
Appeal Decision

Site visit made on 10 September 2019

by S Tudhope LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2019

Appeal Ref: APP/C1570/W/19/3230052

Broome House, Broomshawbury Lane, Hatfield Broad Oak CM22 7JY

- 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 Edward Mackaness against the decision of Uttlesford District Council.
 - The application Ref UTT/18/2856/FUL, dated 24 September 2018, was refused by notice dated 20 March 2019.
 - The development proposed is conversion of outbuilding to residential dwelling using previously developed land.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of outbuilding to residential dwelling at Broome House, Broomshawbury Lane, Hatfield Broad Oak CM22 7JY in accordance with the terms of the application, Ref UTT/18/2856/FUL, dated 2 September 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location block plan Drawing No 449/01; Survey as Existing of Agricultural Building Drawing No 449/02; Site layout Drawing No 449/04; Proposed Residential use Drawing No 449/03.
 - 3) Prior to the occupation of the dwelling hereby approved, a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of all those to be retained, together with measures for their protection during the course of development, proposed planting (and times of planting) and boundary treatments shall be submitted to and approved by the local planning authority. The development shall be carried out in accordance with the details thereby agreed.

Procedural Matter

2. Notwithstanding the description of development set out in the banner above, which is taken from the application form, I have removed the words "using previously developed land" from my formal decision. This is because these words are not an act of development.

Main Issues

3. The main issues are whether the proposal would be an appropriate form of development in this location, with particular regard to its effect on the character and appearance of the area and whether it would provide satisfactory access to services and facilities.

Reasons

4. The appeal site is situated within land associated with the dwelling known as Broome House and is served by its own access which also links to that of the existing dwelling. The appeal building forms part of a small group of buildings comprising mostly of dwellings and a large agricultural undertaking. The surrounding area is mainly arable and access to the site is by a no-through, narrow rural road.
5. Policies S7 and H6 of the adopted Uttlesford Local Plan 2005 (ULP) respectively concern development in the countryside and the conversion of rural buildings. The ULP pre-dates publication of the National Planning Policy Framework 2012 (updated 2019) (the Framework). The Council acknowledge that Policy S7 is not in general conformity with the national guidance. The adopted Uttlesford Local Plan 2005 - National Planning Policy Framework Compatibility Assessment (ULPCA) suggests that both Policy S7 and H6 are partially consistent with the Framework. From the available evidence, I have no reason to take an alternative view.
6. The appeal building is of a traditional rural character and I consider that it makes a useful contribution to its surroundings. The alterations proposed are modest, on the whole utilising existing openings and maintaining the building's general external appearance. Accordingly, the proposal would not conflict with Policy H6.
7. Whilst the Council consider that the resultant domestication of the site would harm the character and appearance of the area, and the use of the building as a dwelling would undoubtedly introduce associated domestic paraphernalia, the size of the curtilage proposed would limit the overall impact this would have on the appearance of the appeal site and the surrounding area. Moreover, the proposal would be experienced within the context of other residential land and would not therefore appear at odds with its setting.
8. The site is well screened by mature trees and hedgerows and whilst this screening would be diminished during the winter months when some foliage has been lost, additional planting to the boundaries of the site, where necessary, could be secured by the imposition of a condition as suggested by the appellant.
9. The proposed development is located outside of a designated settlement boundary and within the countryside. The Council considers that the proposed development would constitute 'isolated development' contrary to Policy H6 and paragraph 79 of the Framework. However, given the proximity of the appeal site to an established group of residential and agricultural buildings, I am satisfied that the proposal would not result in a truly 'isolated' home.
10. Nevertheless, with regard to accessibility to services and facilities, it is clear that future occupiers would be reliant on the use of private motor vehicles. However, the site is not functionally isolated, being only a short journey from

the settlement of Hatfield Broad Oak. Such journeys are to be expected in rural areas. Paragraph 103 of the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and I have taken this into account. In addition, the Highway Authority have advised that the proposal would result in minimal highway impact and that the proposal is consistent with ULP Policy GEN1. I see no reason to disagree.

11. However, notwithstanding a reliance on a motor vehicle, similar to existing residents of this cluster of properties, future occupiers would be able to access day-to-day services within the nearby rural community of Hatfield Broad Oak. I therefore find in this particular case, that the appeal site is within a suitable location for a residential conversion and does not conflict with the transport sustainability objectives of the ULP or the Framework.
12. For all these reasons I therefore conclude that the proposal would be an appropriate form of development in this location, with particular regard to its effect on the character and appearance of the area. The proposal would accord with national policy and (where they are consistent with the Framework) ULP Policies S7 and H6, which are supportive of the conversion of rural buildings to residential use where, amongst other things, such development protects or enhances the character of the countryside. The development would also be consistent with the relevant sustainable transport aims of ULP Policy GEN1 and the Framework insofar as it would provide satisfactory access to services and facilities.

Other matters

13. The Council draws attention to the emerging Uttlesford Local Plan (eULP) which is currently under examination. However, there can be no certainty at this early stage in the process about what objections there may be to the plan's policies. As such it attracts only minimal weight in my consideration of the merits of this appeal and does not lead me to a different overall conclusion on the main issues.
14. Some debate between the interested parties has concerned whether or not the appeal building is agricultural. The local and national policies relevant to this appeal are not restricted to the consideration of agricultural buildings, rather they apply to 'rural' buildings. This is a locational requirement rather than a functional one. I am therefore satisfied that the appeal building is of a type to which these policies apply.
15. Reference has been made to ULP Policies ENV6 and ENV9 which are concerned with the change of use of agricultural land and historic landscapes respectively. For the reasons set out above I have not found that harm would result from the appeal proposal in relation to the character and appearance of the surrounding area. I am therefore satisfied that the proposal is also consistent with these policies.
16. Concerns have also been raised that permission for the appeal proposal would set an unwelcome precedent for other outbuildings to be converted to residential use. In addition, my attention has been drawn to an appeal for a similar proposal near to the appeal site which was dismissed. However, I am not fully aware of the particular circumstances of that case and in any event, I must consider the appeal scheme on its own merits. I have found that this

particular development would not cause harm; as such it would not create an unsatisfactory precedent.

17. Further, whilst reference has been made to an earlier planning permission which is subject to a condition that restricts the use of the appeal building; this restriction operates 'unless [my emphasis] the local planning authority gives written consent'. I therefore see no breach of that permission in the determination of this appeal.
18. Whilst I acknowledge the concerns of the Parish Council regarding the proposal representing a complete reconstruction of the appeal building, the Council consider that the proposal would not involve substantial building reconstructions or extension and would therefore constitute a conversion. In the absence of any substantive evidence to the contrary, I agree with the Council on this point.
19. The Council has only suggested the standard implementation condition, however, in addition I have imposed a condition specifying the approved drawings as this provides certainty. In the interests of protecting the character and appearance of the area I have attached a condition in respect of landscaping and boundary treatment.

Conclusion

20. For the above reasons the appeal is allowed.

S Tudhope
Inspector