



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/16/3154640

Land at Highfields Farm, West Street, Coggeshall, Essex CO6 1NT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr John Horn against the decision of Braintree District Council.
 - The application Ref 16/00158/VAR, dated 25 January 2016, was refused by notice dated 13 June 2016.
 - The application sought planning permission for a barn conversion and consolidation (demolition) of redundant rural buildings without complying with a condition attached to planning permission Ref 14/00115/FUL, dated 7 April 2014.
 - The condition in dispute is No 9 which states that: The existing buildings as identified to be demolished on drawing 12-1069-05B shall be completely demolished prior to the first occupation of the development hereby granted planning permission. All materials resulting from the demolition shall be removed from the site.
 - The reason given for the condition is: To enhance the setting of the adjacent listed buildings and to protect the appearance of the open countryside.
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Decision

1. The appeal is allowed and planning permission is granted for the barn conversion and consolidation (demolition) of redundant rural buildings at Land at Highfields Farm, West Street, Coggeshall, CO6 1NT, in accordance with the terms of the application, Ref: 16/00158/VAR, dated 25 January 2016, subject to the conditions in the attached schedule.

Preliminary Matters

2. I have taken the site address from the appeal form as this is more accurate and better reflects the address on the original decision notice.

Background and Main Issues

3. Planning permission was granted for the conversion of Barn B¹ to a dwelling (Ref. 14/00115/FUL). Condition 9 required the demolition of a series of buildings within the farm complex prior to the occupation of Barn B. These buildings have already been demolished save for Barn C, which is located to the west of Barn B.
4. The appellant is now seeking the removal of Condition 9 as he intends to retain and convert Barn C to two dwellings. Prior approval² for this having already been

¹ As labelled on the submitted drawings

² Under Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

granted (Ref. 15/00026/COUPA). The Council are seeking the demolition of Barn C as part of the appeal scheme to ensure there is an improvement to the immediate setting of the site, including the setting of listed buildings.

5. As such, the main issues in this appeal are; 1) Whether the proposed development, the residential conversion of Barn B, would constitute a suitable site for housing having regard to local and national rural housing policy; and 2) The effect of the proposed conversion on the setting of nearby listed buildings.

Whether the proposed development would constitute a suitable site for housing

6. The appeal site is located in an elevated position on the periphery of the defined settlement of Coggeshall. It is accessed from an unmade private road, which also serves three other residential properties - Highfield Farmhouse, The Cart Lodge and The Old Milking Barn. These residential properties, alongside Barns B and C, form a small cluster of development around a redundant farmyard.
7. Barn B is located outside of the village envelope of Coggeshall and is therefore subject to the countryside policies in the Braintree District Local Plan Review 2005 (LP), which generally seek to restrict new housing in the countryside. Notwithstanding this, the policies related to the supply of housing, including settlement policies, are out of date because the Council are currently unable to demonstrate a five year housing land supply as required by the Framework. Nevertheless, Policy RLP 38 of the LP permits the residential conversion of modern rural buildings outside of defined settlements subject to criteria. This is as an exception to the overarching settlement policies in the LP, which otherwise direct new housing to defined settlements.
8. In granting application 14/00115/FUL, the Council concluded that the conversion of Barn B would adhere to the criteria in Policy RLP 38. However, as a component of the planning permission the Council considered it was necessary to secure a 'planning gain', which was the demolition of Barn C. This was considered necessary to ensure the approved development would enhance the immediate setting of the site. Paragraph 55 of the National Planning Policy Framework (the Framework) permits the re-use of a redundant building, as a special circumstance for isolated housing in the countryside, if its conversion would lead to an enhancement of the immediate setting.
9. The Framework does not define what an enhancement of the immediate setting is. Nor does it suggest that any enhancement must be substantial. The Council, in the Officers delegated report, suggests the removal of Barn C would result in a 'significant' improvement to the setting of the appeal site. The appellant had previously stated that the removal of the barn would 'vastly' improve the setting. The Framework does not require either a significant or vast enhancement of a building's setting for its conversion to a dwelling to be considered favourably. In my view, such an enhancement must be noteworthy and thus material.
10. The buildings referred to in Condition 9 have already been demolished save for Barn C. Part of Barn B has been demolished to provide access to The Old Milking Barn. The demolitions that have already taken place are not part of the appeal scheme before me and cannot lead to a future enhancement of the immediate setting of the appeal building and its environs.
11. Notwithstanding this, Barn B is a utilitarian structure constructed, in part, out of block work and concrete sheeting. It is of very limited architectural merit.

However, Policy RLP 38 of the LP does not require a building to be of architectural merit for its conversion to be permitted. The former farmyard around the building is unkempt and over grown. In my view, a residential conversion of Barn B, utilising sensitive materials with a high quality hard and soft landscaping scheme, would lead to a noteworthy enhancement of the immediate setting, including localised views from the nearby countryside.

12. Barn C is a large structure with a considerable presence in the landscape. It is also a utilitarian structure of very limited architectural merit and consequently its removal would be advantageous. However, I do not consider its removal would be necessary to render the conversion of Barn B acceptable, as the conversion of Barn B would, in itself, lead to an enhancement of the immediate setting of the site and countryside. I have not been presented with substantive evidence to suggest there are other reasons, such as the impact on the living conditions of the future occupants of Barn B, which would justify the demolition of Barn C.
13. In reaching this view, I note that the retention of Barn C would not address the existing physical effect it has on the countryside. However, this is purely the retention of the *status quo*. The sensitive conversion of Barn B would result in a net improvement in the immediate setting of the site regardless of whether Barn C is demolished or not. Consequently, requiring the demolition of Barn C would go beyond what is necessary to make the conversion of Barn B acceptable in planning terms. As such, the part of Condition 9 that required the demolition of Barn C was not necessary to make the conversion of Barn B acceptable when considering the effect on the countryside and the aims of local and national rural housing policy.
14. I therefore conclude that Condition 9 is not necessary or reasonable to safeguard the character or appearance of the countryside from the proposed development. Nor is it necessary to ensure the proposal adheres to local and national rural housing policy. As such, the development without Condition 9 would adhere to Policy RLP 38 of the LP and Paragraph 55 of the Framework.

