



Appeal Decisions

Site visit made on 18 July 2017

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

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

Decision date: 14th August 2017

Appeal A Ref: APP/A1530/W/17/3169803

Crepping Hall Farm Livery, Crepping Hall Road, Wakes Colne, Colchester CO6 2AL

- 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 HC Percival (Farms) Ltd against the decision of Colchester Borough Council.
 - The application Ref 162579, dated 10 October 2016, was refused by notice dated 13 December 2016.
 - The development proposed is change of use of redundant farm buildings and conversion to 3 no. residential apartments.
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Appeal B Ref: APP/A1530/Y/17/3169805

Crepping Hall Farm Livery, Crepping Hall Road, Wakes Colne, Colchester CO6 2AL

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by HC Percival (Farms) Ltd against the decision of Colchester Borough Council.
 - The application Ref 162580, dated 10 October 2016 was refused by notice dated 13 December 2016.
 - The works proposed are change of use of redundant farm buildings and conversion to 3 no. residential apartments.
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Decisions

1. The appeals are dismissed.

Main Issues

2. The main issue with both appeals is whether the proposals would preserve the special architectural and historic interest of the listed buildings.
3. The main issues for Appeal A only are:
 - (a) whether the proposed development would result in the provision of isolated new homes in the countryside; and
 - (b) if isolated, whether special circumstances exist for such development.

Reasons

Listed buildings

4. The appeal site incorporates much of Crepping Hall Farm Livery. The site contains a collection of buildings and yards used in part for the stabling and

exercising of horses, in part for storage, and in part for residential use with the conversion of the former granary and piggeries.

5. The buildings subject to the proposed conversion occur in three separate locations. At my site visit, none of these three buildings were in active use, although they have been used for storage purposes. The southernmost building is identified as an early 19th century Grade II listed stable range and cottage according to the National Heritage List for England. However, the appellant queries whether the listing is accurate. While the evidence casts doubt on the age of the building and the existence of the cottage, other elements of the list description are consistent with the extant building. Thus, I consider the building to be listed.
6. Notwithstanding this doubt over the listing of the stable range, it is evident from the information submitted by the appellant that this building and the other buildings at the livery formed part of the adjacent Crepping Hall which is listed Grade I. Crepping Hall has considerable architectural and historic interest and significance as a substantial building dating back to the medieval period which by the 19th century had extensive agricultural holdings.
7. All three appeal buildings were in existence by the 1930s at the latest, purportedly built by the owner of Crepping Hall. The appellant accepts that all three buildings should be regarded as curtilage listed. Thus, even if I were to consider that the stable range is not listed in its own right, at the very least it would be curtilage listed along with the other two appeal buildings and the remaining buildings within the red line of the appeal site.
8. Sections 16(2) and 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 ('the LBCA Act') require special regard to be had to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Paragraph 132 of the National Planning Policy Framework (NPPF) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation; the more important the asset, the greater the weight should be.
9. The collection of buildings at the appeal site forms a coherent and unified composition in terms of their scale, layout and materials. They have architectural interest and aesthetic value, particularly the listed stable range due to its extensive width and prominent gable features. As buildings associated with Crepping Hall, they also have historic interest. Although physically and functionally separate from Crepping Hall today, they nevertheless form part of its setting and contribute to its significance due to their past relationship and close proximity.
10. The use of the buildings has changed over the past four decades from a solely agricultural focus to one with a mixture of residential, commercial, agricultural, storage and equestrian purposes. However, the overall character and appearance of the buildings and the yard spaces between them remains closely linked to their farming past with equestrian as the predominant use today. While the granary and the piggeries have been converted to residential, they occupy one corner of the appeal site and do not dominate.
11. Externally, the three appeal buildings retain the character and appearance of their equestrian and agricultural uses and so make a positive contribution to

the special interest and significance of Crepping Hall and the stable range. Internally, the buildings have some interest in terms of the roof structures and partitions, although these features vary in age and quality and so contribute less to the special interest and significance of the listed buildings.

12. The proposals would result in a number of internal changes as partitions would be removed and replaced to form new rooms and the roof structure repaired, but this would have a limited impact on the special interest and significance. The external changes to the buildings and external spaces are modest in scale, but would have a discernible effect on the character and appearance of these buildings as they would introduce domestic elements and features. The private amenity areas and car parking spaces would signify separate residential units. The new amenity area for apartment 3 would be enclosed and would partly obscure views of this building reducing its visual qualities. The amount of proposed car parking in the exercise yard is considerable and would result in the loss of this space for equestrian purposes. As such, the proposals would fail to preserve the special architectural and historic interest of the listed buildings and would result in harm to their significance through the reduction in the agricultural character and appearance and the lessening of the existing equestrian use.
13. The harm to the significance of the listed buildings would be less than substantial as the proposals are not extensive. Nevertheless, paragraph 134 of the NPPF requires such harm to be weighed against the public benefits of the proposals.
14. The appeal buildings are not currently in active use, although the Council queries the appellant's reference of them as redundant. The appellant highlights that essential maintenance has been ongoing to preserve the overall character of the buildings within the appeal site. At my site visit, the appeal buildings seemed to be in a sound condition and generally well-maintained. The schedule of annual costs for 2015/16 indicates £1,000 for the upkeep of buildings, which does not appear excessive.
15. Nevertheless, I note that the costs of running the agricultural holding that includes the appeal site are not being met by the commodity profits from the sale of crops, and that the medium to long term forecasts show little increase in likely returns. The schedule of annual costs for 2015/16 exceeded income by around £2,000. Thus, securing the long-term future of the appeal buildings would represent a public benefit.
16. The appellant argues that residential use is the best option for the three appeal buildings to secure their long-term future based on the consideration of alternative uses. The appellant and the Council disagree on the level of local demand for liveries, office use, light industrial premises and residential lettings. The evidence provided by either main party is limited for each use and so I cannot be certain that there would or would not be demand for a particular use.
17. The expansion of the livery yard would represent a continuation of the existing equestrian use of much of the site and would have the least negative effect on the special interest and significance of the listed buildings due to the limited changes required. The appellant argues that the accommodation of more than 20 horses is constrained by the amount of land for grazing and by a condition on the extant planning permission (ref F/COL/02/0280). In the case of the

