



Appeal Decision

Site visit made on 3 September 2019

by P Mileham BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 November 2019

Appeal Ref: APP/W3520/W/19/3231940

**Waltham Hall Equestrian and Stables, Waltham Hall, Norwich Road,
Stonham Parva IP14 5LX**

- 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 Ray Jobsz against the decision of Mid Suffolk District Council.
 - The application Ref DC/19/00820, dated 19 February 2019, was refused by notice dated 29 May 2019.
 - The development proposed is the conversion of barn with existing equestrian use into a residential dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. In the interests of clarity, I have amended the appellant's description of development to remove the repetition of the site's location which is already included in the above header.

Main Issue

3. The main issue is the effect of the proposed development on the setting of nearby listed buildings.

Reasons

4. The appeal site is a mid 20th Century barn of blockwork construction with a corrugated sheet roof. The building appears to be in a good state of repair and is currently in use for the stabling of horses. To the north of the building are areas of hardstanding, part of which appeared to be used as a menage. The menage area is bound by low level earth bunding, which frames the menage whilst allowing for views beyond the site and into the open countryside. To the south east of the site is Waltham Hall, an expansive two storey Grade II listed building. To the south of the appeal site are a number of other historic barns of brick and pantile construction adjacent to Waltham Hall that have been converted into residential dwellings.
5. Waltham Hall is a substantial detached property dating from the mid 17th Century with mid 19th Century alterations. The Hall's significance is derived from, amongst other things, its relationship with the surrounding countryside. Whilst the setting of the Hall has changed over time, including the presence of residential development in the converted barns to the south and west of the

hall, the area of land to the north retains a more rural in character and is absent of residential development and its associated domestication.

6. The appeal building is a relatively modern building which is utilitarian in its design and construction and not of any historic or architectural merit. The current low intensity use for equine stabling compliments the rural character of this part of the site and the building itself is characteristic of a mid 20th Century barn. Therefore, as a rural building, whilst not being of historic or architectural merit or historically linked to the origins of the hall, its current condition and use mean that I consider it does not actively detract from its surroundings.
7. The appellant has indicated that high quality materials would be used in the conversion of the building which would provide a positive enhancement to the setting of the Hall. However, in light of the building's overall design and scale, I consider that such materials would only be capable of having a very limited positive effect on the appearance of the building as its fundamental design elements and construction would be unaltered. As such, I consider that the proposed development would have a neutral effect on the setting of Waltham Hall, and that any effect of the proposed materials would be minimal.
8. The appeal site is separated from Waltham Hall by mature planting including some significant trees along with an approximately 1.8 metre close board fence present at the boundary. Some views are possible between the Hall and the appeal site; however, whilst the Hall would be adequately screened from the proposed development when trees and planting are in leaf, this would not be the case throughout the year. Whilst further planting is proposed along the boundary of the site with Waltham Hall, any planting may itself impact the setting of the listed building by increasing its enclosure. This could diminish the sense of transition between the Hall and the rural surroundings to the north affecting the setting further.
9. The proposed development would change the use of the building and the nature of the land within this part of the setting of Waltham Hall to residential use. This would affect the Hall's setting to the north by introducing a use into an area that has remained characterised by agricultural and most recently equine uses. The introduction of residential development would result in a change in the character of the site through domestication and increased activity of the building at different times of the day. The appellant has indicated that a condition could be imposed to control domestic paraphernalia and future works through the revocation of permitted development rights. Whilst this could address any harm arising from domestic paraphernalia, a planning condition would not be able to satisfactorily address the change in the character of the site from domestic activity. As such, I consider that the changes to the character and land use of the site would result in harm to the significance of the Hall.
10. The appellant has indicated that the residential conversion of the appeal site would be acceptable as other buildings on the site have been allowed to be put into residential use. Whilst I do not have precise details of the planning decisions that led to the conversion of the other barns, from my site visit, it is clear that the barns in question are much older buildings and have close historic relationships with the Hall. Their age and construction are such that their preservation may have been desirable having regard to other considerations. Therefore, I do not consider that their conversion has set a

predominantly residential context that would necessarily justify residential use of the appeal site.

11. As such, I consider the proposed development would result harm the significance of the Hall, and therefore fail to preserve the setting of the Listed Building. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving the building or its setting, to which I attach great weight. In the context of paragraph 196 of the National Planning Policy Framework (the Framework) the aforementioned harm to the setting of Waltham Hall, would be less than substantial
12. The appellant has indicated that the failure to allow the residential conversion of the barn would result in the risk of the barn falling into disrepair and over time, harming the significance of the Hall. However, the building appears to be in a good state or repair and is currently in use. There is no evidence to suggest that there is an immediate risk of the building falling in to disrepair, and as such, any harm occurring. As the building is not currently resulting in harm to the Hall, this benefit carries very limited weight.
13. The appellant has indicated that there are legal covenants in place that would prevent the barn from being used for other alternative beneficial uses. Legal covenants are private matters and are separate from the planning consideration of alternative uses. Legal covenants would not prevent the appellant from applying for planning permission for alternative uses, and as such, I afford this matter limited weight.
14. The creation of a new dwelling would provide a public benefit by increasing the supply of housing in the area, and the conversion would provide some economic benefits through construction and the supply of materials. However, the contribution to the supply of housing from a single dwelling would be very modest. The economic benefits arising from construction would also be modest for a single dwelling and would also be temporary during the construction period. As such, these public benefits do not outweigh the harm identified.
15. For the reasons given above, I conclude that the proposed development would harm the setting of nearby listed buildings. Therefore, it would not accord with Policy CS5 of the Mid Suffolk Core Strategy Development Plan Document (2008) and Policy HB1 of the Mid Suffolk Local Plan (1998) which jointly seek to maintain and enhance the historic environment and protect the character, appearance and setting of listed buildings. The proposed development would also not comply with the conservation requirements of the Framework in respect of Heritage Assets, notably paragraph 196.

Conclusion

16. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal is dismissed.

P Mileham

INSPECTOR