
Appeal Decisions

Site Visit made on 28 November 2017

by R Barrett BSc(Hons) MSc MRTPI IHBC DipTP MRTPI

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

Decision date: 3rd January 2018

Appeal Ref: APP/X1545/W/17/3180005 (Appeal A)

Barn at Sheepcoates Farmhouse, Church Road, Great Totham CM9 8NS

- 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 D Clark against the decision of Maldon District Council.
- The application Ref FUL/MAL/16/01447, dated 12 December 2016, was refused by notice dated 8 March 2017.
- The development proposed is 'conversion of agricultural building to residential (Class C3)'.

Appeal Ref: APP/X1545/Y/17/3180007 (Appeal B)

Barn at Sheepcoates Farmhouse, Church Road, Great Totham CM9 8NS

- 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 Mr D Clark against the decision of Maldon District Council.
- The application Ref LBC/MAL/16/01448 dated 12 December 2016, was refused by notice dated 8 March 2017.
- The works proposed are 'conversion of agricultural building to residential (Class C3)'.

Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Procedural Matters

3. Appeal A and Appeal B relate to the same site. Whilst I have considered each proposal on its own merits, given that they are similar proposals, and in the interests of brevity, I have dealt with them in one document.
4. I note that the Council approved the Maldon District Approved Local Development Plan 2014-2029 (July 2017) (LDP) since making its decisions on the appeal applications. As this matter was raised in the Council's appeal statement, all parties have had an opportunity to comment on its relevance to the appeals. I am making my decisions accordingly.

Main Issues

- Whether the appeal proposals would preserve the special architectural or historic interest of Sheepcoates Farmhouse, a grade II listed building;
- Their effect on the rural character and appearance of the locality; and

- Whether the proposed dwelling would be appropriately located having regard to local and national policies for the supply of new housing.

Reasons

Listed Building

5. The appeal site includes a collection of agricultural outbuildings which sit close to the grade II listed Sheepcoates Farmhouse. Even though it is brought to my attention that the Historic England map before me relates to a different site, it is not disputed that Sheepcoates Farmhouse is a listed building. In this regard I am satisfied that the listing description identifies it as Sheepcoates Farmhouse. That building is a handsome, substantial detached house, dating from the 16th century, which formed part of a farmstead.
6. I acknowledge that the listing description does not specifically refer to the appeal outbuildings. However, that is mainly for identification purposes. The outbuildings are referred to as 'former farm buildings' in the appellant's evidence and it is confirmed that they have been used in association with the farmstead in the past. On the basis of the evidence in this regard before me, that they pre-date 1948, their past and present function, ownership and physical proximity, even though the curtilage of the listed building may have changed over time, I have no reason to take an alternative view to the Council, that the appeal buildings are subject to the listing of Sheepcoates Farm. In any event, a listed building consent appeal is before me, which I am charged with determining.
7. The appeal buildings include part of a collection of agricultural outbuildings with some variety in size, form, scale and age. Together, even though some have been altered over time and some are in a poor state of repair, they form an attractive collection of agricultural buildings. Being mostly single storey height with a simple form and detailing, they read as ancillary to the main listed house. They add to its rural setting and serve as a reminder of its former farmstead use. For these reasons, they significantly contribute to the listed building's setting and its significance as a heritage asset.
8. The proposed schemes would replace one of the buildings with a larger building which would be two storey in scale. Whilst simple in form, when seen together with the existing structures, it would appear more dominant in relation to the listed building. This would disrupt the collection's existing ancillary relationship with the listed building. Further, the proposed dwelling, which would have a domestic appearance, would erode reference to the listed building's former farmstead use. The proposed dwelling, along with the formalised access drive, even though that would include the reuse of an existing track, definition of its curtilage and garden with domestic paraphernalia, such as washing lines, parking and garden structures, it would detract from the listed building's rural setting. This in turn would detract from its significance as a heritage asset.
9. Moreover, the appeal site includes a timber framed building closest to the farmhouse with weatherboarding and a steeply pitched tiled roof of 18th century origin. A larger most probably 19th century brick animal shelter, with a steeply pitched roof lies to one side. Other outbuildings sit close by. Their historic fabric contributes to the significance of those buildings. The appeal proposals would result in the retention and alteration of the 18th and 19th century buildings referred to previously. However, insufficient evidence is

before me to assess the effect of the proposed conversion on the timber framed structure of the 18th century barn. As it is most likely that the works would include some replacement, alteration and repair of timbers, in the face of insufficient structural evidence and a repair methodology, in particular, I am unable to fully assess the extent of retention of the historic fabric for the proposed use, including the timber frame. This matter adds to my concern.

