
Appeal Decision

Site visit made on 4 February 2020

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2020

Appeal Ref: APP/Z1510/W/19/3239724

Belchamp Mill, Church Road, Belchamp Walter CO10 7AT

- 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 C Raymond against the decision of Braintree District Council.
 - The application Ref 19/00828/FUL, dated 7 May 2019, was refused by notice dated 11 September 2019.
 - The development proposed is erection of new holiday let unit (following demolition of existing agricultural building).
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a new holiday let unit (following demolition of existing agricultural building) at Belchamp Mill, Church Road, Belchamp Walter CO10 7AT, in accordance with the terms of the application, 19/00828/FUL, dated 7 May 2019, subject to the conditions set out at the end of this decision.

Procedural Matter

2. The Council has confirmed that their emerging Local Plan (Publication Draft 2017) (the ELP) has reached examination stage. However, it is my understanding that its adoption is not anticipated imminently. Given that the content of its policies may yet change prior to formal adoption, the ELP is at a stage that attracts limited weight. For the avoidance of doubt, this applies to all parts of the ELP notwithstanding any previous public consultation carried out.

Main Issues

3. The main issue is the effect upon the character and appearance of the rural area.

Reasons

4. The appeal site is located outside of any defined village envelope and thus in the countryside as defined in local planning policy terms. In the interests of protecting and enhancing the countryside's amenities and landscape character, Policy CS5 of the Braintree District Council Core Strategy (September 2011) (the Core Strategy) places strict controls on new development in the countryside.
5. The road from which the site is accessed has the characteristics of a rural lane and the development pattern along it is scattered and irregular. The site itself

has a green and rural setting influenced by various surrounding fields and wooded areas. It contains an existing building of rectangular footprint and simplistic design (the existing building). It would have once been used for stabling horses and its external elevations, which are showing some outward signs of neglect, are made up of a mixture of brickwork, blockwork and timber cladding. It sits in proximity to other buildings, the nearest of which is a former mill that is now used for holiday let purposes.

6. The newly proposed building would cover an enlarged footprint area and would incorporate a mezzanine floor at roof level such that its size and height would increase when compared to the existing building. The new building would thus have greater visual prominence when compared to the existing building. Furthermore, by virtue of being served by numerous openings and being finished in a varied palette of external facing materials, including zinc at roof level, the new building would have residential characteristics, as opposed to appearing utilitarian and agricultural.
7. Nevertheless, it remains the case that a building of modest proportions and relatively uncomplicated design is proposed which would be sited in the same approximate location as the existing building. Indeed, the new building would have an unobtrusive presence at the end of a rural road. It would not be visible from a wide range of viewpoints and the Council's Landscape Services Officer, in their role as an expert internal consultee, has raised no objection. I also note that the new building would be positioned in proximity to other buildings that exhibit domestic/residential characteristics and that would be, in comparison, of greater height and prominence. In this context the proposal would not appear as an excessive or unduly damaging excursion into the open countryside.
8. Policy RLP146 of the Braintree District Council Local Plan Review Adopted Plan (July 2005) (the Local Plan) states that, within the countryside, the conversion of existing buildings for tourist accommodation will be encouraged in preference to the construction of new buildings. The policy does not prohibit the construction of new buildings for tourist accommodation purposes, it instead encourages conversion in preference to new buildings. The scheme is centred upon the replacement of an existing building that does not obviously lend itself to being easily converted to provide suitable living accommodation. A large-scale development is not proposed, and I am thus suitably satisfied that the scheme accords with the requirements of Policy RLP146.
9. Nevertheless, for the above reasons, the proposal would cause some limited harm to the character and appearance of the rural area. The proposal conflicts with Policies CS5 and CS9 of the Core Strategy, Policy RLP90 of the Local Plan and emerging Policies LPP9 and LPP55 of the ELP in so far as these policies require that development outside of village envelopes will be strictly controlled and that the highest possible standards of design and layout in all new development shall be promoted and secured.

Other Matters

10. The appeal site sits near to several designated heritage assets, including the Grade II listed Mill Cottage, a Grade I listed Church and the Grade II listed Belchamp Hall Registered Park and Garden. The significance of these assets is drawn in-part from their relevance to the historic evolution of this rural area. The proposal, being discreetly sited and of small scale, would not cause harm

to the significance of nearby designated heritage assets as a result of introducing development within their settings. This is a view shared by the Council's Built Heritage Consultant.

