
Appeal Decision

Site visit made on 18 August 2020

by O S Woodward BA(Hons.) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 October 2020

Appeal Ref: APP/X1545/W/20/3252207

Stock Hall Farm Outbuildings, Hatfield Road, Ulting CM9 6QD

- 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 David Hopkins, Bernard LeClare and Fiduchi Trustees Limited against the decision of Maldon District Council.
 - The application Ref FUL/MAL/19/00737, dated 13 June 2019, was refused by notice dated 7 November 2019.
 - The development proposed is the partial conversion and rebuilding of existing disused farm buildings for the creation of 4 no. dwelling houses and 1 no. commercial unit.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposed development:
 - is in a suitable location for housing, with particular regard to the effect of the proposal on the character and appearance of the area and the countryside;
 - would preserve or enhance the setting of nearby listed buildings; and
 - would provide satisfactory living conditions for the future occupiers of the proposed residential units with particular regard to the provision of private amenity space and overlooking, and the potential future occupiers of neighbouring properties, with particular regard to the two proposed dwellings that benefit from planning permission in an adjoining building.

Reasons

Location, character and appearance

3. The appeal site is accessed by a driveway, approximately 300m in length, leading to Hatfield Road. It is in a very rural area and is not easily accessible by foot to nearby villages, services, and facilities. There is a bus service along Hatfield Road, but even this is several hundred metres from the appeal site accessed along an unlit track, and only offers fairly infrequent services at 8 times a weekday, less frequently on Saturdays and no Sunday service, to Maldon and Chelmsford. Consequently, it is likely that the vast majority of trips made to and from the proposed development would be by car. The appeal site also lies outside of a defined settlement boundary.

4. Consequently, the proposed residential units would be in a fairly inaccessible location. The land is agricultural and therefore is not previously developed land as defined in the National Planning Policy Framework (the Framework). The buildings are, though, disused, and the proposal is for the reuse of the buildings. In such locations and situations, Paragraph 79 of the Framework and Policy S8 of Maldon District Approved Local Development Plan 2014-2029, July 2017 (the LP) both support proposals for the reuse of disused buildings in the countryside if the development would enhance their settings. Policy S8 additionally requires that the proposed development preserves the intrinsic beauty and character of the countryside.
5. The appeal site comprises a small grouping of four farm buildings, set around a courtyard. The existing buildings are rural, weathered, former agricultural buildings. The buildings include one particularly large asbestos clad structure, a further fairly substantial, open fronted block and asbestos clad structure, a smaller but still amply sized brick building with a corrugated roof, and a small metal and timber clad building. There is a further building outside of the appeal site but within the same complex of buildings which benefits from Prior Approval¹ for a change of use to provide two residential units. The complex of buildings forms a distinct group, agricultural in character and appearance.
6. The complex of buildings is adjacent to the separate Stock Hall farm complex which includes the Stock Hall farmhouse, a granary, and associated agricultural buildings. The appeal site is screened from the farmhouse complex by a number of mature trees. It has a distinct identity as a result of this, and by the nature of its large, agricultural barn-like structures. However, through some gaps in the vegetation and due to the scale of the appeal site buildings, the two groups can be appreciated together from certain viewpoints. The two groups of buildings retain a visual and functional link and have a clear inter-relationship. They complement each other's settings.
7. The two groups of buildings lie within a wider setting of agricultural fields on all sides. They are relatively prominent in a reasonably flat landscape, with long distance views of the groups together possible from the road, the countryside, and some surrounding properties. They are agricultural in character and have an affinity with the surrounding fields and agricultural landscape. Overall, the appeal site contributes positively to its immediate setting with the farmhouse complex and the Prior Approval building, and to the wider agricultural landscape.
8. The two largest buildings would be demolished. The proposed replacement buildings would adopt a very similar silhouette. However, by their very nature, new buildings would be crisper in appearance and the original fabric and the historic patina of age would be lost. This would be the case whatever detail of facing material might be secured. Extensive new glazing and other domesticating features such as chimneys are also proposed. The proposed alterations to Building C would be less extensive but would still involve the addition of two openings in the flank elevation, the re-use of existing openings for glazing, and the replacement of the roof with a similar but modern material. The change to the character of the site would be even more pronounced at night due to the illumination from the proposed residential units.

¹ Appeal Ref APP/X1545/W/17/3177356

9. The proposed landscaping would be fairly extensive and would result in a significant change from the existing character, domesticating and urbanising the spaces between the buildings by the insertion of trees, cultivated gardens which would also attract residential paraphernalia when in occupation, a more regimented layout, and a 1.8m high boundary fence.
10. The changes would be appreciated from long distance views. The buildings are prominent in the surrounding fairly flat landscape, in particular the upper reaches of the two largest buildings, both as existing and proposed. Extensive fenestration is proposed to the elevations facing outwards from the site to the two replacement buildings. The courtyard elevations and landscaping would be inward looking, but they would still present partially open aspects to the surroundings, and would be appreciated from long distance views, particularly from the road, but also some surrounding buildings.
11. The proposal would therefore materially alter the character of the appeal site by domestication and modernisation of the buildings and the landscaping. This would negatively affect the setting of the appeal site, including the relationship with the Prior Approval building that is still currently rural in nature, the farmhouse complex of buildings, and the appeal site's setting in the wider rural landscape. The intrinsic beauty and character of the countryside would be harmed.
12. I have taken into account the Prior Approval for the building adjacent to the appeal site. This is appreciated as part of the same group of agricultural buildings as the appeal buildings. No evidence has been provided that the Prior Approval has been implemented. The permission runs out in October 2020. As it stands, this building is still in agricultural use and positively contributes to the setting of the listed buildings and the appeal site. I therefore place limited weight on the potential change of use of this building and on the affect this would have on the appeal site and its setting.
13. It has not been demonstrated why the existing agricultural buildings would necessarily further deteriorate, or why they could not now be brought back into agricultural or other potentially suitable rural or countryside uses. I place limited weight on this factor.
14. Overall, the proposed housing would be in an unsuitable location for housing because the proposed development would harm the intrinsic beauty and character of the countryside and harm their own setting. The proposal fails to comply with the relevant parts of Policy S8 of the LP and Paragraph 79 of the Framework in this regard. The proposal would also harm the character and appearance of the area and therefore fails to comply with the relevant parts of Policies D1, H4, and S1 of the LP. It fails to comply with the relevant parts of the Maldon District Design Guide 2017. The proposal also fails to comply with Chapter 12 of the Framework. All of these policies, amongst other criteria, require high quality design.

