them by a council. The written record should include the following: The decision taken and the date the decision was taken; the reason/s for the decision; any alternative options considered and rejected; and any other background documents. When read as a whole, this report and recommendation, alongside the accompanying decision notice, constitute the written record for the purposes of the regulations.

PROPOSAL: Full Application - Conversion of former coachhouse to form 1No dwelling.

LOCATION: Greshams Barn, Stowmarket Road, Ringshall, Stowmarket, Suffolk, IP14 2HZ

PARISH: Ringshall.

WARD: Battisford & Ringshall.

APPLICANT: Hitchcock

SITE NOTICE DATE: 25/03/2024

PRESS DATE: 27/03/2024

PLANS, DOCUMENTS AND SUPPORTING INFORMATION

The application, plans and documents submitted by the applicant can be viewed online at:

<https://www.midsuffolk.gov.uk/w/application-search-and-comment>

SUMMARY OF CONSULTATIONS

Ringshall Parish Council Comments Received - 26/03/2024

"Ringshall Parish Council discussed this planning application and welcome the building being brought back to use. Ringshall Parish Council have no objections to this planning application whatsoever."

Environmental Health - Land Contamination Comments Received - 05/04/2024

No objection, subject to informative.

SCC - Highways Comments Received - 20/03/2024

No objection, subject to conditions.

Ecologist Comments Received - 04/04/2024

No objection subject to amendment and conditions.

SCC - Rights of Way Department Comments Received - 11/04/2024

No objection.

SCC - Fire & Rescue Comments Received - 26/03/2024

"The plans have been inspected by the Water Officer who has the following comments to make.

Access and Fire Fighting Facilities

Access to buildings for fire appliances and firefighters must meet with the requirements specified in Building Regulations Approved Document B, (Fire Safety), 2019 Edition, Volume 1 - Part B5, Section 11 dwelling houses, and, similarly, Volume 2, Part B5, Sections 16 and 17 in the case of buildings other than dwelling houses. These requirements may be satisfied with other equivalent standards relating to access for fire fighting, in which case those standards should be quoted in correspondence.

Suffolk Fire and Rescue Service also requires a minimum carrying capacity for hard standing for pumping/high reach appliances of 15/26 tonnes, not 12.5 tonnes as detailed in the Building Regulations 2000 Approved Document B, 2019 Edition.

Water Supplies

Suffolk Fire and Rescue Authority recommends the use of an existing area of open water as an emergency water supply (EWS).

Criteria appertaining to Fire and Rescue Authority requirements for siting and access are available on request from the above address.

Suffolk Fire and Rescue Service recommends that proper consideration be given to the potential life safety, economic, environmental and social benefits derived from the provision of an automatic fire sprinkler system. (Please see sprinkler information enclosed with this letter).

Consultation should be made with the Water Authorities to determine flow rates in all cases."

SUMMARY OF REPRESENTATIONS

1 no. neutral representation was received, summarised as follows:

- Risk of flooding

All individual representations are counted and considered. Repeated and/or additional communication from a single individual will be counted as one representation.

PLANNING POLICIES

SP03 - The sustainable location of new development
SP09 - Enhancement and Management of the Environment
SP10 - Climate Change

LP04 - Replacement Dwellings and Conversions
LP15 - Environmental Protection and Conservation
LP16 - Biodiversity & Geodiversity
LP17 - Landscape
LP19 - The Historic Environment
LP23 - Sustainable Construction and Design
LP24 - Design and Residential Amenity
LP27 - Flood risk and vulnerability
LP29 - Safe, Sustainable and Active Transport

