



Appeal Decision

Site visit made on 4 May 2021

by Martin H Seddon BSc MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 September 2021.

Appeal Ref: APP/Z1510/W/20/3264547

Clarkes Farm, Pebmarsh Road, Twinstead CO10 7ND

- 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 & Mrs L Wotton against the decision of Braintree District Council.
 - The application Ref: 20/00958/FUL, dated 15 June 2020, was refused by notice dated 22 September 2020.
 - The development proposed is conversion of redundant stable building to new dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The development plan includes the Braintree District Local Plan Review (2005) (Local Plan) and the Braintree District Council Core Strategy (2011). The emerging development plan is the Publication Draft Local Plan (2017). The plan is in two sections. Local Plan 2013-2033 Section 1 is a strategic plan for North Essex and was adopted by the Council in February 2021.
3. The Council refers to policy CS 9 of the Core Strategy in its reasons for refusal. However, adoption of Section 1 had the effect of superseding policy CS 9. Section 2 of the Publication Draft Local Plan is currently the subject of examination. Although the Draft Local Plan has reached an advanced stage there is no certainty that the policies within the document would be adopted. Only limited weight may therefore be accorded to its relevant policies at present.

Main Issues

4. The main issues are:
 - whether the proposal would be in a sustainable location;
 - the effect on the character and appearance of the countryside, and
 - whether conversion of the building and land for residential use is justified.

Reasons

Whether a sustainable location

5. The appeal site is located in the open countryside and outside any settlement envelope as defined in the adopted Local Plan. The proposed dwelling would conflict with Local Plan policy RPL 2 which confines new development to areas within town development boundaries and village envelopes. It would also conflict with Core Strategy policy CS 5 which indicates that outside such areas development will be strictly controlled to uses appropriate to the countryside in order to protect and enhance its landscape character, biodiversity, and amenity.
6. The appeal site is around 1 km from Twinstead, which is identified as a third tier village in the settlement hierarchy. Twinstead has a village hall and church and a public transport service of only one bus per week. The appellants advise that there is a Demand Response Transport Service operated by Arrow Taxis which allows access to local towns and villages. The village of Pebmarsh has a mini-supermarket and is around 2.5 km away from the appeal site. The nearest service centre is Halstead, around 5.5 km away. However, I consider that the appeal site generally has poor access to services and facilities. Despite the possible use of the local transport service, the occupants of the proposed dwelling would be mainly reliant upon private transport by car. The proposal would therefore conflict with the requirements of Core Strategy policy CS 7 which seeks to direct development to accessible locations.
7. The appellants have drawn my attention to a new dwelling which was granted permission in 2017 and which is a short distance away within the row of 7 dwellings. According to the appellants, the proposal was not challenged on locational sustainability grounds. However, the new dwelling was granted permission by the Planning Committee against the officer recommendation. The Council has advised that the officer report to the Committee highlighted that the location was not suitable for housing due to its remoteness to services and facilities. For that reason, I find that the fact that the new dwelling which has been permitted forms insufficient precedence to conclude that the appeal site is in a sustainable location.

Character and appearance

8. The proposed dwelling would have a significant amount of glazing and a modern appearance but would not be prominent in views from the countryside or from Pebmarsh Road.
9. The Council considers that the appeal proposal would intensify the ribbon development at this location. However, it would be set back from the dwellings which front Pebmarsh Road and I consider that it would not add in a harmful way to the existing ribbon development. The appellants point out that there is a building at the neighbouring property which extends further beyond the site frontage than the stables, as a basis for justifying the fact that the proposed dwelling would be behind the building line for the frontage properties. Nevertheless, that neighbouring structure is a garden outbuilding rather than a dwelling.
10. Conversion of the stables would be contrary to the general pattern of frontage development at this particular location, but I consider that it would not result in

a dwelling which would be particularly visually prominent in view of its size and external materials. Enlargement of the dwelling and additional development within its curtilage could also be restricted through planning conditions.

11. There is general support for the re-use of buildings in Paragraph 79 of the Framework. This indicates that the development of isolated homes in the countryside should be avoided unless certain circumstances are met, including that the development would re-use redundant or disused buildings and enhance its immediate setting. There would be no unacceptable impact from the building design on the landscape and the proposal would be capable of meeting the requirements of Local Plan policy RLP 90, in terms of the criteria listed in the policy in relation to layout and design. The re-development of the manege would also provide an opportunity to merge the site into the countryside and increase biodiversity.

