



Appeal Decision

Site visit made on 3 November 2020

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2020

Appeal Ref: APP/Z1510/W/20/3247542

Boars Tye Barn, Boars Tye Road, Silver End, Essex CM8 3QA

- 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 Mike Hek against the decision of Braintree District Council.
 - The application Ref 19/00846/FUL, dated 1 May 2019, was refused by notice dated 11 February 2020.
 - The development proposed is conversion of a mixed use building into a separate dwelling with a single storey extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's emerging Local Plan has been the subject of an examination with the examining Inspector recommending modifications. It is therefore some distance from adoption, and accordingly its policies attract limited weight.

Main Issue

3. The main issue is whether the development proposed would preserve the setting of the Grade II listed Boars Tye Barn and Boars Tye Farmhouse and preserve or enhance the character or appearance of the Silver End Conservation Area.

Reasons

4. The appeal site is within the Silver End Conservation Area (the CA). The Silver End Conservation Area Appraisal 2014 identifies Silver End as a rural village in which the CA encompasses the original Silver End Garden Village as well as the Grade II listed Boars Tye Farmhouse and Boars Tye Barn.
5. The appeal site is enclosed by a high hedge along the street frontage and the boundary with Boars Tye Farmhouse, with solid wooden gates screening the building from the nearby green. The building sits within the grounds of Boars Tye Barn and given its siting, size and similar overall appearance it reads in the street scene as an ancillary outbuilding to that listed building.
6. The extension and conversion of the mixed-use building to form a dwellinghouse would result in further subdivision of the site, which historically was part of the grounds of Boars Tye Farmhouse. The building was constructed

as an ancillary structure when Boars Tye Barn was converted to a dwelling, and with the associated garden land would be separated from Boars Tye Barn.

7. The development proposed would result in harm to the setting of Boars Tye Barn as a result of the division of the site and the creation of a separate residential curtilage, together with the use of the building as an independent dwelling. The building would no longer be an ancillary structure in the grounds of Boars Tye Barn, and its extension would increase its prominence within the setting of that listed building. The development proposed would also be harmful to the setting of Boars Tye Farmhouse. The significance of these listed buildings derives in part from their historic relationship to each other and their setting.
8. The appeal site is in a relatively prominent position within the CA, with the site entrance facing onto a public green space. The building and associated garden and courtyard are enclosed by a tall and dense hedge along Boars Tye Road and the access road, with solid wooden gates to the site entrance. The proposed extension to the building would be a flat-roofed structure set away from the site boundary, and not prominent in the street scene. The development proposed would not materially affect the appearance of the site within the street scene, and there would be little impact on the character of the site within the CA.
9. The appeal proposal would therefore fail to preserve the setting of the listed buildings, although it would preserve the character and appearance of the CA. Having regard to the National Planning Policy Framework (the Framework) the harm would be experienced principally within the settings of the listed buildings, arising from the further subdivision of the site, the conversion of the mixed use building to an independent dwellinghouse and its enlargement. The harm to the settings of the listed buildings would therefore be less than substantial, when weighed against their significance as a whole.
10. Set against this harm, the appeal proposal would deliver 1 new house in a village centre location, and the Council currently has a shortfall in its five year housing land supply. There would be short-term employment and economic benefits arising from the proposed works. Occupation of the new dwelling would result in ongoing economic benefits.
11. The benefits arising from the creation of a single dwellinghouse would be modest in scale, even allowing for the shortfall in housing land. Great weight must be given to the conservation of designated heritage assets in accordance with Paragraph 193 of the Framework. In this instance, the public benefits would not outweigh the harm that would result.
12. The development proposed would therefore cause unacceptable harm to the setting of Boars Tye Barn and Boars Tye Farmhouse. It would conflict with Policies RLP90 and RLP100 of the Braintree Local Plan July 2005 and Policy CS9 of the Braintree Core Strategy 2011. Together these policies require, amongst other things, the preservation of, and prevention of harm to, the settings of listed buildings.

Other Matters

13. The development proposed would result in harm to heritage assets that would not be outweighed by the public benefits arising from the appeal proposal. The

presumption in favour of sustainable development set out at paragraph 11 of the Framework is therefore not engaged, and the appeal has been determined in accordance with the development plan.

14. My attention has been drawn to an appeal decision elsewhere in the district that allowed the conversion of two outbuildings to a dwelling within the setting of a listed building. Limited information about this development has been provided, but I note that the Inspector in that case found that the listed building was some distance from the outbuildings. It therefore differs from the appeal proposal, as the appeal building is immediately next to Boars Tye Barn, and the decision attracts limited weight in the determination of this appeal.

Conclusion

15. For the reasons set out above, the appeal fails.

M Chalk

INSPECTOR