NPPF - National Planning Policy Framework

PLANNING HISTORY

REF: DC/24/01147	Application for Listed Building Consent - Works to facilitate conversion of former coachhouse to 1No. dwelling.	DECISION: PDE
REF: DC/23/03288	Full Application - Conversion of former coachhouse to form 1No dwelling.	DECISION: WDN 25.10.2023
REF: DC/23/03289	Application for Listed Building Consent - Works to facilitate conversion of former coachhouse to a single dwelling.	DECISION: WDN 25.10.2023
REF: 4329/15	Prior Approval (Class Qa) of Proposed Change of Use of Agricultural Building to a Dwellinghouse (Use Class C3)	DECISION: REF 02.02.2016
REF: 0513/14	Change of use and works to facilitate conversion of a barn to a dwelling	DECISION: DIS 20.10.2015
REF: 0125/92/LB	CONVERSION OF REDUNDANT BARN TO DWELLING, INSTALLATION OF PRIVATE SEWAGE TREATMENT PLANT AND USING EXISTING VEHICULAR ACCESS; DEMOLITION OF LEAN-TO ATTACHMENTS.	DECISION: GTD 09.03.1993
REF: 0789/92/	CONVERSION OF REDUNDANT BARN TO DWELLING, INSTALLATION OF PRIVATE SEWAGE TREATMENT PLANT AND USING EXISTING VEHICULAR ACCESS; DEMOLITION OF LEAN-TO ATTACHMENTS	DECISION: GTD 09.03.1993

The site was subject to an application for conversions under reference DC/23/03288 and DC/23/03289 in 2023 which were subsequently withdrawn given the Officer recommendation of refusal pertaining to matters of heritage. This application seeks to address this by providing a curtilage plan and a Heritage Statement.

ASSESSMENT

Details of Amended Plans

During the course of determination, the application was in receipt of a Heritage Statement. Re-consultation with the Heritage Team has taken place on the accompanying listed building consent application (DC/24/01147).

Site and Surroundings

The application site comprises a one and half storey stable building to the northeast of Grade II* listed Greshams Barn and southwest of Grade II listed Ringshall Hall. The painted brick construction with a pantile roof building is considered curtilage listed. The site is outside of the settlement boundary of Ringshall. The site is accessed via Stowmarket Road to the west. There are a number of ponds within vicinity of the site. The application site is at risk of surface water flooding and EA mapping shows it in Flood Zones 2 and 3.

Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, then that determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The assessment and balance made throughout this application is centred on the proposed development's level of accordance with the Development Plan, weighed against and relative to any material planning considerations.

The proposed development has been primarily assessed having had regard to the:
Babergh and Mid Suffolk Joint Local Plan (JLP) (2023)
National Planning Policy Framework (NPPF) (2023)

An integral material consideration in the determination of all planning applications is the National Planning Policy Framework (NPPF) which contains the Government's planning policies for England and sets out how these are expected to be applied.

The NPPF is supported and complemented by the national Planning Practice Guidance (PPG). The PPG provides advice on procedure and elaboration of existing NPPF policies and can also provide statements of new national policy. It is an online reference as a living document and is a material consideration alongside the NPPF.

The application site is outside the settlement boundary. Policy SP03 (the sustainable location of new development) does not provide support for development outside of the settlement boundary, however Table 5 sets out a number of exceptions.

Policy LP04 (replacement dwellings and conversions) is relevant as it supports the principle of converting buildings to residential. It is listed as a permitted exception to development in the countryside, as set out in Table 5. Policy LP04 requires proposals for the conversion of buildings to residential to demonstrate the structure is capable of accommodating the use and the development would reuse redundant or disused buildings and enhance its immediate setting.

The structure would be capable of accommodating the use. From the information available it would appear that the building is currently disused, albeit this has not been made explicitly clear in the submission. Given the low level of less than substantial harm to Grade II listed Ringshall Hall and Grade II* listed Greshams Barn, as discussed in the Heritage section of this report, the proposal would not enhance its immediate setting as it would result in a harmful subdivision of historic curtilage. As such the proposal would not accord with policy LP04, and consequently it would also conflict with policy SP03.

