



Appeal Decision

Site visit made on 11 June 2019

by Matthew Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th July 2019

Appeal Ref: APP/Z1510/W/19/3225503

Gatehouse Farm, Ambridge Road, Coggeshall, CO6 1QT

- 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 Robin Tombs against the decision of Braintree District Council.
 - The application Ref 18/00451/FUL, dated 1 March 2018, was refused by notice dated 17 October 2018.
 - The development proposed is described as 'change of use from agricultural to residential use ancillary to the main dwelling incorporating conversion of existing barn with alterations, part demolition of existing storage buildings and construction of new outbuilding.'
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from agricultural to residential use ancillary to the main dwelling incorporating conversion of 2 No. existing barns with alterations, part demolition of existing storage buildings and proposed erection of new outbuilding including new hardstanding and landscaping areas at Gatehouse Farm, Ambridge Road, Coggeshall, CO6 1QT in accordance with the terms of the application, Ref 18/00451/FUL, dated 1 March 2018, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan 04C (dated 27-03-2019), 01A, 02, 03B, 04C, 05C, 06C.
 - 2) The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of Gatehouse Farm.

Procedural Matters

2. The appellant submitted amended plans with the appeal. They amend the proposal by altering the red-line boundary so that it includes the appeal buildings, the existing dwelling, and an area of land surrounding it. They also remove the solar panels which were proposed on one of the buildings. The Council have had an opportunity to comment on the amended plans. Having regard to the *Wheatcroft Principle*¹, I am satisfied that the amendments would not prejudice interested parties. Consequently, I have accepted the amended plans and decided the appeal on that basis.

¹ Bernard Wheatcroft Ltd vs. Secretary of State for the Environment [JPL 1982]

3. Whilst the description of development in the banner heading above is as per the planning application form, the Council and appellant agreed to amend the development description which is more clearly described by the appellants in their appeal form, apart from the word 'retrospective', which I have omitted because it is not an act of development. This is reflected in the description of development I have used in my decision.
4. At the time of my site visit, I saw that the development was substantially complete. I have dealt with the appeal based on the submitted plans, as described above, which ostensibly align with the development undertaken.

Main Issue

5. The main issue in this case is whether or not the development is ancillary to the existing dwelling having regard to character and appearance.

Reasons

6. Gate House Farm is an existing dwelling which is Grade II listed. The appeal site comprises the existing dwelling and a range of outbuildings which generally lie to the east of it. They are set within extensive grounds within the countryside and some distance from other properties. The appeal relates to three of the outbuildings. A lean-to element attached to one of the outbuildings was demolished and replaced with a new building which forms part of the appeal scheme.
7. The evidence before me indicates that the existing appeal buildings were in agricultural use at some point in the past. I saw on my site visit that all the appeal buildings had been furnished and fitted out for a range of leisure uses, including a sports hall, dance hall, gym, indoor cinema and kitchen area. One of the buildings was being used for general storage. Whilst the works undertaken are comprehensive and rather grandiose, there was nothing on my site visit to indicate that the buildings were being used for anything other than for the benefit of the occupiers of the existing dwelling.
8. The appeal buildings are clustered together and lie relatively close to the existing dwelling which is a short walk across a courtyard/hardstanding area. Their relationship with one another is likely to be reflective of their historic use as they are laid out in a formation typical of a farmyard. Even if I was to accept the Council's assertion that the buildings fall outside the residential curtilage of the existing dwelling, I am satisfied that they are sufficiently close to be functionally linked and to be used for the ancillary purposes described by the appellant.
9. Some of the appeal buildings are much larger than the existing dwelling and taken together the footprint of them substantially exceeds it. However, the development largely comprises the re-use of existing buildings which have been repaired and clad, with extensive areas of glazing having been used on some of the elevations. The additional building is a replacement for, and falls within the general footprint of, the former lean-to. The building has a more modern design but it is smaller than most of the surrounding buildings and is largely screened from the countryside by them. Overall, whilst some of the agricultural character of the existing buildings has been lost as a result of the development, they retain a rustic appearance and the contemporary alterations and additions have enhanced the overall appearance of the buildings in a

manner that is consistent with the setting and character of the existing dwelling and the surrounding countryside.

10. The amendments to the appeal scheme I have referred to mean that solar panels are no longer proposed on one of the buildings. Like the Council's Heritage Advisor, I find no harm to the setting of the Grade II listed dwelling based on the works undertaken and the ancillary nature of the development.
11. The Council are concerned that the scale and nature of uses within the appeal buildings indicates that they could be let or sold separately from the existing dwelling and be used on a commercial basis, which could lead to additional highways impacts and affect the living conditions of nearby occupiers of properties. However, this is an assumption which does not reflect what has been applied for.
12. I have considered the guidance set out in the Planning Practice Guidance (the PPG). The use of the appeal buildings could be adequately controlled by the imposition of an appropriate planning condition to tie the uses so that they are ancillary to the existing dwelling. As I find that the development is within an acceptable distance of the existing dwelling and there is a functional relationship between them, I am satisfied that such a condition would meet the '6 tests' as set out in the PPG, including that it would be reasonable in all respects.
13. Having regard to the above, any future use of the appeal buildings for commercial purposes which materially changed their use would necessitate a separate planning application, the merits of which would be assessed at that time
14. For the foregoing reasons I find that the development is ancillary to the existing dwelling and does not harm the character and appearance of it, or the surrounding area. The development complies with Saved Policies RLP2 and RLP18 of the Braintree District Local Plan Review 2005 which requires development in the countryside to be in harmony with its countryside setting and compatible with the scale and character of the existing dwelling. The Publication Draft Local Plan 2017 has been submitted for examination but remains unadopted and does not carry full weight. Even though the development is not subordinate to the original dwelling in terms of bulk, height and position, as required by Policy LPP38, it complies with the main thrust of this Policy as it does not harm the character and appearance of the area and has no unacceptable impact on the listed dwelling. The development respects the intrinsic character and beauty of the countryside in accordance with paragraph 170 of the National Planning Policy Framework.

Other Matters

15. Even though development has already taken place, I have assessed the development on its own planning merits and find it acceptable for the reasons given.
16. I acknowledge that the construction works undertaken are likely to have increased the number of vehicles entering and leaving the site. However, I have no evidence before me to indicate that the ancillary use of the buildings would increase vehicular movements or affect the living conditions of the occupiers of nearby properties due to noise and disturbance.

17. I understand that there is a planning history associated with the wider site which involves other buildings and different proposals to the appeal scheme I am determining here.

Conditions

18. The Council have not suggested any planning conditions. However, I have specified the approved plans as this provides certainty. I have also included a condition with respect to the use of the buildings to ensure they are retained as ancillary to the existing dwelling to protect the setting of the listed building, highway safety and the character and appearance of the surrounding area.

Conclusion

19. Subject to the above conditions, and having had regard to all matters raised, the appeal is allowed.

Matthew Woodward

INSPECTOR