
Appeal Decision

Site visit made on 8 May 2017

by C Jack BSc(Hons) MA MA(TP) MRTPI

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

Decision date: 22nd May 2017

Appeal Ref: APP/X1545/W/17/3166842

Sewells Farm, Witham Road, Little Braxted CM8 3ET

- 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 Ms Louise Yeates against the decision of Maldon District Council.
 - The application Ref FUL/MAL/16/00450, dated 22 April 2016, was refused by notice dated 10 August 2016.
 - The development proposed is the removal of a redundant agricultural barn to create one new dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Maldon District Replacement Local Plan (MDRLP) pre-dates the National Planning Policy Framework (the Framework) and the emerging Maldon District Local Development Plan 2014 – 2029 (LDP) is at an advanced stage of preparation but the examination is yet to be concluded. I have therefore ascribed weight to relevant saved and emerging policies for the purposes of this appeal in my reasoning on the main issues, having regard to Paragraphs 215 and 216 of the Framework.

Main Issues

3. The main issues are:
 - i. Whether the proposal would result in an acceptable pattern of development, with particular regard to settlement strategy and accessibility to services; and
 - ii. The effect of the proposed development on the character and appearance of the area.

Reasons

4. The site currently comprises a large corrugated barn with expansive concrete hardstanding to one side and an area of scrubby growth and trees to the other. There is an existing access from the road, which is a rural lane in character. The area generally is predominantly rural, with occasional houses set along the lanes, generally surrounded by fields and woods. Other buildings at Sewells Farm include the farmhouse, which is Grade II listed, together with a group of more traditional former agricultural buildings that have been converted apparently for uses ancillary to the farmhouse and are also listed Grade II. There is a bakery, tearoom and another house on the opposite side of the road.
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5. It is proposed to remove the corrugated barn and erect a two-storey house of traditional design and reduced comparative footprint in its place, set back from the lane. A double garage, also of traditional design, is proposed to be positioned at the front of the site. There appear to be no agricultural activities operating at or from Sewells Farm.

Settlement strategy and accessibility

6. It is not in dispute that the site lies in a rural location, outside any development boundary as defined by saved Policy S1 of the MDRLP, which together with saved Policy S2 of the MDRLP sets out the adopted settlement strategy for the district. MDRLP Policy S1 is not referred to in the Council's reasons for refusal, but I have been provided with a copy. Policy S2 requires that, outside development boundaries, the countryside will be protected for its own sake. These two policies are not entirely consistent with the provisions of the Framework for some development in the countryside. Therefore I can only afford moderate weight to this settlement strategy for the purposes of this appeal.
7. A similar, but more positive, general approach of settlement hierarchy and defined settlement boundaries is being carried forward in emerging Policy S8 of the LDP. Little Braxted is identified as an 'other village' by Policy S8, which the Council considers to be a rural settlement with limited or no services and no defined development boundary. No substantive case has been put to me that the proposal meets any of the acceptable forms of development in the countryside listed in criteria a – m of Policy S8. The proposal would therefore be contrary to Policy S8, which seeks to protect the countryside for its intrinsic value, character and attractiveness.
8. I note the appellant's view that this policy approach is akin to green belt control, when the site does not lie in the green belt. However, green belt policy is very specific, as set out in the Framework. Furthermore, while the examination of the LDP is not yet concluded I am advised that it is very advanced and policies relevant to this appeal, including Policy S8, are not expected to be significantly changed. On that basis I afford these emerging policies significant weight, having regard to the Framework.
9. While the site is not visually isolated from other built development, it is nonetheless functionally remote from services and facilities, with such provisions in the vicinity and in Little Braxted being very limited. Some local services are available in Wickham Bishops, with a greater range available at the town of Witham. However, these settlements are sufficiently far away that reliance on the private car for access to day to day requirements is highly likely. This is particularly the case given that I saw no bus stops along the lane, and given the unlit nature of the lane, with no footway.
10. The proposal is therefore inconsistent with the objectives of saved MDRLP Policies T1 and T2, which seek to focus development in areas within defined development boundaries that are, among other things, accessible by an alternative choice of transport modes. Emerging Policies T1 and T2 of the LDP carry forward similar requirements, among other things, and the proposal is therefore also contrary to these emerging policies. Emerging Policy H4 also seeks to ensure that new development makes effective use of land, including having proximity to public transport. Saved and emerging Policies T1 and T2

and emerging Policy H4 are generally consistent with the Framework in this regard, and I afford them significant weight in this appeal.