Regard is also needed to LP19 (historic environment) given the heritage value/curtilage listed nature of the buildings. It states that Councils will support the re-use/ redevelopment of a heritage asset, including Heritage at Risk and assets outside settlement boundaries, where it would represent a viable use, and the proposal preserves the building, its setting and any features which form part of the building's special architectural or historic interest.

The proposal would not introduce a viable use, given that the building already has a viable ancillary use, and could be used for a range of other ancillary uses which would be less harmful than the proposed subdivision. Furthermore, the building is not in and of itself of historic merit, being of historic value only through contributing to the setting of Ringshall Hall and Greshams Barn.

The principle of converting the building into a separate residential unit is unacceptable as it would conflict with policies SP03, LP04 and LP19 of the JLP.

Heritage

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest which it possesses.

The practical effect of those legal duties is that the decision-taker is presented with a strong presumption against a grant of permission where harm is identified, as the asset's conservation is a matter of considerable importance and weight.

Irrespective of the level of harm identified to the significance of a designated heritage asset (including from its setting), great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.

Policies SP09 and LP19 and paragraphs 205 and 206 of the NPPF, are consistent with the above duties.

The building stands to the southwest of Ringshall Hall (Grade II), and to the east of the listed former barn (Grade II*), now converted into a residential dwelling called Greshams Barn. To the north is Grade I Church of St Mary, and together these buildings form an isolated manor and church arrangement, as identified on the HER.

The building in question is a former stable block. It is now in the ownership of Greshams Barn. The building was likely built around 1926-30 and is thus likely to qualify as curtilage listed.

The heritage concern relates to the potential impact of the works to the significance of Gresham Barn, Ringshall Hall and the significance of the surrounding listed buildings insofar as their setting contributes to their significance.

A large portion of the land that surrounds Greshams Barn will be allocated to the new proposed development, which is located directly between Greshams Barn and Ringshall Hall. This will intrude into the curtilage of both listed buildings, interrupting the relationship between the three related buildings that form this group, detracting from this historic cluster as a whole.

The building itself is considered to have limited historic value. By changing its use into a dwelling, it would create an intrusive, unrelated development which adversely affects the setting of both buildings.

The substantive difference between these applications and those withdrawn in 2023 is a curtilage plan. In the previous heritage comments (dated 7th August 2023) the location plan as drawn brought the boundary right up to the corner of the listed former barn, cutting off occupants' access round the building and unnecessarily fragmenting the surroundings, and potentially attaching two boundaries to the building. Whilst this has been amended, it hasn't altered the conclusions of the Heritage Team regarding fragmentation of the setting of the listed buildings. A Heritage Statement has also been submitted and reviewed by the Heritage Team under a re-consultation. The Statement is not considered to provide any 'clear and convincing' justification for the harm.

A low level of less than substantial harm has been identified to the significance of the Grade II listed Ringshall Hall and Grade II* listed Greshams Barn.

In line with Policy LP19 and paragraph 208 of the NPPF, public benefits (including securing its optimum viable use) must be identified within the proposed development that outweigh the harm. Paragraph 205 of the NPPF states that *great weight* should be given to an asset's conservation, and the more important the asset, the greater the weight should be [emphasis added].

The building itself is considered to have limited historic value and therefore there is no benefit inherent in its retention per say. It is the interrupted relationship and subdivision of the curtilage that is harmful to the significance of the assets. The building in its current use as a stable block (or alternative ancillary use) is the optimum viable use of the building. Any future change of use would be harmful due to the subdivision (and no evidence has been provided to demonstrate otherwise). As to the public benefits of the proposal, these would arise from construction as a short-term (but which could be provided for a use less harmful than that proposed) and localised economic consideration and the supply of 1no. dwelling. The benefit of additional housing is significantly reduced in the presence of a substantial five-year housing land supply.

In the round the public benefits are of very limited weight, particularly where the building is currently in its optimum viable ancillary use, such limited benefits are therefore not considered to outweigh the considerable weight attached to the identified harm to the heritage assets.