Listed buildings

15. The Stock Hall farm complex includes four grade II Listed buildings. The buildings largely derive their significance from their intrinsic value as a farmhouse and outbuilding complex. However, they also share an association with the agricultural buildings on the appeal site, due to the complementary uses, the proximity, and the shared access. This is a positive inter-relationship.

The appeal buildings are in a relatively poor condition, but they have the appearance of agricultural buildings, and they complement their setting with the farmhouse. For the reasons outlined in the preceding subsection, the appeal proposals' introduction of a domestic and modernised character to the site would harm this relationship, and the significance of the listed buildings would be diminished. Consequently, the proposal would not preserve the setting of the listed buildings and it fails to comply with the relevant parts of Policy D3 of the LP which, amongst other criteria, requires development to protect heritage assets and their settings.

16. I find the harm to the setting of the listed buildings to be less than substantial, as defined in Paragraph 193 of the Framework. Paragraph 196 of the Framework states that where a development proposal would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal.
17. The public benefits include the provision of residential accommodation and the contribution towards the Council's housing land supply, although these benefits are limited because only four units are proposed. The proposed commercial unit would also provide benefits through the creation of jobs, but it is relatively small and the number of jobs it would likely create would be low. The refurbishment of Buildings C and D would help bring back into use two existing, vacant buildings. However, this would be in residential use, which for the reasons outlined above would not be the optimum viable use in such an isolated location and in the context of the adjacent listed buildings. The appellant has indicated that the landscaping of the site could be used to improve the biodiversity of the site, but details of this and the level of biodiversity improvement to be offered has not been provided. In any event, given the limited size of the site, any benefits in this regard are likely to be modest.
18. I therefore place moderate weight on these benefits. As set out in Paragraph 193 of the Framework, I place great weight on the less than substantial harm to the setting of the listed buildings that I have identified, and this outweighs the public benefits.

Living conditions

19. Proposed Unit 6 would have a private garden space but this would be entirely located to the front and side of the property, and would not feel secluded. It would also include a fairly substantial water tank. The land directly in front of Building D would provide cycle, and general, storage for the entire development, and would therefore need to be regularly accessed by the occupants of the other proposed units. This space would not therefore be true private garden space. The unit would be sandwiched between the site boundary and the access road through the courtyard to the fields beyond and alternative garden space could not be secured by condition. Unit 6 would not provide adequate private garden space and would therefore not provide suitable living conditions for its future occupants.
20. Proposed Units 4 and 5 in Building B would be located directly opposite the Prior Approval residential accommodation in Building E. Habitable rooms in both buildings would overlook each other. However, at ground floor level the proposed windows would be either to entrance halls or set back within insets to the building and behind slatted timber screening. At first floor level, windows

are proposed on the elevation, but the inter-visibility would be between ground floor and first floor windows over a fairly long distance and through a courtyard area with indicated tree planting. The degree of overlooking and loss of privacy would therefore not be unduly harmful. Obscure glazing would not be required to any of the proposed windows in further mitigation. The effect of the proposal on the living conditions of future occupiers in both buildings would be acceptable in this regard.

21. The proposed landscaping would not provide any private garden space for the proposed units as part of the Prior Approval for Building E. Nor is there any obvious opportunity to provide meaningful space of this type and to require it by condition. However, there is no requirement for such space to be provided as part of the Prior Approval and this is therefore acceptable.
22. Overall, the proposal would not provide adequate accommodation for the future occupiers of Unit 6 due to the inadequate provision of private garden space. It would therefore be contrary to the relevant parts of Policies D1 and H4 of the LP which, amongst other criteria, seek sufficient and useable amenity spaces and the effective use of land. It would fail to comply with the relevant parts of Paragraph 127 of the Framework which, amongst other criteria, requires that proposals have a high standard of amenity for future users. The proposal would also fail to comply with the relevant parts of the MDDG which, amongst other criteria, seeks adequate private amenity space that is of sufficient size and is not compromised.

Habitats

23. The site falls within the Zone of Influence of the Essex Estuaries Special Area of Conservation and the Blackwater Estuary Special Protection Area and Ramsar sites, as defined in the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy 2018-2038. Had the proposal been acceptable in planning terms, it would have been necessary for me to have undertaken an Appropriate Assessment (AA) as the competent authority. However, the Conservation of Habitats and Species Regulations 2017 indicates the requirement for an AA is only necessary where the competent authority is minded to approve planning permission, so I have therefore not undertaken an AA.

Conclusion

24. For the reasons above, I conclude that the appeal be dismissed.

O S Woodward

INSPECTOR