
Appeal Decision

Site visit made on 1 July 2019

by Nicola Davies DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2019

Appeal Ref: APP/Z1510/W/18/3197357

Stock Street Farm, Stock Street, Coggeshall, Essex CO6 1NX

- 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 Michael Staines against the decision of Braintree District Council.
 - The application Ref 17/01175/FUL, dated 17 August 2017, was refused by notice dated 12 December 2017.
 - The development proposed is described as "*change of use of redundant GII Listed Barn from B8 to D2 demolish a modern garage within curtilage*".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the site address and the proposal description from the planning application form although I note these are expressed differently on other documents.
3. A revised version of the National Planning Policy Framework ('the Framework') has been published since the planning application was determined by the Council. I have had regard to the revised Framework in reaching my decision.

Main Issues

The main issues raised in respect of the appeal are the effect of the proposed development on: -

- (a) The setting and significance of Grade II listed buildings; and
- (b) Highway safety.

Reasons

4. The former farmhouse is Grade II listed as is one of its associated barns to the north west of the farmhouse. The proposal seeks to convert the barns, which include the listed barn, from storage to leisure use.
5. The Council explains that this farmstead is one of a chain of farms in and around Coggeshall located along the line of Stane Street, an historic Roman road between Braughing in Hertfordshire and Colchester in Essex. The core of the farmhouse dates from prior to 1600 and has been extended and altered in the eighteenth and nineteenth centuries. It has been listed both for historic

and architectural interest. The barns include a timber framed barn of seventeenth and eighteenth century construction. This barn has also been listed for its historic and architectural interest. The farmstead, therefore, has historic significance in terms of it forming part of a chain of historic farmsteads whilst both the farmhouse and barn have historic and architectural significance in their own right given their age and character.

6. The plan that supports the proposal shows parking provision within and around this former farmstead for up to 67 vehicles. Rows of parking areas would be spread across the site with large areas of parking to the east and west of the farmstead. Such parking provision would not relate to the historic character of the farmstead and would appear as an unrelated feature within its context. It would have a considerable visual impact as it would be a highly dominant feature taking up a considerable proportion of the land within the farmstead. This would completely alter the setting of the existing farmstead and how these historic buildings are understood, read and experienced within the farmstead. The proposal would, therefore, significantly harm the setting of the listed buildings and their significance.
7. I acknowledge that the proposal would not involve any works to the fabric of the barn building and that the parking proposed would be temporary in the sense that it could be reversible. I accept that events would not take place every day and many evening events would be during the hours of darkness. Each event would have differing parking demand and, overall, the events would take place over a relatively short period of any given year. Notwithstanding these matters, the appellant accepts that when the car parking on site is in use, particularly when at capacity or close to it, there would be some harm arising from the proposal. I therefore consider there would be harm arising from the proposed development even if events were limited to 60 per year.
8. It is contended the site would be visible from passing vehicles but views would only be fleeting given the speed of travel along the A120 and hedgerows would obscure most views. Nonetheless, those who visit the site would be able to see the harm arising to the setting of the listed buildings as a result of parked cars.
9. To adhere to Highway England's requirements the Council says that part of the curtilage wall relating to the farmhouse would need to be removed to facilitate improvements to the 'in' access. The Council highlights that it has received a Listed Building Consent (LBC) application for these works. Notwithstanding this, the appellant argues that no alterations are proposed to the wall in respect of this proposal. It appears to me from the plans before me that no alterations are proposed relating to the walls either side of the 'in' access. Despite the LBC application, I have no substantive evidence before me that would clearly indicate that any part of the front boundary wall would be removed or altered as a result of the proposal before me.
10. Paragraph 193 of the Framework indicates that great weight should be given to the asset's conservation. For the reasons given above, I conclude that the proposed development would cause substantial harm to the designated assets of the listed farmhouse and barn when events take place. I consider there would be less than substantial harm to these designated heritage assets and I give this considerable importance and weight. In accordance with paragraph 196 of the Framework I must weigh the harm against the public benefit of the proposal.

