
Appeal Decision

Site visit made on 5 February 2020

by S Shapland BSc (Hons) MSc CMILT MCIHT

an Inspector appointed by the Secretary of State

Decision date: 24 April 2020

Appeal Ref: APP/C1570/W/19/3239399

Ryders Farm, Burton End, Stansted CM24 8UJ

- 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 True against the decision of Uttlesford District Council.
 - The application Ref UTT/19/0545/FUL, dated 5 March 2019, was refused by notice dated 30 July 2019.
 - The development proposed is demolition of existing structure and replacement structure to provide 1no new dwelling following prior approval ref 18/0772/PAP3Q.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing structure and replacement structure to provide 1no new dwelling following prior approval re 18/0772/PAP3Q at Ryders Farm, Burton End, Stansted CM24 8UJ in accordance with the terms of the application ref UTT/19/0545/FUL, dated 5 March 2019, subject to the conditions set out in the appended schedule.

Procedural Matter

2. The appellant has indicated that prior to the Council determining the application revised plans were submitted in respect of the design of the replacement dwelling. The Council have confirmed that they did not take into account these plans when they determined the planning application. These revised plans have been submitted as part of this appeal.
3. Annex M of the Planning Appeals Procedural Guide – England advises that the appeal process should not be used to evolve a scheme. It is important that what is considered by the Inspector is essentially what was considered by the local planning authority and on what interested people's views were sought. From the evidence submitted I cannot be sure that the revised plans submitted by the appellant during the planning application stage were fully consulted on. If I were to determine the appeal on the basis of the revised plans it is possible that the interests of parties who might wish to comment would be prejudiced. For the avoidance of doubt, I have determined the appeal on the basis of the plans which were before the Council when it made its decision, which are listed within the Council's decision notice.

Main Issues

4. The main issues are:

- The effect of the proposal on the setting of the Grade II listed building known as Ryders Farmhouse
- Whether the proposed development would provide acceptable living conditions for future occupants with regard to noise.

Reasons

Heritage

5. The appeal site of Ryders Farm contains a number of agricultural barns and the Grade II listed farmhouse known as Ryders Farmhouse. Ryders Farmhouse is a 18th Century timber-framed and plastered house with thatched roof. The appeal proposal relates to one of the agricultural barns on the site, which given its orientation and position within the site does not appear as a curtilage structure to the listed farmhouse. However, from the observations made on site, the appeal site shares a close relationship with the both the other curtilage structures on site and the listed building.
6. The appeal proposal is for the demolition of an existing large barn to the north of the site, to be replaced with a new residential dwelling. The proposal would share the same footprint as the existing barn, but increases its height and introduces a number of modern additions including a front entrance porch and dormer windows. The proposed building would be finished with black stained featheredge boarding and clay roof tiles. The appeal site benefits from an extant prior approval consent¹ for the conversion of the existing barn to a residential dwelling. As such, the principle of a residential dwelling in this location is accepted.
7. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (The Act) requires special regard to be had to the desirability of preserving a listed building or its setting, or any features of special architectural or historic interest which it possesses when dealing with planning applications.
8. The National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Substantial harm to or loss of a Grade II listed building should be exceptional. The setting of a heritage asset is not a fixed concept; it is concerned with the way the heritage asset is experienced.
9. The significance of the listed building is derived from its architectural interest which includes its timber frame construction and thatched roof. Given the distinct rural nature of the listed building, the agrarian nature of the surrounding barns including the appeal site contribute to the setting of the listed building and are a factor which contributes towards its significance. The Council have raised concerns that the proposal by virtue of its modern additions would appear unsympathetic in design and would be at odds with the current agrarian character of the site. Consequently, this would assert visual

¹ Ref 18/0772/PAP3Q

dominance over the present historical context. Furthermore, the proposed increase in height would result in the new structure competing with the current architectural landscape to the detriment of the setting of the listed building. I do not find this to be the case.

10. The proposed external materials for the dwelling would complement the existing agricultural nature of the barns on the site, and as such the appearance of the building would not seem incongruous within the landscape. Whilst the proposal includes a number of modern additions including increased glazing and a new porch, the overall design of the proposal would sit well within the landscape and maintain an agrarian feel to the site. In this respect I do not find that the design of the proposal and its modern additions would appear unsympathetic in design when compared against the agricultural nature of the site.
11. Whilst the proposal would increase the height of the barn, it was apparent during my site visit that the adjacent agricultural barn has a much higher roofline than the appeal site. The proposed increased height of the proposal would raise the roofline, but this would not compete visually with the existing barn due to the existing height differentiation. Having two buildings of a similar height in close proximity would not cause the appeal proposal to be visually dominating, and I find it would sit well within this context. Consequently, I find that the proposal would maintain the agrarian character of the site, and as such the overall effect on the setting of the listed building would not be harmed by the proposal.
12. Adjacent to the appeal site is the Grade II listed property known as Ryders. The appeal proposal is located some distance from this property and screened by other buildings on site, including Ryders Farmhouse. As such, the proposal would have a neutral effect on the significance of the designated heritage asset known as Ryders. I note that the Council raised no concerns in this regard.
13. Accordingly, I find that the proposal would not adversely affect, but would preserve the setting of the listed building. The proposal therefore complies with policy GEN2 of the Uttlesford District Council Local Plan 2005 (LP). This policy seeks, amongst other things, that development is of a design which is compatible with surrounding buildings. I find no conflict with policy ENV2 of the LP and paragraph 196 of the National Planning Policy Framework which seek, amongst other things, that development should not adversely affect the setting of listed buildings.

