
Appeal Decision

Site visit made on 31 October 2016

by Graham Chamberlain BA (Hons) MSc MRTPI

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

Decision date: 7th November 2016

Appeal Ref: APP/Z1510/W/16/3154523

Prayors Hill Farm Barns, Prayors Hill, Sible Hedingham, Essex CO9 3LE

- 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 Charterhouse Macmillan against the decision of Braintree District Council.
 - The application Ref 16/00669/FUL, dated 15 April 2016, was refused by notice dated 6 June 2016.
 - The development proposed is the change of use and conversion of agricultural barns to provide three residential dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - Whether the proposed development would constitute a suitable site for housing having regard to local and national rural housing policy;
 - The effect on the character and appearance of the area including whether the proposal would preserve or enhance the character or appearance of the Sible Hedingham Conservation Area and the setting of Prayors Farm House¹, a Grade II listed building; and
 - The effect on the living conditions of future occupants with particular reference to privacy.

Reasons

Whether the proposed development would constitute a suitable site for housing having regard to local and national rural housing policy.

3. The appeal site is located on the northern side of Prayors Hill and encompasses a complex of both historic and more modern agricultural buildings located on the periphery of Sible Hedingham. The site is located outside of the Development Boundary of the village as defined in the Braintree District Local Plan Review 2005 (LP) and is therefore situated in the 'countryside' and subject to countryside policies. Policy CS5 of the Braintree District Council Core

¹ Also referred to as the Manor of Prayors

Strategy 2011 (CS) states that development in the countryside will be strictly controlled.

4. As an exception to the general policies of restraint for development in the countryside as set out in the development plan, Policy RLP38 permits the conversion of rural buildings to dwellings if, amongst other criteria, appropriate consideration has first been given for commercial and community uses. I consider this approach is consistent with Paragraph 28 of the National Planning Policy Framework (The Framework), which seeks to support a prosperous rural economy through the conversion of buildings.
5. The appellant has suggested that a commercial conversion is unviable pointing to the fact that commercial developments at the site have been approved² but not implemented, as evidence underpinning this contention. I am not satisfied this is a sound basis on which to make such a judgement. This is because previous schemes may not have come to fruition for a number of reasons unrelated to scheme viability.
6. In my view, a more robust approach would be to market the buildings for a commercial use or provide technical evidence, such as an expert opinion, that the cost of conversion relative to the return from a commercial redevelopment would be unviable or that there is a local over supply of commercial floor space. Substantive evidence in this respect is not before me and therefore I am not satisfied appropriate consideration has been given to commercial uses in the first instance. Thus, the proposal would frustrate the aims of Policy RLP38 of the LP.
7. In reaching this view I note the Government's intention to significantly boost housing supply. However, this objective is to follow a planned approach through the preparation of distinctive local plans. Moreover, I have not been presented with evidence to suggest the Council are currently unable to demonstrate a five year housing land supply which would render Policy RLP 38, as a policy affecting the supply of housing, as out of date. Additionally, as the barns cannot be converted to dwellings by enacting 'permitted development' rights, the Government's objectives underpinning this process are not a matter that accrues determinative weight in favour of the proposal.
8. The Council have also suggested that, when applying Paragraph 55 of the Framework, the appeal scheme would result in dwellings isolated from the core of the village. I am not satisfied this is the case as the appeal site is located in close proximity to a pavement, which links the appeal site to some of the facilities in the village, including those in Swan Street and Church Street. As facilities would be available within a comfortable walk the site would not be a detached or isolated form of development. Nevertheless, although the appeal site is not isolated, a conversion without having first given appropriate consideration to a commercial use would be contrary to the LP and thus harmful to the Council's strategy for supporting the rural economy through a more restrictive rural housing policy.
9. Whilst the buildings are in a poor state of repair I do not share the view of the Council that the list of works, as outlined in the structural report, demonstrate that the buildings are beyond conversion and would be tantamount to a

² Ref: 02/02284/FUL, 88/02092/P, 98/01547/COU

complete re constructed of buildings in the countryside. This is because many of the works outlined are repairs and not a rebuilding.

10. Additionally, the conversion would require the erection of some newly constructed extensions but I would not describe them as 'major' within the meaning of Policy RLP38. The extension would also be offset by the removal of the unsightly modern buildings. Moreover, the extensions have some historic precedent, as demonstrated on historic mapping. This has the potential to better reveal the significance of the complex but would need further justification. A point I return to later. Nevertheless, and on balance, I am satisfied that the repairs and extensions proposed as part of the appeal scheme are, in principle, within the scope of Policy RLP38.
11. Nevertheless, my overall conclusion is that in the absence of substantive evidence to the contrary, I cannot be satisfied that a commercial use would be unviable. The proposal would therefore be at odds with the aims of Saved Policy RLP38 when taken as a whole. A Policy I have already found consistent with the Framework.