11. The development would allow for the continued use of the barn and provide the public with a distinctive rural multi-use leisure facility for which the representations received show has local support. It would also provide the opportunity for patrons/guests to go inside the listed barn and experience it at close quarters. The proposed use would provide economic benefit in terms of income for the appellant, as well as provide local employment opportunities. Whilst it is said that the proposal would support the upkeep of the listed barn, I have not been provided any substantive evidence that would indicate the on-going maintenance of the listed barn to be a concern. Overall, I consider the benefit to the public would be modest, and insufficient to outweigh the harm identified. I conclude therefore that the proposed development would fail to accord with national policy that requires special regard to be given to the desirability of preserving the setting of a listed building (Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990).
12. I accept that the barns may not lend themselves well to modern storage requirements, but this does not outweigh the harm arising from the proposal or justify the development.
13. For these reasons, I conclude that the proposed development would be harmful to the setting and significance of Grade II listed buildings. The proposal would, therefore, conflict with Policy CS9 of the Braintree District Council Core Strategy, Policies RLP2, RLP38, RLP90 and RLP100 of the Braintree District Local Plan Review and the Framework. These policies seek, amongst other matters, development to secure the highest possible standards of design and layout and to protect and enhance the historic environment.

Highway safety

14. The appellant considers the venue has a maximum capacity of 200 patrons/guests. The Council considers that given the restraints of the site with its limited land ownership and context of listed buildings at the site, in addition to the access being onto the busy A120, it would be reasonable in this case to require parking spaces of up-to half of the capacity for the venue. That would equate to 100 plus parking spaces. The proposal, having a maximum of 67 parking spaces, would fall well short of the Council's requirement.
15. The appellant asserts that the Council is being unreasonable in relation to the large number of parking spaces sought and points out that if the Essex Parking Standards were applied for this D2 use then a maximum of 18 spaces would be required to be provided. The list of event details provided by the appellant demonstrates that a good number of events held at the venue from 2017 to date exceeded the parking requirements advocated by the Essex Parking Standards. I also note that none of these recorded events appear to have been capacity events.
16. Despite the parking requirements set out in the Essex Parking Standards it appears to me the parking demand arising from the proposed use would, depending on the event, be greater than the standards advocated. Given the rural location of the site this would necessitate patrons/guests to travel to the venue. I note that the venue hosts a bar and some patrons/guests may choose to travel to the venue by taxi rather than private vehicle. However, as the appellant has acknowledged, different events will create different parking demands.

17. On the evidence before me I cannot be certain that the proposed parking would adequately accommodate guest parking at the appeal site, particularly when capacity event would take place. If patrons/guests were unable to park at the appeal site this could lead to vehicles being parked beyond the appeal site and potentially along the busy public highway of the A120 where the traffic is fast flowing. If this were to take place, I consider there would be a significant risk to patrons'/guests' safety, as well as a risk to the safety of other users of the public highway.
18. The appellant has suggested imposing a planning condition that would limit the maximum number of patron/guests to 200 and suggests that events could be ticketed to manage events. However, I cannot see that capping the number of patrons/guests would control the number of vehicles being brought to the site. Therefore, I do not consider such a condition would be reasonable in this case.
19. The 'out' access to the west of the appeal site, although being an existing access, falls beyond the applicant's red line site location boundary as shown on the plans before me. I note also that the 'out' access is not within the appellant's ownership. Highways England has advised that the access would need to be upgraded. Given the 'out' access falls within separate ownership there is no guarantee that upgrades to that access could be achieved as that land is not under the appellant's control. As such, I cannot be certain that an acceptable level of highway safety relating to the 'out' access would be achieved.
20. The Council has highlighted two recorded accidents directly outside Stock Street Barn. However, on the available evidence I cannot conclude that these incidents had any connection with any previous events that may have taken place at the appeal site.
21. For the above reasons, I conclude that the proposed development would be harmful to highway safety. The proposal would, therefore, conflict with Policy CS9 of the Braintree District Council Core Strategy, Policies RLP36, RLP38, RLP56 and RLP90 of the Braintree District Local Plan Review and the Framework. These policies seek, amongst other matters, development to have safe and satisfactory vehicular access and egress and that can be provided with adequate space within the curtilage to accommodate car parking to the Council's standards.

Other Matters

22. The Council has relied on emerging Braintree District Draft Publication Local Plan policies to support its reasons for refusal, but I have not been provided with copies of those policies cited. In any event, that plan has yet to be fully adopted for development control purposes and I have considered the proposal against the development plan that is currently in place.

Conclusion

23. Having regard to the above findings, the appeal should be dismissed.

Nicola Davies
INSPECTOR