

Appeal Decision

Site visit made on 30 April 2019

by G Jenkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2019

Appeal Ref: APP/C1570/D/19/3223327

4 Battles Hall Barns, Maggots End Road, Manuden, Essex CM23 1BJ

- 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 Duncan Chalk against the decision of Uttlesford District Council
 - The application Ref UTT/18/3136/HHF, dated 1 November 2018, was refused by notice dated 4 February 2019.
 - The development proposed is 2 no. Dormer Windows.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the banner heading above has been taken from the Council's decision notice. During the course of the application the description as per the application form was altered to be more concise. The Council made its decision on this basis and I consider that this concise description reflects the proposal before me and I have therefore determined the appeal on the basis of this description.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the converted barn with particular regard to the original functional appearance of the barn and the special historic and architectural interest of the host dwelling.

Reasons

4. The appeal site is located adjacent to Battles Hall, a Grade II Listed Farm House¹. Behind the farmhouse is a courtyard of weatherboarded barns recently converted to dwellings. The appeal dwelling is referred to as a Longhouse and is situated within open countryside, backing onto agricultural land. The rear garden of the barn is elevated and the field to the rear is at the same height as the garden. The barn has the appearance of a low lying former agricultural building with existing roof lights on the front roof slope.
5. The proposal is to insert two large flat roof box style dormer windows at either end of the rear elevation of Longhouse, to increase the headspace in the bedrooms and introduce more light into the bedrooms and bathrooms.

¹ Listing Reference 1276720 which specifies the date of listing as being 26 November 1951

6. The Appellant submits that the barn does not fall within the curtilage of the principal listed building (and therefore that planning permission is not required for the dormer windows).
7. As I understand it, the barns were previously agricultural buildings associated with Battles Hall but were then sold to a developer around 2012 and later converted to residential properties. The Council has outlined that Listed Building Consent was obtained as part of the application process for the conversion of the barns to residential accommodation.
8. The appellant refers to an Historic England List Entry² which includes a plan which shows that Battles Hall Barns are outside of the defined area on the plan. However, this Historic England record relates to a Scheduled Ancient Monument which is Battles Hall and not what is associated with the Listed Building. Therefore, this is of little relevance in the consideration as to whether the barns were in the curtilage of Battles Hall on the 1 January 1969³.
9. My attention has also been drawn to Historic England's Listed Building and curtilage advice note (consultation draft – 27 January 2017) and in particular the examples at sections 2.1 to 2.3 inclusive. However, from the evidence before me, the examples are not the same as what is before me including the juxtaposition between the respective buildings.
10. In the absence of any convincing evidence to the contrary the barns were within the curtilage of Battles Hall in 1969 and as such should be treated as part of the listed building for planning control purposes.
11. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses when dealing with planning applications.
12. To my mind the two large proposed box dormer windows, clad in zinc material, on an existing barn conversion would significantly detract from the original functional appearance of the barn and would result in substantial harm to the building by adding unacceptable domesticating features.
13. These domesticating features would be an incongruous addition to the rear elevation and would have an adverse effect on the character or appearance of the host building. Furthermore, the introduction of such large box style dormer windows would be harmful to the special architectural character of this heritage asset.
14. Paragraph 196 of the National Planning Policy Framework (the Framework) states that where a development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
15. In this case, the appellant has not advanced any public benefits which would arise from the proposal. Whilst the development would clearly benefit the living conditions of the occupiers of the barn in terms of increased head height

² Reference 1011630

³ which is the relevant date because of the provisions which are contained in section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990

and natural light, this would not amount to the public benefits required to justify such a proposal. Taking this into account, this factor does not outweigh the harm I have found to this listed building.

16. In conclusion, the development would not preserve the special architectural and historic interest of the listed building nor the agricultural character of the converted barn. The proposal would therefore conflict with Policy ENV2 of the Uttlesford Local Plan 2005, which amongst other matters seeks to ensure that development affecting a listed building should be in keeping with its scale character and surroundings. It would also be at odds with the heritage aims of the Framework.

Conclusion

17. For the above reasons and having considered all the matters raised I conclude that the appeal should be dismissed.

Gemma Jenkinson

INSPECTOR