
Appeal Decision

Site visit made on 18 April 2017

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

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

Decision date: 24 April 2017

Appeal Ref: APP/Z1510/W/17/3167420

Moat Hall Farm, Cornish Hall End Road, Stambourne, Essex CO9 4PD

- 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 Oscar Pickess against the decision of Braintree District Council.
 - The application Ref 16/01482/FUL, dated 26 September 2016, was refused by notice dated 23 November 2016.
 - The development proposed is a single-storey cart shed garage. A 2-bay, open-fronted car-port with an enclosed garage storeroom to one end. Slate roofed and walls with a black feather edge boarded finish on a small red brick plinth. The land on which the build is proposed forms part of an agricultural smallholding directly opposite the house. It has been used for the parking of the resident/applicant's cars for decades and is fenced off separately. The proposal would include a change of use of this small piece of land to residential to form a unit with Moat Hall Farm house.
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Decision

1. The appeal is allowed and planning permission is granted for a single-storey cart shed garage. A 2-bay, open-fronted car-port with an enclosed garage storeroom to one end. Slate roofed and walls with a black feather edge boarded finish on a small red brick plinth. The land on which the build is proposed forms part of an agricultural smallholding directly opposite the house. It has been used for the parking of the resident/applicant's cars for decades and is fenced off separately. The proposal would include a change of use of this small piece of land to residential to form a unit with Moat Hall Farm house, at Moat Hall Farm, Cornish Hall End Road, Stambourne, Essex CO9 4PD, in accordance with the terms of the application, Ref 16/01482/FUL, dated 26 September 2016, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: ISP2016-03-301-wide location plan; ISP2016-03-201-location and block plans; ISP2016-03-202-elevations; ISP2016-03-203-floorplan.

Background and Main Issues

2. The planning permission granted for a barn on this site included a condition for the demolition of two buildings (buildings No3 and No7). The demolition of building No7 was later substituted, by consent, for the demolition of buildings
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No2 and No8 instead. Buildings No2 and No 8 have been demolished while building No3 has had part of its roof and walls removed. The application the subject of this appeal proposed the erection of a double garage and store approximately on the site of the former building No2 which had a similar function.

3. While the Council refers to policies in the Development Plan which control development within the countryside, the focus of its objection concerns the effect of the physical presence of the proposal on the character of the countryside rather than its use. I therefore consider the main issue to be the effect of the proposed development on the character of the countryside.

Reasons

4. The site of the proposed garage is part of an agricultural smallholding. It is largely enclosed on two sides by agricultural buildings. Its third side is enclosed by a post and rail fence and part of the remains of the previous structure. Beyond this lies an open paddock and more agricultural buildings. Its fourth side is open to the road.
5. The proposed building would appear to have a comparable eaves and ridge height to the neighbouring buildings, which appear lower than building No6, and it would appear to have a similar footprint which would follow the alignment of the buildings in the group. Its low-pitched, gabled roof, its beam and post openings, and its boarded walls would be sensitive to the neighbouring buildings and reflect the wider vernacular. These factors would ensure its balanced integration, visually, within the group of buildings.
6. Following the same wall-positioning close to the site boundary as the buildings behind it, and being sited behind the post and rail fence on the boundary, the proposal would appear as part of the existing cluster of buildings rather than as an isolated form. This would reduce its impact on the surroundings beyond the site. In terms of the pattern of development in the area, the proposal would not appear out of place in the countryside, reflecting the siting and scale of the garages on the other side of the road. Forming part of the cluster of smallholding buildings, it would not be intrusive in views from surrounding land or from the bridleway or road.
7. While its use would relate more to the farm house across the road than the land and buildings behind it, given the proximity of the two cottages on the opposite side of the road to the proposal, and the size of their garages and their distance from the road, its use would not be out of character. Indeed, it would appear to provide some enclosure for cars which I saw at my visit already parked on its footprint.
8. I have taken into account the presence of building No6 and I am mindful that the Council required the demolition of building No2 as part of measures to offset the impact of building No6 on the scale and amount of development on the land. However, I can identify no harm in respect of the proliferation of buildings, the design of the proposed building, its use, or its location in the cluster of buildings on the site which would arise from this proposal.
9. I conclude that there would be no harm to the distinctive surrounding pattern of development, landscape, or building character or the amenity of the

countryside. There would be no conflict with Core Strategy¹ Policies CS5 and CS8 and saved Local Plan Review² Policy RLP2, which protect the landscape character and amenity of the countryside and require development to have regard to its sensitivity to change and to enhance its locally distinctive character. Nor would there be any conflict with one of the core planning principles of the National Planning Policy Framework which says that planning should recognise the intrinsic character and beauty of the countryside.

Conditions

10. In addition to the statutory time condition, the Council has requested a drawings condition which is necessary to provide clarity and certainty. I note the consultation response from the highways authority requesting a condition to prevent unbound materials in the surface treatment. However, as the access already exists and no surfacing is proposed, such a condition would fail the tests of necessity, relevance, and reasonableness as set out in paragraph 206 of the National Planning Policy Framework.

Conclusion

11. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be allowed.

Patrick Whelan

INSPECTOR

¹ Braintree District Council Core Strategy, adopted 2011

² Braintree District Council Local Plan Review, adopted 2005