The effect on the character and appearance of the area, the Sible Hedingham Conservation Area (CA) and Prayors Farm House

12. The appeal site encompasses an interesting complex of barns finished in a soft red brick and clay roof tile. The buildings appear to have once been used as accommodation for livestock and exhibit a number of interesting details including louvered openings in the roof. The brickwork is in a poor condition in places. Nevertheless, the historic buildings on the whole make a positive contribution to the character and appearance of the area. Especially as they are visible from a number of vantage points along Prayors Hill and are in the foreground in attractive rural views towards Prayors Farm House and the CA beyond.
13. It is common ground between the Council and the appellant that the appeal site is located within the setting of the CA and that of Prayors Farm House, which includes the historic visual and physical association between the barns and these designated heritage assets. Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require me to have special regard to the desirability of preserving or enhancing their setting. As historic rural buildings, the complex of barns is a heritage asset within the meaning of the Framework.
14. Paragraph 128 of the Framework requires an applicant to describe the significance of any heritage assets that would be affected by a development proposal. I have not been presented with a robust description of 'significance', such as a heritage statement. This is an important omission, which undermines the credibility of the design solution proposed and presents little to suggest it is a product of a process of informed conservation.
15. I say this as there are a number of significant limitations in the proposed design including the extensive use of black weatherboarding and a domestic rhythm and appearance to the fenestration, especially within the long northern elevation. The use of weatherboarding would obscure the existing brickwork from which the complex appears to derive much of its significance. Given the importance of the brick work, I am not satisfied finishing materials is a matter that can reasonably be left to a planning condition.

16. Moreover, the scale and form of the proposed extensions, in a historic sense, are also without a robust justification save for a single historic map. The scale of the proposed cart lodges would also be excessive when viewed alongside that of the existing barns. Additionally, it is unclear whether other features of interest, such as surviving windows and doors, would be incorporated into the scheme or used to inform replacements.
17. For these reasons, I share the view of the Council that the conversion as proposed would be unsympathetic and thus harmful to the historic and rural setting of the CA and Paryors Farm House as well as the historic interest and architectural integrity of the barns as a heritage asset.
18. The harm would be localised and therefore I consider it would be less than substantial. I have therefore weighed the public benefits of the proposal, including the provision of new dwellings and the removal of the unsightly more modern structures within the site. However, being only three dwellings, this public benefit is limited and thus not determinative and the modern structures could be removed without the proposed development going ahead or as part of a more sensitive overall scheme. As such, I am not satisfied the public benefits, when taken together, outweigh the harm I have identified. In reaching this view I have given great weight to the conservation of designated heritage asset.
19. The introduction of residential curtilages is generally and inherent weakness of any residential conversion of a rural building not designed to function as a dwelling. However, the impact in this instance would be minimal as the gardens would be modest in size or positioned in discrete locations. The entrance to the site is not part of a residential curtilage and could be informally landscaped, thereby retaining some of the existing informal and rural character of the appeal site.
20. Moreover, parking would also be discretely located towards the back of the site and the existing access point reused. As such, the domestication of the complex, in the way now proposed, would not have a wholly unacceptable impact on the countryside in a broad sense³. However, this would not mitigate for the harm that would arise to the setting and historic interest of the CA, Prayors Farm House and the barns.
21. I therefore conclude that the proposal would harm the setting of both the CA and Prayors Farm House and the interest of the barns as heritage assets. Thus, the appeal scheme would be contrary to Policies CS5 and CS9 of the CS, Saved Policies RLP 90, RLP 95 and RLP100 and the Essex Design Guide, which seek to safeguard the character of the area and the special interest of heritage assets. Aims consistent with Section 12 of the Framework.

The effect on the living conditions of future occupants

22. The three dwellings would be arranged with windows overlooking central landscaped gardens. This proposed arrangement would provide opportunities for window to window overlooking from within the buildings as well as overlooking from occupants and visitors when within the landscaped gardens.

³ In reaching this view I note the Council has referred to a number of previous applications which were refused due to the impact on the countryside, one of which was dismissed on appeal. The details of these cases are not before me and therefore I have based my assessment on what I have seen and read. I have drawn my conclusion based on the merits of the case before me.

Some of the rooms that would be overlooked are particularly sensitive, such as bedrooms and living areas. As such, I am not satisfied the proposed layout would provide future residents of the dwellings with sufficient privacy.

23. The distance, at only 10-11m between windows, is not sufficient to render the level of privacy as adequate. The intervening landscaping would not be adequate mitigation either as it cannot be relied on into the future as it could be removed or die. Removal would be a significant risk as the landscaping would be growing directly outside windows. I am not satisfied that fencing within the inner courtyards would be an aesthetically pleasing solution that would be compatible with the historic character of the complex. I acknowledge that in some instances the overlooking would be towards, or from, a corridor. Nevertheless, the distance and number of windows would still result in an unreasonable impact on the overall privacy afforded to future occupants.
24. I therefore conclude that the proposal is contrary to Policy CS9 of the CS and saved Policy RLP90 of the LP, which seek to secure an acceptable standard of residential amenity. An aim consistent with Paragraph 17 of the Framework.

Conclusion

25. For the reasons given above, and having regard to all other matters raised, I conclude the appeal should be dismissed.

Graham Chamberlain
INSPECTOR