10. I have had regard to an Inspector's decisions brought to my attention relating to New Hall, High Street, Bradwell, which involved the conversion and extension of a listed barn (Ref APP/X1545/A/13/2193433 & APP/X1545/E/13/2193419). However, the Council confirms that those appeals were supported by a detailed structural engineer's report and methodology statement for repair. Further, in that case, that Inspector came to the conclusion that the whole site was plainly residential. Those matters differentiate those cases from the ones before me.
11. I have noted that the appeal buildings are not currently used and are in need of repair. The appeal proposals would remove some less attractive elements and would include some repair, aim to reuse historic materials and put the buildings to a new use and thus help to secure their future. However, limited substantive evidence is before me to suggest that the conversion of the appeal buildings from agricultural outbuildings would represent their optimal viable use.
12. The appeal proposals would result in an additional smaller dwelling on previously developed land and release a larger family home for occupation. I note that the space that would be provided could be adapted to other uses and that future occupiers would support local services and facilities. I have also noted the personal circumstances of the appellant and acknowledge his historic family connections with the locality and that the appeals would allow him to stay and farm in the locality. However, the proposed dwelling would persist long after those personal circumstances have expired. Overall, together, all these benefits, some of which are public benefits, would not outweigh the harm that I have identified.
13. I conclude that the appeal proposals would fail to preserve the special architectural or historic interest of Sheepcoates Farmhouse; a grade II listed building and its setting. For this reason, they would be contrary to LDP Policy D1 and D3. Together, those policies seek to respect and enhance the character and local context and preserve or enhance the special character, appearance, setting and landscape value of heritage assets.

Public Benefits

14. In accordance with paragraph 132 of the National Planning Policy Framework (the Framework), I accord great weight to the conservation of designated heritage assets. I consider that the harm to the significance of the listed building, in particular its setting, would be less than substantial. However, this is a matter to which I attach considerable importance and weight, mindful of my statutory duties¹. In this case, no public benefits, as identified in paragraph 134 of the Framework, are before me, which would outweigh that harm. In coming to this conclusion, I have had regard to all of the public benefits of the proposed dwelling already referred to.

¹ section 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

Character and Appearance

15. The appeal development and works would be located in the open countryside. The locality includes open rural fields with scattered houses, farmsteads and agricultural buildings, such that it has a generally rural character and appearance. Sheepcoates Farmhouse, along with the ancillary agricultural buildings close by, including those within the appeal site, significantly contributes to that character and appearance.
16. Although the appeal dwelling would be set back from the road, screened in some views by planting and seen in the context of existing buildings in some views, the appeal proposals would significantly urbanise the locality. They would therefore detract from its rural character and appearance identified. Further, for the reasons previously stated, they would detract from the setting of the listed building. That building positively contributes to the character and appearance of the locality. It therefore follows that the proposed dwelling and associated works would erode the locality's rural feel.
17. I conclude that the proposed dwelling would harmfully affect the rural character and appearance of the locality. It would therefore be contrary to LDP Policy D1.

