
Appeal Decision

Site visit made on 6 February 2020

by S Shapland BSc (Hons) MSc CMILT MCIHT

an Inspector appointed by the Secretary of State

Decision date: 1 July 2020

Appeal Ref: APP/C1570/W/19/3240533

The Anvil Stables, Great Hallingbury, Essex, CM22 7UB

- 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 Mrs Poppy Ashford against the decision of Uttlesford District Council.
 - The application Ref UTT/19/0676/FUL, dated 9 April 2019, was refused by notice dated 29 July 2019.
 - The development proposed is change of use and conversion of part of ground floor to mixed use residential, storage and office space.
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Decision

1. The appeal is allowed and permission is granted for change of use and conversion of part of ground floor to mixed use residential, storage and office space at the Anvil Stables, Great Hallingbury, Essex CM22 7UB in accordance with the terms of the application, ref UTT/19/0676/FUL dated 9 April 2019, subject to the conditions set out in the appended schedule.

Procedural Matter

2. The description of the development has been taken from the Councils decision notice, which is a more precise description of the development. During my site visit it was apparent that a number of the proposed changes to the ground and first floor as shown in plan reference R-01F dated February 2019 had already been implemented, and this is confirmed by the appellant within their statement of case. Therefore, I have determined the appeal on the basis of it being 'part retrospective'.

Main Issues

3. The main issues are the effect of the proposal on:
 - character and appearance of the area;
 - living conditions of future occupiers in particular regard to air quality and noise.

Reasons

Character and appearance

4. The appeal site comprises a number of stables and paddocks, and is located approximately 1km from Little Hallingbury within the Historic Park known as Hallingbury Park. It is not contested that the appeal site is outside of any

settlement boundaries and is within the open countryside. The appeal relates to an existing stable building, which has an existing planning consent¹ for part of the first floor to be used as a staff accommodation linked to the operation of the stables. The appeal proposal is for a change of use of the ground floor stables, to provide an enlarged living area including living room, utility room, kitchen and store room. It was apparent during my site visit that a number of changes to the ground floor had already been completed, including the provision of a kitchen area.

5. Policy S7 of the Uttlesford Local Plan (LP) seeks to protect the countryside for its own sake by restricting development to that which needs to take place there, or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set. The Council have raised concerns that the proposed alterations to the stable will harm the open characteristics of the site and its surroundings. This includes the introduction of residential paraphernalia related to a new residential use.
6. I do not find this to be the case. The stables are an existing building, and the proposed alterations to the exterior are minor and would not significantly alter its character and appearance. There is an assertion by the Council that the proposal amounts to a new family dwelling in the countryside, and the introduction of this new use would harm the character and appearance of the area. However, this fails to take into account that the existing stables has a residential use on the first floor. From the evidence submitted, the only restriction evident on the residential use on the first floor is that the occupancy is tied to workers at the stables. Whilst the proposal would significantly enlarge the living space within this stables, fundamentally the building would be retained as part stables and part residential use and is not introducing a new dwelling in the countryside. As such, the proposed changes as part of this appeal would not, in my view, introduce any additional paraphernalia over and above would be reasonably expected with the current consent on site.
7. The Council have raised concerns that the proposed conversions harm to the character and appearance of the rural area would impact Hallingbury Park, in which the site is located. I have sought clarification from the Council on the designation of this park, who have confirmed that it does not appear on a statutory list. Nonetheless, given the limited changes proposed to the stables the proposal would not harm the character and appearance of the area, nor the setting of this historic park.
8. Consequently, I find that the proposal would not harm the character and appearance of the area. As such there would be no conflict with policy S7 of the LP. This policy seeks, amongst other things, that development in the countryside protects or enhances its character. I find no conflict with policy ENV9 of the LP, which seeks amongst other things, that development does not harm historic parks. I also find no conflict with the National Planning Policy Framework and its environmental objectives which include protecting and enhancing the natural, built and historic environment.

¹ UTT/14/2650/FUL

Living conditions

9. The appeal site is located within the 57dB 16hr Leq noise contour associated within Stansted airport. Policy ENV10 of the LP states that housing and other noise sensitive development will not be permitted if the occupants would experience significant noise disturbance. In this instance I have been provided with no assessment of the noise levels both on the appeal site and within the appeal building itself. In the absence of this information, I cannot say with any certainty that future occupants would not be subjected to unacceptable levels of noise. However, a material consideration in this appeal is the presence of the existing residential use on the site. In this respect, given that the site is already occupied, there would be no additional harm to living conditions in respect of noise as a result of the proposals.
10. Policy ENV13 of the LP states that any development which would involve users being exposed on an extended long-term basis to poor air quality outdoors near ground level will not be permitted. It identifies a zone 100 metres from the central reservation of the M11 as one such zone where this policy applies. This is no agreement between the parties as to whether the appeal site falls within this zone. I have been provided with no detailed evidence from either party to demonstrate the distance between the appeal site and the central reservation of the M11. However, as identified above, the stables building is currently partly occupied for a residential use, and the proposals would therefore not increase the harm to any future occupiers. This is a material consideration which I attribute significant weight to, and therefore, I cannot conclude in this instance that the proposal would conflict with the development plan.
11. Consequently, I find that the proposal would not harm the living conditions of future occupants. As such, there is no conflict with policies ENV10 and ENV13 of the LP. These policies seek, amongst other things, that development does not expose occupiers to poor air quality of unacceptable levels of noise.

Other considerations

12. The Council have raised concerns that the commercial use on site has ceased, or significantly reduced and thus there is no need for there to be a residential use on site. During my site visit it was apparent that there were a number of workers besides the appellant on the site, and there were a number of horses being kept within the stables. I have been provided with no cogent evidence from the Council that the commercial use has therefore ceased.
13. I note that the Parish Council have objected to the proposals on the grounds that the stables should remain as stables. However, whilst the proposals are removing a number of stalls from within the stables, it is indicated that 3 stalls would remain. Furthermore, based on my observations on site it was apparent that other stabling is available on site. As such, whilst the proposal is removing a number of stalls the stables itself would maintain its primary function as a stable.

Conditions

14. The Council have not suggested any conditions. In addition to the standard time limit condition, it is necessary to include a condition requiring the development to be carried out in accordance with the approved plans. This is to

provide clarity and certainty. It has been necessary to include a condition tying the occupation of the residential unit to the current stables. This is necessary to ensure the proposal does not become an isolated dwelling in the countryside.

Conclusions

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

S Shapland

INSPECTOR

SCHEDULE OF CONDITIONS – APP/C1570/W/19/3240533

- 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 & Site Plans, Drawing 01 Site Location Plans & Block Plans dated March 2019, Drawing No. 402 Planning Drawing dated September 2014, Drawing No. 02 Proposed Elevations dated March 2019, Drawing R-01F Proposed Floor Plans & Sections dated February 2019, Drawing R-02D Proposed Floor Joist Layout, Rafter Layout, Roof Plan & Elevation dated February 2015
- 3) The occupation of the dwelling hereby permitted shall be limited to a person or persons solely or mainly working or last working at the Anvil Cross Stables site or a widow or widower of such a person and to any resident dependents.