latter, the Council indicate that the appellant could seek to vary this condition. In the case of the former, it has not been adequately demonstrated to me why the overall agricultural holding could not help to free up land for grazing. I have also been presented with little evidence to support the appellant's argument that there is an overprovision of liveryes in the area, or that the income generated from the livery yard would not be enough to maintain the buildings.

18. It would appear that conversion costs for residential or office use are broadly similar, so this does not make much difference in terms of which use would be preferable. An office use is likely to require a similar degree of internal alterations with less external changes since there would be no requirement for private garden space. The alterations required to accommodate a light industrial use would depend on the specific business, but could involve less changes internally and externally than residential. The roads leading to the appeal site are narrow, but do not appear impossible for commercial vehicles associated with a light industrial use depending on the business. I am also mindful that the existing uses will generate a degree of larger vehicles for equestrian and agricultural purposes and so the differences could be limited. In both cases, office or light industrial use would be more closely aligned to the existing uses of the site in terms of the commercial nature of the livery and so would have less negative effect on the special interest and significance of the listed buildings.
19. In conclusion, I have insufficient evidence that residential use is the only viable use for the appeal buildings. The public benefit from the reuse of the buildings as residential apartments would not outweigh the harm to the significance of the listed buildings. The proposals would also fail to preserve the special interest of the buildings. Therefore, the proposals in both appeals would be contrary to paragraphs 132 and 134 of the NPPF and Sections 16 and 66 of the LBCA Act. In terms of Appeal A, the proposals would also be contrary to Policy UR2 of the Colchester Core Strategy 2008 ('the Core Strategy') and Policies DP1 and DP14 of the Colchester Development Policies 2010. Amongst other things, these policies seek to promote development that respects and enhances the character of the site, its context and surroundings, protect buildings that contribute positively to the built environment from inappropriate development, and preserve or enhance listed buildings.

Whether the homes would be isolated

20. Crepping Hall Farm Livery is surrounded by open countryside and is accessed via narrow country roads with no pavements or lighting where national speed limits apply. The nearest settlements of Rose Green, Chappel and Wakes Colne are accessed via these roads and the A1124. These settlements provide some day to day services including a shop/post office, school and railway station. However, the distance to these settlements and the nature of the roads particularly in poorer weather and at night means that the predominant mode of transport to and from the development would be by private motor vehicle. Therefore, the homes would be isolated and remote from services and facilities.
21. Concluding on this main issue, the proposed development would result in new isolated homes in the countryside and would lead to negative social and environmental effects in terms of the lack of accessible local services and the inefficient use of natural resources through travel by private motor vehicle.

Therefore, it would not accord with Policies SD1, ENV1 and H1 of the Core Strategy which seek to locate growth at the most accessible and sustainable locations and protect land outside of settlement boundaries.

Whether special circumstances exist

22. Paragraph 55 of the NPPF states that new isolated homes in the countryside should be avoided unless special circumstances exist, setting out a list of examples. Based on my consideration of the public benefits of the proposals above, it has not been demonstrated that the development would represent the optimum viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets.
23. The Council query the appellant's claim that the buildings are redundant or disused. They were not in active use at the time of my site visit, but are in a sound enough condition that they could be easily used again for storage and/or equestrian activities. Nevertheless, the immediate setting of the buildings is generally in a good condition in terms of the yards and other buildings. Even if I were to find that the buildings were redundant or disused, the development would not lead to an enhancement to the immediate setting as required by paragraph 55 of the NPPF.
24. Concluding on this main issue, no special circumstances have been demonstrated to allow the provision of new isolated homes in the countryside. Thus, the development would not accord with paragraph 55 of the NPPF.

Other Matters

25. Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) allows for the change of use of agricultural buildings to residential. However, it is not apparent from the evidence before me that the buildings meet the criteria set out in paragraph Q.1 of the GPDO. No permitted development rights appear to exist for the proposed development and works and therefore I have given this matter negligible weight.

Conclusion

26. The proposals would fail to preserve the special architectural and historic interest of the listed buildings and would result in harm to their significance. While the harm to the significance of the listed buildings is less than substantial, it would not be outweighed by the public benefits of residential use. The proposals would also result in the provision of new isolated homes in the countryside where no special circumstances have been demonstrated. For these reasons, and having had regard to all other matters raised, I conclude that the appeals should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR