



Appeal Decision

Site visit made on 27 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: 03 August 2017

Appeal Ref: APP/C1570/W/17/3172796

St Aylotts Farm, Ashdon Road, Saffron Walden, Essex CB10 2NE

- 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 and Mrs Nigel Howlett against the decision of Uttlesford District Council.
 - The application Ref UTT/16/1042/HHF, dated 1 March 2016, was refused by notice dated 8 February 2017.
 - The development proposed is conversion of existing chicken shed into annex for dependent relative.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of existing chicken shed into annex for dependent relative at St Aylotts Farm, Ashdon Road, Saffron Walden, Essex CB10 2NE in accordance with the terms of the application, Ref UTT/16/1042/HHF, dated 1 March 2016, subject to the conditions set out in the attached Schedule.

Procedural Matter

2. The address of the appeal site has been amended to correspond with that shown on the Council decision notice and the appeal form submitted by the appellant. This is due to the appeal site address on the application form being imprecise.
3. The application form refers to drawings showing existing and proposed layout plans and elevations, but does not give drawing nos. According to the Council decision notice, the location plans and block plan were received on 19 May 2016. Following this, the scheme was amended and revised plans were received by the Council on 15 December 2016, but the drawing numbers had not been updated or annotated as a revision. For the avoidance of doubt and in view of the fact that there does not appear to be any dispute between the Council and Appellant on this matter, I have proceeded on the basis that the drawings under consideration in this appeal are the block plan, layout plan, existing ground floor layout plan (2015/49 – 02) and existing elevations plan (2015/49 – 02) received by the Council on 19 May 2016 and the proposed elevations plan (2015/49 – 05), proposed ground floor layout plan (2015/49 – 03) and proposed first floor layout plan (2015/49 – 04) received by the Council on 15 December 2016.

Main Issues

4. The main issues are:-

- whether the development is in an appropriate location
- the effect of the development on the character and appearance of the area
- the effect of the development on the setting of the listed buildings and a scheduled monument

Reasons

5. All buildings at the site fall under the control of the appellant. These include a large Grade I listed building (St Aylotts Hall), a Grade II listed building (outbuilding linked to main house), a scheduled monument (to include a quadrangular moat and fish pond), a substantial range of functional agricultural buildings partly constructed of brick and finished in black weatherboarding (some with metal roofs and some with pantile roofs) and the chicken shed building the subject of this appeal which is constructed of blockwork, partly rendered and topped in a pantile roof. The appellant states that the appeal building is no longer used for its intended purpose and is currently used for general garden/wood storage.
6. The appeal building can be seen in the same context as St Aylotts Hall from various viewpoints within the area of land controlled by the appellant and so is considered to fall within its setting. In accordance with the National Planning Policy Framework (NPPF), the listed buildings and scheduled monument constitute designated heritage assets and so in accordance with paragraph 131 I have taken account of the desirability of sustaining and enhancing their significance and putting them to viable uses consistent with their conservation.

Whether the development is in an appropriate location

7. The proposal lies approximately 1 mile outside Saffron Walden which has a wide variety of schools, shops and services. In accordance with Policy S7 of the Local Plan¹, the scheme is located in the open countryside where planning permission will only be granted for development that is appropriate to a rural area and protects or enhances the countryside.
8. Policy H6 of the Local Plan permits the residential conversion of barns subject to a number of criteria, which includes a demonstration that there is no significant demand for business, tourist, retail or community uses and that the works would respect the character of the building and area. It also states that substantial extensions will not be permitted and conversion will not be permitted on isolated sites well away from existing settlements.
9. Given the appeal site's close proximity to Saffron Walden, I am satisfied that the annex would not be in a wholly isolated location. I note the Council's view that the building would have the potential to function as a self-contained dwelling as it would contain up to 2 bedrooms. However, given its small scale in comparison to St Aylotts Hall and its close proximity to it, I am satisfied that it would be ancillary to it and constitute an annex. The fact that it is accessed via the same drive as St Aylotts Hall and no separate garden is proposed reinforces my view on the matter.

¹ Uttlesford Local Plan, Adopted 20 January 2005

10. The Council has acknowledged the circumstances of the proposed occupant, but has raised concern about the permanence of the development. However, for the reasons referred to in paras 12-19 and 23 below, I do not share this concern. In any case, I am not of the view that the proposal would exhibit the same characteristics as a self-contained dwelling. This is because the proposal would be for an annexe to the main dwelling and not a self-contained dwelling (which could be controlled by condition). As a consequence, its occupants would be more reliant on the inhabitants of St Aylotts Hall for assistance in terms of travel or access to shops and services.
11. Notwithstanding the above, given that the Appellant has not demonstrated a lack of demand for business, tourist, retail or community uses and because the scheme includes a substantial extension in terms of floor space, I conclude that the proposal would not accord with subsection a) and the last paragraph of Policy H6 of the Local Plan.

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

12. By virtue of its concrete block walls and dilapidated appearance, the existing structure contrasts sharply with other rural buildings at the site which appear well maintained and are clad in traditional black weatherboarding. It therefore appears out-of-keeping with the cohesive unity and character of existing rural buildings in the area.
13. Although the proposed extension in terms of floor space is substantial, I am satisfied that it would not unduly alter the agricultural character of the building and would appear subservient to it. Importantly, no separate garden is proposed and the extension would not erode the gap between it and St Aylotts Hall. The use of pantiles and black weatherboarding to the exterior would also help unify this structure with other agricultural buildings at the site and bring visual cohesion to the area. As a consequence, I am satisfied that it would not be overly prominent or harm the character of the surrounding countryside.
14. I therefore consider that the proposed development would be of a high quality design that would respect and enhance the character and appearance of the area and wider countryside. It would therefore comply with Policies S7, GEN2 and H6 (subsections b, c, d & e) of the Local Plan.

The effect of the development on the setting of the listed building and scheduled monument

15. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
16. The NPPF advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 137 states that proposals that would preserve the setting of the asset and better reveal its significance should be treated favourably.
17. The Council's Conservation Officer acknowledges that the chicken shed structure is in close proximity to the listed buildings and scheduled monument and forms part of their setting. They have also stated that it is plain and utilitarian in character. I have concluded that because of its current appearance

(referred to in paragraph 12 above), it does not make a positive contribution to the setting of the listed buildings and scheduled monument.

18. I am satisfied that for the reasons identified in paragraphs 12 to 17 above, the proposal would preserve and enhance the setting of the listed building and scheduled monument. I therefore conclude that it would comply with Policies ENV2 and ENV4 of the Local Plan which seek to give favourable consideration to proposals that would preserve the setting of heritage assets.
19. In concluding that the proposal would make a positive contribution to the setting of the listed buildings and scheduled monument, I am also satisfied that it would comply with paragraph 137 of the NPPF.

Other matters

20. The Council contends that there is no need for the proposed annexe as one has already been granted planning permission closer to the dwelling. However, policy H6 of the Local Plan does not prohibit residential conversions or require a comparison exercise if other forms of accommodation are available in different locations and policy S7 allows development in the open countryside if it needs to take place there or is appropriate to a rural area (which I have concluded it is in this instance). In view of this, the existence of a planning permission for a different annexe that may be more acceptable to the Council has been given limited weight and my assessment has been based on the merits of the scheme before me.
21. I note the concern raised by neighbours in respect of noise and disturbance, but this primarily relates to existing activities at the site which have little bearing on the merits of the scheme before me.

Planning balance

22. The proposal does not comply with subsection a) and the last paragraph of Policy H6 of the Local Plan in that it has not been demonstrated that there is a lack of demand to use the building for business, tourist, retail or community uses and because the scheme includes a substantial extension in terms of floor space.
23. Although the proposal would conflict with policy H6, this would be outweighed by the delivery of a well-designed scheme which enhances the character of the area & wider countryside and makes a positive contribution to the setting of the listed buildings and scheduled monument. In accordance with paragraph 137 of the NPPF, I have given this favourable consideration in my overall assessment and attached significant weight to it. The proposal would also comply with paragraph 55 of the NPPF as it would result in the reuse of a redundant building and lead to an enhancement of the immediate setting. In view of this, I conclude that other material considerations have outweighed the conflict with the development plan in this instance.

Conditions

24. The Council has suggested conditions which I have considered in the light of Planning Practice Guidance. I have made some small amendments in the interests of precision. A condition requiring development to be in accordance with the plans is needed to reflect Planning Practice Guidance. Conditions relating to external materials, colours, roof lights, window openings and the

restriction of subsequent changes in external materials are necessary due to the proximity to the listed building and in the interests of the character and appearance of the area. In accordance with the suggestion made by the Appellant and in the interests of sustainability; character and appearance of the area; and setting of the listed buildings and scheduled monument, I also consider it important to impose a condition ensuring that the property remains an annex to St Aylotts Hall.

Conclusion

25. In view of the above, having had regard to all other matters raised, I conclude that the appeal should be allowed.

Robert Fallon

INSPECTOR

Schedule of 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:- block plan, layout plan, existing ground floor layout plan (2015/49 – 02) and existing elevations plan (2015/49 – 02) received by the Council on 19 May 2016 and the proposed elevations plan (2015/49 – 05), proposed ground floor layout plan (2015/49 – 03) and proposed first floor layout plan (2015/49 – 04) received by the Council on 15 December 2016.
- 3) The external surfaces of the development hereby permitted shall be constructed of the materials and finished in the colours shown on plan no. 21015/49 – 05, received by the Council on 15 December 2016.
- 4) The roof light windows of the development hereby permitted shall be Conservation roof lights as specified on plan no. 21015/49 – 05, received by the Council on 15 December 2016.
- 5) All windows on the conversion hereby granted permission shall be side hung and not top pivoted and be constructed of timber and painted to match the colour of the weatherboard cladding.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the materials for the external surfaces specified on the approved plans and required by condition 3) above shall not be changed without the specific grant of planning permission from the Local Planning Authority.
- 7) The annex hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as St Aylotts Hall.