



Appeal Decision

Site visit made on 20 February 2019

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 9th July 2019

Appeal Ref: APP/J1535/W/18/3205852

Glovers Farm Barn, Glovers Lane, Hastingwood, Essex CM17 9LA

- 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 Roger Richards against the decision of Epping Forest District Council.
 - The application Ref EPF/3258/17, dated 28 November 2017, was refused by notice dated 24 January 2018.
 - The development proposed is new vehicular access off Hastingwood Road.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have used the description of development from the decision notice as it is more precise than that given on the application form.
3. I note the Epping Forest District Local Plan Submission Version 2017 (emerging Local Plan) including the Vision for North Weald Bassett. However, since there is no certainty that it would be adopted in its current form, I give this emerging Local Plan limited weight.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on highways safety;
 - the effect of the proposal on the setting of nearby listed buildings; and
 - whether or not the proposal would be inappropriate development in the Green Belt, including its effect on openness.

Reasons

Character and appearance

5. Although the proposed access would be at ground level and it may be shielded from view by nearby hedgerows, the introduction of a significant length of hardstanding and the associated increase in vehicle movements across an area of open countryside would have an urbanising effect on the landscape. The existing farm traffic that utilises the access is agricultural and therefore in keeping with the

agricultural character and appearance of the nearby fields. The proposed access on the other hand would facilitate non-agricultural vehicle movements and while a gravelled surface may be proposed, it would nevertheless be a substantial strip of hardstanding in an existing green field and would therefore be a discordant intrusion into the landscape.

6. Therefore, the proposal would harm the character and appearance of the area and would conflict with Local Plan Alterations Adopted July 2006 (LP Alterations) Policy CP2 which seeks to sustain and enhance the rural environment, Epping Forest Local Plan Adopted January 1998 (LP) Policies LL1 and LL2 and emerging Local Plan Policies SP7 and DM3 which seek to conserve and enhance the character and appearance of the countryside.

Highways Safety

7. A document (Highways Rebuttal) was submitted as part of the appeal process which seeks to demonstrate that the appellant would be able to achieve the visibility splay requested by Essex County Council (ECC) in their suggested conditions. I acknowledge that the appellant could demonstrate the appropriate ownership or agreement to carry out such works on the relevant stretch of land and has indicated that replacement planting could be introduced behind this visibility splay. However, this document was not consulted upon, and the proposed visibility splay would necessitate the removal of a substantial length of hedgerow which did not form part of the original application. Therefore while I note the Highway Rebuttal, I am determining the application based on the drawings and associated visibility splays as proposed when the application was determined.
8. The existing access is used for farm traffic and given it would be the main approach to a dwelling, the proposals would result in an increase of vehicles using the access, and the frequency of vehicular movements through the access is likely to be daily. The visibility splay that would be achieved as shown in the plans that were before the Council would fall far short of the recommendations advised by both the EEC as local highway authority, Hastingwood Road is a single carriageway that curves to the north of the proposed access and has a speed limit of 40mph. Together with the existing hedgerow that would limit views of oncoming traffic when exiting the proposed access, these existing parameters of the road would be likely to give motorists little time to react to vehicles exiting the proposed access and have an unacceptable impact on highways safety.
9. I acknowledge that the existing vehicular access to the site is via Glovers Lane which has less visibility than the proposed access would have. However, given the speed with which vehicles are likely to be travelling along Hastingwood Road, the proposed access would be an additional junction where there would be a lack of visibility. Therefore there would be an increase in the risk of collision along the road such that the proposed access would have an unacceptable effect on highways safety.
10. Consequently, the proposed development would be likely to harm highways safety and would conflict with LP Alterations Policy ST4 which relates to road safety and emerging Local Plan Policy T1 as well as with paragraph 108 of the National Planning Policy Framework (Framework) which requires that a safe and suitable access to the site can be achieved for all users.

