

Appeal Decision

Site visit made on 15 January 2020

by C J Leigh BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11th February 2020

Appeal Ref: APP/C1570/W/19/3237763

Prouds Farm, Walden Road, Thaxted, CM6 2RG

- 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 Guy Clayton against Uttlesford District Council
 - The application Ref UTT/19/1231/FUL, dated 23 May 2019, was refused by notice dated 24 July 2019.
 - The development proposed is the conversion and extension of barn to form house.
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Decision

1. The appeal is dismissed.

Main issues

2. The first main issue is the effect of the proposed development on the significance of a non-designated heritage asset and the setting of the nearby Grade II* listed building of Prouds Farm. The second main issue is the effect of the proposed development on protected species.

Reasons

Effect on heritage assets

1. The appeal concerns a timber-framed building, with thatched roof, and part of the field/paddock within which it stands. The building and land is physically separate from the Grade II* listed building of Prouds Farm and does not form part of that listing. However, the building has historically and functionally formed part of the agricultural land and buildings associated with the Farm.
 2. The significance of Prouds Farm as a designated heritage asset was examined during the course of a previous appeal concerning the appeal site (ref. APP/C1570/W/18/3204162), and I concur with that assessment. The Farm is a 14th Century hall house extended and altered in the 16th and 17th Centuries. It was also a farmhouse with a number of outbuildings and agricultural buildings adjacent. The significance derives from the considerable age, form, historic fabric, high-quality architectural features and use.
 3. I also agree with the previous assessment of the appeal building: it has aesthetic, historic and evidential value from its age, historic fabric, form and association with the listed building. This is of sufficient historic interest to be considered a non-designated heritage asset. The appeal building faces towards
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Prouds Farm and is relatively close to the listed building and its garden. This siting and the small scale and form provide the clear indication of its functional relationship and associations with Prouds Farm. Thus, the appeal building forms part of the setting of the Farm and makes a positive contribution to that pastoral setting. Under s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 I have a duty to have special regard to the desirability of preserving the setting of a listed building.

4. The proposed development would see an extension to the rear of the appeal building with a single storey building that is flat roofed, and then with a hipped roof element, as well as the conversion of the appeal building with the insertion of a mezzanine floor. The extension would have a zinc roof and cedar-boarded walls. The proposal has been modified from that proposed in the previous, dismissed appeal. However, the scheme remains a large addition, with an extensive flat roof extension attached to the northern elevation and the pitched roof element being a sizeable extension to the original building. The overall scale of the works would be visually dominant to the site, and compete with the modest size of the original building; it would not appear subservient in scale to the building.
5. This effect would be emphasised by the design itself, with there being the large flat roof element rather awkwardly connecting the two different roofs. The use of cedar boards, zinc and glazed walls – when combined with the form of the new extension – do not have any clear relationship or reference to the building or wider area. These matters would also lead to the extension being unduly visible and dominant over the original building when viewed from across the access drive and garden of the listed building.
6. I acknowledge that the use of modern materials and contemporary style can be a suitable way to extend historic buildings, and the appellant has emphasised this as the design approach. But in this instance the combination of the form, scale, design and materials would create a development that does not relate directly or appropriately to the building; it would erode the evidential and aesthetic value of the non-designated heritage asset and thus harm its significance.
7. The extension to the building would further have an impact on the positive contribution it plays to the setting of the listed building. The existing functional relationship and association with Prouds Farm that arises from the small scale and form would be diminished. Thus, there would be a negative effect on the setting of the listed building. Harm would be caused to the significance of the heritage asset, and I attach considerable importance and weight to this harm.
3. Paragraph 194 of the National Planning Policy Framework states that any harm to the significance of a designated heritage asset, including development within its setting, should require clear and convincing justification. The harm arising in this appeal is less than substantial, and in these circumstances paragraph 196 of the Framework says such harm should be weighed against the public benefits of the proposal. Paragraph 197 further says that the effect on the significance of a non-designated heritage asset should be taken into account, and a balanced judgement will be required having regard to the scale of harm and the significance of the heritage asset.

4. The appellant has referred to the provision of an additional dwelling, which would contribute towards housing supply in the Borough as well as leading to a short-term economic benefit during construction and social benefits from occupation. The repairs to the appeal building, which has some structural defects, and putting it to a beneficial use would also be a public benefit. However, the proposed extension is of a size, form and design that would lead to that new dwelling being provided in a way that is harmful to the heritage assets. There is also little objective evidence that the proposed works or use is the only viable way to ensure the retention of the building.
5. The Framework is clear that heritage assets are an irreplaceable resource and that in considering the impact of development on the significance of heritage assets great weight should be given to the asset's conservation. I therefore attribute greater weight to the harm which would arise to the significance of Prouds Farm and the appeal building as a result of this proposal and accordingly the benefits identified would be insufficient to outweigh this harm. It follows that the proposal fails to comply with national policy outlined in the Framework.
6. As the proposed development would harm the non-designated heritage asset and the setting of the nearby listed building, it would also be contrary to Policy GEN2 and ENV2 of the Uttlesford Local Plan (2005), and Policy TXHC1 of the Thaxted Neighbourhood Plan 2017-2033, whose objectives include ensuring that applications for development are compatible with the scale and form of surrounding buildings and do not adversely affect the setting of listed buildings.

Effect on protected species

7. The planning application submitted to the Council was accompanied by an ecological survey report, which was based on a survey undertaken in July 2017. This survey identified the presence of a bat feeding roost in the building. The Council required a further survey to be undertaken, citing current guidance from the Chartered Institute of Ecology and Environmental Management (CIEEM) *On the Lifespan of Ecological Reports & Surveys* (April 2019) that advises a survey of such age should be updated.
8. The appellant suggests this matter could be the subject of a planning condition requiring a further survey. However, Circular 06/2005 states that the presence of a protected species is a material consideration when a development proposal is being considered which would be likely to result in harm to the species or its habitat. It goes on to say that it '*...is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision*' (paragraph 99).
9. Based on the July 2017 survey, there is a reasonable likelihood of bats being present and affected by the development, and so in accordance with the Circular and the advice from CIEEM I consider an up to date survey is necessary before planning permission is granted; a planning condition requiring a survey would not be appropriate. Without that I cannot be satisfied whether the proposal would have an adverse effect on any protected species and, if so, whether such an adverse effect could be overcome by any proposed mitigation measures.

10. On the basis of the information before me, I therefore conclude on the second main issue that the proposed development would have a harmful effect on protected species and so conflict with Policy GEN7 of the Local Plan, which resists development that would have a harmful effect on wildlife.

Other considerations and conclusion

11. As noted by the previous Inspector, and in the Council's delegated report, the appeal site lies outside any settlement and in the countryside. Paragraph 79 of the Framework states that planning decisions should avoid the development of isolated homes in the countryside unless one or more of specified circumstances apply. The distance of the appeal site from other homes and settlements lead me to conclude the site is isolated. For the reasons given earlier, the development would not represent the optimal viable use of a heritage asset, nor would it represent enabling development to secure the future of heritage assets. The extension would also not enhance the immediate setting of a redundant or disused building. As the proposal would not fall within the remaining criteria of paragraph 79, it would not comply with the Framework.
12. I acknowledge the wish of the appellant to move out of the existing large house and remain in the area. However, these personal circumstances do not outweigh the harm identified earlier. Therefore, for the reasons given in relation to the main issues, the appeal is dismissed.

C J Leigh

INSPECTOR