

---

## Appeal Decision

Site visit made on 3 October 2016

**by J Flack BA Solicitor**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 19 October 2016**

---

**Appeal Ref: APP/A1530/W/16/3149217**

**Horsepits Farm, Cooks Hall Road, West Bergholt, Essex CO6 3EX**

- 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 and Mrs R Barrow against the decision of Colchester Borough Council.
  - The application Ref 152337, dated 23 October 2015 was refused by notice dated 9 December 2015.
  - The development proposed is change of use of granny annexe to private dwellinghouse.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are whether the proposal would be appropriate to its location in the context of planning policies which generally seek to restrict residential development in the countryside, and the effect of the proposal on the setting of the Grade II\* listed building known as Horsepits Farm (listed as Horsepits Farmhouse).

### Reasons

3. The list description for Horsepits Farm records that the house dates from no later than the C16. It is an obviously important example of rural vernacular architecture, being a very impressive two storey timber framed house of high status with prominent cross wings. The front elevation is given appropriate prominence by the house's situation within a sloping and extensively lawned curtilage which, in front of the house, falls steeply towards the River Colne.
4. A small distance below the house is a brick building which the appellants describe as an old dairy. It has the appearance of a farm outbuilding which has been subject to some alteration over the years. Adjacent to this is a barn which is the subject of the appeal. This is an attractive timber framed structure, faced with boarding. It contains much recent joinery, but many elements of the frame are clearly of considerable antiquity. The appellants state that the barn is older than the house, and I understand that it was extensively restored in the course of its recent conversion to a granny annexe.
5. The planning permission for the change of use of the barn to a granny annexe was subject to a condition requiring that it be occupied only by dependent relatives of residents of the house and that it not be sold or leased

independently of the house. The accommodation provided by the barn includes a kitchen area and bathroom. Its occupiers would therefore not have to rely on the facilities of the house for day to day living, but this is not an unusual feature of granny annexes. I consider therefore that the proposed change of use of the barn from a granny annexe to a private dwellinghouse would amount to the provision of a new dwelling for the purposes of planning policy.

6. The barn lies some distance from the well defined built up area of West Bergholt and the services and facilities which the village offers. Whilst the length of highway connecting the entrance to Horsepits Farm to the village is quite short, it has a rural and undeveloped character, and the barn and house are reached from the entrance along a drive which runs between fields. They do not form part of a cluster of dwellings, let alone a settlement, as the nearest dwellings are some distance away. It follows that the proposal would result in a new isolated home in the countryside, which paragraph 55 of the National Planning Policy Framework (the Framework) states should be avoided unless there are special circumstances, and it would also be contrary to the settlement hierarchy contained in the recently revised Policy SD1 of the Core Strategy<sup>1</sup>.
7. As the appellants point out, the barn has only one bedroom, but the accommodation provided is spacious, offering potential for further subdivision, and the proposed plot is very generously sized. The old dairy would provide an outbuilding, but the potential for use of the extensive outbuildings adjacent to the house would be removed. I acknowledge that alterations to the barn would be subject to planning control and that applicable permitted development rights relating to outbuildings and boundary enclosures could be removed by condition. However, future applications for such proposals would need to take into all material considerations into account: these would include the reasonable wishes of the occupiers of the barn for privacy and seclusion, and for additional structures and alterations to meet their aspirations as independent occupiers. Moreover, the provision of boundary enclosures and screening by way of planting would not be subject to planning control, and I saw on my visit that although there is some planting behind the old dairy, other lengths of the proposed boundary between the sites of the barn and the house are open, providing little privacy. Although the barn is served by a short separate branch of the drive, the proposed site and that of the house do not read currently as separate sites, but instead as a unified and substantially open curtilage.
8. Given the above matters, although the tastes and lifestyles of individual occupiers would vary, to my mind there is material potential for the barn and site to be more intensively used as an independent dwelling than they would be by the dependent relatives to which occupation is limited at present, and for there to be a considerably greater degree of visual separation between the house and the barn than at present.
9. These matters are of particular concern given that the house is listed at Grade II\*, a high designation accorded to only a very small proportion of listed buildings. Accordingly a precautionary approach is required to the appeal proposal. I have not been provided with any detailed history or analysis of the relationship between the barn and the house, or the role of the proposed site in the setting of the house. However, I understand that Horsepits Farm has been in the ownership of the appellants' family since the early C20, and this is

---

<sup>1</sup> Local Development Core Strategy adopted December 2008, selected policies revised July 2014

suggestive of a close connection between the buildings and that the proposed site has a material role in the setting of the house. On the basis of the limited evidence before me, I accordingly conclude that the proposal would be harmful to the setting of the listed building.

10. The proposal would therefore be contrary to Policy DP14 of the Development Policies<sup>2</sup> which seeks to protect heritage assets. There would also be conflict with the objectives of sustaining the character of the countryside and compatibility with local character contained in Policy SD1, and with Policy ENV1's objective of conserving and enhancing the natural and historic environment.
11. The appellants contend that if the Framework had existed at the time of the conversion of the barn, permission would very likely have been given for an independent dwelling given that the special circumstances listed in paragraph 55 include the re-use of redundant or disused buildings and lead to an enhancement to the immediate setting. I am not convinced that this would have been the case given the considerations arising from Horsepits Farm's listed status, and in any event the proposal must be considered against the provisions of paragraph 55 in the light of the current circumstances. These are that the barn is clearly neither redundant nor disused, and I have identified that the proposal would be harmful to its setting. As there is no evidence of other special circumstances outlined in paragraph 55, I conclude that the proposal would be contrary to that paragraph of the Framework.
12. For the purposes of the historic environment policies of the Framework, Horsepits Farm is a designated heritage asset, and in its overall context I consider that the proposal would result in less than substantial harm. This is to be weighed against the public benefits of the proposal (paragraph 134), but in the context of the statutory duty<sup>3</sup> engaged by the proposal to have special regard to the desirability of preserving the setting of the listed building. This is reinforced by paragraph 132 of the Framework, which states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and that the more important the asset, the greater the weight should be.
13. The addition of a single dwelling to the housing stock of the Council's area would be a public benefit, but very minor in scale. It is clearly important that the barn be retained in beneficial use, and I note the change in family circumstances which the appellants say has led to the appeal proposal. However, whilst the appellants contend that it is possible that barn will become uninhabited under the current permission, there is no marketing or other evidence before me to demonstrate that this is likely. I am thus not persuaded that the proposal would be of substantive benefit in assuring the barn's future beneficial use. I conclude that the public benefits of the proposal would not outweigh the harm I have identified, and the proposal would therefore be contrary to the historic environment policies of the Framework.
14. The appellants draw attention to the grant of planning permission for other residential barn conversions in the area. Whilst noting from the limited information provided that there are some similarities between these

---

<sup>2</sup> Local Development Framework Development Policies, Adopted October 2010

<sup>3</sup> Planning (Listed Buildings and Conservation Areas) Act 1990, section 66

developments and the proposal before me, the qualities of every listed building are unique. I have no detailed information as to these or other planning considerations in relation to the developments cited by the appellants. Whilst therefore I note the permissions, I do not consider that they provide substantive justification for the appeal proposal.

*Conclusions*

15. For the above reasons, I conclude on the evidence before me that the proposal would not be appropriate to its location given the conflicts with development plan and national policy I have identified in this respect. I have also concluded that there would be harm to the setting of the listed building and consequent further planning policy conflicts. The appeal is therefore dismissed.

*J Flack*

INSPECTOR