The proposal development is therefore considered contrary to JLP policies SP09 and LP19, Section 66 of the Listed Buildings Act 1990 and Chapter 16 of the NPPF (2023). The heritage aspects described above are at the core of consideration and determination of the planning merits of this application.

Design and Layout

In respect of policies SP09, LP19, LP23 and LP24 and paragraphs 131, 135 and 139 of the NPPF, the importance of attaining a good standard of design, which harmonises with the locality, and securing sustainable construction methods in development is imperative.

The proposed conversion seeks to convert the stable block to a one-bedroom dwelling. The proposal maintains the vaulted volume, proposing one bedroom at first floor only. The external appearance shall be maintained as painted brickwork. The existing openings are to be utilised with limited new openings (two rooflights and one door). The character of the building would be retained.

The proposal is deemed acceptable in terms of design, layout, siting, form and scale and does not give rise to any demonstrable adverse impact to the character of the locality. The proposal is considered to comply with policies LP04, LP19 and LP24 in this regard.

Residential Amenity

Policy LP24 and paragraph 135 of the NPPF seek to ensure development does not detrimentally affect the residential amenity of neighbouring residents and provides adequate amenity for future occupiers to achieve and maintain well-designed places and the health and wellbeing of communities.

The development would utilise the existing building on site. There is intervening built form and landscaping to obscure views between the site and neighbouring gardens. The proposed dwelling is not considered to cause material harm to the amenity enjoyed by neighbouring properties in the form of loss of daylight, overbearing, overshadowing, outlook, overlooking, and privacy.

The proposal is therefore acceptable and does not give rise to any material residential amenity harm to warrant refusal.

Highway Safety

Policy LP29 and paragraphs 109, 114, 115 and 117 of the NPPF seek to ensure development promotes opportunities for improved connectivity and does not severely affect the highway network, including the safety of users, by securing safe access and egress, parking and visibility.

The existing access off Stowmarket Road would be utilised to serve the development. The development would be served by 2no. parking spaces. The Highways Authority have been consulted and have raised no objection subject to conditions.

The proposal would not severely affect the highway network and the safety of its users and is therefore acceptable.

Flood Risk and Drainage

Policies SP10 and LP27 and paragraph 165 of the NPPF seek to secure sustainable drainage systems and steer development away from areas vulnerable to flooding and ensure development does not increase flood risk elsewhere now or in the future, taking account of all sources of flood risk.

Drainage and waste matters on minor developments are covered by Part H of Building Regulations 2010 and are not considered by the Local Lead Flood Authority or Environment Agency.

The site is vulnerable to pluvial flooding (where the risk is low to moderate). EA mapping shows the site to be in Flood Zones 2 and 3, albeit flooding modelling has confirmed that the risk of fluvial flooding is low to negligible. The submission is accompanied by a site-specific Flood Risk Assessment.

The change of use increases the flood risk to the building; the vulnerability classification of the dwelling is changed (residential development is 'more vulnerable'). As the proposal is for a conversion, it is not subject to the sequential test (ST).

The modelling suggests that the building is in Flood Zone 1, but this remains inconsistent with the EA maps. Prior to the grant of any planning permission, the EA should confirm the technical acceptability of the FRA.

There are a number of matters within the FRA which should be clarified/amended, including:

- Reference is made to the floodplain (Flood Zone 3b) and only using the central sensitivity allowance. Guidance says that vulnerable uses in Flood Zone 3b shouldn't be permitted.
- The climate change sensitivity allowances only go up to the 2080s and the LPA should assess this up to 2124 so there could be a difference in predicted rainfall in this time.
- The modelled flood extent should be shown all together on one plan with the development shown too. This will help the LPA to see where the inundation will reach in a flood event so we can then carry out the policy assessment of safe for its lifetime (including access and egress) as well as not increasing flood risk elsewhere. It looks as though some of the modelled flood risk is in the same location as the building, or at least it comes around the building. In any case, we need to see the flood extents relative to the building and the means of access egress.

