
Appeal Decision

Site visit made on 8 February 2021

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 March 2021

Appeal Ref: APP/Z1510/W/20/3261146

Stonebridge Farm, Stonebridge Hill, Colne Engaine, CO6 2NN

- 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 K Martin (Croft Group UK Limited) against the decision of Braintree District Council.
 - The application Ref 20/00931/FUL, dated 5 June 2020, was refused by notice dated 17 September 2020.
 - The development proposed is erection of 2 No. dwellings and conversion of existing building to 1 No. dwelling (following demolition of existing buildings).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council has submitted its emerging Local Plan for examination. The examining Inspector has identified modifications deemed necessary before the emerging plan can be considered for adoption. There is no timescale for adoption of the emerging plan, and therefore its policies attract limited weight in the determination of this appeal.

Main Issues

3. The main issues are:

- Whether the development would preserve the setting of the Grade II listed building known as Parley Beams Farmhouse,
- Whether the site accords with relevant local policies regarding location,
- The effect on the character and appearance of the area; and,
- The effect on the living conditions of future occupiers.

Reasons

Setting of the listed building

4. The site lies within the setting of the Grade II listed Parley Beams Farmhouse and principally comprises a cluster of agricultural barns and a silo. Four of the barns are curtilage listed buildings, but so extensively altered that they retain little heritage interest. One of these, identified as Barn 2 in submissions, would be demolished as part of the development proposed. Another, identified as

- Barn 1, would be converted to a dwelling. The remaining curtilage listed barns would be retained, while the modern barns and silo would be demolished.
5. The listed building is a much altered dwellinghouse that is close to the barns, with one of the site accesses shared between the house and barns. The significance of the house and its setting derives in part from the historic association between the house, farmland and the farmyard and agricultural buildings on it.
 6. The subdivision of the site into residential plots would result in the loss of relationship between the listed building and agricultural buildings. While most of the buildings to be removed are of modern construction and no historic interest the development of these plots, including the creation of two new large houses on sizable plots, would substantially diminish the association of the listed building with the farmyard and historic agricultural use of the land. The new houses would be large, 1.5 and two-storey dwellinghouses of domestic character with little to indicate the historic use of the site. While Barn 3 would be retained as part of the house on Plot 2, it would be a subordinate part of the dwelling and dwarfed by the main part of that house. The development on Plot 1, which would retain the historic Barns 1 and 4 while providing a subordinate extension and garage building in place of modern buildings, would result in an acceptable conversion. The new houses on Plots 2 and 3 would share little in the way of siting or size with the existing buildings on site.
 7. The development would result in a somewhat more simplified site in terms of the footprint of development and would replicate to an extent the uneven massing of the existing buildings on site. However, the farmyard has developed over time, responding to the needs of the farm at the time each building was constructed. The buildings on site are of typical agricultural appearance and their usage contributes to the historic association of the site with the listed building.
 8. There would be harm to the setting of the listed building from the development. That harm would be experienced mainly in the immediate vicinity of the site and would amount to less than substantial harm when weighed against the significance of the listed building as a whole. The National Planning Policy Framework (the Framework) 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 irrespective of whether any potential harm amounts to less than substantial harm.
 9. There would be public benefits arising from the creation of three new dwellings, supporting the Government's objective of significantly boosting the supply of homes. Given the shortfall in the Council's supply of housing land, this benefit attracts additional weight. There would be further benefits from the removal of existing buildings on the site that are in poor condition and of poor appearance, the remediation of contaminated land and improvements to landscaping at the site.
 10. While these benefits are recognised the scale of development is such, even with the additional weight accruing from the shortfall in housing land, that the total weight accorded to them is modest. These modest benefits would not outweigh the great weight to be given to the harm to the setting of the listed building.

11. The development proposed would therefore fail to preserve the setting of the listed building. It would conflict with the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires that special attention be paid to the desirability of preserving the setting of the listed building. It would also conflict with the requirements of Policies RLP90 and RLP100 of the adopted Braintree Local Plan 2005 (the LP) and CS9 of the adopted Core Strategy 2011 (the CS) the requirements of which include that development not harm the setting of listed buildings.

Location

12. Policies RLP2 and RLP16 of the LP and Policies CS5 and CS7 of the CS collectively require that development be provided in accessible locations to reduce the need to travel.
13. The site is 1 kilometre away from the nearest settlement, with no footpath near the site nor any street lighting in its vicinity. There is a bus service passing the site connecting it to nearby settlements, but no indication has been provided of how often this operates. There are no local services or facilities available within easy walking distance of the site.
14. While the site is not isolated, it is likely that future residents would be reliant on private transport for access to services, especially any elderly residents or those with young families. The Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, it also states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
15. In the absence of nearby services and facilities and given the limited choice of transport modes for future occupiers, the appeal site conflicts with the relevant local policies.

Character and appearance

16. The new houses on Plots 2 and 3 would be large houses with a variety of ridgelines, eaves levels, and materials, resulting in a discordant overall appearance in particular to Plot 2 where the single-storey and two-storey elements would not appear well integrated with one another. The size and detailed appearance of the new houses would result in them competing with the listed building and being dominant features in their setting rather than subordinate to the listed building. The development of Plot 1 would be of a good quality of design retaining the agricultural character of Barns 1 and 4, but this would not outweigh the overall harm arising from the development.
17. The size and detailed appearance of the new houses on Plots 2 and 3 would therefore result in harm to the character and appearance of the area. This conflicts with Policies RLP90 of the LP and CS9 of the CS. Together these require, amongst other criteria, that the layout, height, mass and overall elevational design of buildings and developments shall be in harmony with the character and appearance of the surrounding area.

Living conditions

18. The garden to Plot 1 would face the new houses, but there would be no windows to habitable rooms facing the garden. The landing window to Plot 3

would be at a low level at the first floor, providing limited views out. The occupiers of the dwelling on Plot 1 would therefore have acceptable privacy.

19. There would therefore be no unacceptable harm to the living conditions of future occupiers from the development. It would accord with Policy RLP90 of the LP and CS9 of the CS which require, amongst other criteria, that development not result in undue or unacceptable impact on the amenity of any nearby residential properties.

Other Matters

20. The appeal site falls within the zone of influence for the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy. Had I been minded to allow the appeal, it would have been necessary to carry out an Appropriate Assessment to determine whether the development would have a significant effect on protected habitat sites. However, as I am dismissing the appeal for other reasons, it is not necessary to address this matter further.

Planning Balance

21. The Council cannot demonstrate a five year supply of housing land. The Framework states that where there are no relevant development plan policies, or the policies are out of date, planning permission should be granted except where the application of policies in the Framework provide a clear reason for refusal. However, the appeal proposal would result in harm to the setting of the listed building, and this would not be outweighed by the public benefits it would deliver. Consequently, the application of policies in the Framework does in this instance provide a clear reason for refusal. In addition, I have also found harm in relation to the location of the appeal site and to character and appearance, which reinforces my reasoning.

Conclusion

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

M Chalk

INSPECTOR