Loss of a rural building

12. Local Plan policy RLP 38 indicates that conversion of rural buildings for residential use will only be acceptable where the applicant has made every reasonable effort to secure suitable employment or community re-use and the application is supported by a statement of the efforts that have been made.
13. The appellants have made reference to appeal decision dated 19 December 2017 at Mill Road, Stanbourne ref: APP/Z1510/W/17/3181562. In that appeal marketing of the building had not taken place. Although the Council relied on policy LPP42 of the Publication Draft Local Plan, the Inspector found that there was limited conflict with policy RLP 38 of the Local Plan. Nevertheless, in a more recent appeal decision at Nether Hill, Gestingthorpe, dated 25 February 2021 ref: APP/Z1510/W/20/3258207 the Inspector noted that the Framework does not include a requirement for the marketing of rural buildings prior to their re-use, but it also does not exclude such an approach, so policy RLP 38 is not inconsistent with the Framework. He found that although Policy LPP42 of the Publication Draft Local Plan was not yet part of the adopted development plan it did not require marketing. He added that nevertheless, Local Plan policy RLP 38 was also consistent with the aims of the Framework to achieve well-designed places and promote sustainable transport. The Inspector therefore afforded moderate weight to the conflict of that proposal with Local Plan policy RLP 38.
14. Although the site has not been the subject of marketing the appellants have submitted a commercial property report in order to set out why the building is not considered to be suitable for any alternative uses. The report concludes that in the author's opinion it is not a suitable or sustainable location for employment use, and there is a very significant viability gap which would prevent any meaningful redevelopment for employment or community based uses. Whilst this might be the case, the report does not assess the potential for the stables and manege to be re-used for their original purpose, or to demonstrate this through attempts at sale or letting.
15. The Council has advised that equestrian use is popular in the area. The Council estimates that the stables could be occupied by up to 5 horses and would be likely to raise a significant annual rental. The appellants dispute the viability of such re-use. Reference in further submissions is made to a paddock owned by the appellants on the opposite side of Pebmarsh Road. No area measurement is provided for the paddock, and it does not appear as other land in the

ownership of the appellants on the application location plan. The paddock has its own stable block, hay and feed room and secure tack room. The appellants contend that this block provides an adequate number of stables for the maximum number of animals that could be healthily and safely kept in the paddock and the paddock could not sustain grazing by any further animals. The appellants add that the stables and paddocks "could/may be used" in the future for DIY livery. They also advise that the manege is of a smaller size than the standard 20 x 20 m. Despite these matters it is apparent that the paddock land is currently unused.

16. I acknowledge the information provided by the appellants regarding the potential for re-use of the stables and manege for commercial, community or equestrian re-use. I also appreciate that this was not requested by the Council during the course of the application. Nevertheless, the information is not compelling because of the absence of the results from marketing the property.
17. I therefore find that the appellants have not demonstrated that they have made every reasonable effort to secure suitable employment or community re-use for the stables and manege and there is conflict with Local Plan policy RLP 38. Use of the appeal site for equestrian purposes would be a compatible rural activity. Loss of the opportunity for equestrian or other re-use without a justification to demonstrate there is no demand for that use would represent an inefficient use of resources.

Other Matters

18. The commercial property report advises that the buildings are in a poor state of repair and low of specification. The roofs are leaking and there is dampness and wet rot throughout. I note that the stables are approaching 30 years in age and no structural survey has been submitted to demonstrate that the stables are of permanent and substantial construction and capable of conversion without major extension or complete reconstruction.
19. The Council has indicated that, based upon the latest review, it can demonstrate a housing land supply of 5.34 years. In these circumstances paragraph 11(d) of the Framework would not apply. The appellant was consulted on the Council's review but considered that the absence or otherwise of a land supply was not a determinative factor in the case.

Conclusion

20. The proposal would result in a small dwelling which would only make a minor contribution towards the District's housing supply. Some short term employment would be created in converting the stables and landscaping the manege area. Despite this I consider that the harm from the proposal and conflict with relevant development plan policies would outweigh the benefits.
21. I have taken all other matters raised into account. However, for the reasons given above I conclude that the appeal should be dismissed.

Martin H Seddon

INSPECTOR