

**Item No: 1**

**Reference: B/08/01464/FUL**

**Parish: FRESTON**

**Location: Tower House, Freston Park.**

**Proposal: Continued use of annex as holiday let accommodation.**

**Applicant: Mr and Mrs Rogers.**

**Case Officer: Gareth Durrant**

**Date for Determination: 11.11.08**

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## **THE SITE**

1. The application site encompasses an area of land approximately 0.42 hectares in size and the application property (Tower House) comprises one of three residential units within this 16<sup>th</sup> Century timber framed and brick building, which is Grade II listed. Freston Tower, a Grade II\* listed building is positioned outside of the site to the north.
2. Tower House is located outside the built up area boundary of Freston. The site is situated within the nationally designated Area of Outstanding Natural Beauty, is an archaeological site and contains trees protected by Tree Preservation Orders. The driveway from the B1456 (Freston Hill) is also a public footpath (although this does not extend into the grounds of Tower House).

## **THE PROPOSAL**

3. Planning permission is sought for change of use of an annexe building within the grounds of Tower House to holiday let accommodation. The use is on-going and the annexe has been occupied on a short-term let basis for holiday accommodation for a few months. No alterations are proposed to the building.

## **RELEVANT HISTORY**

4. 2008 – Application to vary condition 4 of planning permission B/04/00642/FUL to enable the annex building to be used for holiday lettings was withdrawn before determination. Application number B/08/01163/ROC refers.
5. 2005 – Planning permission and listed building consent granted for retention of single-storey extension (to house hydrotherapy pool) to residential annex. Retention of 1.8 metre high wall. Application numbers B/05/00965/FHA and B/05/00966/LBC refers.
6. 2004 – Planning permission granted for erection of single-storey detached annex (alternative to planning permission B/03/01407/FUL). Application number B/04/00642/FUL refers.

7. 2003 – Planning permission and listed building consent granted for the erection of single-storey detached annex. Application numbers B/03/01407/FUL and B/03/01408/LBC
8. 2003 – Planning permission and listed building consent refused for the erection of a single-storey side extension to provide granny annexe (B/03/00403/FHA and B/03/00404/LBC refer).
9. 2002 – Planning permission and listed building consent refused for the erection of a two-storey side extension. Application numbers B/02/00918/FHA and B/02/00919/LBC refer).
10. 1999 – Planning permission and listed building consent granted for the erection of a single-storey link extension between existing garage and dwelling and alterations to garage to facilitate conversion to garden room (application numbers B/99/00503/FHA and B/99/00504/LBC refer).
11. 1982 – Planning permission granted for the erection of a double garage (application number B/82/00657/FHA refers).
12. 1973 – Planning permission granted for conversion of 4 derelict cottages into three dwellings (application number W/10478 refers)

## **NATIONAL GUIDANCE**

13. **PPS1:** (Delivering Sustainable Development)  
**PPS3:** (Housing)  
**PPS7:** (Sustainable Development in Rural Areas)  
**PPG13:** (Transport)  
**PPG15:** (Planning and the Historic Environment)  
**PPG16:** (Planning and Archaeology)

Good Practice Guide on Planning for Tourism (effectively replaced PPG21 – Tourism on 1<sup>st</sup> September 2006)

## **PLANNING POLICIES**

14. The Development Plan comprises the East of England Plan, adopted 2008, saved policies in the Suffolk Structure Plan, adopted 2001, and the Babergh Local Plan (Alteration No.2) adopted 2006. The following policies are relevant to this proposal:

### **East of England Plan – 2008**

- **SS1:** (Achieving sustainable development)
- **SS2:** (Overall spatial strategy)
- **SS4:** (Towns other than key centres and rural areas)
- **ENV7:** (Quality in the built environment)

### **Babergh Local Plan (Alteration No.2) 2006**

- **EN08:** (Stour and Orwell estuaries)
- **HS04:** (Housing in the countryside)
- **CR01:** (Landscape quality and character of the countryside)
- **CR02:** (Areas of Outstanding Natural Beauty)