Noise

14. The appeal site lies within the Stansted Airport 57dB Noise Contour, and this is not disputed by the parties. Two noise assessments² have been submitted by the appellant. The first of these reports provided two noise survey locations around the appeal site, and predominantly focused on the likely impact of noise within the proposed dwelling. The latter report considers the impact of noise on the external amenity areas around the dwelling, specifically focussing on an external area adjacent to the appeal building which would be screened from the noise of the airport.

² Report ref 18120-004 prepared by Philip Acoustics Ltd dated May 2019 and Report Ref 18120-005 prepared by Philip Acoustics Ltd dated 23 September 2019.

15. The initial noise surveys measured a daytime LAeqs in the range of 51-59dB. The Council have indicated that desirable levels of noise for external areas is 50dB, however a figure of 55dB may be acceptable in noisier locations. The Council have raised concerns that excessive external noise within the outside amenity space of the site would cause an unacceptable level of harm to living conditions of future occupiers.
16. Given the sites location in close proximity to Stansted Airport, the noise is predominantly generated by aircraft as they pass the runway closest to the appeal site. At this point, the planes are generally on the ground and as such the appeal building itself provides line of sight screening and therefore a degree of acoustic screening. Additional noise surveys have been completed on the site which considers the level of noise reduction that could be experienced within the acoustically screened envelope of the site. Whilst this survey is for a much shorter time period than the initial surveys contained within the May 2019 acoustic report, the evidence demonstrates that the area behind the property which is screened from the airport has a much lower noise level than other parts of the site. From the evidence before me, I am satisfied that this area would comply with the desirable level of noise for external areas. Whilst the area shown to be acoustically screened is limited in size compared to the site as a whole, I am content that it is large enough that future occupiers could utilise this space for outdoor garden related activities.
17. Consequently, I find that the proposal would provide acceptable living conditions for future occupants with regard to noise. I therefore find no conflict with policy ENV10 of the LP which seeks, amongst other things, that occupants of housing do not experience significant noise disturbance.

Conditions

18. The Council has suggested a number of conditions, and I have amended these in the interest of precision. I attach a standard time limit condition and a condition requiring the development to be carried out in accordance with the approved plans. These are necessary to provide clarity and certainty. A condition relating to external materials and landscaping works is required to safeguard the character and appearance of the area.
19. It is necessary that I impose a condition relating to the requirement of Part M4(2) of the Building Regulations 2010 to ensure the proposed dwelling has an appropriate level of accessibility. I have imposed a condition relating to acoustic mitigation. This is necessary in order that the development provides appropriate living conditions for future occupiers given the sites proximity to Stansted airport. It is necessary that I impose a condition relating to biodiversity enhancement measures to ensure adequate enhancement is made for protected and priority species.
20. The Council has also sought a pre commencement condition relating to details of loading/unloading, storage of materials and manoeuvring of vehicles within the curtilage of the site in the interest of highway safety. Given the size of the site and available hard standing I observed during my site visit, I am not satisfied that this condition is necessary to make the proposal acceptable.

Conclusions

21. For the reasons set out above, I conclude that the appeal should be allowed.

S Shapland

INSPECTOR

SCHEDULE OF CONDITIONS – APP/C1570/W/19/3239399

- 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: PL01 Site Location Plan dated February 2019, PL02 Existing Site Plan dated February 2019, PL03 Existing Floor Plans & Elevations dated February 2019, PL10 Proposed Site Plan dated February 2019, PL11 Proposed Plans & Elevations dated February 2019
- 3) No development above slab level shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sampled details.
- 4) No development above slab level shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include details of planting, hard surfaces and boundary treatments.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) The development hereby permitted must be built in accordance with Requirement M4(2)(Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M Volume 1 2015 edition.
- 7) The development shall be carried out in accordance with the submitted noise assessment reference 18120-004 prepared by Philip Acoustics Ltd dated May 2019. The external walls, roof, ceiling, glazing and ventilation system of the dwelling shall meet the minimum sound reduction indices specified in this report.
- 8) No development above slab level shall take place until there has been submitted to and approved in writing by the local planning authority, details of the biodiversity enhancement layout providing finalised details and locations of the enhancement measures contained within the Bat and Bird Assessment prepared by Skilled Ecology Consultancy Ltd dated April 2019. The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.