Listed buildings

11. Glovers Farm Barn (Barn) is a historic barn that is sited near to Glovers Farm (farmhouse) and both buildings are Grade II Listed. Given the proximity and historic function of the two buildings, a substantial aspect of their significance lies in their relationship with one another, which is evidenced by a shared access. The evidence of historic rural architecture also contributes to their significance.
12. I acknowledge that the Barn benefits from listed building consent for conversion to a separate dwelling which may, if implemented, somewhat diminish the significance in terms of the relationship between the two buildings. I also note that the proposed development may not be viewed from beyond the field and would not introduce any physical separation between the two Listed Buildings. However, the proposed access would provide an independent approach to the Barn that would further erode its significance by considerably weakening the relationship between the two heritage assets that have had a historic association.
13. While the proposed access would roughly follow an existing farm track at ground level, the existing track appears part of and blends in with the adjacent field. Consequently, the existing access makes very little contribution to the setting of the Listed Buildings.
14. For the foregoing reasons, the proposal would be harmful to the setting of the listed buildings, and thereby the significance of the designated heritage assets. It would therefore conflict with LP Policy HC12 which restricts development that would have an adverse effect on the setting of a listed building. It would also conflict with emerging Local Plan Policy DM7.
15. LP Policies LL1 and LL2 and emerging Local Plan Policies SP7 and DM3 relate to the character and appearance of the landscape and are not directly relevant to this main issue.

Inappropriate development

16. Paragraph 146 of the Framework states that engineering operations are not inappropriate development in the Green Belt provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt.
17. While the Inspector for the case in Nazeing determined that in that case the access road would not constitute engineering operations, since this appeal proposal includes the formation and laying out of a means of access to highways, it would constitute engineering operations. In any event, the details of the case in Nazeing are not before me and each case must be determined on its own individual circumstances.
18. However, the issue of whether the development would be inappropriate in the Green Belt will be determined by my conclusion on the effect on Green Belt openness and purposes.
19. The proposed access road would lead to the hard-surfacing of a strip of land that currently provides access for farm traffic and would run a substantial distance across a green field from Hastingwood Road to Glovers Farm Barn. The proposal does not include development above ground level and given that the access would be for the use of one dwelling, the frequency of vehicles using the access would be limited and there is no evidence before me to suggest that vehicles on the access

road would be stationary for substantial periods of time. Therefore, the access would not affect the openness of the green belt.

20. Consequently, the proposed development would preserve the openness of the Green Belt and would not impact on the purpose of safeguarding the countryside from encroachment. It would therefore accord with LP Alterations Policy GB2A which restricts development in the Green Belt subject to a number of exceptions which broadly align with the Framework and with LP Alterations Policy CP2 which seeks development that enhances and manages, by appropriate use, land in the metropolitan green belt and urban fringe. It would also accord with LP Alterations Policy GB7A which restricts conspicuous development that would have an adverse impact on the openness of the Green Belt. The proposed development would also accord with emerging Local Plan Policies SP6 and DM4 and with the Framework.

Planning Balance

21. The identified harm to the setting of the listed buildings would be less than substantial and in accordance with paragraph 196 of the Framework, that harm should be weighed against any public benefits of the proposal, including securing its optimal viable use. Bearing in mind the statutory duty¹ to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, the identified harm carries substantial weight against the proposed development.
22. I acknowledge the comments relating to the extant permission for a separate access to the Barn sharing a right of way through the garden of the farmhouse. However, this has not altered my overall decision.
23. While the proposal would provide infrastructure to a new dwelling, given that there is only one new dwelling, this benefit would be private and limited. Since the proposal would introduce hardstanding in a green field, as well as associated vehicle movements, it would have an urbanising effect that would be discordant with the character of the immediate vicinity and would not provide a social or environmental benefit.
24. Since a separate access to the Barn from Glovers Lane seems to have been granted planning permission as well as the conversion to a separate dwelling, the restoration and conversion of the Barn has already been facilitated. Consequently, the optimal viable use of the Listed Buildings appears to have already been secured. Therefore, the benefits claimed by the appellant and the limited weight attributed to the benefit of additional infrastructure do not outweigh the substantial weight attached to the harm to the setting of the listed buildings.

Conclusions

25. Notwithstanding my conclusions regarding the openness of the Green Belt, this does not alter my findings in relation to the harm to the character and appearance of the area, highways safety and the setting of the listed buildings. For the reasons given above the appeal should be dismissed.

R Sabu

INSPECTOR

¹ S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990