
Appeal Decision

Site visit made on 21 June 2017

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

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

Decision date: 25th July 2017

Appeal Ref: APP/Z1510/W/17/3172400

Brook Hall, Brook Hall Lane North, Foxearth CO10 7HP

- 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 Davie Fahie, Brook Hall Farm Partnership, against the decision of Braintree District Council.
 - The application Ref 16/02040/FUL, dated 30 November 2016, was refused by notice dated 3 February 2017.
 - The development proposed is for the change of use and alterations to disused agricultural outbuildings to form 3 no. dwellings with associated private gardens and car parking spaces.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use and alterations to disused agricultural outbuildings to form 3 no. dwellings with associated private gardens and car parking spaces at Brook Hall, Brook Hall Lane North, Foxearth CO10 7HP in accordance with the terms of the application, Ref 16/2040/FUL, dated 30 November 2016, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans:- 3070:001 Rev B (plan & elevations as existing), 3070:002 Rev J (proposed), 3070:003 Rev J (location and block plan) and K4300-15 (land ownership and access to public highway).

Procedural Matter

2. The development description has been amended to remove the reference to the retrospective nature of the application as this is not relevant to the proposal. However, it is noted that works have commenced to convert the agricultural outbuildings.

Main Issues

3. The main issues are:
 - whether the proposal constitutes a sustainable form of development
 - the effect of the development on the character and appearance of the area.

Reasons

4. All buildings at the site fall under the control of the Appellant. These include a large residential dwelling (Brook Hall), a range of traditional pre-war brick-built

agricultural buildings (some of which include the single storey barns the subject of this appeal), a range of modern functional farm buildings and two other residential dwellings. The Council has not disputed the appellant's assertion that the buildings in question were redundant prior to their conversion.

Whether the proposal constitutes a sustainable form of development

5. The proposal lies just under a mile to the south of Foxearth and approximately 2 miles to Long Melford and Sudbury. I noted from my site visit that Foxearth has very few facilities, but that both Long Melford and Sudbury have a wide variety of schools, shops and services. In accordance with Policy RLP 2 of the Braintree District Local Plan Review 2005 (the 'Local Plan') and Policy CS5 of the Braintree District Council Core Strategy 2011 (the 'Core Strategy'), the scheme is located in the open countryside where development will be strictly controlled.
6. Policy CS7 of the Core Strategy seeks to ensure that future development will be provided in accessible locations to reduce the need to travel. Although occupants of the proposed dwellings would have a greater reliance on cars than residents within a village (with limited services/facilities) or urban area, Paragraph 7.1 of the Core Strategy defines accessible locations as being within 30 minutes walking or cycling distance of a retail centre, primary school, secondary school and GP surgery. Future occupants of the converted outbuildings could reach both Long Melford and Sudbury within this timeframe by cycle and access the range of amenities and services available. I am therefore satisfied that the appeal site is in a sufficiently accessible location.
7. Policy RLP 38 of the Local Plan allows the conversion of rural buildings to residential use on the provision that the applicant has made an effort to secure employment/community reuse or [my emphasis] where it is a subordinate part of a business re-use. Given that the primary objective of the proposal is to provide a steady commercial income stream to support the Appellant in their overall management of the agricultural business, I am of the view that it constitutes a suitable form of farm diversification and would be subordinate to this. I also have no reason to conclude that the rental income derived from this business activity would not be reinvested in the farm any more than an employment re-use of the barns.
8. Although the presence of renewable energy generation and broadband access would not in itself lead me to allow the appeal, they do help contribute to the sustainability credentials of the proposal in that they would provide the opportunity for home-working (which would partly offset the use of cars by residential occupants). In reaching this conclusion, I have also been mindful that an alternative employment use of the barns in question would generate their own traffic movements (which could result in larger commercial vehicles being used that are less environmentally friendly).
9. Although the Council has raised concerns that the residential units could be sold separately, I consider this to be unlikely given the harmful impact separate ownership of these buildings could have on agricultural and other business operations at the farm (from potentially conflicting uses).
10. I therefore conclude that the proposal would comply with Policy RLP 38 of the Local Plan and Policies CS5 and CS7 of the Core Strategy, which seek to restrict development in the open countryside to appropriate uses; promote sustainable

travel; and ensure that residential conversions are subordinate to a business re-use.

11. My conclusion on this matter is further reinforced by paragraphs 28 and 55 of the National Planning Policy Framework (NPPF) as the proposal would result in the reuse of redundant buildings; lead to an enhancement of the immediate setting (see section below on character and appearance) and support the sustainable growth of the agricultural business.

The effect of the development on the character and appearance of the area

12. Although the Council raised no objections to the detailed design of the scheme, it did raise concerns that the residential use would be out of character with the associated agricultural uses. However, the private gardens would be mostly screened by existing and new walls. Cycles and refuse would be screened from view in a covered store and the existing unsightly steel storage tanks adjacent to unit 1 would be removed. These factors would help ensure that the converted barns retain their agricultural character and enhance their immediate setting.
13. The modest amount of residential car parking associated with the dwellings would not cause any more harm to the character of the area than that created by alternative employment uses. In any event, I would expect a small number of domestic vehicles to be parked in the centre of a busy commercial farm from occupiers, visitors, customers and employees.
14. I have also been mindful of the positive contribution the existing brick barns make to the character of the site and wider area. Allowing them to be used for residential accommodation that has been designed in a sympathetic manner will ensure they have an ongoing purpose and help avoid them becoming neglected and falling into disrepair.
15. I therefore conclude that the proposal would comply with Policies RLP 38 and RLP 90 of the Local Plan and Policy CS9 of the Core Strategy which seek to ensure that the design is harmonious with the character and appearance of the area and sensitive to the need to conserve features of architectural importance.

Other matters

16. The Council and appellant have both referred to permitted development rights for conversion of redundant agricultural buildings. I have given this fall-back position little weight in my assessment as the proposal is not currently capable of benefitting from them (as works have already commenced).
17. I note the Council's reference to other appeal decisions and precedent, but each proposal must be considered on its own merits. In any case, the current proposal relates to a conversion of an existing building which does not conflict with development plan policy, as opposed to the creation of new purpose-built residential dwellings.

Conditions

18. The Council has not suggested any conditions on the basis that the development has already been carried out. However, given that the amenity area and wall to the rear of plot 1 had not been completed at the time of my

visit, I have proposed a condition requiring the development to be in accordance with the plans.

Conclusion

19. In view of the above, having had regard to all other matters raised, I conclude that the appeal should be allowed. The Braintree District Council Local Plan June 2017 (Public Draft for Consultation) is at a very early stage and its policies have not altered my conclusions.

Robert Fallon

INSPECTOR