
Appeal Decision

Site visit made on 7 April 2021

by R Bartlett PGDIP URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 May 2021

Appeal Ref: APP/C1570/W/20/3262877

The Stables, May Walk, Elsenham Road, Stansted, CM24 8SS

- 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 Stuart Richardson against the decision of Uttlesford District Council.
 - The application Ref UTT/20/1323/FUL, dated 7 June 2020, was refused by notice dated 30 July 2020.
 - The development proposed is change of use, conversion and extension of redundant animal shelter to form a residential dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the proposed development would be a conversion or tantamount to a new dwelling.

Reasons

3. The site is located in the open countryside and comprises a simple timber field shelter with a flat roof. The adjacent former equestrian related buildings have recently been converted to residential use. These appear to have been more substantial than the appeal building and are sited in a close knit group, on a separate parcel of land. The animal shelter to which this appeal relates is located within a grass paddock. The wider surroundings remain largely free from built development and very rural in character. The nearest village and built up area of Elsenham is separated from the site by open fields, paddocks and the M11 motorway.
4. My attention has been drawn to a previous appeal decision¹ relating to the conversion of a former feed store to a dwelling on the adjacent site. I have not been provided with the full details but it is apparent from the decision letter that the main issue in that case was the effect of the development on the character and appearance of the area and there was no dispute that the development was a conversion. It is also apparent in that case that the Inspector considered the building to be of some architectural merit and that its conversion would enhance its immediate setting, given its siting within a group of buildings.

¹ APP/C1570/W/19/3233459

5. Reference is also made to a recent appeal decision² relating to the conversion of the appeal building but without the extensions now proposed. In that case the Inspector found that the structural report was merely descriptive of the building as it stood at the time of its inspection in November 2019 (the building has since been altered and is being used to store building materials). The Inspector noted there was very little detail as to the method of conversion, the works involved and how the re-use of the existing building would be carried out. Despite these comments the same structural report has been submitted in support of the scheme currently before me, which incurs substantially more building works than the previously dismissed proposal.
6. The submitted structural survey confirms that the existing shelter has no foundations only concrete blocks laid directly on the ground and covered with an uneven concrete screed. Appendix G of the appellant's statement of case provides a sequence of works. This confirms that the existing timber cladding would be removed, the existing flat roof and internal supporting posts would be removed and the existing concrete floor would be broken out. The existing north elevation wall would be removed entirely as would much of the existing west elevation wall. The southern elevation, although open sided on the photographs in the structural report, has been enclosed with vertical timber boards that would also be entirely removed. New foundations would be laid, new extensions built, a new floor laid, new walls erected and a new pitched roof constructed. The cladding taken from the existing walls would be machined and re-used to clad part of the building and the remainder of building would be faced with new boarding to match this.
7. In essence, the existing building would be almost entirely dismantled and a new building erected, which incorporates the remaining eaves beams, some supporting posts and some re-engineered boarding that would be recycled from the existing building. To my mind the extent of new building works required could not reasonably be considered to amount to the change of use of the existing building. It would be more akin to a new building, which re-uses some materials from an existing building on the site.
8. Although the proposed extensions may overcome the previous concerns relating to space standards, they would almost double the footprint of the existing building, which would also be increased in height. Submitted drawing number ES-203 shows that the approved extensions to the adjacent conversions were far more subservient to the size of the host buildings, than those proposed in this case would be.
9. I concur with the Inspectors findings at paragraphs 12 to 15 of the previous appeal decision relating to this building. In my view none of the issues raised in these paragraphs have been addressed by this revised scheme. The appellant points out that the building would not stand alone as planning permission has been sought for a further 11 dwellings on the adjacent land and certificates of lawful development have been submitted for a number of cart lodges to serve the adjacent dwellings. I observed during my site visit that the cart lodge to plot 5 has been constructed. However, I am unable to give any weight to the other proposed cart sheds, which would encroach further into the field, or to the proposed dwellings, unless or until planning permission or a certificate has been granted for these.

² APP/C1570/W/20/3253640

10. The appellant argues that neither Policy H6 of the Uttlesford Local Plan or the National Planning Policy Framework (the Framework) define what a conversion is or what is meant by substantial works. To my mind that is a judgement to be made by the decision maker based upon the individual facts of each case. That judgement must be made before deciding which policies apply. Based upon the evidence before me I have reached the conclusion that the proposal would amount to a new building as opposed to a conversion. Consequently Policy H6 would not be relevant even if it was up to date and consistent with the Framework. I have not been referred to any other development plan policies that would support a new market dwelling in this location.
11. Paragraph 79 of the Framework allows for the development of isolated homes in the countryside where, amongst other things, it would re-use redundant or disused buildings and enhance its immediate setting. It is common ground that the dwelling would not be isolated and accordingly paragraph 79 does not apply. Even if it did, I have found that the building was in use at the time of my visit, albeit not as an animal shelter, that the proposal would be a new build as opposed to a re-use and that the proposal would not enhance its immediate setting for the same reasons as those set out in the previous appeal decision, which are exacerbated by the proposed extensions to the size of the building.

Planning Balance

12. The council has confirmed that its latest housing land supply figure stands at 3.11 years and agree that its policies relevant to the delivery of housing are therefore out of date. The only development plan policy referred to by the council is Policy H6. I have already found that this policy is not relevant given that the proposal does not relate to the conversion of an existing building. As the development is neither isolated or a conversion, I have also found that paragraph 79 of The Framework is not relevant.
13. Paragraph 11(d) of the Framework indicates that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
14. Paragraph 78 of the Framework states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Although the dwelling would not be isolated, due to the adjacent residential conversions, it is neither within or adjoining an existing settlement. I have not been referred to any other part of the Framework that would support a new build market dwelling in this location.
15. I acknowledge that the proposal would deliver some benefits in terms of construction work and the provision of a single dwelling. These factors weigh modestly in favour of the proposal. However, as the site is not located within or adjacent to a rural community and does not re-use an existing building, these modest benefits would be outweighed by the environmental harm in terms of replacing a small discrete structure in an open field with a much larger new dwelling, which together with its associated curtilage, would extend the adjacent residential development further into the countryside, eroding rather than enhancing its immediate setting.

16. Other dwellings in the immediate vicinity were permitted on the basis they were considered to be conversions with limited extensions. I have not found that to be the case here and conclude that on balance, the proposal would not constitute sustainable development when assessed against the Framework as a whole.

Conclusion

17. For the reasons given above the appeal is dismissed.

Rachael Bartlett

INSPECTOR