The effect on the setting of nearby listed buildings

15. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the setting of Highfield Farmhouse, The Cart Lodge and The Old Milking Barn, which are Grade II listed buildings.
16. Highfield Farmhouse is a large dwelling located to the south of Barn B. The Cart Lodge is located to the east and is a modest structure converted some time ago to a dwelling. It is finished in black boarding, red brick and clay roof tiles. The Old Milking Barn, which is identified as Barn A on the submitted drawings, is finished in black boarding and clay roof tiles. The listed buildings together form an historic and attractive grouping, the setting of which is intrinsically linked to the surrounding countryside and agricultural heritage.
17. I share the Council's view that Barns B and C are 'modern interlopers' that detract from the setting of the listed buildings due to their scale and utilitarian form and use of materials. I am in no doubt that the removal of Barn C would enhance the setting of the nearby listed buildings and better reveal the significance of the historic complex. However, the sensitive conversion of Barn B, which is the nearest structure to the listed buildings, would also lead to an enhancement of the setting of the listed buildings. This is because the proposed conversion would provide an opportunity to generally improve the appearance of the Barn B.

18. I note that the conversion would result in Barn B having a domestic appearance and residential paraphernalia around it. However, this would integrate with the character and appearance of the nearest listed buildings, which have also been converted to dwellings. Consequently, the demolition of Barn C is not necessary to offset the effects on the setting of nearby listed buildings from the conversion of Barn B to a dwelling. As such, the demolition of Barn C is not necessary to achieve a net gain to the setting of the listed buildings.
19. In reaching this view I note that the Council gave the benefits that would be accrued from the demolition of Barn C significant weight in reaching its decision, as suggested to do by the appellant. However, I do not find the benefits of demolishing Barn C, as a material consideration, are necessary to tip the balance in the favour of granting planning permission.
20. Moreover, the granting of planning permission without Condition 9 could enhance the setting of the listed buildings by allowing the appearance of Barn C to be improved through the implementation of the change of use granted through the prior approval procedure. The black boarding proposed³ as the finishing material would better integrate Barn C with the overall rural setting of the listed buildings. This is a noteworthy change in circumstance since 2014 to which I have afforded some weight in favour of the proposal.
21. As such, I do not share the view of the Council that a positive effect on the setting of the nearby listed buildings, from the conversion of Barn B, is reliant on the demolition of Barn C. Consequently, Condition 9 is not necessary to preserve the setting of the nearby listed buildings. The development would result in an overall enhancement of the setting of the listed buildings and would therefore adhere to Policy CS9 of the Braintree District Core Strategy, Saved Policy RLP 100 of the LP and Section 12 of the Framework, which seek to preserve or enhance the setting of listed buildings.

Other Matters

22. The Council have not suggested that a planning obligation is necessary to make the development acceptable. I have determined the appeal accordingly.

Conditions

23. I have considered the other conditions imposed through planning permission 14/00115/FUL and consider all are necessary for the reason stated on the decision notice. I have therefore granted the permission without the disputed condition, but with all others re-imposed and the commencement period altered.

Conclusion

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

Graham Chamberlain
INSPECTOR

³ As shown on the Fenn Wright details

Schedule of Conditions

- 1) The development hereby permitted shall commence before the 7th of April 2017.
- 2) The development hereby permitted shall be carried out strictly in accordance with the approved plans as listed on the decision notice for application 14/00115/FUL.
- 3) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwellinghouse/provision of any building within the curtilage of the dwellinghouse, as permitted by Classes A, B and E of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the Local Planning Authority.
- 4) Development shall not be commenced until samples of the materials to be used on the external finishes have been submitted to and approved in writing by the Local Planning Authority. Only the approved materials shall be used.
- 5) Development shall not be commenced until additional drawings that show details of proposed new windows and doors, including of the integral blinds to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. Development shall be implemented in accordance with the approved details and shall be permanently maintained as such.
- 6) Development shall not be commenced until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying where appropriate.

All areas of hardstanding shall be constructed using porous materials laid on a permeable base unless otherwise agreed in writing by the local planning authority.

All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in the first planting and seeding seasons after the commencement of the development unless otherwise previously agreed in writing by the local planning authority.

All hard surface areas agreed as part of the scheme shall be carried out before the first occupation of the buildings or upon the completion of the development whichever is the earlier.

Any trees or plants which die, are removed, or become seriously damaged, or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season with others of a similar size and species unless the local planning authority gives written consent to any variation.

- 7) Development shall not be commenced until details of all gates/fences/walls or other means of enclosure have been submitted to and approved in writing by the local planning authority. The details shall include position, design, height and materials of the screen walls/fences. The gates/fences/walls as approved shall be

provided prior to the residential occupation of the building and shall be permanently maintained as such.

- 8) Details of any proposed external lighting to the site shall be submitted to, and approved in writing by, the local planning authority prior to installation. The details shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles and energy efficiency measures). All lighting shall be installed, maintained and operated in accordance with the approved details. There shall be no other sources of external illumination.

End of schedule