
Appeal Decision

Site visit made on 29 September 2020

by S M Holden BSc(Hons) MSc CEng MICE CTPP FCIHT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 October 2020

Appeal Ref: APP/W1525/W/20/3247378

Land north of Well House Farm, Littley Green Road, Great Waltham, Chelmsford CM3 1BT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr C Hooper against the decision of Chelmsford City Council.
 - The application Ref 19/01393/S73, dated 3 December 2019, was refused by notice dated 27 January 2020.
 - The application sought planning permission for a change of use from light industrial (B1) to residential dwelling (C3) without complying with a condition attached to planning permission Ref 19/01393/FUL, dated 14 October 2019.
 - The condition in dispute is No 2 which states that: The development hereby permitted shall be carried out in accordance with the approved plans and conditions listed on this decision notice.
 - The reason given for the condition is: In order to achieve satisfactory development of the site.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In May 2020, after this application was determined, the Council adopted the Chelmsford Local Plan 2013-2036 (Local Plan). Policies DC2 and DC57 of the Core Strategy and Development Management Policies cited in the Council's decision notice have therefore been superseded by Policies S11 and DM10 of the Local Plan. However, in respect of the issues relevant to this appeal, there is agreement there has been no significant change to the policy context. I have determined the appeal accordingly.
3. The approved drawings listed on the decision notice are 3442-02/B; 3442:LOC/C and 3442-04. The application sought to vary the plans by substituting drawing number 3442-02/B with 3442-02/C which showed alternative window openings in the building.

Main Issue

4. The main issue is the effect of altering the openings serving the conversion on the character and appearance of the original building and the surrounding countryside.

Reasons

5. The appeal building is a Nissan Hut within a cluster of rural buildings on Little Green Road set in otherwise open countryside. Following an extensive planning history prior approval to change the use of the appeal building to a single dwelling was established in 2017 and renewed in 2019. Planning permission was subsequently granted in October 2019 for associated building operations that were not permitted development. These were subject to a series of conditions, one of which was a requirement that the proposal be implemented in accordance with the approved plans.
6. The approved plans show that the existing openings would be replaced with a restricted number of glazed doors and windows at either end of the building. Light to the remainder of the building would be achieved through a series of sun tunnels in order to preserve the semi-circular form of the Nissan hut's roof and to prevent the spillage of light into the surrounding countryside. The current proposal seeks to vary the scheme by inserting larger and wider windows in the northern elevation in preference to the narrow rectangular ones. The position of the windows would also be different. It also seeks to insert a series of roof lights into the curved roof as an alternative to some of the sun tunnels. This would not only increase the light within the conversion but would also provide outlook for future occupants.
7. The planning history of this site has focused on the utilitarian form of the building and the challenge of providing light within it without damaging its external appearance or its rural setting. A previous appeal concluded that the character of the building would be harmed by the insertion of rooflights and that light spillage from windows and rooflights would cause harm to the surrounding countryside.
8. Although the principle of a residential use of the building has now been established, none of the previous concerns about the effects of additional openings on the building or the countryside has changed. The repositioning and enlargement of the windows in the northern end elevation would introduce features of a more domestic scale that would detract from the building's original character. Similarly, the proposed insertion of a series of roof lights into the curved form of the hut would appear alien and incongruous, particularly given their proposed irregular positions within the structure.
9. The electro-mechanical controlled blackout blinds proposed for all the windows could be effective in reducing light pollution for much of the time. However, as traditional windows and roof lights are normally capable of being opened, light spillage would still take place. While this might not occur in the depths of winter, it cannot be guaranteed that openings would remain shut at other times of the year, even when it is dark outside. Any light spillage would be harmful given the site's prominent and exposed position on a ridge.
10. Consequently, the amended windows and rooflights would harm the character and appearance of the building and the surrounding countryside. The condition requiring the proposal to be implemented in accordance with the approved plan is therefore necessary to prevent the conversion conflicting with Policies S11 and DM10 of the Chelmsford Local Plan. These policies only support changes of use to buildings in the rural area provided that alterations do not harm its original character and where there would be no adverse impact on the intrinsic character and beauty of the rural area.

Other Considerations and Planning Balance

11. In the absence of additional windows and rooflights, the outlook from the converted Nissan hut would be limited to that provided by the large glazed doors in the southern end of the building. None of the proposed bedrooms would have any outlook and they would be entirely dependent on the sun tunnels for any daylight.
12. The conversion would therefore provide a living environment that would be below the standards that could normally be expected within a dwelling. However, this is an unusual, quirky and somewhat iconic building. Consequently, anyone considering whether or not to make it their home, regardless of the precise number of bedrooms, would take those distinctive features into account when making their decision. It is therefore not a justification for permitting alterations that would harm the character and appearance of the building or the surrounding countryside.
13. Another building near the Nissan hut has been converted to residential use and has been extended with a glazed porch and detached garage and store. However, these buildings are closer to Littley Green Road whereas the Nissan hut is alongside an open undeveloped field. As the land falls away to the west the hut is a prominent feature in this landscape from some distance away. The presence of this other building therefore does not alter my conclusions in relation to the Nissan hut.

Conclusion

14. The condition restricting the openings in the building to those shown on the approved plan is necessary to ensure compliance with the development plan. There are no other considerations, including the living conditions of future occupants, that justify varying the condition.
15. For this reason, I conclude that the appeal should be dismissed.

Sheila Holden

INSPECTOR