- **CR19:** (Conversion of buildings in the countryside to dwellings or holiday accommodation)
- **CN06:** (Listed Buildings and settings of Listed Buildings)
- **CN17:** (Archaeology)
- **RE08:** (Recreation provision within the Suffolk Coasts and Heaths Area of Outstanding Natural Beauty project area)

**The relevant documents can be viewed via the internet. Please see Page 4 for details.**

## **OBSERVATIONS**

15. Any observations received will be reported to the meeting.

## **REPRESENTATIONS**

16. Any representations received will be reported to the meeting.

## **PLANNING ISSUES**

17. The application proposes the change of use of an existing building in the countryside to a dwelling, albeit a dwelling with restricted occupancy to enable short periods of occupation only. The establishment of new dwellings in the countryside outside of defined built up area boundaries of towns and villages is contrary to policy (HS04). However, as the proposal is to re-use an existing building for this purpose, Local Plan Policy CR19 is the principal policy. This policy sets out criteria against which proposals for conversion/use of redundant or under-used buildings in the countryside to dwellings/holiday accommodation are considered. It states that such proposals will only be permitted if:
- It can be demonstrated that the alternative uses for business, community and leisure uses have been thoroughly explored and can be discounted.
  - The building's location makes it unsuitable for conversion to other uses;
  - The building is of architectural or historic merit and is capable of conversion without significant re-building or extension
  - The method of conversion retains the character of the building and, in the case of barns retains the single open volume with minimal change
  - The scheme is acceptable in terms of highway safety
  - The building is not at risk of flooding
  - There is scope for connection to a suitable drainage system, and
  - There is no material adverse impact on protected species, particularly bats and barn owls.
18. The following paragraphs of the report will consider the application proposal against each criteria of Local Plan Policy CR19

**It can be demonstrated that the alternative uses for business, community and leisure uses have been thoroughly explored and can be discounted.**

19. The applicant has not explored the potential for alternative uses of the building for business, community or leisure purposes. This is normally tested via an agreed marketing campaign over a 12 month period. A marketing campaign is not considered necessary on this occasion because of i) the existing character and previous use of the building, ii) highway safety issues and iii) locational issues.
20. The building was purpose built as a 'granny annex' and until relatively recently was occupied by a close relative of the applicants and represented an ancillary use to Tower House. The building therefore has the appearance and the fixtures and fittings of a domestic, rather than commercial building.
21. The application site is accessed from the B1456 via a single lane farm track which is also a public footpath. There are limited opportunities for vehicle passing along the driveway which is deemed unsuitable for intensive use or regular use by large vehicles. Furthermore, the vehicular access onto the B1456 is not ideal with visibility less than current standards. The stretch of the B1456 which passes the vehicular access to Tower House is not subject to a speed restriction (below the national speed limit). This, coupled with the reduced (although not necessarily significantly dangerous) visibility splays does not make the use of the access ideal for large and/or slow moving vehicles, which would visit a commercial/leisure use more regularly than a residential use.
22. Location issues are discussed within the next sub-section.

**The building's location makes it unsuitable for conversion to other uses;**

23. The issues of accessing the location of this building for other uses is discussed above.
24. The application building is situated within the curtilage of a listed building which itself is part of a group of listed buildings, including one of Grade II\* status. Any proposals that could lead to the physical separation of the application building from the listed building or the subdivision of the grounds would be undesirable and would be detrimental to its setting. Furthermore, the introduction of commercial, community or leisure uses into the building are likely to require additional parking provision (there is currently ample space to serve the Tower House and the outbuilding). Any increase in parking provision within the application site would detract from the setting of the listed building. Any increase in parking outside (even abutting) the application site would represent an intrusion into the countryside and be detrimental to the landscape qualities of the Area of Outstanding Natural Beauty.
25. The application site is also within the grounds of an existing dwellinghouse. Whilst this would not necessarily restrict non-residential uses per se, it is likely to severely limit the range of alternative uses that could potentially be suitable.