11. Whilst a range of facilities and services are available in the wider local area, the appeal site is located such that it is likely that they would only be conveniently accessible via private vehicular trips. However, it would not be unusual for rural holiday let accommodation to be situated away from the established boundaries of settlements. Indeed, tranquil and remote surroundings can be part of the attraction of this type of accommodation. Furthermore, the site is not isolated, in the sense that there is other built development in proximity. The proposal must be considered in the context of the National Planning Policy Framework (February 2019) (the Framework), which promotes the vitality of rural communities and the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.
12. The proposed floor plans indicate that the living facilities required for day-to-day existence that would normally be found within a dwelling, including a bathroom, kitchen, bedrooms and a living area, would be provided. However, such a range of facilities would not be unexpected within a unit of holiday let accommodation and the proposal should not be resisted on these grounds. Nevertheless, should the appeal be successful, a planning condition would be reasonable and necessary to impose that ensures that the building is occupied for holiday let purposes only. This is in recognition that the site is not suitably located for permanent residential occupation.
13. It would onerous to require a business plan to be submitted to demonstrate the long-term viability of the scheme. This is because emerging Policy LPP9 of the ELP, which sets out such a requirement for tourist accommodation proposals, can currently be afforded only limited weight and merely a single sensibly sized unit of accommodation is proposed here.

Planning Balance

14. It is acknowledged that there would be some limited harm arising to the character and appearance of the area and that this would lead to some conflict with development plan policies. However, there would be benefits brought to the area through tourism and associated expenditure in the economy and tourist attractions locally. Whilst only a single additional holiday let unit is proposed, I consider this to be a matter of overriding importance that outweighs the identified harm and the policy conflict therewith. There are thus material considerations that indicate that the proposal should be determined otherwise than in accordance with the development plan in this case.

Conditions

15. The Council has suggested a number of conditions that the appellant has had the opportunity to comment upon and which I have considered against advice in the Framework and Planning Practice Guidance. As a result, I have amended some of them for consistency and clarity purposes and added one further condition related to permitted development rights.
16. In the interests of certainty, a condition specifying the approved plans is required. In the interests of protecting the character and appearance of the

area, conditions are reasonable and necessary that secure full details of the external facing materials to be used and of any boundary treatments to be installed. For the same reason, there is clear justification to withdraw the future use of permitted development rights at the site with respect to enlargements and alterations, roof additions and incidental buildings.

17. In the interests of safeguarding nearby living conditions and the general amenities of the area, conditions are reasonable and necessary to impose that control the hours of demolition and construction and that secure the full details of any external lighting to be installed.

Conclusion

18. For the reasons set out above, the appeal is allowed subject to conditions.

Andrew Smith

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin no later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2598/01B; 2598/02C; 2598/03B.
- 3) The construction of the building hereby permitted shall not commence until a schedule of the types and colour of the materials to be used in its external finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented only in accordance with the approved details.
- 4) Full details of any gates / fences / walls or other means of enclosure to be erected, including confirmation of their position, design, height and materials, shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The approved details shall be implemented prior to the first occupation of the building hereby permitted and shall be permanently maintained as such thereafter.
- 5) Full details of any proposed external lighting to serve the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to its installation and shall be implemented only in accordance with the approved details and thereafter so maintained.
- 6) No site clearance, demolition or construction work shall take place on the site, including the starting of machinery and delivery of materials, outside of the following hours: Monday to Friday: 0800-1800 hours; Saturday: 0800-1300 hours. There shall be no work on Sundays and Bank Holidays.

- 7) The accommodation hereby permitted shall only be occupied on the following basis: (i) the building shall be occupied for holiday purposes only; (ii) the building shall not be occupied as a person's sole, or main place of residence; (iii) the building shall not be occupied by any lessee, tenant or guest for any period exceeding 28 days consecutively, or cumulatively within any calendar year; (iv) the building shall not be sold, transferred, or otherwise disposed of except by way of a disposal comprising the whole of the site edged in red and blue on the approved plans; (v) the owner/operator shall maintain an up-to-date register of the names of all occupiers of the holiday let, and of their main home addresses, and shall make this information available to the Local Planning Authority at all reasonable times on request.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any Order revoking or re-enacting that Order, no development falling within Schedule 2, Part 1, Classes A, B or E of the said Order shall be carried out within the curtilage of the unit of accommodation hereby permitted, unless planning permission is first granted by the Local Planning Authority.