To conclude, there is insufficient information available to the LPA to assess whether the development will be safe for its lifetime and would not increase flood risk elsewhere. The FRA has failed to demonstrate that future users of the development will not be placed in danger from flood hazards throughout its lifetime. It has also not been demonstrated that safe access and egress is achievable, especially for emergency vehicles. The proposal is contrary to policies SP10 and LP27 and paragraph 165 of the NPPF.

Landscape

Policies SP09 and LP17 and paragraphs 136 and 180 seek to protect and enhance the landscape and its key characteristics, both at a site-specific level and within the wider locality.

The application site is not within any landscape designations nor are there any protected trees on site. The proposed site plan illustrates that the existing post and rail fencing to the south of the building would be retained. Three new oak posts at 900mm high are proposed to delineate the parking area from Ringshall

Hall Farm's. The landscape strategy is minimal and the retention of existing boundary treatment and vegetation is supported.

The proposal would not result in any significant localised or widespread adverse landscape impacts and is therefore acceptable.

Ecology

Under Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended) and section 40 of the Natural Environment and Rural Communities Act 2006, the Council has a statutory duty to have regard to designated sites, protected and priority species and habitats in all decisions taken.

Policies SP09 and LP16 and paragraphs 180 and 186 of the NPPF seek to protect, enhance and manage the natural environment, placing a specific emphasis on biodiversity.

A Bat Survey Report (MHE Consulting Ltd., June 2023) and the Ecology Report (MHE Consulting Ltd., June 2023) have been submitted with the application relating to the likely impacts of development on designated sites, protected and Priority species and habitats, and identification of proportionate mitigation.

The Council Ecologist raises no objection to the proposal subject to securing the recommendations of the Bat Survey Report (MHE Consulting Ltd., June 2023), the Ecology Report (MHE Consulting Ltd., June 2023), and the Precautionary Method Statement for mobile species, including GCN and Hedgehog and the submission of a copy of a Natural England for a Bat Mitigation Class Licence (BMCL). Any future planning permission should not be granted until the precautionary Method Statement for mobile species has been amended to contain instruction for a Toolbox Talk to be given immediately prior to works commencing. Whilst this has been requested from the agent prior to determination, an amended version of the Ecology Report has not been forthcoming.

Policy LP16 specifically requires all development proposals 'to identify and pursue opportunities for securing measurable net gains, equivalent of a minimum 10% increase in biodiversity'.

Through updates to the PPG on the 14th February 2024, it was clarified that it would be inappropriate for Development Plan policies to require biodiversity net gain from developments that would otherwise be exempt under The Biodiversity Gain (Exemptions) Regulations 2024.

The building subject of this application is on existing hardstanding and the proposal conversion would not affect 25sqm of on-site habitat. Thus, the development would be 'de minimis' and as such is exempt from providing BNG in line with The Biodiversity Gain (Exemptions) Regulations 2024.

The proposed development therefore complies with policies SP09 and LP16 and paragraphs 180 and 186 of the NPPF and enables the Council's statutory duties to be discharged.

PLANNING BALANCE AND CONCLUSION

The proposal is contrary to Development Plan policies SP03, SP09, SP10, LP04, LP19 and LP27 and there are no material considerations which indicate a decision should be taken that departs from the Development Plan. The recommendation is therefore to refuse planning permission.

RECOMMENDED DECISION: Refused

I have considered Human Rights Act 1998 issues raised in relation to this proposal including matters under Article 8 and the First Protocol. I consider that a proper decision in this case may interfere with human rights under Article 8 and/or the First Protocol. I have taken account of exceptions to Article 8 regarding

National Security, Public Safety, Economic and wellbeing of the Country, preventing Crime and Disorder, protection of Health and Morals, protecting the Rights and Freedoms of others. I confirm that the decision taken is necessary, not discriminatory and proportionate in all the circumstances of the case.