



Appeal Decision

Site visit made on 16 July 2019

by L Gilbert BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 August 2019

Appeal Ref: APP/W1525/W/19/3227144

The Laurels, Sporhams Lane, Sandon, Chelmsford CM3 4AJ

- 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 B Moss against the decision of Chelmsford City Council.
 - The application Ref 19/00125/FUL, dated 22 January 2019, was refused by notice dated 20 March 2019.
 - The development proposed is conversion of stables to one bedroom dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Both main parties refer to draft policies of an emerging Local Plan. In accordance with paragraph 48 of the National Planning Policy Framework (the Framework) weight may be given to emerging policies subject to the extent of unresolved objections. There is no substantive evidence before me which allows me to make this judgement and as the examination of these policies has not yet concluded, I have attached limited weight to them. In any event the aims of those draft policies are not so materially different to those of the relevant adopted policies, such that this approach has not influenced the outcome of the appeal.

Main Issues

3. The main issues are the effect of the proposal upon the character and appearance of the area and whether the building subject to the proposed conversion is of permanent construction and suitable for the proposed use.

Reasons

4. The building subject to this appeal consists of a vacant block of four stables and grassed areas in the countryside. There is a gravel area adjacent to the side of the stables that links to Sporhams Lane. Mature hedges and vegetation help to screen the site from Sporhams Lane.
5. Directly to the west of the site lies a stable block, manège and grassed paddocks. There is also an area of hardstanding, where a hay barn is under construction. Beyond this to the west lies a pair of semi-detached houses and Chamberlains Farm. Across to the east of the site is a public footpath which affords views of the appeal site. There are houses on the opposite side of the road. The surrounding area is characterised by grass fields, trees, scattered

houses and livery yards. Overall the area has a predominantly rural character and appearance.

6. Policy DC2 of the Core Strategy and Development Control Policies, Development Plan Document 2001-2021 (2008) (DCP) makes clear that the countryside will be protected for its intrinsic beauty and the re-use of existing buildings, such as the appeal building will only be permitted where it accords with Policy DC57 of the DCP. Policy DC57 of the DCP requires that the adaptation of such buildings for residential purposes will only be permitted, where among other things the general design of the building is in keeping with the surroundings and its retention would not be detrimental to the appearance and amenity of the countryside. Furthermore, it requires the building is of permanent construction, is suitable for the proposed use and any alterations required to render it usable would not lead to it being significantly more intrusive in the countryside.
7. The proposal would introduce a garden with associated domestic paraphernalia, hardstanding and external alterations to the stables to facilitate its use as a residential unit. This includes the introduction of full height double glazed windows, to replace existing stable door openings and a new slate roof on the building. Two car parking spaces and a turning area would be provided. I acknowledge car parking has been approved under a previous permission in 2009. However, comparing existing to proposed plans, there is an increase in hardstanding proposed.
8. These exterior changes would alter the appearance of the site which is presently stables with grassed areas, including a paddock. The front of the proposed residential dwelling faces towards a public footpath. Therefore, the domestication of the site will be evident from this public space. I could see from my site visit that the footpath was overgrown, however it remains useable and views from it need to be considered. In turn, the proposed development would urbanise and would erode the openness of the site, detracting from the intrinsic character and beauty of the countryside and resulting in a development that would be significantly more intrusive in the countryside, than the appeal site in its current form.
9. In reaching these conclusions I have noted the detailed evidence with regard to the permanence of the appeal building. This includes the comments about the planning history for the stables, their relocation, the provision of new hardstanding, their adaptation when planning permission was granted and the details in the structural report and on the plans.
10. Furthermore, I have noted the comments regarding whether unauthorised works to the appeal building have taken place. However, the Council is open to investigate such works and the appellant is also open to apply for a determination of whether such works are lawful under section 191 or 192 of the Town and Country Planning Act (1990). It is not my place, to determine such matters in determining an appeal under section 78 of the Act. Overall, I find the evidence with regard to the works required to implement the proposal to be lacking insufficient detail to allow me to form a definitive view on the permanence of the existing building and whether it is suitable for the proposed use.
11. Nevertheless, I have already found the proposal would harm the intrinsic character and beauty of the countryside and would be significantly more

intrusive in the countryside, than the appeal site in its current form. That said the proposal would harm the rural character and appearance of the area and would be in conflict with Policies DC2 and DC57 of the DCP. These policies seek to amongst other things, protect the countryside for its intrinsic character and beauty and not be adversely impacted upon by new development, and insofar as is relevant to this appeal are consistent with the Framework.

Other Matters

12. The appellant has referred to a number of other sites where permission has been granted for stables and related buildings. These buildings are associated with livery use, which is a notable rural use in this part of the countryside. These developments also allow the paddocks and open spaces around the buildings to be retained in their current use. I therefore consider they are not directly comparable to the appeal proposal.
13. Reference has also been made to the outline planning permission for the demolition of existing commercial storage buildings, and re-provision of an existing dwelling and erection of four new residential dwellings at nearby Chamberlains Farm. These have not yet been built and is therefore afforded limited weight.
14. The appellant has drawn my attention to other sites for the conversion of buildings to residential use. As I do not have all the details about these cases, I cannot give them much weight.
15. The Ecological Survey and Assessment recommends biodiversity improvements that can be made. Conditions have also been suggested by the appellant. However, the recommended conditions and biodiversity enhancement, would not overcome the harm I have identified.
16. The appellant's Statement of Case compares the appeal development to other conversions allowed under the Town and Country Planning (General Permitted Development) Order 2015 (GPDO). This appeal is considered against planning policy and different criteria to the GPDO.
17. Reference is given to that if the appeal is not granted, the building might fall into disrepair in the future. The conversion would reuse the building and bring it back into use, however this does not overcome the harm I have found.

Conclusion

18. For the reasons set out above, and having regard to all other matters raised, I conclude the proposed development would not accord with the development plan. The appeal should therefore be dismissed.

L Gilbert

INSPECTOR