**The building is of architectural or historic merit and is capable of conversion without significant re-building or extension**

26. The application building is a recently constructed residential annex. Accordingly, it does not require any re-building or extension to facilitate the proposed change of use to a holiday accommodation.
27. As a modern building, the annex is not of any architectural or historic interest. Whilst this aspect of the application proposal conflicts with the provisions of policy CR19, and would normally lead to a refusal of planning permission, the implications of a refusal of planning permission must also be considered.
28. As previously stated, the application building is situated within the grounds of a listed building. Whilst the building is well designed and is constructed of sympathetic materials, because of the date of its construction, it has a neutral (as opposed to a

positive) impact upon the setting of the Tower House. The dwelling (Tower House) already has sufficient outbuildings for garden equipment etc. So if planning permission is refused for this development, the building is unlikely to be used at all (other than, perhaps, occasional overnight accommodation for guests). The lack of a suitable use for the building could (now or in the future) leave it vulnerable to neglect and may cause it to fall into disrepair as a consequence, all of which would be detrimental to the setting of the group of listed buildings and the Area of Outstanding Natural Beauty.

29. Accordingly, it is considered that, on balance and given the particular and unique circumstances of this case, this particular conflict with the criteria of Policy CR19 can reasonably be set aside.

**The method of conversion retains the character of the building and, in the case of barns retains the single open volume with minimal change**

30. The application does not include any building operations and is for change of use only. The building already has a domestic appearance given its previous use as an annex.

**The scheme is acceptable in terms of highway safety**

31. Highway safety issues are discussed at paragraph 27. There are no objections, on highway safety grounds, to the proposed change of use of the building to a holiday dwelling.

**The building is not at risk of flooding**

32. The application site is situated well outside the flooding zones indicated for the river Orwell and there are no concerns in this respect.

**There is scope for connection to a suitable drainage system, and**

33. The application proposes connection to the existing septic tank system which, in this particular case (given the low level usage by a single dwelling) is considered acceptable.

**There is no material adverse impact on protected species, particularly bats and barn owls.**

34. The building is not of construction or character such that it would be suitable habitat for protected species (bats and barn owls). There are no concerns in this respect.

**Other issues**

35. The proposal would not have a detrimental impact upon the adjacent public footpath and, with no ground disturbance proposed, would not be harmful to any archaeological deposits within the site. None of the protected (TPO) trees would be affected. Furthermore, being a re-use of an existing building, the proposal would not be harmful to the landscape qualities of the Area of Outstanding Natural Beauty and given that the site has no permitted development rights for the erection of boundary enclosures and the fact that the building would be for holiday accommodation rather than permanent occupation as a dwelling, the site is unlikely to be sub-divided and would not therefore, be detrimental to the setting or character of Tower House or the other adjacent listed buildings.

**REASONS FOR APPROVAL**

36. The proposal for the change of use of the existing residential annex to holiday accommodation is acceptable. Whilst the building in question is not of historic or architectural importance (which is a requirement of Local Plan policy CR19), its re-use would safeguard against potential deterioration which would be detrimental to the setting of the listed building (Tower House). Accordingly, the proposal complies with the provisions of Government Planning policies (PPG 7 and PPG15 in particular) and is in general accordance with the provisions of the Development Plan. Furthermore, the development would not be harmful to vehicle (road) or pedestrian (public footpath) safety, would not be harmful to the setting of the group of adjacent listed buildings, the archaeological importance of the site, nor the landscape qualities of the nationally designated Area of Outstanding Natural Beauty.

### **RECOMMENDATION**

Grant planning permission, subject to conditions including;

- Occupancy condition
- Details of parking areas to be provided and those areas to be retained for parking.