11. For these reasons, I conclude that the proposed development would not result in an acceptable pattern of development, with particular regard to settlement strategy and accessibility to services. It would conflict with saved Policies S2, T1 and T2 of the MDRLP and emerging Policies S8, H4, T1 and T2, the relevant requirements of which are set out above. It would also conflict with emerging Policy S1, which sets out the Council's approach to sustainable development, including maintaining the rural character of the district and minimising the need to travel. However, I find no significant conflict in this regard with saved Policy BE1 of the MDRLP or emerging Policy D1 of the LDP, which principally relate to the design and landscaping of new development.

Character and appearance

12. The corrugated barn, which is currently vacant and apparently redundant from any agricultural use, is rather unsightly and holds no particular architectural or historic merit. Its removal would therefore not be harmful to the character and appearance of the area, or the setting of the nearby listed buildings. Nonetheless, it is positioned end-on to the lane and is grouped with the other buildings at Sewells Farm, where its character and appearance are generally consistent with a former agricultural use, and the pleasant countryside setting. As a result, the existing barn it is not significantly harmful to the character and appearance of the area, or the setting of the listed buildings, overall. The end-on positioning of the barn and its siting between existing buildings and an area of trees, make it visually unremarkable in the landscape, particularly as a result of its simple utilitarian design
13. In themselves, the design and scale of the proposed dwelling are not in dispute, and I see no significant reason to disagree. However, the introduction of a residential dwelling in place of the barn would permanently alter the rural appearance of the site, in an area where there is a strong rural character, despite occasional existing dwellings, and which is currently designated as a Special Landscape Area. Moreover, as set out above, the site lies outside the development boundary and is considered countryside in policy terms, where residential development is generally restricted.
14. There would be a noticeable domestication of the appearance of the site and the character of the activity there. The introduction of domestic paraphernalia would reinforce the visual impact of the residential encroachment into the countryside setting. I note the appellant's view that if retained the building could be put to other uses, which could include a large volume of associated paraphernalia, possibly commercial in nature. While this may be so, there is no significant evidence before me that this would be particularly likely to occur, or to demonstrate that a commercial reuse would necessarily be harmful to the character and appearance of the area. This alternative position therefore carries limited weight in favour of the appeal.
15. In light of the above, I conclude that the proposed development would harm the character and appearance of the area. It would therefore conflict with saved Policy BE1 of the MDRLP and emerging Policy D1 of the LDP, which set out general design criteria including that outside development boundaries development should make a positive contribution to the landscape and open countryside, and respect and enhance the character and local context. It

would also conflict with saved Policy CC6 of the MDRLP and emerging Policy H4 of the LDP, which among other things seek to ensure that no harm would be caused to the existing landscape character of the locality. These policies are generally consistent with the Framework and I have afforded them significant weight for the purposes of this appeal.

16. The Council has also referred to saved Policy CC7 of the MDRLP, which relates to identified Special Landscape Areas (SLA). I am advised that the site falls within a SLA, however it is not clear whether this landscape designation is being carried forward in the LDP and the Council has not provided any such emerging replacement policy. Accordingly, having regard to Paragraph 113 of the Framework, I have afforded this policy limited weight for the purposes of this appeal, which does not diminish my findings above.

Other Matters

17. I understand the appellant's intention for the dwelling to be occupied by family. However, personal circumstances can seldom outweigh general planning considerations and do not outweigh the harms that I have identified.
18. The appellant has drawn my attention to the provisions of Class Q of the General Permitted Development Order, on the basis that this would provide a fallback position for up to three dwellings at the site. However, there are certain limitations associated with Class Q rights, including in relation to having been solely in an agricultural use, and in relation to the extent and nature of building operations necessary. On the evidence before me, it is not clear that the appeal premises would fall within the scope of Class Q rights. Accordingly, I am only able to give this potential fallback position limited weight, which does not alter my findings above.
19. The appellant is of the view that the proposal would help support local villages and services. I accept that there would be some public benefits arising, including in terms of supporting local services. However, in the context of one dwelling these benefits would be very modest and would not outweigh the harms I have identified in relation to the main issues.
20. Preserving the setting of a listed building is a matter of considerable importance and weight and I am mindful of my duty under Section 66(1) of the planning (Listed Buildings and Conservation Areas) Act in this regard. While the proposed development would result in a perceptible change to the settings of nearby listed buildings, and the context in which they are experienced, this would not be of a magnitude to constitute harm given the degree of separation between the site and those listed buildings and the lack of merit of the building proposed to be removed. Hence the effect of the proposed development would be neutral and therefore the settings of the nearby listed buildings would be preserved.

Conclusion

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

Catherine Jack

INSPECTOR