Location of New Housing

18. The appeal dwelling would be located outside a settlement boundary, in countryside, as defined by LDP Policy S8. On the basis of my previous findings regarding the effect of the appeals on the setting of the listed building and the rural character and appearance of the locality, I find that it would not fall within the exceptions listed as a) to m) of that policy. In particular, even though the proposed dwelling would re-use a redundant or disused building, for the reasons stated earlier in my decision, it would not lead to an enhancement to the immediate setting.
19. Whilst the proposed dwelling would be close to Sheepcoates Farmhouse, it would be otherwise isolated in the countryside. It would be some distance from local facilities, services and employment. It would be located some way from a main road with very limited access to public transport. Great Totham is suggested to be the closest settlement, but that is approximately 2 kms away along an unlit road with no footpath. Further, LDP Policy S8 defines that settlement as a 'larger village' with a limited range of services and opportunities for employment, retail and education serving a limited local catchment and containing a lower level of access to public transport than the main settlements of Maldon, Heybridge and Burnham-on-Crouch. That policy considers Maldon as a whole and as a rural district and adds weight to my findings. Overall, for all these reasons, it is likely that future occupiers would be reliant on private motorised forms of transport. Such reliance would be greater than in another parts of this mainly rural District.
20. I conclude that the appeal proposals would not be appropriately located, having regard to local and national policies for the supply of new housing. For this reason, it would be contrary to LDP Policies S8. That policy seeks to protect the countryside for its intrinsic value by directing development to defined

settlements. It would also fail to accord with paragraph 55 of the Framework, which aims to avoid isolated homes in the countryside. It would not lead to an enhancement of its immediate setting and limited substantive evidence is before me to suggest that the conversion of the appeal buildings from agricultural outbuildings would represent their optimal viable use. It would also fail to accord with LDP Policy E4, which supports the change of use of existing rural buildings to other employment generation uses.

Other Matters

21. I note the Council's position that it can demonstrate a five year supply of deliverable housing sites. I also note that the appellant suggests that no evidence in this regard is submitted. However, the Inspector's findings at the recent examination of the LDP, which found that it could demonstrate a supply in excess of five years, are brought to my attention. For this reason and on the limited substantive evidence to the contrary before me, I accept the Council's position on this matter. On that basis, paragraph 14 of the Framework is not engaged.
22. In any event, the appeals would result in the addition of just one new dwelling to the District's housing supply. Although a benefit, that would be a small public benefit of the appeal schemes. The matter of housing land supply therefore does not materially affect the outcome of these appeals. Nor does the matter of whether the appeal proposals would result in a three or four bedroom dwelling.
23. Other appeal decisions in the District are before me. Many make findings on the weight to be attached to the existing and emerging development plan and neighbourhood plans. However, no neighbourhood plan is before me and in light of the approval of the LDP those conclusions have limited relevance to these appeals.²
24. Other Council decisions are before me. Many pre-date the LDP. However, I am considering these appeals on their own merits. With the benefit of a site visit to those cases that I considered necessary, I conclude that none replicate the circumstances of these appeals. They are either in a different locality, did not include heritage assets or were determined in a different national and local policy landscape.
25. I acknowledge the efforts made to amend the appeal applications, following previous Council refusals. I also acknowledge the appellant's concern with the way in which the Council dealt with the appeal applications, its pre-application advice and its consistency in decision making. However, that is a matter between the Council and appellant in the first instance and has not influenced my decisions.
26. I note that an application for prior approval for a proposed change of use at the appeal site was refused (Ref COUPA/MAL/15/00694). I also note the appellant's comments regarding that decision. However, the appellant submitted a listed building consent application for the proposed works, the Council determined that application and I am charged with dealing with the associated appeal. That is what I have done.

² Ref APP/X1545/W/15/3009772; APP/X1545/W/16/3142883; APP/X1545/A/12/2181697; APP/X1545/A/14/2213155; APP/X1545/A/14/2214527; APP/X1545/A/14/2214443; APP/X1545/A/14/2213722).

Conclusions

27. I have found that the appeal proposals would result in a conflict with the development plan as a whole. Therefore, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, I need to assess whether there are other material considerations that would outweigh that development plan conflict. I have identified that the development plan conflict would be weighty for the reasons set out above. Taken together the other material considerations, including the public and other benefits of the appeals, are not. Therefore, a decision in accordance with the development plan should be made.
28. For the above reasons, and taking all other matters raised into consideration, I conclude that both appeals should be dismissed.

R Barrett

INSPECTOR